

**THE ANDHRA PRADESH
MINIMUM WAGES RULES, 1960**

1(G.O. Ms. No. 1236 Home (Labour), dt. 1-6-1960)

In exercise of the powers conferred by sub-section (1) of Section 30 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Governor of Andhra Pradesh hereby makes the following rules, the same having been previously published as required by the said Section, namely—

CHAPTER I

Preliminary

1. Short title and extent:—(1) These rules may be called the Andhra Pradesh Minimum Wages Rules, 1960.

(2) They extend to the whole of the State of Andhra Pradesh.

2. Interpretation:—(1) In these rules, unless the context otherwise requires:—

- (a) **'Act'** means the Minimum Wages Act, 1948 (Central Act II of 1948);
- (b) **'Authority'** means the authority appointed under sub-section (1) of Section 20;
- (c) **'Board'** means the Advisory Board appointed under Section 7.
- (d) **'Chairman'** means the Chairman of the Advisory Board or the committee as the case may be, appointed under Section 9,
- (e) **'Committee'** means a committee appointed under clause (a) of sub-section (1) of Section 5 and includes a sub-committee appointed under that Section;
- (f) **'Day'** means a period of twenty-four hours beginning at mid-night;
- (g) **'Form'** means a form appended to these rules;
- (h) **'Government'** means the Government of Andhra Pradesh;
- (i) **'Inspector'** means a person appointed as inspector under Section 19,
- (j) **'Registered Trade Union'** means a trade union registered under the Trade Unions Act, 1926;
- (k) **'Section'** means a section of the Act.

1. RS. to Part 1 A.P. Gazette dt. 30-6-1960. Page 290

After 1-11-1956 there were two sets of rules viz, the Andhra Minimum Wages Rules and the Hyderabad Minimum Wages Rules in force in Andhra and Telengana regions respectively. The Government, to have uniform rules and procedure in respect of minimum wages issued the Andhra Pradesh 1960 Minimum Wages Rules.

(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in 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 are necessary for completing the enquiry into the scheduled employment concerned and the Government may, at the time of the constitution of the Committee fix such terms and may, from time to time, extend them as circumstances may require.

4. Term of offices 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 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 the said member may by notice in writing, signed on its behalf and by such member and addressed to the Chairman of the Committee, or Board, as the case may be, 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 halting allowances for any journey performed by him in connection with his duties as such member at rates and subject to the conditions applicable to a non-official member of first class committee as laid down by the Government from time to time.

7. Staff:—(1) The Government may appoint a Secretary to the Committee or the Board, and such other staff as it may think necessary and may 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 or the Board :—An outgoing member shall be eligible for renomination for the membership of the Committee or the Board of which he was a member.

9. Resignation of the Chairman and members of the Committee or Board and filling up of casual vacancies:—(1) A member of the Committee, or the Board, other than the Chairman may, by giving notice in writing to the Chairman resign his membership.

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

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

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

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 a period of fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within a period of 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 passed.

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

- (i) if he is declared to be of unsound mind by a competent court ; or
(ii) if he is an undischarged insolvent ; or

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

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

12. Meetings :—The Chairman may, subject to the provisions 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 or not less than two thirds of the representatives of the employers or of the employees as the case may be, the chairman shall call a meeting within a period of fifteen days from the date of receipt of such requisition.

13. Notice of meetings :—The Chairman shall fix the date, time and place of every meeting and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least fifteen days before the date fixed for such meeting :

Provided that in the case of an emergent meeting, notice of at least seven days shall be given to every member.

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

15. Quorum :—No business shall be transacted at any meeting unless atleast one third of the total number of members are present :

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

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 equal number of votes, the Chairman shall have a casting vote :

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members :

Provided further that no decision on any question which is referred under the preceding proviso shall be taken, unless supported by not less than a two-third 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 of each meeting showing inter-alia the names of the members present thereat shall be forwarded to each member and to the Government as soon after the meeting as possible and in any case, not less than 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 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 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 in any manner to the enquiry.

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

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

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

(4) The provision of the Code of Civil Procedure, 1908 (Central Act 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 proceeding before a committee or the Board.

(5) All books, papers and other documents or things produced before committee or the Board in pursuance of summons under sub-rule (1) may be inspected by the Chairman and independent members, and also by such parties as the Chairman may allow with the consent of 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, 1860 (Central Act XLV of 1860).

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

CHAPTER IV

Computation and Payment of Wages, Hours of Work and Holidays

21. Mode of computation of the cash value of wages :—The average [Government Procurement] prices at the nearest market for the period of three months immediately preceding the month for which the wages are to be computed shall be taken into account in computing the cash value of wages paid in kind and of concessions in respect of essential commodities supplied at concessional rates. This computation shall be made in accordance with such directions as may be issued by the Government from time to time.

22. Time and conditions of payment of wages and the deductions permissible from wages :—(1) (i) The wages of a worker in any scheduled employment shall be paid, on a working day—

- (a) in the case of an establishment in which less than 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 wages period in respect of which the wages are payable :

Provided that the wage period with respect to employment in agriculture may extend to one year and the wages of a worker in the said employment shall be paid before the expiry of the 15th day after the last day of the wage period in respect of which wages are payable.

- (ii) Where the employment of any person is terminated by or on behalf of the employer, or due to the acceptance of the employee's resignation, the wages 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 deductions 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.

1. G.O. Ms. No. 785, 22-7-1978.

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

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

(i) fines in respect of such acts and omissions on the part of the employed persons as may be specified by the Government by general or special order in this behalf ;

(ii) deductions for absence from duty ;

(iii) deductions for damages 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 Government or any authority constituted by the Government for providing housing accommodation ;

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

Explanation :—The words 'amenities and services' in this clause do 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 :

[(vi-a) Deduction for recovery of loans granted for house building or other purposes approved by the State Government and for the interest due in respect of such loans, subject to any rules made or approved by the State Government the extent to which such loans may be granted and the rate of interest payable thereon".

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 instalment of deduction exceed one-fourth of the wages earned in that month and the entire advance shall be recovered within a period of twelve months :

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

1. Inserted by G. O. Ms. No. 155 (Lab-II) Dt. 20th May, 1983.

- (viii) deductions required to be made by order of a court or other authority ;
- (ix) deductions for subscription to, and for repayment of advances from any provident fund to which the Provident Fund Act 1925 (Central Act 19 of 1925), applies or any recognised provident fund as defined in Section 58-A of the Indian Income-Tax Act, 1922 (Central Act 11 of 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 made with the written authorization of the employed, for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956).
- (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 the prior approval of the Inspector or any other officer authorised by the Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deductions.

[(xii) deductions for contribution to the National Defence Fund ²or the Prime Minister's Relief Fund or the Chief Minister's Relief fund or to any Defence Savings Scheme approved by the Government, made with the written authorisation of,

(a) the employed person,

(b) the President or the Secretary of the registered trade union of which the employed person is a member, subject to the following conditions, namely :—

1. The President or in his absence, the Secretary of the registered trade union shall,

(i) make a written authorisation permitting the employer to make such deductions 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,

1. Item (xii) was inserted by G.O. Ms. No. 2080 Home (Labour II) date 10-11-1964, published at pages 501-502 RS of to Part II of A.P. Gazette, dated 3-12-1964.

2. Ins. By G.O. Ms. No. 155 (Lab-II) dt. 20-5-1983.

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 an Inspector for purposes of Section 19 of the Act.

2. The employer shall display in a 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 atleast a period of three consecutive days immediately preceding the day on which the deductions are to be made from the wages of the employees.

3. If an 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.]

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

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

(ii) The total amount of deduction for damage or loss ordered under sub-rule (3) shall not exceed the cost of replacing the article damaged or lost on the date of passing the order of recovery, or the book value of the article, whichever is less. Where the amount of deduction exceeds an amount equal to one third of the wages payable to the employed person in respect of a wage period, the deduction shall be made in instalments in such a way that the amount of each instalment does not exceed one-third of the average wages payable to him between one instalment and the other.

(iii) All realizations under clause (i) and all deductions under clause (ii) shall be recorded in a register maintained in Forms I, II and III as the case may be. A return in Form III shall be submitted annually by the employer before the 31st January of every year to the [District Inspector of labour]

1. The bracketed words were substituted for the words 'Labour Officer' by G.O. Ms. No. 2434 Home (Labour-II) dated 8-11-66 published at pages 491-492 of R.S. to Part I of A.P. Gazette dated 1-12-1966.

having jurisdiction over the area, following the calendar year to which the return relates.

(5) All realisations from fines shall be utilized only for such purposes which are beneficial to the persons employed in the scheduled employments as are generally approved by the Government in this behalf.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1936 (Central Act 4 of 1936) and the Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947) and x[Hyderabad Shops and Establishments Act, 1951 (Hyderabad Act X of 1951)]

23. Publicity to the minimum wage fixed under the Act :-

Notices in Form XII containing the minimum rates of wages fixed under the Act together with abstracts from such of the provisions of the Act and the rules as prescribed and the name address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such places as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall be displayed on the Notice Boards of the offices of the Collectors, Revenue Divisional officers, Tahsildars and Deputy Tahsildars in all the districts and in the Office of Labour and Factories Departments. In the case of employment in agriculture the notices shall be displayed in all the District Offices of the Agricultural Department and Local Administration Department.

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 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—

xSee now the A.P. Shops & Establishments Act, 1966 (Act 15 of 1966)

1. Substituted for original explanation by G.O. Ms. No. 1483 Home (Labour-II) dated 9-8-1963. published at pages 278-280 of R.S. to Part I of A.P. Gazette dated 29-8-1963.

(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 for any reason other than any one of those enumerated in rule 28, and

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

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—

¹(a) he has or will have 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 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 ²[three] days before or after the rest day, the said 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 ;

³Provided 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 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 diffe-

1. Subs. by G.O. Ms. No 541 dt. 27 6-1978.
2. Subs. by G.O Ms.No. 698 (Lab-II) dt 3-10-1980.
3. The provisos were added by G.O.Ms.No. 1483 Home (Lab-II) dated 9-8-1963, published at pages 278-280 of R.S. to Part-I of A.P. Gazette dated 29-8-1963.

rence between the wages payable to him at the ordinary rate and wages payable to him at the over-time rate ; and if any dispute arises whether the daily rate of wages has been worked out as aforesaid the Commissioner of Labour 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 Government may by notification in the Andhra Pradesh Gazette, prescribe, having regard to the minimum rate of wages fixed under the Act, in respect of the scheduled employment.]

Explanation :—In this sub-rule, 'next preceding day' means the last day on which the employee has worked, which precedes the rest day or the substituted rest day, as the case may be ; and where the substituted rest day falls on a day immediately after the rest day, the next preceding day means the last day on which the employee has worked, which precedes the rest day.

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

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

Explanation :—The word "week" used in this rule will mean a period of seven days beginning at 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, 9 hours ;
- (b) in the case of a child, 4 1/2 hours.

(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.

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

Provided that the Inspector may, for reasons to be specified in writing, increase the spread over to twelve hours.

(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 certi-

fixed to work as an adult or a child by the certifying surgeon appointed under section 10 of the Factories Act, 1948 (Central Act, 63 of 1948).

(5) No child shall be employed or permitted to work for more than 4 hours on any day.

(6) The provisions of sub-rules (1) to (5) shall, in the case of workers in agricultural employment including employment in plantations, be subject to such modifications as may, from time to time, be notified by the Government.

26. Number of hours of overtime work :—The total number of hours of overtime a worker shall be required or allowed to work in any employment shall not exceed 50 for any one quarter.

Explanation :—'Quarter' means a period of three consecutive months beginning on the 1st January, 1st April, the 1st July or the 1st of October.

27. Night Shifts :—Where a worker in a scheduled employment works on a shift which extends beyond midnight—

(a) for the purpose of rule 24, a rest day shall mean in his case a period of 24 consecutive hours beginning when his shift ends;

(b) the following day for him shall be deemed to be the period of 24 hours beginning when such shift ends, and the hours he has worked after midnight shall be counted towards the previous day.

28. Cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day :—(1) The following shall be cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day :—

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

(b) where an employee works for any period not exceeding 4 hours a day;

(c) strike or stay-in-strike.

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

interruption occurs at any time before the interval for 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 is prevented on any working day from giving work to his employees for a full normal working day, the employees shall receive wages for such day in the proportion the number of hours he worked bears to the number of hours constituting the normal working day.

(4) If an employee works for any period not exceeding 4 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.

29. Extra wages for overtime:—(1) When 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 work, be entitled to wages—

- (a) in the case of employment in agriculture including plantations, at one and half times the ordinary rate of wages ;
- (b) in the case of any other scheduled employment at double the ordinary rate of wages.

Explanation:—The expression 'ordinary rate of wages' shall be construed as to mean 'wages' defined in clause (h) of Section 2 of the Act.

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

Provided that no such register need be kept in the case of an establishment where an overtime Muster Roll as prescribed in Form No. 10 of the Madras Factories Rules 1950 and Hyderabad Factories Rules 1952, is kept¹.

(5) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 (Central Act 63 of 1948) and the ²Madras shops and Establishments Act, 1947 (Madras Act XXXVI of 1947) and ²Hyderabad Shops and Establishments Act 1951 (Hyderabad Act X of 1951).

30. Form of registers and records:—³(1) A register of wages shall be maintained by every employer at the workshop or the principal office attached to it in form No. X in respect of employments included in Part I of the Schedule to the Act.

(2) A wage slip in Form No XI shall be issued by every person employed by him in respect of employments included in Part I of the

1. Now see A.P. Factories Rules, 1950.
2. See now the A.P. Shops and Establishments Act, 1966.
3. Subs. by G.O Ms. No. 1154, (Lab-V) dated 6-10-1977

Schedule to the Act at least a day prior to the disbursement of wages and his acknowledgement is obtained”

(3) Every employer shall get the signature or thumb-impression of every person employed on the [register of wages and] wages slips, at the time of the payment of wages.

(4) Entries in the [register of wages] and wages slips shall be authenticated by the employer or any person authorised by him in this behalf.

“(5) A Muster Roll shall be maintained by every employer at the workspot or the principal office attached to it and kept in Form V in respect of employments included in Part I of the Schedule to the Act and it shall be written up every day on which the work is performed”.

2[x x x x x]

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

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

3[Provided that, where an establishment has been closed, or where an establishment has no building, the Inspector may demand the production of registers and records in his office or such other public place as may be nearer to the employer.]

3[31-A. **Preservation of registers:**—A register required to be maintained under rules 29 and 30 shall be preserved for a period of 12 months after the date of last entry made therein.]

31-B. **Maintenance of registers and forms:**—Notwithstanding anything in these rules where a combined 4(alternative) form or register 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 made thereunder, an alternative suitable form or register in lieu of any of the forms or registers prescribed under these rules may be used with the previous approval of the Commissioner of Labour.

1. The bracketed words in sub-rules (3) and (4) were substituted for the words, “wage books or” and “wage books” by G O Ms. No. 2085 Home (Labour-II) dated 18-10-1965. Published at page 299 of R.S to Part-I of A.P. Gazette dated 4-11-1965.

2. The proviso under sub-rule (5) was omitted by G.O. Ms. No. 1871 Home (Labour II) dated 7-10-1964.

3. Added by G.O. Ms. No. 1483 Home (Labour-II) dated 9-8-1963.

4. Added by G.O. Ms. No. 1871 Home (Labour-II) dated 7-10-1964. Published at pages 529-530 of R.S, to Part I of A.P. Gazette dt. 5-11-1964,

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 VI or VII as the case may be.

33. Authorization:—The authorization to act on behalf of an employed person or persons, under sub-section (2) of Section (20) or 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.

34. Appearance of parties:—(1) If an application under sub-section (2) of Section 20 or sub-section (1) of Section 21 is entertained, the authority shall serve upon the employer by registered post a notice in Form IX to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

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

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

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

CHAPTER VI

Scale of Costs in Proceedings Under the Act

35. Costs:—(1) The authority, for reasons to be recorded in writing, may direct that the costs 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 fee to the extent of ten rupees provided that the authority in any proceeding may reduce, the fees to a sum not less than five rupees or, for reasons to be recorded in writing increase it to a sum not exceeding twenty five rupees.

(3) Where there are more than one pleader or more than one applicants or opponents 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—one rupee in respect of each witness ;

(ii) for every application made by or on behalf of an individual one rupee :

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

Provided further that no fee shall be chargeable—

(a) from persons employed in agriculture ; or

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

CHAPTER VII

Miscellaneous

37. Exemptions :—These rules shall not apply in so far as there are already in force rules applicable to such employment, making equally satisfactory provisions for the matters dealt with by these rules.

[37-A Restricted application of rules 24 and 25 to employees :—The provisions of rules 24 and 25 shall not apply in relation to the classes of employees specified in column (1) of the table below to the extent specified against each such class in column (2) and subject to the conditions specified against the same in column (3) thereof.

Table

Class of employees	Extent to which the application of rules is excluded	Conditions
1	2	3
(1) Employees engaged in urgent work in any emergency which could not be foreseen or prevented.	The whole of rule 24 and sub-rules (1), (2) and (3) of rule 25.	(i) No employee shall be employed for more than 12 hours on any one day, 30 hours during any three consecutive days, or 60

Rule 37-A was inserted vide G.O. Ms. No. 1082, Home (Lab-II) dated 4th July, 1962. Published at pages 281-283 of Rules Supplement Part I of A.P. Gazette dated 5th July, 1962.

1	2	3
		<p>hours during each period of seven consecutive days commencing from his first employment in urgent work or in any emergency which could not have been foreseen or prevented.</p>
		<p>(ii) A separate running record of such work done shall be maintained in addition to marking entries in Form IV.</p>
		<p>(iii) Within 24 hours of the commencement of work notice shall be sent to the Inspector describing the nature of urgent work and the period probably required for its completion.</p>
		<p>(iv) A compensatory holiday in lieu of every weekly holiday lost for each employee shall be granted within one month of the day on which weekly holiday was lost.</p>
		<p>(v) Extra wages for overtime shall be paid as provided for in rule 29.</p>
<p>(2) Employees engaged in work in the nature of preparatory or complimentary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned.</p>	<p>Sub rule (2) of rule 25</p>	<p>The permission of the Inspector within whose jurisdiction the employment is situated shall be obtained by the employer in respect of the employees concerned.</p>
<p>(3) Employees whose employment is essentially intermittent.</p>	<p>Sub-rule (2) of rule 25</p>	<p>Time, through not a fixed period, which in the opinion of the Inspector concerned is sufficient for taking meals shall be allowed to each employee.</p>
<p>(4) Employees engaged in any work which for technical reason has</p>	<p>Do.</p>	<p>The total overtime hours worked shall not be beyond 9 hours per day and 48</p>

1	2	3
to be completed before the duty is over.		hours for the quarter of a calender year.
(5) Employees engaged in work which could not be carried on except at time dependent on the irregular action of natural forces.	Do.	Extra wages for overtime shall be paid as provided in rule 29.

38. Repeal and Savings:—The Andhra Minimum Wages Rules, 1954 and the Hyderabad Minimum Wages Rules, 1951 are hereby repealed: Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

CHAPTER VIII

Rules Regarding Preparation, Preservation and Destruction of Records in the Offices of the Authorities Appointed Under the Act.

39. Preparation of Records:—(1) There shall be two files 'A' and 'B', File 'A', shall contain (1) index, (2) the records of the proceedings, (3) application filed in Form VI or VIII, under sub-section (2) of Section 20 or sub-section (1) of section 21, (4) the written statement or counter in reply filed by the opposite party, (5) the decision, finding or order of the authority, (6) oral evidence recorded, (7) exhibits, and (8) such other papers as may be ordered by the authority to be placed in that file.

(2) File 'B' shall contain its index, the notice served or issued to any party or parties and all other papers not connected to File 'A'.

40. Preservation of records:—File 'A' shall be preserved for fifteen years and File 'B' for 3 years.

41. Destruction of records:—(1) After the period of retention as specified in rule 40, the files may be destroyed either by tearing or by burning in the presence of the Authority or person so authorised by the Authority in their behalf.

(2) The records destroyed by tearing may be sold or otherwise disposed of in such a manner as the Authority thinks fit.

1. Added by G.O. Ms. No. 2216 Home (Labour-II), dt. 5-12-1962 published at Pages 5-6 of RS to Part-1 of A.P. Gazette, dated 3-1-1963,

FORM I

[Rule 22 (4) (iii)]

Register of Fine
Employer

1. Serial Number.
2. Name.
3. Father's/Husband's name.
4. Sex.
5. Department.
6. Nature and date of the offence for which fine imposed.
7. Whether show cause notice was served.
8. Whether worker showed cause against fine or not. If so, enter date.
9. Rate wages-
10. Date and amount of fine imposed.
11. Date on which fine realised.
12. Remarks.

FORM II

[Rule 22 (4) (iii)]

Register of deductions for damage or loss caused to the
Employers by the neglect or default of employed persons
Employer

1. Serial Number.
2. Name.
3. Father's/Husband's name,
4. Sex.
5. Department.
6. Damage or loss caused with date.
7. Whether show cause notice was served.
8. Whether worker showed cause against deduction. If so, enter date,
9. Date and amount of deduction imposed.
10. Number of instalments, if any.
11. Date on which total amount realised.
12. Remarks.

[FORM III

[Rule 22 (4) (iii)]

Return for the year ending the 31st December.....

1. Name of the establishment and postal address.
2. Name and residential address of the Owner/Contractor.
3. Name and residential address of the Managing Agent/Director/partner in charge of the day-to-day affairs of the Corporate or Association.
4. Name and residential address of the Manager/Agent if any.
5. Number of days worked during the year.
- 6 *Number of man days worked during the year.
7. xxAverage daily number of persons employed during the year—
 - (i) Adults
 - (ii) Children
8. Total wages paid in cash.
- x9. Total cash value of the wages paid in kind
10. Deductions.

	No. of cases	Total Amount
--	--------------	--------------

- (a) Fines.
 - (b) Deductions for damage or loss.
 - (c) Deductions for breach of contract.
11. Disbursement from fines.

1. Added by G.O. Ms. No. 2021, Home (Labour-II), dated 2-11-63.
 *This is aggregate number of attendance during year.
 xxThe 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.
 xCash 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.

	Purpose	Amount Rs. Np.
(a)		
(b)		
(c)		
(d)		
12.	Balance of fine fund in hand at the end of the year.	

Date

Signature
Designation

FORM IV
[Rule 29 (2)]

Overtime register for workers—Month ending _____ of 19__

1. Serial Number.
2. Name.
3. Father's/Husband's name.
4. Sex.
5. Designation and Department.
6. Dates on which overtime worked.
7. Extent of overtime worked.
8. Total overtime worked or production in case of piece workers.
6. Normal hours.
10. Normal rate.
11. Overtime rate.
12. Normal earnings.
13. Overtime earnings.
14. Total earnings.
15. Dates on which overtime payments made.

(Statement)

[FORM No. V.
(Rule 29 (2))

MINISTER FOR

ount
Np.

F.V]

FORM No. V.
(Rule 30 (5))

MUSTER ROLL.

Name and place of factory/Establishment.

District:

Sl. No.	Name	Father's name	Designation or Nature of work	Group.	Relay Shift No.	Period of work	For the period of end-ind columns 1 to 3.	Total No. of actual working days.	Remarks.
1	2	3	4	5	6	7	9	10	11

1. Subs. by G.O. Ms.No. 1154 (Lab.V.) dt. 6-10-1977.
MWA-9

FORM VI

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

In the Court of the Authority appointed under the Minimum Wages Act, 1941 for area

Application No. _____ of _____ 19 .

1. |
2. | Applicant (s)
3. |

(through) a legal practitioner
Official of _____ Union which
(is a registered Trade Union).

Address

versus

1. |
2. | Opponents.
3. |

The applicant (s) abovenamed beg (s) respectfully to submit as follows—

- (1) the—
- (2) that—

The applicant (s) has (have) been paid wages at less than the minimum rate wage. 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 subsection (3) of Section 20 for—

- (a) Payment of the difference between the wages due according to the minimum rate of wages fixed by the Government and the wages actually paid, and
- (b) compensation amounting to Rs.

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

Date

Signature or thumb-impression of the
employee(s) legal practitioner or official
of a registered trade union duly authorised.

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

The verification is signed at _____ on x day of _____ 19 _____

FORM VII

[Form of application by an Inspector or person acting with the permission of the authority under Section 20 (2)]

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

Application No. _____ of 19 _____
 (1) Application No. _____ of 19 _____
 Address _____

(2) Opponent _____ versus _____
 Address _____

The applicant abovenamed 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 subsection (3) of Section 20 for :—

- (a) payment of the difference between the wages due according to the minimum rate of wages fixed by Government actually paid; and
- (b) compensation amounting to Rs. _____

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

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

x. 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.

FORM VIII

[Form of authority in favour of a legal practitioner or any official of a Registered Trade Union referred to in Section 20 (2)]

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

Application No. _____ of 19 _____

- 1.
- 2.
- 3.
- 1.
- 2.
- 3.

Versus

Opponents

I hereby authorise Mr. _____ 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.

Signature or thumb-impression of the employee.

FORM IX

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

To _____ (Name, description and place of residence).

WHEREAS _____ has made the above said application to me under the Minimum Wages Act, 1948, (Central-Act, 11 of 1948), you are hereby summoned to appear before me in person or by a duly authorised agent, 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 19 _____ at O'Clock in the _____ noon, _____ to answer the claim and as the day fixed for the appearance is appointed for the final disposal of the application you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

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

Date _____ Signature of the Authority.

/True Copy/

Forwarded (By order)

Superintendent.

[FORM No. X]
[Rule 30 (1)]

Register of Wages

Name and address of factory Establishment.

Serial No.	Name of the Worker	Father's or Husband's Name	Designation or Nature of work	Rate of Pay	No. of Days worked	Days of absence	Gross Wages	Overtime wages	Total	Fines	Absence	Damages or loss	House Accommodation	Miscellaneous amenities	Advance over payments	Incom Tax	Provident Fund	E.S.I. Contribution	Co-operative Society	Life Insurance	Premium	Other authorised deductions	Total	Net wages paid	Signature/Thumb impression	Date of payment	Date on which wages slip issued	Remarks	Week deductions			
																													1	2	3	4
1. Subs. by G.O.Ms. No. 1154 (Lab-V) dt. 6-10-1977.																																

FORM No. XI
[Rule 30 (2)]
Wage Slips

1. Name of the employee
2. Designation with token No.
3. No. of days worked/Units of work done
4. Overtime earned
5. Gross wages earned
6. Details of deductions
 - (a) Nature of deductions
 - 1.
 - 2.
 - 3.
 - (b) Total deductions
7. Net wages payable
8. Date of issue of wage slip
9. Signature of the pay in charge.

Amount.
Rs. Np.

Amount.
Rs. Np.

FORM XII

Notices

[Rule 23]

(To be fixed in a convenient place in a Scheduled employment]

Abstracts from the Minimum Wages Act, 1948 and the rules made thereunder.

I. Whom the Act effects:—

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

II. Interpretations:—

- (I) (a) "Scheduled Employment" means an employment specified in the Scheduled; it includes any employment whose process or branch of work forms part of such Scheduled employment.
- (b) "Employer" means any person who employs whether directly or through another person whether on behalf of himself or any other person, one or more employees in any Scheduled employment in respect of which minimum rates of wages have been fixed under this Act and includes except in sub-section (3) of Section 26—
 - (i) in a factory where there is Scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person named under clause (n) of Section 2 of the Factories Act, 1948 (Central Act 63 of 1948) as occupier of the factory;
 - (ii) in any Scheduled employment under control of any Government in the State in respect of which minimum rates of wages have been fixed under this Act, the person or authority appointed by such Government for the supervision and control of employees or where no person or authority is so appointed, the head of the department;
 - (iii) in any Scheduled employment under any local authority in respect of which minimum rates of wages have been fixed under this Act, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the Chief Executive Officer of the local authority;
 - (iv) in any other case where there is carried on any Scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person responsible to

the supervision and control of the employees or for the payment of wages.

(c) "Employee" means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical in a Scheduled employment in respect of which minimum rates of wages have been fixed, and includes an out-worker to whom any articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of that other person where the process is to be carried out either in the home of the out-worker or in some other premises under the control and management of that other person, and also includes an employee declared to be an employee by the appropriate Government, and does not include any member of the Armed Forces, of the Government.

(d) "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment and includes house rent allowance. 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 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 entailed on him by the nature of his employment ;
- (v) any gratuity payable on discharge.

(2) The minimum rate of wages may consist of—

- (i) a basic rate of wages and a special allowance at a rate to be adjusted, at such intervals and in such manner as the appropriate Government may direct, to accord as nearly as practicable with the variation in the cost of living index number applicable to such workers ; or
- (ii) a basic rate of wages with or without the cost of living allowance and the cash value of the concessions like supplies of essential commodities at concessional rate ; or
- (iii) in all inclusive rates comprising of basic rate, cost of living allowance and cash value of concession, if any ; or

(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—

- (i) a minimum time rate,
- (ii) a minimum piece rate,
- (iii) a guaranteed time rate,
- (iv) an overtime rate,

differencing with (1) different Scheduled employments; (2) different classes of work; (3) different localities; and (4) different wage periods; (5) different wage groups,

III. Computation and conditions of payments :—The employer shall pay to every employee engaged in Scheduled employment under him wages at a rate not less than minimum rate of wages fixed by notification 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 fixed for the payment of wages at intervals not exceeding one month or such other larger period as may be prescribed.

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

The wage of a person discharged shall be paid no 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 weekly day of rest :—(1) The number of hours which shall constitute a normal working day shall be—

- (a) in the case of an adult, 9 hours.
- (b) in the case of a child, 4 1/2 hours.

(2) The periods of work of an adult worker on 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.

(3) The periods of work of an adult worker in a Scheduled employment other than employment in any plantations shall be so arranged that inclusive of his intervals for rest, they shall not spread over more than ten and half hours in any day.

The employer shall allow a day of rest with wages to the employees every week. Ordinarily Sunday will be the weekly day of rest day, but any other day of the week may be fixed as such rest day. No employee shall be required to work on a day fixed as rest day, unless he is paid wage for that day at the overtime rate and also 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 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 a wages—

- (a) in the case of employment in agriculture including plantations, at one and a half times the ordinary rate of wages;
- (b) in the case of any other Scheduled employment at double the ordinary rate of wages.

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) **Fines** :—An employed person shall be explained personally and also in writing the act or omission in respect of which the fine or deduction is proposed to be imposed and given an opportunity to offer any explanation in the presence of another person and also in writing. The total amount of fine which may be imposed shall not exceed in any one wage period an amount equal to three Naye Paise in the rupee of the wage payable to the employed person in respect of such wage period.
- (ii) Deductions for absence from duty.
- (iii) Deductions for damage to or loss of goods entrusted to the employee for custody, or of loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default. The employed person shall be explained personally and also in writing the damage or loss, in respect of which the deductions are proposed to be made and given an opportunity to offer any explanation in the presence of another person and also in writing [xxx]

[The total amount of deduction for damage or loss shall not exceed the cost of replacing the article damaged or lost on the date of passing the order of recovery or the book value of the article, whichever is less. When the amount of deduction exceeds an amount equal to one third of the wages payable to the employed person in respect of a wage period, the deduction shall be made in instalments in such a way that the amount of each instalment does not exceed one-third of the average wages payable to him between one instalment and the other.]

- (iv) Deductions for house accommodation supplied by the employer or by Government or any authority constituted by Government for providing housing accommodation.
- (v) Deductions for such amenities and services, supplied by the employer as the Government may by general or special order authorise.

Explanation :—The words "amenities and services" in this clause do not include the supply of tools and protective required for the purposes 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 instalment of deduction shall not exceed one-fourth of the wages earned in that month.
- (vii) Deductions of income-tax or any tax that may be levied by the Government or local authority payable by the employed person.
- (viii) Deductions required to be made by order of a court or other competent authority.
- (ix) Deductions for subscriptions to and for repayment of advances for any provident fund.
- (x) Deductions for payment to co-operative societies or deductions made with the written authorisation of the person employed, for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956 (Central Act 63 of 1956).
- (xi) Deductions for recovery or adjustment of amounts other than wages paid to the employed persons in error or in excess of what is due to them :

Provided that approval of the Inspector or any other officer authorised by the Government in this behalf is obtained in writing before

1. Bracketed paragraph added by G.O.Ms.No. 691 Home (Labour-II) dated 25-3-65, published at pages 55-56 of R.S. to Part I of A.P. Gazette dated 15-4-1965.

making the deductions, unless the employee gives his consent in writing to such deductions.

VI. Maintenance of registers and records:—Every employer [shall maintain at the workspot or the principal office attached to it a register of wages in Form No. X, including therein the particulars showing the nature and amount of deductions and the date of payment of wages] specifying the following particulars for 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 with an indication of the kinds of deduction.
- (e) The wages actually paid and the date of payment.

Every employer shall issue wage slips [in Form No. XI] containing aforesaid particulars and such other particulars to every person employed at least a day prior to the disbursement of wages.

Every employer shall get the signature or the thumb impression of every person employed on the wage book or wage slips:

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

[A Muster Roll, Register of Fines, Register of deductions for damage or loss and Register of overtime shall be maintained by every employer or at the workspot or at the principal office attached to it in the Forms prescribed.]

Every employer shall keep exhibited [at the main entrance to the establishment and its office] notices in English and language understood by majority of the workers of the following particulars in a clean and legible form—

- (a) Minimum rate of wages.
- (b) Abstracts of the Act and the Rules made thereunder.
- (c) Name and address of the Inspector.

[Register of Wages, Muster Roll, Register of fines, Register of deductions for damage or loss and Register of overtime, shall be preserved for a period of twelve months after the date of last entry made therein.

All Registers and records required to be maintained by an employer under the rules shall be produced on demand before the Inspector provided that where an establishment has been closed, the Inspector may demand the production of registers and records in his office or such other public place as may be near to the employers].

1. The bracketed matters in this item substituted by G.O. Ms. No. 691 dated 25-3-65.

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 has sufficient cause for not making the application within such period.

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

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

A complaint under Section 22 (a) relating to payment of less than the minimum rates of wages or less than the amount due to an employee under the provisions of the Act can be made to the Court only after an application in respect of the facts constituting the offence has been presented under Section 20 and has been granted wholly or in part, and the appropriate Government or an officer authorised by it in this behalf has sanctioned the making of the complaint.

A complaint under Section 22 (b) regarding contravention of the provisions relating to hours of work and weekly day of rest or other miscellaneous offences relating to maintenance of registers, submission of returns etc., can be made to the Court by or with the sanction of an Inspector. The time limit for making such complaints is one month from the date of grant of sanction by the Inspector, in the case of offences falling under Section 22 (b) and six months from the date on which the offence is alleged to have been committed, in the case of offences falling under Section 22-A.

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

If any 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.

X. Penalties for offences under the Act :—Any employer who pays to any employee less than the amount due to him under the

provisions of the Act or infringes any order or rules in respect of normal working day, weekly day of rest 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 contravenes any provision of the Act or of any rule or order made thereunder shall, if no other penalty is provided for such contravention by the Act, be punishable with fine which may extend to five hundred rupees. If the person committing any offence under the Act is a company, every person who at the time of the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. No such person will be liable to punishment, if he proves that the offence was committed without his knowledge or that he exercised all the diligence to prevent the commission of such offence.

Any director, manager, secretary or other officer of the company with whose consent or connivance an offence has been committed is liable to be proceeded against and punished under the Act.

Note :—(a) "company" means any body corporate and includes a firm or other association of individuals.

(b) 'director' in relation to a firm means a partner in the firm,

XI. Minimum rates of wages :—

Name of undertaking.....

Serial No. (1)	Category of employees (2)	Minimum Wages (3)
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XII. Name and address of Inspector (s) :—

Name (1)	address (2)
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NOTIFICATIONS

APPOINTMENT OF INSPECTORS UNDER MINIMUM WAGES ACT, 1948 (CENTRAL ACT II OF 1948)

[G.O. Ms. No. 840, Employment and Social Welfare (Labour-I)
22nd October 1974—published in Issue No. 356 P-I.-
Extraordinary, A.P. Gazette, dated 1-11-1974]

XX. In exercise of the powers conferred by sub-section (1) of Section 19 of the Minimum Wages Act, 1948 (Central Act II of 1948) and in supersession of the previous notifications issued in this behalf, the Governor of Andhra Pradesh hereby appoints with effect on and from the date of publication of this notification in the Andhra Pradesh Gazette, the Officers specified in column (2) of the Table below to be Inspectors for the purposes of the said Act and directs the local limits within which they shall exercise their functions shall be as specified in the corresponding entry in column (3) thereof.

TABLE

S. No.	Designation of the Officer with Headquarters	Local limits.
(1)	(2)	(3)
1.	Joint Commissioner of Labour, Hyderabad.	Whole of the State.
2.	Deputy Commissioner of Labour (Head Office) Hyderabad.	Whole of the State.
3.	Assistant Chief Inspector of Establishments, Hyderabad.	Whole of the State.
3A.	Secretary, Minimum Wages Committees.	Whole of the State.
4.	Deputy Commissioner of Labour, Visakhapatnam.	xSrikakulam and Visakhapatnam Districts.
5.	Deputy Commissioner of Labour, Eluru.	xEast Godavari, West Godavari and Krishna Districts.

xThe entries in Sl. Nos. 4 to 9-A were substituted by G.O. Ms. No. 1122 E & S.W. dated 15-12-1975 published in Extra. Issue No. 333 of Part 1 of A.P. Gazette dated 16-12-1975.