

The Payment of Wages (Nomination) Rules, 2009

1 Short title and commencement. -

- (1) These rules may be called the Payment of Wages (Nomination) Rules, 2009.
- (2) They shall come into force on the date ¹ of their final publication in the Official Gazette.

2 Definitions. -In these rules, unless the context otherwise requires,-

- (a) "Act" means the Payment of Wages Act, 1936 (4 of 1936);
- (b) "family" means all or any of the following relatives of an employed person, namely:-
 - (i) a spouse;
 - (ii) a minor child dependent upon the employed person;
 - (iii) a child who is wholly dependent on the earnings of the employed person and who is receiving education, till he or she attains the age of twenty-one years;
 - (iv) an unmarried daughter;
 - (v) a son or daughter who is infirm by reason of any physical or mental abnormality or injury and is wholly dependent on the earnings of the employed person, so long as the infirmity continues;
 - (vi) dependant parents;
- (c) "Form" means a form appended to these rules;
- (d) "minor" means a person who has not completed the age of eighteen years.
Explanation. -For the purpose of this rule, "child" means and includes an adopted child, and any reference to "son" or "daughter" shall be construed accordingly.

3 Procedure for nomination. -

- (1) Every employed person shall make a declaration in Form I, nominating a person conferring the right to receive the amount that may stand in his credit at the event of his death before that amount standing to his credit has become payable or where the amount has become payable, before payment has been made.
- (2) If an employed person has a family at the time of making nomination, the nomination shall be in favour of the spouse or the spouse in preference followed by one or more members of his family: Provided that nomination made by an employed person having a family in favour of a person other than member of his family shall be invalid: Provided further that a fresh nomination towards his/her spouse shall be made by the employed person on his marriage and any nomination made before such marriage shall be deemed to be invalid.
- (3) Where the nomination is wholly or partly in favour of a minor, the employed person may appoint a major person of his family, to be the guardian of the minor nominee or where there is no major person in the family, he may, at his discretion, appoint any other person to be a guardian of the minor nominee.
- (4) If the employed person nominates more than one member, he shall specify in the nomination, the amount or share payable to each of his nominees at his own discretion so as to cover the whole of the amount that may stand to his credit.

