

THE MAHARASHTRA MINIMUM WAGES RULES, 1963

No. MWA -1157-Lab.III.- In exercise of the powers conferred by sub-section (1) and clauses (a), (b), (c), (d), (e), (f), (g), (h), (I), (k), (I), (m) and (n) of sub-section (2) of section 30 of the Minimum Wages Act, 1948 (XI of 1948), the Government of Maharashtra hereby makes the following rules, the same having been Previously published as required by sub-section (1) of section 30 of the said Act, namely:-

CHAPTER

I

1. Short title and extent **PRELIMINA**

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- (1) These rules may be called The Maharashtra Minimum Wages Rules, 1963.
- (2) They extend to the whole of the State of Maharashtra.

2. Definition

In these rules, unless the context otherwise requires,-

- (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 such scheduled employment or such process or branch of work forming part of such employment exceeds such period not exceeding three years, the State Government may, by notification in the Official Gazette, specify in this behalf;
- (c) "Authority" means the authority appointed under sub-section (1) of section 20;
- (d) "Board" means the Advisory Board appointed under section 7;
- (e) "Chairman" means the Chairman of the Advisory Board or as the case may be the Committee;
- (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) "inspector" means a person appointed as inspector under section 19;
- (j) "Registered trade union" means a trade union registered under the Indian Trade Unions Act, 1926;
- (k) "Section" means a section of the Act.

CHAPTER II

MEMBERS AND STAFF AND MEETINGS OF THE BOARD AND COMMITTEE

3. Terms of office of the members of the Committee

The terms of office of the members of the Committee shall be such as in the opinion of the State Government is necessary for completing the enquiry into the scheduled employment concerned and the State Government may, at the time of constitution of

the Committee, fix such terms and may, from time to time, extend it as circumstances may require.

4. Terms of office of member of the Board

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

Provided that such members shall, notwithstanding the expiry of the said period of three 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 State Government.

5. Travelling Allowances

A non-official member of the Committee or the Board shall be entitled to draw travelling allowance and daily allowance for any journey performed by him in connection with his duties as such member according to clause (b) of sub-rule (1) of rule (1) of Appendix XLII-A of Bombay Civil Services Rules Manual, Volume II, as amended from time to time.

6. Staff

- (1) The State 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)(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 record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee or, as the case may be, the Board.

7. Eligibility for re-nomination of members of the Committee and Board

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

8. Resignation of the Chairman and Members of the Committee and the Board and filling 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 letter addressed to the State Government.

- (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 the State Government immediately. The State Government shall then take steps to fill the vacancy.

9. 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 as the case may be, the Board, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. Disqualification

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

11. Meetings

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

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

12. Notice of meetings

The Chairman shall fix the date, time and place of every meeting and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member at least seven days before the date fixed for such meeting:

Provided that, in the case of an emergent meeting, notice of four days only may be given to every member.

13. Chairman

- (1) The Chairman shall preside at the meetings of the Committee or, as the case may be, the Board.
- (2) In the absence of the Chairman at any meeting, the members shall elect from amongst themselves by a majority of votes, a member who shall preside at such meeting.

14. Quorum

No business shall be transacted at any meeting unless at least one-third of the members are present:

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

15. Disposal of business

All business shall be considered at a meeting of the Committee or, as the case may be, the Board 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 circulation of necessary papers and securing written opinion of the members

Provided further that, no decision on any question which is referred under the first proviso shall be taken, unless supported by not less than a two-third majority of the members.

16. Method of voting

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

17. Proceedings of the meeting

- (1) The Proceedings of each meeting showing inter alia the names of the members present thereat shall be forwarded to each member and to the State Government as soon after the meeting as possible and in any case, not less than seven days before the next meeting.
- (2) The proceedings of each meeting shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.

CHAPTER III

SUMMONING OF WITNESSES BY THE COMMITTEE AND BOARD

AND PRODUCTION OF DOCUMENTS

18. 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 the possession or under his control relating in any manner to the enquiry.

- (2) A summon under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered trade union of workers.
- (3) A summon 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 registered trade union of workers by being delivered or sent by registered post to the Secretary or other principal officer of the organisation or as the case may be Union.

19. 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.

CHAPTER IV

COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND HOLIDAYS

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21. Time and conditions of payment of wages and deductions permissible from wages

- (1)
 - (i) The wage period with respect to any scheduled for which wages are liable to be fixed shall not exceed one t month, and the wages of an employee employed-
 - (a) in any such employment in which an employer has employed less than one thousand persons, shall be paid before the expiry 'of the seventh day, and
 - (b) in any other case shall be paid before the expiry of the tenth day after the last day of the wage period in respect of which the wages are payable:

²Provided that, in the case of persons, employed as Saldars or Salkaries in the employment in agriculture, the wage period may be one year.

- (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 purpose of these rules, be deemed to be a deduction from wages.

- (2) Deduction from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely.-
- (i) fines in respect of such act and omissions on the part of an employed person as may be specified by the State Government by general or special order in this behalf;
 - (ii) deduction 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 Maharashtra Housing Board constituted under the Bombay Housing Board Act, 1948, or the Vidarbha Housing Board constituted under the Madhya Pradesh Housing Board Act, 1950 or such other agency as the State Government may, by notification in the Official Gazette, direct;
 - (v) deductions for such amenities and services supplied by the employer as the State Government may, be 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 purpose of employment;

- (vi) deductions for recovery of advances or for adjustment of over payment of wages:

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

- (vii) deduction of income-tax payable by the employee;
- (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 Funds Act, 1952, applies or any recognised provident fund as defined in section 2(38) of the Income-tax Act, 1961 or any provident fund approved in this behalf by the State Government during the continuance of such approval;
- (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 (31 of 1956);
- (xi) deductions not exceeding half the wages for a period not exceeding four months during which an employee is suspended from work in accordance with any rule of service or standing order framed under any law, or under a settlement or award which is legally binding on him, governing such suspension:

Provided that whereunder the conditions of service of an employee under a local authority provisions in respect of subsistence allowance during suspension are made and such provisions are similar to those contained in the Bombay Civil Services Rules, deductions from the wages of an employee shall not exceed an amount equal to the difference between the full wages payable to such employee and the subsistence allowance payable to him under the conditions of service aforesaid:

Provided further that if an employee is suspended from work as a punishment in accordance with any rule of service or standing order framed under any law, or under a settlement or award, governing such suspension, deduction during the period for which he is suspended may be equal to the amount of the full wages payable to such employee;

- (xii) deductions or recovery or an adjustment of amounts other than wages, paid by the employer 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 State Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deductions:

- (xiii) deduction made with the written authorisation of the employed person such authorisation being given one generally, and not necessarily every time a deduction is made for the purchase of the securities of the Government of India or any State Government or for being deposited in any Post Office Saving Bank, in furtherance of any savings scheme of any such Government;
 - (xiv) deductions made with the written authorisation of the employee himself or of the President or Secretary of the registered trade union of which the employee is a member, for contribution to the National Defence Fund or to any other Fund approved by the Government of India for the purpose of national defence or for any purpose as the State Government may, by notification in the Official Gazette, specify.
 - (xv) ³[deductions made under section 6BB of the Bombay Labour Welfare Fund Act, 1953.
- (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 intimate him 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.
- (4) The amount of fine or deduction mentioned in sub-rule (3) or deduction for absence from duty shall be such as may be specified by the State Government.
- (5) The amount of fine imposed under sub-rule (3) shall be utilised only for such purposes beneficial to the employees as are approved by the State Government.

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

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23. 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, employee has worked in the scheduled employment under the same employer for a continuous period of not less than six days:

Provided further that, the employee shall be informed of the day fixed as the rest day and of any subsequent change in the rest day before the change is effected by display of a notice to that effect in the place of employment at the place specified by the Inspector in this behalf.

Explanation: For the purpose of computation of the continuous period of not less than six days specified in the first proviso to this sub-rule-

- (a) any day on which an employee is required to attend for work but is given only an allowance for attendance and is not provided with work; or
 - (b) any day on which an 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) Unless otherwise permitted by the State Government, any employee shall not be required or allowed to work in a scheduled employment on the rest day, unless he has or will have substituted rest day for a whole day on one of the five days immediately before or after the rest day:

Provided that, no substitution shall be made which will result in the employee working for more than ten days consecutively without a rest day for a whole day.

- (3) Where in accordance with the foregoing provisions of the rules any employee works on a rest day and has been given a substituted rest day on any one of the five days before or after the rest day, the rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.
- (4) An employee shall be granted for the rest day wages calculated at the rate applicable to the next preceding day and in case he works on the rest day and has been given a substituted rest day, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day:

Provided that, where the minimum daily rate of wages of the employee as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twenty-six or where the actual daily rate of wages of the employees 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 employees, no wages for the rest day shall be payable and in case the employee works on the rest day and has been given a substituted rest day, he shall be paid, only for the rest day on which he worked an amount equal to the wages payable to him at the overtime rate:

Provided further that, in case of an employee governed by a piece-rate scheme, the employee shall be granted for the rest day wages, equivalent to the daily average earnings of the employee for the preceding six days; 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 double the average rate as calculated above and for the substituted rest day at the said average rate.

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.
- (7) Notwithstanding anything contained in this rule, an employee may be allowed to work on any weekly day of rest if he gives his consent, in writing to do so with a view to contributing the wages earned by him on that day, to the National Defence Fund or to any other Fund approved by the Government of India for the purpose of national defence or to any other purpose specified by the State Government under clause (xiv) of sub-rule (2) of the rule 21.

Explanation: For the purpose of this rule, 'week' shall mean a period of seven days beginning at midnight on Saturday night.

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

- (1) The number of hours which shall constitute a normal working day shall be-
 - (a) in the case of an adult, 9 hours;
 - (b) in the case of an adolescent, 7 hours;
 - (c) in the case of a child, 4 1/2 hours:

Provided that in respect of employment in public motor transport, no adult employee shall be required or allowed to work for more than 8 hours in a day or forty-eight hours in a week.

- (2) The period of work of an adult or an adolescent employee each day shall be so fixed that no periods shall exceed five hours and that no employee shall work

for more than five hours before he has had an interval for rest of at least halfan hour:

Provided that the State Government or the Commissioner of Labour may, by written order and for the reasons specified therein allow any employee 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 employee without an interval does not exceed six.

- (3) The period of work of an adult or an adolescent employee shall be so arranged that inclusive of his intervals for rest under sub-rule (2), they shall not spread over more than twelve hours in any day in respect of employment in public motor transport or employment in a tramway undertaking of a local authority and ten and a half hour in any day in respect of any other scheduled employment notes being employment under a local authority as lamp-lighters, gully flushing staff of the Conservancy Department and octroi inspectors:

Provided that the State Government or any other officer not below the rank of the Deputy Commissioner of Labour may, by an order in writing, exempt any employee or category of employees employed in any scheduled employment from the provisions of sub-rule (3), regard being had to the nature of the employment and the service conditions of the employee.

- (4) The periods of work in the case of a child employee shall be so arranged that it shall not spread-over more than five hours in any day.
- (5) The provisions of sub-section (1) of the section 13 and rule 23 and rule 24 shall not apply in relation to the classes of employees shown in column (1) to the extent: stated in column (2) subject to conditions in column (3) of the schedule appended below:-

SCHEDULE

Class of employees (1)	The extent to which the provisions of sections 13(1) shall not apply (2)	Conditions (3)
(a) Employee engaged on urgent work or in any emergency which could not have been forseen or prevented	Section 13(1)(a) and (b)	(1) The employee shall be granted wages for overtime work in accordance With rule 26. (2) The employees shall be granted a holiday in lieu of any weekly holiday on which such employees work as soon as after such urgent work or emergency is over.
(b) Employee engaged in work in the nature of	Section 13((1)b)	The employee shall be granted wages for overtime work in

preparatory or complementary work which must necessarily be carried on outside limits laid down for the general working in the employment concerned.		accordance with rule 26.
(c) Employee whose employment is essentially intermittent.	Section13(1)(a)	Normal working day shall not exceed the hour prescribed in rule 24(1).
(d) Employees engaged in any Section 13 (1)(a) work which for technical reasons has to be completed before the duty is over.	Section13(1)(a)	(1) The employees shall be granted wages for over-time work in accordance with rule 26. (2) The employees shall be granted a holiday in lieu of any weekly holiday on which such employees work as soon after such work is over.
(e) Employees engaged in a work which could not be carried on except at times dependent on the irregular auction or natural forces.	Section13(1)(a)	(1) The employees shall be granted a holiday in lieu of any weekly holiday on which such employees work as soon after as such work is over.

(6) ⁵[The provisions of sub-rules (1), (2)⁶ and (3) shall in the case of employees in agricultural employment, be subject to such modifications as may, from time to time, be notified by the State Government.

(7) ⁷[Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948, and of the Bombay Shops and Establishment Act, 1948.

Explanation: In computing the hours of work for the purpose of sub-rule (I) the time during which an employee is at the disposal of the employer, shall be included; but the period of rest provided in sub-rule (2) shall be excluded:

Provided that in the case of employment in public motor transport the Rowing and no other periods shall be included in computing the hours of work :-

- (i) the time spent in work during the running time of the vehicle;
- (ii) the time spent in any subsidiary work; and
- (iii) the periods of mere attendance at terminals of less than 15 minutes.

⁸[24A. Proportionate wages for working less than normal working day

An employee working in an agricultural employment, whose minimum rate of wages has been fixed by the day, shall, if he works for a period of less than the requisite number of hours, constituting a normal working day, be entitled to receive wages proportionate to the hours of work for which he is employed on such day.

25. Night shift

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

- (a) a holiday for the whole day for the purposes of rule 23 shall in his case mean a period of twenty-four consecutive hours beginning from the time when his shift ends; and
- (b) the following day in such a case shall be deemed to be the period of twenty- four hours beginning from the time when such shift ends, and the hours after midnight during which such employee was engaged in work, shall be counted towards previous day.

26. Extra wages for overtime

- (1) Where an employee in any scheduled employment ⁹[not being employment in public motor transport or employment in agriculture] works for more than nine hours on any day or forty-eight hours in any week or for more than the hours of work notified under sub-rule (7) of rule 24, as the case may be, he shall in respect of overtime work, be entitled to wages ¹⁰[at double the ordinary rate of wages.]
- (2) Where an employee in the case of employment in public motor transport works for more than eight hours on any day in any case referred to in the second proviso to section 13 of the Motor Transport Workers Act, 1961, he shall be entitled to the rate of wages in respect of overtime work at one and half times the rate of his ordinary wages, subject to a maximum of one-half of his ordinary wages and in all other cases at double the ordinary rate of wages.

Explanation: The expression "ordinary rate of wages" means the basic wage plus such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed, or foodgrains and other articles as the person employed is, for the time being, entitled to but does not include a bonus.

¹¹[(2-A). Where an employee in employment in agriculture works for more than seven hours on any day he shall in respect of overtime works, be entitled to wages at one and half times the ordinary rate of wages.]

- (3) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948.
- (4) Nothing in this rule shall apply in relation to overtime work where an employee is allowed to work on any weekly day of rest under sub-rule (7) of rule 23.

27. Form of registers and records

- (1) ¹²[A muster-roll-cum-wage register shall be maintained by every employer in respect of his employee in Form II unless registers in Forms 17 and 19

appended to the Maharashtra Factories Rules, 1963 and a register in Form 11, appended to the Maharashtra Payment of Wages Rules, 1963, are maintained in respect of such employees. Every register maintained under this sub-rule shall include the following particulars, namely];-

- (a) the gross wages of each person employed for each wage period;
 - (b) all deductions made from wages, with an indication in each case of the kinds of deductions mentioned in sub-rule (2) of rule 21;
 - (c) the minimum rates of wages payable to each employee;
 - (d) the wages actually paid to each employee employed for each wage period and the date of payment;
 - (e) the number of hours for which each person worked overtime for each wage period;
 - (f) the amount of leave with wages.
- (2) An extract of entry pertaining to every employee in the muster-roll-cum-wages register shall be used as attendance card-cum-wages, slip, which shall be supplied by the employer. The card shall be in the possession of the employee and entries thereon shall be made by the employer or any person authorised by him in this behalf on each day and also at the end of the month, and the employee shall preserve it for three years.
- (3) Notwithstanding anything contained in the rule, the employer shall in the case of employment in agriculture, maintain a combined register of wages and muster-roll in Form III in respect of employees employed on daily wages and in Form MA in respect of employees employed on monthly or annual wages in lieu of the muster-roll-cum-wage register referred to in sub-rule (1).
- (4) Entries relating to any day in the forms prescribed under sub-rules (1), (2) and (3) which the employer is required to maintain shall be made on the same day and shall be authenticated under the signature of the employer or any person authorised by him in this behalf.

28. Maintenance of inspection book

Every employer shall maintain a bound inspection book and shall produce it when so required by the Inspector.

29. Powers of Revenue Officers appointed as Inspectors

Where Revenue Officer is appointed as Inspector under section 19, he shall within the limits of his jurisdiction, exercise all the powers under the said section 19 in respect of scheduled employment other than employment in public motor transport.

30. Preservation and production of registers and records

The registers and records prescribed under sub-rules (1), (2) and (3) of rule 27, and under rule 28 shall be preserved for a period of three years after the last entry is made therein and shall be produced when so required by an Inspector.

31. Certain muster-rolls or registers, etc., to be treated as muster-rolls or registers under these rules

Notwithstanding anything contained in the foregoing rules, if any, form, register, wage-slip, muster-roll-cum-wage register, cards or any other register or record, whether in a combined form or otherwise, maintained by an employer gives, in respect of any or all of the employees in the scheduled employment, the particulars required for the enforcement of the Act and these Rules, then the Commissioner of Labour or any other officer authorised by him in this behalf, may, by order in writing direct that such form, register, wage-slip, muster-roll-cum-wage register, cards or any other register or record as aforesaid shall, to the corresponding extent and subject to such conditions as he may specify, be maintained in place of and be treated as the wage-slip, muster-roll-cum-wage register, cards or any other records required under these rules in respect of such employee or employees in that scheduled employment.

¹³[31A. Maintenance of false register, etc. prohibited

No employer shall wilfully,-

- (i) maintain or cause to be maintained any register or record which he knows to be false, or
- (ii) make or causes to be made any entry which he knows to be false in any register or record required to be maintained under the Act, or
- (iii) omit or cause to be omitted any entry which is required to be made under the Act in any such register or record, or
- (iv) furnish any information which he knows to be false to the Inspector.

**CHAPTER V
CLAIMS UNDER
THE ACT**

32. Application

- (1) An application under sub-section (2) of section 20, or sub-section (1) of section 21, by or on behalf of an employed person or group of employed persons, shall be made in duplicate in Forms IV and V as the case may be.
- (2) ¹⁴[When an application for relief, is based on any document or documents, many such document or documents with a list thereof and as many copies as there are opposite parties, shall be appended to the application.
- (3) Any other relevant document or documents which any party to tender as evidence shall be produced at or before the first date fixed for hearing along with a list thereof and as many copies as there are opposite parties.
- (4) Any document which is not produced in the manner specified in sub-rules (2) and (3), as the case may be, shall not be admissible in evidence on behalf of the party which ought to have produced it, without the sanction of the Authority.
- (5) Nothing in this rule applies to any document which is produced for the purpose of cross-examining a witness or is handed over to a witness to refresh his memory.

- (6) If any document is written in pencil or torn or damaged in any way, a clear note to that effect shall be made in the list and any such document shall be brought to the notice of the Authority by the receiving clerk. The Authority may, if it deems desirable, require the party producing such document to keep a true copy thereof, either written in ink or typed, on the record.
- (7) Petition, appearance memo, pursis and all applications, etc., filed by or on behalf of the applicant shall be marked as Exhibit 'U' and be given serial numbers accordingly. The written- statement, appearance memo, pursis, all applications, etc., tendered by or on behalf of the opposite party shall be marked as Exhibit 'C' and be given serial numbers accordingly.
- (8) The list of documents shall mention each document serially and shall be in Form VA.
- (9) Any document which is referred to in the proceedings shall, before it is formally proved and tendered in evidence, be detached from the list, marked for identification and assigned a number as exhibit; and reference to such number shall appear in all depositions, proceedings or orders.
- (10) On receipt of the application, the Authority shall examine it or cause it to be examined on the following points:-
 - (a) Whether it is in proper form and is properly signed and verified;
 - (b) Whether it is barred by limitation;
 - (c) Whether it is accompanied by the documents on which reliance is placed for the relief along with a list and copies thereof; and
 - (d) Whether the documents are in proper conditions, as provided in sub- rule
- (11) Upon an application being examined and found to be in order, it shall be registered and the officer concerned shall make an endorsement thereon "examined and registered" with the date and his signature.
- (12) The application shall then be entered in the relevant register.
- (13) Where an application is found to be defective in any material particular, the Authority shall direct the applicant to rectify the defect within a period to be specified, or such further time as may be allowed by the Authority, failing which it shall be competent for the Authority to dismiss the application.

33. Authorisation

The authorisation 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 VI 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 section 21 is entertained, the authority shall serve upon the employer, by registered post a notice in Form VII to appear before him on a date specified in the notice with all

relevant documents and witnesses, if any, and shall inform the applicant the dates 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).

¹⁵[34A. Maintenance of Roznama

- (1) The Authority shall maintain a Roznama of the proceedings of the applications made under rule 32.
- (2) The Roznama shall contain the following information:-
 - (i) course of proceedings from day to day;
 - (ii) reasons for adjournment, if any;
 - (iii) faithful, complete and concise history of the case and other proceedings under it including Commissioner's report and all other proceedings after passing of the order to be mentioned chronologically;
 - (iv) a list and description of the exhibits;
 - (v) date of delivery of order;
 - (vi) date of signing of the order; and
 - (vii) application for review and modification of the order, if any.
- (3) The Roznama shall be maintained by the judicial clerk or the clerk on duty. The entries other than those made at the time of institution of proceedings shall be signed by the Authority.
- (4) Every document accepted and admitted as evidence shall be mentioned in the Roznama in chronological order. The description of the documents shall also be mentioned in the Roznama. At the end of the Roznama of each case the judicial clerk concerned shall make a note that all stamps have been punched and thereafter affix his signature.
- (5) Every order shall ordinarily be pronounced in open Court on the date fixed for the same unless prior intimation of the date of the delivery of the order is given to the concerned parties.
- (6) The Authority, at the time of signing and dating its judgment or order shall pronounce its decision and thereafter no additions or alterations shall be made to the judgment or order other than the correction of any clerical or arithmetical mistake arising from any accidental omissions.

34B. Supply of copies

- (1) Any person desirous of obtaining certified copies of any records including certified copies of an order or decree of the Authority may make an application in writing to the Authority.
- (2) On receipt of such application and on payment of fees at the rate of fifty paise per hundred words or fraction thereof, a certified copy of the document shall be supplied by the Authority.
- (3) Urgent certified copies of the documents may be supplied on payment of one and half times the fees payable under sub-rule (2).
- (4) No copy of any note recorded by the Authority for its own use or of any exhibit or document which the Authority may consider to be confidential shall be granted."

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 incurred may be awarded shall include-
 - (i) expenses incurred on account of Court-fees;
 - (ii) expenses incurred on subsistence money to witnesses;
 - (iii) pleaders' fees to the extent of ten rupees provided that the Authority in any proceeding may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.
- (3) Where there are more than one 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-fees payable in respect of proceedings under section 20 specified in column (1) of the Table below shall subject to the provisions of section 21-A, be at the rate specified against each of them in column (2) thereof:-

Table

(1)	(2)
(i) An application to summon a witness.	One rupee in respect of each witness
(ii) An application made to the Authority.	The same rate of ad valorem fees as is chargeable in respect of a plaint under article 1 of Schedule I the Bombay Court-fees Act, 1959 (Bom.36 of 1959) collected on the amount under the

	application or the i amount directed to be paid by the authority, whichever is less.
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CHAPTER

VII

MISCELLANE

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37. Saving s

These Rules shall not apply in relation to any scheduled employment in so far as they are already in force rules applicable to such employment which in the opinion of the State Government make equally satisfactory provisions for the matters dealt with by these Rules and such opinion shall be final.

38. Prescribed limit of wages under section 26 (2-A)

The limit of wages for the purpose of sub-section (2A) of section 26 shall-

- (a) in respect of employees in establishment where the wages are fixed in accordance with an award or otherwise, be the wages so fixed provided the wages so fixed, are not less than nine-eighths of the minimum rates of wages fixed, and
- (b) in all other cases, be nine-eighths of the minimum rates of wages fixed in respect of employees referred to in the said sub-section (2-A).

39. Repeal

On the commencement of these Rules, the Bombay Minimum Wages Rules, 1951, the Madhya Pradesh Minimum Wages Rules, 1951 and the Hyderabad Minimum Wages Rules, 1951, shall stand repealed, except as respects things done or omitted to be done.

1 Del. by M.W. (Amendment) Rules, 1975
2 Amended by M.W. (Amendment) Rules
19743 Added by G.N. dt. 15th June 1973.
4 Rule 22 deleted by G.N. dt. 30.3.2001, MGG Pt. 1-L Ext. dt. 30.3.2001 p.
230.5 Renumbered and corrected by G.N. dt. 24th Dec. 1965.
6 Renumbered and corrected by G.N. dt. 24th Dec. 1965.
7 Renumbered and corrected by G.N. dt. 24th Dec. 1965.
8 Added by M.W. (Second Amendment) Rules, 1974, by G.N. dt. 15th June,
1974.9 Subs. by M.W. (Amendment) Rules, 1976.
10 Subs. by M.W. (Amendment) Rules, 1976.
11 Subs. By M.W. (Amendment) Rules, 1976.
12 Subs. By M.W. (Amendment) Rules, 1977.
13 Ins. by M.W. (Amendment) Rules, 1969.
14 Renumbered and ins. by MAN. (Amendment) Rules, 1981.
15 Ins. by M.W., (Amendment) Rules, 1981