

THE KARNATAKA MINIMUM WAGES RULES, 1958

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¹THE KARNATAKA MINIMUM WAGES RULES, 1958

[As amended by GSR 292, dated 26-9-1964; SO 3109, dated 29-8-1965; SO 3137, dated 14-9-1965; SO 3161, dated 14-9-1965; GSR 807, dated 10-1-1966; GSR 154, dated 9-5-1968; GSR 13, dated 30-12-1968; GSR 180, dated 13-5-1969; GSR 433, dated 3-12-1969; GSR 398, dated 27-12-1977; GSR 196, dated 5/7-7-1979 and GSR 300, dated 5-10-1979.]

NOTIFICATION

No. LLH 21 MNW 58, Bangalore, dated 18th April, 1959

In exercise of the powers conferred by Section 30 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Government of Mysore make the following rules, the said rules having been previously published in the Part IV of the Mysore Gazette, dated 6th November, 1958 as required by sub-section (1) of the said section, namely:—

CHAPTER I *Preliminary*

1. Short title and extent.—(1) These Rules may be called the Karnataka Minimum Wages Rules, 1958.

(2) They extend to whole of the State of Karnataka.

2. Interpretation.—

(a) “Act” means the Minimum Wages Act, 1948.

(b) “Apprentice” means a person who is employed for the purpose of being trained in any scheduled employment, provided that such person shall not be deemed to be an apprentice if the period of training in a scheduled employment exceeds one year:

Provided further that the State Government may extend the period of apprenticeship if in its opinion such extension is considered necessary in any scheduled employment.

(c) “Authority” means the authority appointed under sub-section (1) of Section 20.

1. Published in the Karnataka Gazette, Extraordinary, Part IV, dated 14-9-1959.

- (d) **"Board"** means the Advisory Board appointed under Section 7.
- (e) **"Chairman"** means the Chairman of the Advisory Board or the 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.
- (g) **"Day"** means a period of twenty-four hours beginning at midnight.
- (h) **"Form"** means a form appended to these Rules.
- (i) **"Government"** means the Government of Karnataka.
- (j) **"Inspector"** means a person appointed as Inspector under Section 19.
- (k) **"Registered Trade Union"** means a Trade Union registered under the Indian Trade Union Act, 1926.
- (l) **"Section"** means a section of the Act.
- (m) All other words and expressions used herein and not defined shall have the same meaning respectively, assigned to them under the Act.

CHAPTER II

Membership, Meetings and Staff of the Board and Committee

3. Term of office of Members of the Committee.—The terms of office of the members of the Committee shall be such as in the opinion of the Government is 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 it as the 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 Government.

5. 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.

6. Travelling Allowance.—A non-official member of the Committee or the Board shall be entitled to draw travelling and daily allowances for any journey performed by him in connection with his duties as such member according to the Karnataka Travelling Allowance Rules, 1957, regulating the payment of travelling allowance to non-official members of committees, published with Notification No. COD 1168/57, dated 23rd August, 1957.

7. Staff.—(1) 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.

8. 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.

9. Registration of the Chairman and Members of the Committee and the Board and filling up casual vacancies.—(1) A member of the Committee or the Board other than the Chairman may, by giving notice in writing to the Chairman, resign his membership. The Chairman, may resign by a letter addressed to Government.

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

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

10. 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 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 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.

11. 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 any 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.

12. Meetings.—The Chairman may, subject to the provision of rule 13, call a meeting of the Committee or the Board, as the case may be, at any time he thinks fit:

Provided that on a requisition in writing from not less than one half of the members the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

13. Notice of meeting.—The Chairman shall fix the date, time and place of every meeting, and 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 atleast fifteen days before fixed for such meeting:

Provided that in the case of emergent meetings, notice of seven days only be given to every member.

14. 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 amongst the independent members by a majority of votes, a member, who shall preside at such meeting.

¹[15. **Quorum.**—No business shall be transacted at any meeting unless at least one-third of the members and at least one representative of both employers and 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 or class of members present.]

16. 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 matter under the preceding proviso shall be taken, unless supported by not less than a two-thirds majority of the members.

17. 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.

18. Proceedings of the meeting.—(1) The proceedings to 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 seven days before the next meeting.

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

CHAPTER III

Summoning of the witnesses by the Committee and the Board and Production of Documents

19. Summoning of witnesses and production of documents.—(1) A Committee or the Board may summon any person to appear as a witness in the course of any enquiry. Such summons may require a witness to appear before it on a date specified therein and 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 employer's 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 (Central Act No. V 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 the 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 summons under sub-rule (1) may be inspected by the Chairman and the independent members, and also by such parties as the Chairman may allow with consent of the other party, but the information obtained therefrom shall not be made public:

Provided that nothing contained in this rule shall apply to a disclosure of any such information for the purpose of a prosecution under Section 193 of the Indian Penal Code (Central Act No. XLV of 1860).

20. 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 Karnataka.

CHAPTER IV

Computation and Payment of Wages, Hours of Work and Holidays

21. Mode of computation of the cash value of wages in kind and of concession.—(1) 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 as may be issued by the Government from time to time.

(2) The cash value of concessions in respect of supplies of essential commodities at concession rates to employees working in employments in respect of which minimum rates of wages have been fixed under

the Act shall be equal to the difference between the retail price of such commodities at the nearest market and the price charged by the employer to such employees.

22. 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 on a working day,—

- (a) in the case of establishments in which less than 1,000 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:

Provided that in the case of employment in agriculture, the wage period may be such as may be notified by the Government from time to time.

- (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 a deduction from wages:—

- (iv) The employer shall display in a conspicuous place at or near the main entrance of the establishment, a notice in English or 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:

Provided that nothing in this sub-rule shall apply to employments in agriculture.

(2) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, viz.,—

- (i) Fines in respect of such acts and omissions on the part of the employed person 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 house accommodation supplied by the employer, or the State Government or the Karnataka Housing Board or such other agency as the Government may, by notification, in the official Gazette direct;
- (v) Deductions for such amenities and services supplied by the employer as the Government may by general or special order authorise.

Explanation.—The words “amenities and services” in this clause do not include the supply of tools and protectives required for the purposes of employment;

- (vi) Deductions for recovery of advances or for adjustment of over payments of wages:

Provided that such advances do not exceed an amount equal to wages for 2 calendar months of the employed person and in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month;

- (vii) Deductions of income-tax payable by the employed person;
- (viii) Deductions required to be made by order of a court or other competent authority;
- (ix) Deductions for subscriptions to, and for payment of advances from any provident fund to which the Provident Fund Act, 1925 applies or any recognised provident fund as defined in Section 58(A) of the Indian Income Tax Act, 1922, or any provident fund approved in this behalf by the Government during the continuance of such approval;
- (x) Deductions for payment to Co-operative Societies or deductions for recovery of loans advanced by an employer from out of fund maintained for the purpose by the employer and approved in this behalf by the State Government or to Scheme of insurance approved by the Government.
- (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 Government in this behalf is obtained before making the deductions.

¹[(xii) Deductions from the Wages of employees in a scheduled employment for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the State Government may be made with the written authorisation of—

- (i) the employed person or,
- (ii) the President or the Secretary to a Registered Trade Union of which the employed person is a member subject to the following conditions:—

(a) The President or in his absence, the Secretary of a Registered Trade Union shall,—

(i) make a written authorisation permitting the employer to make such deduction from the wages of employees;

(ii) send in duplicate, to the employer, a copy of the list showing the names and descriptions of the employees who are members of the trade union and indicating therein the amount to be deducted, or the extent of deductions which are to be made, from the wages of each employed person, along with a copy of the resolution adopted at a meeting of such trade union authorising such deductions; and

(iii) send a copy of the said list and resolution to the person who acts as Inspector for purposes of Section 19 of the Minimum Wages Act, 1948 (Central Act 11 of 1948);

(b) The employer shall display in conspicuous place at the main entrance to the establishment and its office one of the two copies of such list and resolution received from the President or Secretary, as the case may be, of the trade union, for at least a period of three consecutive days immediately preceding the day on which the deductions are to be made from the wages of the employees;

(c) If any employee objects in writing to any deductions being made from his wages, or if he objects as to the amount or extent of the deductions indicated in the list displayed by the employer, no deduction shall be made from his wages except in accordance with the written authorisation of such employee;]

- ¹[(xiii) Deductions for recovery of loans granted for house building or other purchases approved by the State Government and the interest due in respect of such loan, subject to any rules made by the State Government regulating such loans.]

(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.

²[(4) The amount of fine or deduction for damages or loss mentioned in sub-rule (3) shall be subject to such limits as may be specified by the State Government in this behalf. All such fines imposed and deduction made shall be recorded in the Registers maintained in Forms I and II respectively. These Registers shall be kept at the workspot and maintained up-to-date. Where no fine or deduction has been imposed or made on or from any employee in a wage period, a "nil" entry shall be made in the relevant Register at the end of the wage period. A Return in Form III shall be submitted annually by the employer to the Inspector of the area within a period of one month after the expiry of the year to which the Return relates:

Provided that the maintenance of Forms I and II shall not be necessary in respect of employment in agriculture.

Explanation.—The year referred to in this sub-rule shall relate to the Calendar year.]

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

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

23. Publicity to the minimum wages fixed under the Act.—Notices containing the minimum rates of wages fixed together with abstracts from the Act, the rules made thereunder in Form No. X and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of workers in the employment at a conspicuous place or where wages are disbursed, and shall be maintained in a clean and a legible condition. Such notices shall also be displayed on the notice boards of all sub-divisional and district offices.

1. Clause (xiii) inserted by Notification No. SWL 96, LMW 75, dated 27-12-1977, w.e.f. 30-12-1977. (GSR No. 398, dated 27-12-1977).
2. Sub-rule (4) substituted by GSR No. 292, dated 26-9-1964.

24. 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 a scheduled employment:

Provided that the employee has been continuously employed in the scheduled employment for a period of not less than six days:

Provided further that the employee shall be informed of the day fixed as rest day and of any subsequent change in the rest day by display of a notice to that effect in the place of employment.

¹[**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 given only an allowance for attendance and is not provided with work;
- (b) any day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947, and
- (c) any 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 had been employed in the scheduled employment.]

(2) any such employee shall not be required or allowed to work in a scheduled employment on the rest day unless—

- (a) he has or will have a substituted rest day for a whole day on one of the three days immediately before or after the rest day; and
- (b) prior intimation is given by the employer to the employee of his intention to require the employee to work on the rest day and also of the day which is to be substituted:

Provided that no substitution shall be made which will result in the employee working for more than 10 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 of the three days before or after the rest day the said rest day, shall for the purposes of calculating the weekly hours of work, be included in the week in which the substituted rest occurs.

1. Explanation inserted by SO No. 3161, dated 14-9-1965.

(4) An employee shall be granted for the rest day wages equal to the average daily wages during the preceding week; and in case he works on the rest day and has been given a substituted rest day, the employee shall be paid, in addition to the wages payable for the rest day on which he has worked, wages for the substituted rest day, equal to the average daily wages during the preceding week:

Provided that no such wages for the rest day or for the substituted rest day shall be payable 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 26 (twenty six) and if any difficulty or doubt arises in this regard, the same shall be referred to the Commissioner of Labour in Karnataka, Bangalore for decision.

Note.—For the purposes of this sub-rule “average daily wages” shall not include overtime.

(5) The provisions of this Rule shall apply to the employees in scheduled employments other than agricultural employments.

(6) The provisions of this Rule shall not operate to the prejudice of, nor shall they apply in addition to, 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.

Explanation.—The word ‘week’ used in this Rule will mean a period of seven days beginning of midnight on Saturday Night.

25. 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, nine hours;

(b) in the case of a child, four and a half hours:

Provided that in the case of a child employed in a Plantation the number of hours which shall constitute normal working day shall be six and two-thirds hours:

Provided further, that in respect of employments in Public Motor Transport and Plantations no adult woman shall be required or allowed to work for more than fifty-four hours in any week.

(2) The period of work of an adult worker 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:

Provided that the Government or subject to the control of the Government, the Commissioner of Labour may, by written orders and for reasons specified therein allow any worker in a scheduled employment to work for more than five hours without an interval for

rest so however that the total number of hours worked by the worker without an interval does not exceed six.

(3) The periods of work of an adult worker shall be so arranged that inclusive of his intervals for rest under sub-rule (2) he shall not spread over more than twelve hours in any day in respect of employments in Public Motor Transport and Plantations and ten and a half hours in any day in respect of any other scheduled employment:

Provided that the Inspector may for reasons to be specified in writing increase the spread over to twelve hours in case of such other scheduled employments.

(4) 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 Government:

Provided that in the case of persons employed in plantations the number of hours of work of an adolescent shall be the same as that of a child.

(5) The provisions of sub-rules (2) and (3) shall not apply to,—

- (i) any employee engaged in work which is declared by the Commissioner of Labour to be so intermittent that the intervals during which he does not work while on duty ordinarily amount to more than intervals for rest required under sub-rule (2);
- (ii) any employee engaged on urgent repairs and which is declared by the Commissioner of Labour to be such;
- (iii) any employee engaged in any work which is declared by the Commissioner of Labour to be work which must for technical reasons to be carried on continuously.

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

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

26. Night shifts.—Where a worker in a scheduled employment works on a shift which extends beyond the midnight,—

- (a) a holiday for the whole day for the purpose of Rule 24 shall in his case means 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 days.

27. Cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting the normal working day shall not be entitled to receive wages for a full normal working day.—(1) The following shall be the cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting the 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 cause beyond the control of the employer;
- (b) Refusal to work;
- (c) Strike or stay-in-strike;

¹[(d) Where an employee works for any period not exceeding four hours a day;]

(2) In the case of interruptions 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 the work for the day shall be paid the 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 mid-day rest. If the interruption occurs after the interval for mid-day rest he shall be paid wages for a full normal working day.

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

²[(4) If any employee works for any period not exceeding four hours a day, he shall receive wages for such day in the proportion the number of hours he worked bears to the number of hours constituting the normal working day.]

28. Extra wages for over-time.—³[(1) When a worker works in an employment for more than nine hours on any day or more than forty-eight hours in any week or more than the hours of work notified under sub-rule (6) of Rule 25, as the case may be, he shall in respect of 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

1. Clause (d) added by GSR No. 433, dated 3-12-1969, w.e.f. 18-12-1969.

2. Sub-rule (4) added by GSR No. 433, dated 3-12-1969, w.e.f. 18-12-1969.

3. Sub-rule (1) substituted by GSR No. 196, dated 5/7-7-1979 (Kar. Gaz. dated 9-7-1979).

advantages accruing to the person employed through the concessional sale of food grains and other articles as such person is for the time being entitled to but does not include bonus.]

(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 workspot and maintained up-to-date. Where no overtime has been worked, in any wage period, a "Nil" entry shall be made in the register at the end of the wage period.

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

29. Form of Registers and Records.—(1) A register of Wages shall be maintained by every employer and kept in Form V:

Provided that the Register need not be maintained and kept in the prescribed form by any employer who maintains a like register under the Payment of Wages Act, 1936, and the Factories Act, 1948.

(2) Wage slips in Form VI shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the ¹[register of wages] and wage slip.

(4) Entries in the ²[register of wages] 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 and kept in Form VII:

Provided that the muster-roll may not be maintained by an employer who maintains a like roll under the Factories Act, 1948 or the Shops and Commercial Establishments Act.

Explanation.—For the purposes of sub-rules (1) to (5) in the case of plantations, work-spot means the principal office of the estate.

³[(6) If the registers to be maintained under these rules are maintained in any language other than English or Kannada a true translation thereof in English shall also be maintained.]

29-A. Preservation of Registers.—A Register required to be maintained under sub-rule (4) of Rule 22, sub-rule (2) of Rule 28 or sub-rule (1) of Rule 29 shall be preserved for a period of three years after the date of last entry.

1. Substituted for the words "Wages book" by GSR No. 13, dated 30-12-1968, w.e.f. 2-1-1969.

2. Substituted for the words "wage books" by GSR No. 13, dated 30-12-1968, w.e.f. 2-1-1969.

3. Inserted by SO No. 3109, dated 29-8-1965, Karnataka Gazette, dated 23-9-1965.

¹[**29-B. 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 the 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 other 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.]

²[**29-C. Maintenance of Registers and Forms.**—Notwithstanding anything in these rules, where, in order to avoid duplication of work which arises while complying with the provisions of any other Act or Rules made thereunder, a combined or alternative suitable form or register is sought to be used by the employer, in lieu of any form or register prescribed under these rules, such suitable form or register may be maintained with the previous approval of the Commissioner of Labour or any other officer authorised by him by a notification issued in this behalf.]

30. Maintenance of Inspection books.—(1) Every employer shall maintain a bound inspection book and shall provide it when so required by the Inspector.

(2) The inspection book shall contain at least 120 pages, every second page thereof shall be consecutively numbered and the unnumbered page between each two consecutively numbered pages shall have vertically perforated straight line on the margin side.

³[**30-A.** Where employees in a Scheduled Employment are employed there shall be exhibited or displayed in such factory, workshop or, place where the work is allocated, and in the case of outworkers, at the place where duties are assigned to such outworkers notices in Form XIII giving the following particulars, namely:—

1. Weekly holidays.
2. Working hours of employees.
3. Time for payment of wages.]

31. 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

1. Rule 29-B inserted by GSR No. 154, dated 9-5-1968, w.e.f. 16-5-1968.

2. Rule 29-C inserted by Notification No. SWL 110 LMW 77, dated 5-10-1979, w.e.f. 11-10-1979.

3. Rule 30-A inserted by GSR No. 807, dated 10-1-1966.

or caused to be produced for inspection, at all reasonable hours by any inspector having jurisdiction over the establishment.

CHAPTER V

Claims under the Act

32. Application.—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 Forms VIII and IX, as the case may be.

33. 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 XI by an instrument which shall be presented to the authority hearing the applications and shall form part of the record.

34. 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 XII 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 re-heard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).

CHAPTER VI

Scale of Costs in Proceeding under the Act

35. 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 Rs. 10 provided that the authority in any proceeding may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

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

36. Court-fees.—The Court-fee payable in respect of proceedings under Section 20 shall be,—

- (i) for every application to summon a witness in respect of each witness one rupee
- (ii) for every application made by or on behalf of an individual one rupee:

Provided that the authority may, if in its opinion, the applicant is a pauper exempting 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.

CHAPTER VII

Miscellaneous

37. Repeal and Savings.—(a) The Mysore Minimum Wages Rules, 1951 as in force in Mysore area:—

- (b) The Bombay Minimum Wages Rules, 1951 as in force in Bombay area;
- (c) The Hyderabad Minimum Wages Rules, 1951 as in force in Hyderabad area;
- (d) The Minimum Wages (Madras) Rules, 1953 as in force in Madras area and Bellary District;
- (e) The Coorg Minimum Wages Rules, 1954 as in force in Coorg area;

are hereby repealed:

Provided that the provisions of Sections 6 and 24 of the General Clauses Act, 1897 (Central Act X of 1897) shall be applicable as regards such repeal.

FORMS

FORM I*[See Rule 22(4)]***Register of Fines**

..... Employer

<i>Sl. No.</i>	<i>Name</i>	<i>Father's/ Husband's name</i>	<i>Sex</i>	<i>Department</i>	<i>Nature and date of the offence for which fine imposed</i>
1	2	3	4	5	6

<i>Whether workman showed cause against fine or not, if so, enter date</i>	<i>Rate of wages</i>	<i>Date and amount of fine imposed</i>	<i>Date on which fine realised</i>	<i>Remarks</i>
7	8	9	10	11

FORM II*[See Rule 22(4)]***Register of deductions for absence from duty or for damage or loss caused to the employer, by the neglect or default of the employed persons**

..... Employer

<i>Sl. No.</i>	<i>Name</i>	<i>Father's/ Husband's name</i>	<i>Sex</i>	<i>Department</i>	<i>Absence from duty with dates</i>
1	2	3	4	5	6

<i>Damage or loss caused with date</i>	<i>Whether worker showed cause against deduction, if so, enter date</i>	<i>Date and amount of deduction imposed</i>	<i>Number of instalments, if any</i>	<i>Date on which total amount realised</i>	<i>Remarks</i>
7	8	9	10	11	12

¹[FORM III

[See Rule 22(4)]

Annual Return:—

Return for the year ending 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 man days 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
7. Deductions—

<i>No. of Cases</i>	<i>Total Amount.</i>
(a) Fines	
(b) Deductions for damage or loss	

(c) Deductions for breach of contract

8. Disbursement from fines

	<i>Purpose</i>	<i>Total Rs.</i>	<i>Amount np.</i>
(a)			
(b)			
(c)			
(d)			

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

Signature

Dated:.....

Designation.....

*This is the aggregate number of attendance 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.]

FORM IV
[See Rule 28(2)]

Overtime Register for workers

Month ending19

<i>Sl. No.</i>	<i>Name</i>	<i>Father's/Husband's name</i>	<i>Sex</i>	<i>Designation & Department</i>
1	2	3	4	5

<i>Dates on which overtime worked</i>	<i>Extent of overtime on each occasion</i>	<i>Total overtime worked or production in case of piece workers</i>	<i>Normal hours</i>	<i>Normal rate</i>
6	7	8	9	10

<i>Overtime rate</i>	<i>Normal earnings</i>	<i>Overtime earnings</i>	<i>Total earnings</i>	<i>Date on which overtime payment made</i>
11	12	13	14	15

FORM V

[See Rule 29(1)]

Register of Wages

Name of the Establishment

Place

<i>Name of the workers</i>	<i>Wage-period</i>	<i>Minimum rates of wages payable</i>	<i>Dates on which overtime worked</i>
1	2	3	4

<i>Gross wages payable</i>	<i>Deductions, if any, indicating the kind of deduction mentioned in Rule 2(2)</i>	<i>Actual wages paid</i>	<i>Signature or thumb-impression of the employee</i>
5.	6	7	8

FORM VI

[See Rule 29(2)]

Wage Slips

Name of the establishment

Place

<i>Name of the worker</i>	<i>Wage-period</i>	<i>Minimum rates of wages payable</i>	<i>Dates on which overtime worked</i>
1	2	3	4

<i>Gross wages payable</i>	<i>Deductions, if any</i>	<i>Actual wages paid</i>	<i>Signature of the employee</i>
5	6	7	8

FORM VII

[See Rule 29(5)]

Muster-Roll

Name of the Establishment

Place

Sl. No.	Name Father's/ Husband's name	Sex	Nature of work	For the period of ending										Remarks	
					1	2	3	4	5	6	7	8	9	10	
1	2	3	4	5						6					7

FORM VIII

[See Rule 32]

[Form of Application by an employee under Section 20(2)]

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

Application No of 19

(1)

(2)

Applicant(s).

(3)

(through a Legal Practitioner)

..... Official of Union which is registered Trade Union

Address

Versus

(1)

(2)

Opponents

(3)

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) pray(s) that a direction may be issued under sub-section (3) of Section 20 for:—

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

(b) Compensation amounting to Rs.....

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

Date

*Signature or thumb-impression of the employee(s) or 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) or legal practitioner or official of a registered Association 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 IX

[See Rule 32]

[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 rate 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 the 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 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

Signature

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.....19 .

FORM X

[See Rule 23]

Notices

Abstracts from the Minimum Wages Act, 1948 and the Rules made thereunder

I. Whom the Act affects

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

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

II. Definition of Wages

(1) **"Wages"** means all remuneration payable to an employed person on the fulfilment of his Contract of employment. It excludes—

- (i) the value of any house—accommodation—supply of light, water, medical attendance or any other amenity or any service extended by general or special order of the appropriate Government;
- (ii) Contribution paid by the employer to any Pension Fund or Provident Fund or under any Schemes of Social Insurance;
- (iii) the travelling allowances 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 consist of—

- (i) a basic rate of wage 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 over-time rate;

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

III. Computation and conditions of payment

The employer shall pay to every employee engaged in scheduled employment under him wages of 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 seven 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 at not less than the minimum rate in force in respect of each such class.

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

IV. Hours of work and holidays

The number of hours which shall constitute normal working day shall be—

- (a) In the case of an adult, 9 hours;
- (b) In the case of a child, 4 ½ hours.

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 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 as 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 damage to or loss of goods entrusted to the employee for custody, or for loss of money for which he is required to account, where such 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) Deduction 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 authorise. 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 calender months of the employed person and the monthly instalment of deduction shall not exceed one-fourth of the wages earned in that month;
- (vii) Deductions of income-tax payable by the employed person;
- (viii) Deductions required to be made by order of a Court or other competent authority;
- (ix) Deductions for subscriptions to and for re-payment of advances from any Provident Fund;

- (x) Deductions for payment to Co-operative Societies or to as scheme of Insurance approved by the State Government.

VI. Maintenance of registers and records

Every employer shall maintain a registers 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 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 the 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 a language understood by a majority of the workers of the following particulars in a clean and legible form:—

- (a) Minimum rate of wages.
- (b) Extracts from the Acts and the Rules made thereunder.
- (c) Name and address of the Inspector.

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 cause for not making the application within such period.

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

A single application may be presented by or on behalf of 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 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 rate of wages fixed

Name of undertaking

<i>Sl. No.</i>	<i>Category of employees</i>	<i>Minimum Wages</i>
----------------	------------------------------	----------------------

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

Name

Address.

FORM XI

[See Rule 33]

Form of authority in favour of a Legal Practitioner or any Official of 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)

(3)

Applicant(s)

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 employee.

FORM XII

[See Rule 34(1)]

[Form of Summons to the Opponent to appeal before the authority when an application under sub-section (2) of Section 20 or under Section 21 is entertained]

(Title of 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 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.

¹[FORM XIII
[See Rule 30-A]

<i>Sl. No.</i>	<i>Name of Employee</i>	<i>Weekly holidays (i)</i>	<i>Working hours (ii)</i>	<i>Time of payment of wages (iii)</i>
(1)	(2)	(3)	(4)	(5)

].

* * * * *