

THE RAJASTHAN MINIMUM WAGES RULES, 1959

CONSPECTUS

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In exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (Central Act XI of 1948) the State Government hereby makes the following rules, the same having been previously published in Rajasthan Rajpatra, part 3 (b) at pages 191-218 dated the 5th Feb., 1959, as required by sub-section (1) of section 30 of the said Act.

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THE RAJASTHAN MINIMUM WAGES RULES, 1959¹**CHAPTER I****Preliminary**

1. Short title and extent—(1) These Rules may be called the Rajasthan Minimum Wages Rules, 1959.

(2) They extend to the whole of the State of Rajasthan

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

- (a) 'Act' means the Minimum Wages Act, 1948 (Central Act XI of 1948);
- (b) 'Day' means a period of twenty four hours beginning at mid-night;
- (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 the Committee as the case may be appointed under section 9;
- (f) 'Committee' means a Committee appointed under clause (a) of sub-section (1) of section 5 and includes sub-committee appointed under that section;
- (g) 'Form' means a form appended to these rules;
- (h) 'Inspector' means a person appointed as Inspector under section 19;
- (i) 'Registered Trade Union' means a trade Union registered under the Indian Trade Unions Act, 1926;
- (j) 'Section' means a section of the Act, and
- (k) All other words and expressions used herein and not defined shall have the meaning 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 term of office of the members of 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 the constitution of a Committee fix such term and may, from time to time, extend it as circumstances may require.

4. Term of office of members of the Board—(1) Save as otherwise expressly provided in these rules the term of office of a non-official member of the Board shall be two years commencing on the date of his nomination:

Provided that such member shall notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.

(2) A non official member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official members of the Board shall hold office during the pleasure of the State Government.

24A. Nomination of substitute member—If a member of the Committee, or the Board is unable to attend a meeting thereof, the State Government may

1. Published in Raj. Rajpatra, Extraordinary, Part IV (Ga). dt. 16-10-1959 at Page 725 vide Notificat on No. 7586 F. 3(24) Lab / 58, dt. 15-10-1959.

2. Rule 4-A, inserted vide Notification No. F./7(9) L & E/66, Published in Rajasthan Rajpatra, Part 4 (ga) dt. 14-8-1967, p. 4542.

by notice in writing signed on its behalf and by such member and addressed to the Chairman of the said committee or the 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.

5. 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 the rates and subject to the conditions applicable to a Government servant of the first class under the rules of the State Government.

6. Staff—(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 of 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 minutes of such meetings and shall take necessary measures to carry out decisions of the Committee, or the Board, as the case may be.

7. Eligibility for re-nomination of the members of the Committee, and the Board—An outgoing member shall be eligible for 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 & 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 Government shall then take steps to fill the vacancy.

9. Cession and restoration of membership—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.

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 therefore within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee or the Board as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate the members 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 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 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 the Board as the case may be, at any time he thinks fit.

Provided that on a requisition in writing from not less than one half of the members, the Chairman shall call a meeting within fifteen days from the date of 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 the aforesaid particulars along with a list of business to be conducted at the meeting, shall be sent to each member by registered post atleast fifteen days before the date fixed for such meeting :

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

13. 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 themselves one member, by a majority of votes, who shall preside at such meeting.

¹**14. Quorum**—No business shall be transferred at any meeting unless at least one-third of the members, of whom there shall be at least one representative each of both the employees and the employers, are present :

Provided that if at any meeting less than one-third of the members are present or no representatives of both the employers and the employees 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 or class of members present.

15. Disposal of business—All business shall be considered at a meeting of the Committee, or the Board as the case may be, and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes the Chairman shall have 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 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 two-third 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 there at 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 modifications, if any, as may be considered necessary at the next meeting.

CHAPTER III

Summoning of witnesses by committee or Board and production of documents

18. Summoning of witness and production of documents.—(1) A Committee, or the Board may summon any person to appear as a witness in the

1. Substituted vide Notification No. G. S. R. 44, dated September 11, 1969, published

in Raj. Rajpatra, Extra-ordinary, Part-4 (Ga)(II), dt. 11-9-69, at page 163.

course of any enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers, or other documents and things in his possession or under his control relating in any manner to the enquiry.

(2) A summon under sub-rule (i) 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 union, as the case may be.

(4) The provisions of the Civil Procedure Code relating to the summoning and enforcement of appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, or the Board.

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

CHAPTER VI

Computation and payment of wages, hours of work and holidays

20. Mode of computation of the cash value or wages.—(1) The retail prices at the nearest market shall be taken into account in computing the cash value of wages paid in kind and essential commodities supplied at concession rates. This computation shall be in accordance with such directions as may be issued by the State Government from time to time.

(2) The Cash value of concession in respect of supplies of essential commodities at concessional rates of workmen working in scheduled employment in respect of which rates of wages have been fixed under the Act shall be equal to the difference between the retail price of such commodities at the nearest and the price charged by the employer to such workman.

21. Time and conditions of payment of wages and the deductions permissible from wages.— (i) The wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of a worker in such employment shall be paid before the expiry of the seventh day by the establishment which employs less than 1000 persons and before 10th day by other establishment, after the last day of the wage period.

(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.

(iv) The employer shall display in a 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 there in showing for not less than two months in advance, the days on which wages are not be paid.

Note.—Rule 20 has been renumbered as sub-rule (1) thereof and after sub-rule (1) so renumbered sub-rule (2) has been inserted vide notification No. F-1 (7) (9) L & E/66 dated 14th August, 67 published in Rajasthan Rajpatra Part-4 dated 14th August 67.

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.

(2) Deduction from the wages of a person employed in scheduled employment shall be of one or more of the following kinds namely:—

(i) *Fines*—Provided that no fine shall be imposed on any employed person save in respect of such acts and omissions on his part as the employer with the previous approval of the State Government may have specified;

(ii) *Deductions*—for absence from duty;

(iii) deduction 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 Municipality or Housing Board and other authorities constituted by or with the permission of the State Government for providing housing accommodation;

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

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

(vi) deductions for recovery of advances or for adjustment of over payments of wages;

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

(vii) deductions of income tax payable by the employed person;

(viii) deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925 applies or any recognised provident fund as defined in section 58-A of the Indian Income Tax Act, 1922, or any provident fund approved in this behalf by the State during continuance of such approval,

(x) deductions for payment to co-operative societies or to a scheme of insurance approved by the Government;

(xi) deductions for recovery of adjustment of amounts other than wages paid to the employed person in error or in excess of what is due to him;

(xii) deductions, for 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 Corporation Act, 1956 or for the purchase of securities of the Government of India or any State Government or for being deposited in any Post Office Savings Bank in furtherance of any savings scheme of any such Government :

Provided that the prior approval for 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.

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of

which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him :

Provided that the total amount of fine imposed in any one wage period on an employed person shall not exceed $3\frac{1}{8}\%$ of the wages payable to him in respect of that period and further that the amount of deduction for damage to or loss of goods caused by an employed person shall not exceed the amount of the damage or loss caused to the employer.

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the State. All such deductions and all realisations thereof shall be recorded in a register maintained in ¹[from I and II] as the case may be. A return in form III shall be submitted annually by the employer ²[to the Inspector by 15th of February each year].

(5) The amount of fine imposed under sub-rule (5) 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 effect the provisions of the Payment of Wages Act, 1936.

²(22. Publicity to the minimum wages fixed under the Act—

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| <p>1. Sub. vide Raj. Gaz. dt. 28-10-1971 p. 416(4).</p> <p>2. Words in brackets have been added vide notification No. E.1(7) (9) L & F/66, dt. 14-8-67 published in Raj. Rajpatra extraordinary part IV (Ga) dt. 14-8-67 p. 454.</p> | <p>3. Rules 22, 23 & 24 have been substituted for the following old Rules vide Noti No. F 1 (7) (9) L & F 66 dated 14-8-67 pub in Raj. Rajpatra Ex-ord. Part IV (Ga) dt. 14-8-67.</p> |
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Old Rules 22. Publicity to the minimum wages fixed under the Act—Notice in form X containing the minimum rates of wages fixed together with extracts from the Act, the rules made thereunder and the name and 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 place, as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall also be displayed on the notice boards of all sub-divisional and District Offices.

23. Weekly Holidays—(1) Unless otherwise permitted by the State Government no worker shall be required or allowed to work in a scheduled employment on the first day of the week (hereinafter referred to as the said day except when he has or will have a holiday for a whole day on one of the three days immediately before or after the said day, for which he shall receive payment equal to his average daily wages during the preceding week :

Provided that the weekly holiday may be substituted by another day:

Provided further that no substitution shall be made which will result in any working for more than ten days consecutively without a holiday for a whole day.

(2) Whether in accordance with the provision of sub rule (1) any worker works on the said day and has had a holiday on one of the five days immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of work be included in the preceding week.

Explanation.—For the purposes of this rule, 'week' shall mean a period of seven days beginning at mid-night on Saturday night.

24. Number of hours of work shall constitute a normal working day. No adult worker shall be required or allowed to work in a schedule employment for more than nine hours in a day and forty eight hours in any week.

Every employer shall keep exhibit the following notices in a conspicuous place in the factory, workshop or place where the workers in the Schedule employment are employed and in the case of out workers in such factory, workshop or place as is used for giving out work to them :—

1. Notice No. 1. Rates of Minimum Wages fixed under the Minimum Wages Act, 1948 (Form-XIII).
2. Notice No. 2. Abstract of the Minimum Wages Act, 1948 under the Rajasthan Minimum Wages Rules, 1959 (Form X),
3. Notice No. 3. Name and address of the Inspector concerned (Form XIV)
4. Notice No. 4. Weekly holidays (Form o. XV)
5. Notice No. 5. Working hours of employees (Form XVI)
6. Notice No. 6. Time for payment of Wages (Form XVII)

Provided that in the case of employment in the public Motor Transport the Notice Nos. 4, 5 and 6 corresponding to Forms XV, XVI and XVII shall also be exhibited conspicuously on every vehicle.

23. **Weekly day of rest**—(1) Where a worker in the Schedule employment in respect of which minimum rates of wages have been fixed under the Act has worked in the scheduled employment under the same employer for a continuous period of not less than six days, he shall subject to the provisions of this rule, be allowed a day of rest every week (hereinafter referred to as 'rest day') which shall ordinarily be Sunday.

Provided that the employer may fix any other day of the week as the rest day for any workers or class of workers in that scheduled employments.

Provided further that worker 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 notice to that effect in the place of employment at a place to be 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 this sub-rule;

(a) any day on which any worker is required to attend for work but is not given only an allowance for attendance and not provided with work; and

(b) any day on which a worker is laid off on payment on compensation under the Industrial Dispute Act, 1947, shall be deemed to be days on which the worker has worked.

(2) Any such worker shall not be required or allowed to work in a scheduled employment on the rest day unless he has had or will have a 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 worker 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 worker 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 shall, for the purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.

(4) A worker 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 worker 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 worker has been worked out by dividing the monthly rate of wages by twenty-six and such actual daily rate of wages of the worker is not less than the notified minimum daily rate of wages of the worker no wages for the rest day shall be payable, and in case the worker 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 the case of a worker governed by a piece-rate scheme, the wages for the rest day, or as the case may be, for the rest day and the substituted rest, shall be such as the State Government may from time to time specify in this behalf having regard to the minimum rates of wages fixed under the Act in respect of the Scheduled employed.

Explanation:—In this sub rule, “next preceding day” means the last day on which the worker 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, the next preceding day means the last day on which the worker has worked, which precedes the rest.

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

(6) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which a worker 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 worker shall be entitled only to the more favourable terms aforesaid.

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 that shall constitute a working day:—(1) The number of hours of work constituting a normal working day shall—

(a) in the case of an adult worker, be nine hours, inclusive of interval for rest as specified in sub-rule (2),

(b) in the case of child, be $4\frac{1}{2}$ hours.

(c) in the case of an adolescent, be 9 hours or $4\frac{1}{2}$ hours as the case may be, according as the adolescent may be certified to work as an adult or a child by a registered medical practitioner approved by the State Government.

(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 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 period over to twelve hours.

(4) No woman shall be employed or permitted to work beyond 6.00 p. m. and earlier than 6 a. m. during 1st September, to the end of February or beyond 7.00 p. m. and earlier than 7 a. m. from the 1st March to 31st August.

(5) The provisions of sub-rule (1) to (4) shall in the case of workmen in agricultural employment be subject to such modifications as may, from time to time be notified by the State Government.

124-A—The provisions of section 13 (1) and rule 23 and 24 shall apply to the classes of employees specified in section 13 (2) only to the extent and subject to the conditions specified below :—

(1) No worker shall be allowed or required to work continuously for a period of more than fourteen days without a rest day of 24 consecutive hours.

(2) Every worker shall be allowed a substituted rest day within a fortnight of the rest day on which he is allowed or required to work and an intimation thereof shall be sent to the Inspector so as to reach him at least 24 hours before the substituted rest day is allowed.

²(3) No worker in any establishment shall be required or allowed to work for more than 9 hours a day and 48 hours in any week :

Provided that the total number of hours of work including overtime shall not exceed ten hours on any working day :

Provided further that the total number of over-time hours worked by any worker shall not exceed 50 hours in a quarter.]

(4) The payment for the work done in excess of the normal working hours fixed in rule 24 shall be made at the overtime rate fixed by the State Government.

(5) A notice of overtime work to be taken from the workers shall be affixed in the premises of the employment before the commencement of the work mentioning the names of the persons put on overtime work and the purpose and duration of such employment. A copy of such notice shall also be sent to the inspector concerned within 24 hours of the start of the work.

25. Night shifts.—(1) Where a worker in a scheduled employment works on a shift which extends beyond midnight:—

(a) for the purpose of rule 23, a holiday for the whole day shall mean in his case a period of twenty four consecutive hours beginning when his shift ends

(b) the following day for him shall be deemed to be the period of twenty four hours beginning when such shift ends, and the hours he has worked after mid-night shall be counted towards the previous duty.

(2) to (6)—deleted.³

1. Added vide Noti. No. F1 (7) (9) L & E/66 dated 14-8-1967.

2. Substituted vide clause No. 2 of Notification No. G. S. R. 62 dated Nov. 4. 1969, published in Raj. Gaz., Extra. Part IV (ga) sub-part (f), dated 4-11-1969 pp. 181-182.

3. Sub-clauses (2) to (6) of Rule 25 have been deleted vide Notification No. F.1. (7) (9) L & E dated 14-8-1967, published in Rajasthan Raj.—Patra Extraordinary, Part IV (ga) dated 14-8-1967, Page 454.

Old sub-clause (2) to (6) were as under—
(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 shall be so arranged that inclusive of his intervals for rest under sub-rule (2) they shall not exceed 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. No child shall be employed or permitted to work for more than four and a half hours on any day—

(a) "No woman shall be employed or permitted to work beyond 6 p. m. and earlier than 6 a. m. during 1st September to the end of February or beyond 7 p. m. and earlier 6 a. m. from the 1st March to 31st August".

5. The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the State Government

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

26. **Extra wages for overtime**—When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages:

(a) in the case of employment in Agriculture, 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.

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, of foodgrains and other articles as the person employed is, for the time being, entitled to, does not include a bonus.

(2) A register showing overtime payments shall be kept in Form IV.

CHAPTER V

Form of Registers and Records

27. **Wage registers and Slips**—(1) A register of wages shall be maintained by every employer and kept in such Form as may be notified by the Government and shall include the following particulars:—

(a) the gross wages of each worker of 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 wages actually paid to each worker for each wage period and the date of payment;

(d) rates of wages payable;

(e) a register of wages shall be maintained by every employer at the work spot in Form XI."

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

(3) Every employer shall get the signature or the thumb impression of every person employed on the wage book and wage slip.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer at the work spot and kept in form V.

(6) In the case of the employment on the construction or maintenance of the roads or in building operation's only and in agriculture, the owners of such employments may not be required to maintain registers, forms and returns required under the Act, provided, that:—

(a) the owner of the house builds a house for his own use, the value of which does not exceed Rs. 30,000 or repairs or alters his own house, the value of which does not exceed Rs. 10,000 at a time.

(b) the owner of the cultivated land, owns a land, acreage of which is not above 25 acres.

(7) Notwithstanding anything contained in this Rule where a combined form is sought to be used by the employer to avoid duplication of work for compliance with the provisions of any other Act of the rules framed there-under, and

¹ Sub Rule 1 substituted & sub-Rules 6 to 11 Newly inserted vide noti, No. F1 (7) (9) L & E/ 66 Pub. in Raj Gaz. Part 4 (Ga) dated. 14-8-1967.

alternate suitable Form in lieu of any of the forms, prescribed under this rule, may be used with the previous approval of the Labour Commissioner of the State.

(8) 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, 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.

(9) 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 midday rest. If the interruption occurs after the interval for midday rest, he shall be paid wages for a full normal working day.

(10) 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 proportion the number of hours he worked bears to the number of hours constituting the normal working day.

(11) 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."

27-A. Preservation of registers—The registers required to be maintained under rule 21 (4) and 27 (1) and the muster roll required to be maintained under rule 27 (5) shall be preserved for a period of 3 years after the date on which the latest entry made therein.

27-B. Production of registers and other records—All registers and records required to be maintained by an employer under these rules shall be produced on demand before the Inspector:

Provided that where an establishment has been closed the Inspector may demand the production of the registers and records in his office or such other public place as may be nearer to the employer."

CHAPTER VI

Claims under the Act

28. 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 form VI, VI-A or VII as the case may be, one copy of which shall bear the prescribed court fee.

(2) A single application under section 20 read with section 21 (1) may be presented by or on behalf of a group of employed persons, if they are borne on the same establishment and their claim relates to the same wage period or periods.

29. 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

1 Rule 27A & 27B added vide Noti. No F.1
(7) (9) L & E/66 dt. 14-8-67, Pub. in Raj.

Rajpatra Part IV (Ga) dt. 14-8-67.

21 shall given in Form VIII by an instrument which shall be presented to the authority herein the application and shall form part of the record.

30. 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 IX to appear, before him or 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 a month of the date of said order, and the application shall then be re-heard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).

CHAPTER VII

Scale of costs in proceedings under this Act

31. Costs—(1) The Authority, for reasons to be recorded in writing, may direct that the costs of any proceedings pending before it shall not follow the event.

(2) The costs which may be awarded shall include :—

(i) expenses incurred on account of court fees;

(ii) expenses incurred on subsistence money to witnesses; and

(iii) pleader's fees to the extent of 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 25 rupees.

(3) Where there are more than one pleaders or more than one applicants or opponents the Authority may subject as aforesaid to the successful party or parties such costs as it may deem proper.

32 Court fee—The Court fee payable in respect of proceeding 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.

¹(iii) for every application made on behalf in respect of a number of employees—one rupee per employee."

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 person employed in Agriculture, or

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

33. Exemption—The State Government may declare that these rules shall not apply to any scheduled employment if there are in force rules applicable to such

1. Sub. cl. (iii) has been added vide Noti. No. F. 3 (48) Lab/68, Pub. in Raj Gaz.

employment, which in the opinion of the State Government, make equally satisfactory provisions in regard to the matter dealt with by these rules and such opinion shall be final.

34. Repeal—The Rajasthan Government Minimum Wages Rules, 1951, and the State of Ajmer Minimum Wages Rules, 1950 and all other rules corresponding to these rules in force in any part of the State of Rajasthan are hereby repealed.

FORM I
Register of fines

[Rule 21 (4)]

Employer.....

S No.	Name	Father's/Husband's name	Sex	Department	
1	2	3	4	5	
Nature and date of the offence for which fine imposed	Whether workman showed cause against fine or not. If so, enter date.	Rate of wages.	Date and amount of fine imposed.	Date on which fine realised.	Remarks
6	7	8	9	10	11

FORM II

[Rule 21 (4)]

Register of deduction for damage or loss caused to the employer, by the default of the employed persons

Employer

S. No.	Name	Father's/Husband's name.	Sex	Department.	
1	2	3	4	5	
Damage of loss caused with date.	Whether worker showed cause against deduction if so, enter date.	Date and amount of deduction imposed.	Number of instalments if any.	Date on which total amount realised.	Remarks
6	7	8	9	10	11

FORM III

[Rule 21 (4)]

Annual Return for the year ending 31st December.

1. (a) Name of Establishment and Postal Address.....
- (b) Name and residential address of the owner/contractor
- (c) Name and residential address of the Managing Agent/Director/ Partner in-charge of day to day affairs of the establishment owned by a company, body corporate or association.....