

WEST BENGAL MINIMUM WAGES RULES, 1951

CHAPTER I

Preliminary

1. Short title and extent.—These rules may be called the West Bengal Minimum Wages Rules, 1951.

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

- (a) "Act" means the Minimum Wages Act, 1948 ;
- (b) "Advisory Committee" means an Advisory Committee appointed under section 6 and includes an Advisory sub-committee appointed under that section ;
- (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 or the Advisory Committee, as the case may be, appointed under section 9 ;
- (f) "Committee" means a Committee appointed under clause (a) of sub-section (1) of section 5 and includes a Sub-committee appointed under that section ;
- (g) "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 meanings respectively assigned to them under the Act.

CHAPTER II

Members and Staff and Meetings of the Board, and Committee (and Advisory Committee)

3. Terms of Office of the members of the Committee (and the Advisory 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 the constitution of the Committee (or an Advisory Committee, as the case may be,) fix such terms and may, from time to time, extend it as circumstances may require:

Provided that a person nominated to be a member of a Committee subsequent to its constitution shall hold office for the remaining period of the term of office of the members who were first appointed to such Committee.

4. Terms 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 year 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 :

Provided further that a non-official member nominated to be a member of the Board subsequent to its constitution shall hold office for the remaining period of the term of office of the non-official members who were first appointed to such Board.

(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.

4A. Nomination of substitute member.—If a member is unable to attend a meeting of the Committee or the Board, the State Government or the Body which nominated him may, by notice in writing signed on its behalf addressed to the Chairman of the said Committee or the Board, nominate a substitute in his place to attend that meeting. Such a substitute member shall have all the rights of a member in respect of that meeting.

5. Traveling allowance.—A non-official member of the Committee, an Advisory Committee or the Board shall be entitled to draw traveling and halting allowances for any journey performed by him in connection with his duties as such member in accordance with the rules laid down in Appendix I of the West Bengal Service Rules, Part II,

6. Staff.—(1) The State Government may appoint a Secretary to the Committee, an Advisory Committee or the Board and such other staff as it may think necessary, and may fix the salaries and allowances payable to them and specify their conditions of service.

(2) (i) The Secretary shall be the Chief Executive Officer of the Committee, the Advisory Committee, or the Board as the case may be. He may attend the meetings of such Committee, Advisory 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, the Advisory Committee, or the Board, as the case may be.

7. Eligibility for renomination of the members of the Committee, Advisory Committee, or the Board.—An out-going member shall be eligible for

renomination for the membership of the Committee, Advisory Committee or the Board, of which he was a member.

8. Resignation of the Chairman and members of the Committee, Advisory Committee or the Board and filling of casual vacancies.—(1) A member of the Committee, Advisory Committee or the Board, otherwise than the Chairman may, by giving notice in writing to the Chairman, resign his membership. The Chairman may resign by a letter addressed to the State Government.

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

(3) When a vacancy occurs or is likely to occur in the membership of the Committee or the Board, the Chairman shall submit a report to 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, Advisory 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 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, the Advisory 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 person 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 being a member of the Committee, the Advisory 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 State Government thereon shall be final.

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

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

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 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 seven days only may be given to every member.

13. Chairman.—(1) The Chairman shall preside at the meetings of the Committee, Advisory 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.

14. Quorum.—No business shall be transacted at any meeting unless at least one third of the members of which at least one representative of the employers and one representative of the employees are present:

Provided that when at any meeting no representative of the employers or employees has turned up or less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than 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, Advisory Committee or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes the Chairman shall have a casting vote :

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

Provided further that no decision on any matter which is referred under the preceding 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 modifications, if any, as may be considered necessary at the next meeting.

CHAPTER III

Summoning of witnesses by the Committee, (Advisory Committee or) the Board and Production of Documents

18. Summoning of witnesses and production of documents.—(1) A Committee, Advisory 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 relating to them in any manner to the enquiry.

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

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

(i) in the case of an individual, by being delivered or sent to him by registered post;

(ii) in the case of an employer's organization or a registered trade union of workers by being delivered or sent by registered post to the Secretary or other principal officer of the organization or union, as the case may be.

(4) The provisions of the Code of Civil Procedure, 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 proceedings before a Committee, Advisory Committee or the Board.

(5) All books, papers and other documents or things produced before a Committee, (Advisory 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 there from shall not be made public:

Provided that nothing contained in this rule shall apply to the disclosure of any such information for the purpose of a prosecution under section 193 of the Indian Penal Code (Act 45 of 1860).

19. Expenses of witnesses.—Every person who is summoned and appears as a witness before the Committee, the Advisory 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

20. Mode of computation of the Cash Value of Wages.—The average retail prices in the district or sub-divisions where the place of employment is situated shall be taken into account in computing the cash value of wages paid

in kind and of essential commodities supplied at concession rates. This computation shall be made in accordance with such directions as may be issued by the State Government from time to time.

21. Time and conditions of payment of wages and the deductions permissible from wages.—(1) (i) The wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of a worker in such employment shall be paid on a working day—

(a) in the case of establishments in which less than one 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 wage period in respect of which the wages are payable.

(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 deductions of any kind except those authorized by or under these rules.

(iv) Every employer or a person authorized by him shall issue wage slip in Form XV to every person employed by him at least a day prior to disbursement of wages.

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) Deductions 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 acts and omissions on the part of employed persons as may be specified by the State Government by general or special order in this behalf;

(ii) deductions for absence from duty ;

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default ;

(iv) deductions for house accommodations supplied by the employer or by the State Government or by any authority constituted by the State Government for providing housing accommodation and for land for cultivation supplied by the employer ;

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

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-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 installment of deduction exceed one-fourth of the wages earned in that month ;

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

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

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925, applies or any recognized provident fund as defined in section 58A of the Indian Income-tax Act, 1922, 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 authorization 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 for recovery or adjustment of amount 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 authorized by the State Government in this behalf is obtained in writing before making the deductions, unless the employed person 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 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 in writing.

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the State Government. All such deductions and all realizations thereof shall be recorded in a register maintained in Forms I, II and III, as the case may be. These register shall be kept at the work-spot and maintained up-to-date. Where no fine or deduction has been imposed or made, in a wage period, a nil entry shall be made in the relevant register at the end of the wage period.

(4A) Every employer shall send annually a return in Form III to the Labour Commissioner, West Bengal, as well as to the Inspector of the area concerned, so as to reach them not later than the 1st February, following the year to which it relates.

(5) The amount of fine imposed under sub-rule (3) shall be utilized in accordance with the directions of the State Government.

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

22. Publicity to the minimum wage fixed under the Act.—(1) Notices in Form XIII containing the minimum rates of wages fixed together with extracts from the Act and the rules made there under 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 the main entrance to the establishment and its office in a clean and legible condition.

(2) In addition to the notices under sub-rule (1) every employer of Public Motor Transport shall exhibit a notice in Form XII duly filled in and signed, on every public motor vehicles owned by him.

23. Form of registers and records.—(1) A register of wages shall be maintained by every employer which shall include the following particulars, namely—

- (a) the minimum rates of wages payable to each employed person ;
- (b) number of days for which each employed person worked overtime for each wage period ;
- (c) the gross wages of each person employed for each wage period ;
- (d) all deductions made from wages, with an indication, in each case, of the kinds of deductions mentioned in sub-rule (2) of rule 21 ;
- (e) the wages actually paid to each employed person for each wage period and the date of payment.

(2) Every employer shall get the signature or the thumb-impression of every person employed on the *[Register of Wages].

(3) Entries in the * [Register of Wages] shall be authenticated by the employer or any person authorized by him in this behalf.

(4) An Overtime Register in Form IV shall be maintained by every employer. Where no overtime wages are paid in a wage period, a nil entry shall be made in the Overtime Register at the end of the wage period.

(5) A Muster Roll shall be maintained by every employer and kept in Form V.

(6) A Register of Employees shall be maintained by every employer at the work spot in Form XIV.

23A. Production of registers and other records.—(1) All registers and records for the preceding three years shall be preserved and produced on demand before the Inspector :

* 'Wage book' was omitted *vide* Notification No. 4783-LW/LWIR-10-10/76, dated 20th September, 1977 and published in the *Calcutta Gazette*, Part I, page 50, dated 15.12.77.

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 V Claims under the Act

24. 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 and VII, as the case may be.

25. 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.

26. 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 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).

26A. Mode of deposit of any amount directed to the paid under section

20.—(1) Any amount directed to be paid under section 20 may be deposited with the authority along with a statement in Form X.

(2) When any deposit is made under sub-rule (1), the authority shall grant a receipt in Form XI for the amount so deposited and this receipt shall be a sufficient discharge in respect of any amount deposited with him :

Provided that the said receipt in Form XI may be signed under the direction of the authority and on his behalf by any officer subordinate to him, appointed by him in writing for this purpose.

(3) Any sum deposited with the authority under sub-rule (1), or recovered under sub-section (5) of section 20, shall, on application, be paid by the authority to the person entitled thereto.

CHAPTER VI

Scale of costs in proceedings under the Act

27. Cost.—(1) The Authority, for reasons to be recorded in writing, may direct that the cost of any proceeding pending before it shall not follow the event.

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

- (i) expenses incurred on account of court-fees ;
- (ii) expenses incurred on subsistence money to witnesses; and
- (iii) pleader's fees to the extent of 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.

28. 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; and
- (iii) in the case of an application presented under the said section to the authority by a number of employees—Two rupees :

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

29. Saving.—These Rules shall not apply in relation to any scheduled employment in so far as there are rules in force applicable to such employment, which in the opinion of the State Government make equally satisfactory provisions for matters dealt with by these Rules.

FORM I
[See rule 21(4)]
Employer

Sl. No.	Name	Father's/Husband's name	Sex	Department	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
1	2	3	4	5	6	7	8	9	10	11

FORM II

[See rule 21(4)]

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

Sl. No.	Name	Father's/Husband's name	Sex	Department	Damage or loss caused with date	Whether worker showed cause against deduction, if so, enter date and particulars of the person in whose presence the cause was shown	Date and amount of deduction imposed	Numbers of installments, if any	Date on which total amount realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM III
[See rule 21(4)]
Annual Return

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

1. (a) Name of the establishment and postal address.....
 (b) Name and residential address of the owner/contractor.....
 (c) Name and residential address of the Managing Agent/Director/ Partner in charge of the day-to-day affairs of the establishment owned by a company, body corporate or Association.....
 (d) Name and residential address of the Managing Agent, if any.....
2. Number of days worked during the year.....
- *3. Number of Mondays worked during the year.....
- **4. Average daily number of persons employed during the year.....

 (i) Adults
 (ii) Children.....
- ***5. Total wages paid in cash
- ***6. Total cash value of the wages paid in kind.....
7. Deductions :

	No. of cases		Total amount	
	Rs.	P.	Rs.	P.
(a) Fines				
(b) Deductions for damage or loss				
(c) Deductions for breach of contract				

8. Disbursement from fines :

	Purpose		Amount	
	Rs.	P.	Rs.	P.
(a)				
(b)				
(c)				
(d)				
(e)				

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

Dated.....

Signature...
Designation

* This is the aggregate number of attendances during the year.

** The average daily number of persons employed during the year is obtained by dividing the aggregate number of attendances during the year by the number of working days.

*** Cash value of the wages paid in kind should be obtained by taking the difference between the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities given at concessional rates.

FORM IV

[See rule 23(4)]

Overtime Register for workers

Month ending

19.....

Sl. No.	Name	Father's/ Husband's name	Sex	Designa- tion and Depart- ment	Dates on which over time worked	Extent of Over- time on each occasion	Total overtime worked or produc- tion in case of piece workers	Normal hours	Normal rate of pay	Overtime rate	Normal earnings	Overtime earnings	Total earnings	Dates on which over time payments made
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM VI

[See rule 24]

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

In the Court of the Authority appointed under the Minimum Wages Act, 1948, 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).....(Opponent(s))

(3).....

Address.....

The Applicant(s) above named beg(s) respectfully to submit as follows :

(1) that,

(2) that,

The applicant(s) has (have) been paid wages at less than the minimum rate of wages.

The applicant(s) estimate(s) the value of the relief sought by him/them at the sum of Rs.

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

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

(b) compensation amounting to Rs.....

Date.

*Signature or thumb-impre-ssion of the
employee(s) or legal practitioner or official
of a registered Trade Union duly authorised

*When the application is by a group of employees, the thumb-impression or signatures of two of the applicants need be put to the application and a full list of applicants should be attached to the application.

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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.....onday of.....19.....

* Signature or thumb-impression of the employee(s) or legal practitioner or official of a registered Trade Union duly authorised.

*When the application is by a group of employees, the thumb-impression or signatures of two of the applicants need be put to the application and a full list of applicants should be attached to the application.

FORM VII

[See rule 21]

Form of application by an Inspector or person acting with the permission of the Authority under section 20(2)

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

Application No.....of 19.....

(1).....Applicant.

Address.....

Versus

(1).....Opponent.

Address.....

The applicant above named begs respectfully to submit as follows :

(1) that,

(2) that,

The opponent is bound to pay wages at the minimum rate of wages fixed by Government but he has paid less wages to the following employees:

(1).....

(2).....

(3).....

The applicant estimates the value of the relief sought for the employees at the sum of Rs.....

The applicant prays that a direction may be issued under sub-section (3) of section 20 for—

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

(b) compensation amounting to Rs.....

The applicant begs leave to amend or add to or make alterations in the application, if any, when necessary.

Date.....

Signature.....

The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and information.

This verification is signed at—.....on.....date.....19.....

FORM VIII

[See rule 25]

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)1
(2) Applicant(s)
(3)

Versus

- (1) Opponent(s)
(2)
(3)

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 do all things
incidental to such appearing and acting.

Date.....

.....
Signature or thumb-impression of
the employee.

FORM IX

[See rule 26(1)]

**Form of Summons to the Opponent to appear before the
Authority when an 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, you are hereby summoned to appear before me in person or by a duly authorised agent, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the.....day of.....19.....ato'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

FORM X

Form for Deposit

Rule 26A(1) of the West Bengal Minimum Wages Rules, 1951

The sum of Rs.....(Rupees.....) is hereby presented for deposit in accordance with the direction issued on ...(date) in the matter of an application No.....of 19.....filed by.....(applicant) against(Opposite party).

Dated.....

Signature of the depositor

FORM XI

Receipt

Rule 26A(2) of the West Bengal Minimum Wages Rules, 1951

Name of depositor.....

Name of payee.....

No. of application.....of 19.....

Name of applicant.....

Name of opposite party.....

Date of direction

Amount deposited—Rupees.....

Date of deposit.....

Authority, Minimum Wages
Act, West Bengal.

FORM XII

[See rule 22(2)]

Notice for exhibition on public Motor vehicles

1. Name of employer.....
2. Address
3. Vehicle No

(a) Weekly rest day

Group of employees	Day on which weekly rest is allowed.

(b) Working hours of employees

Starting time	Interval for rest		Stopping time
	From	To	

(c) Time for payment of wages

- (1) Date of payment of wages of monthly-paid employees.....
- (2) Date of payment of wages of daily-rated employees.....

(1) Date.

.....
Signature of Employer

FORM XIII

[See rule 22(1)]

**Extracts from the Minimum Wages Act, 1948 and the Rules
made there (whom the Act affects) under**

Whom the Act affects

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

Definition of Wages

'Wages' means the remuneration payable to an employed person on the fulfilment of his contract of employment. It includes house rent allowance, but excludes—

- (i) the value of any house-accommodation, supply of light, water, medical attendance ;
- (ii) any other amenity or any service excluded by general or special order of the appropriate Government ;
- (iii) any contribution paid by the employer to any Pension Fund or Provident Fund or under any scheme of Social Insurance ;
- (iv) any traveling allowance or the value of any traveling concession ;
- (v) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment;
- (vi) any gratuity payable on discharge. The minimum rate of wages may consist of—
 - (i) a basic rate of wages and special allowance called the cost of living allowance ;
 - (ii) a basic rate of wages with or without a cost of living allowance and the cash value of any concessions, like supplies of essential commodities at concession rates ;
 - (iii) an all-inclusive rate comprising of basic wages, cost of living allowance and cash value of concession, if any.

The minimum wages payable to employees of scheduled employment notified under section 5 read with section 3 or as revised from time to time under the aforesaid sections may be—

- (a) a minimum time rate ;
- (b) a minimum piece rate ;
- (c) a guaranteed time rate ;
- (d) an overtime rate ;

differing with (a) different scheduled employments, (b) different classes of work, (c) different localities, (d) different wage-periods and (e) different age groups.

Computation and Conditions of Payment

The employer shall pay to every employee engaged in scheduled employment under him wages at a rate not less than the minimum rate of wages fixed for that class of employee.

The minimum wages payable under this Act shall be paid in cash unless the Government authorises payment thereof either wholly or partly in kind.

Wage periods shall be fixed for the payment of wages at intervals not exceeding one month.

Wage shall be paid on a working day within seven days of the end of the wage period or within ten days if 1000 or more persons are employed.

The wages of a person discharged shall be paid not later than the second working day after his discharge.

If an employee is employed on any day for a period less than the normal working day he shall be entitled to receive wages for a full normal working day, provided his failure to work is not caused by his unwillingness to work but by the omission of the employer to provide him with work for that period.

Where an employee does two or more classes of work to each of which a different minimum rate of wages is applicable, the employer shall pay to such employee in respect of the time respectively occupied in each such class of work wages at not less than the minimum rate in force in respect of each such class.

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

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 in respect of such acts and omissions on the part of employed persons as may be specified by the State Government by general or special order in this behalf;
- (ii) deductions for absence from duty ;
- (iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;
- (iv) deduction for house accommodation supplied by the employer or by the State Government or by any authority constituted by the State Government for providing housing accommodation and for land for cultivation supplied by the employer ;
- (v) deductions for such amenities and services supplied by the employer as the State Government may by general or special order authorised.

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 overpayment 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 deduction exceed one-fourth of the wages earned in that month ;

- (vii) deductions of income-tax payable by the employed person ;
(viii) deductions required to be made by order of a court or other competent authority ;
(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925 (19 of 1925), applies or any recognised provident fund as defined in section 58A of the Indian Income Tax Act, 1922 (11 of 1922), 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 for recovery or adjustment of amounts of 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 State Government in this behalf is obtained in writing before making the deductions, unless the employed person gives his consent in writing to such deductions.

Maintenance of registers and records

Every employer shall maintain a register of wages specifying the following particulars in respect of each employed person—

- (a) the minimum rates of wages payable to each person employed ;
(b) number of days for which each employed person worked overtime for each wage period ;
(c) the gross wages of each person employed for each wage period ;
(d) all deductions made from wages, with an indication, in each case, of the kinds of deduction mentioned in sub-rule (2) of rule 21 ;
(e) the wages actually paid to each person employed for each wage period and the date of payment.

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

Entries in the wage book shall be authenticated by the employer or any person authorised by him in this behalf.

Inspections

An Inspector can enter into 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.

Claims and Complaints

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 employed person 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 present 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) or 22A regarding contravention of the provisions relating to hours of work and weekly day of rest or other miscellaneous offences, 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 22A.

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 a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

Every direction of the authority shall be final.

Penalties for Offences under the Act

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 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 :

Provided that nothing contained in the Act shall render any such person liable to any punishment provided in the Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Notwithstanding anything contained in sub-section (1) of section 22C where an offence under the Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary, or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

Minimum Rates of Wages fixed

Name of undertaking :

Serial No. (1)	Category of employee (2)	Minimum Wages (3)
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Name and Address of the Inspector(s)

Name (1)	Address (2)
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FORM XIV

[See rule 23(6)]

Register of Employees

Name of Establishment.....

Name of Owner/Employer.....

Sl. No.	Name & surname of employee	Age & Sex	Father's/Husband's Name	Name of employment/designation	Permanent home address of employee (village, District Thana)	Date of commencement of employment	Date of termination or leaving of employment	Signature or thumb impression of employee	Remarks
1	2	3	4	5	6	7	8	9	10

***FORM XV**

Wage-Slip

[See rule 21(i)(iv)]

Name of the establishment.....

Place.....

1. Name of employee with father's/husband's name

2. Designation.....

3. Wage Period.....

4. Rate of wages payable :

(a) Basic.....

(b) D.A.....

5. Total attendance/units of work done.....

6. Overtime wages.....

7. Gross wages payable.....

8. Total deductions:

(1)

(2)

(3)

Total _____

9. Net wages paid.....

Pay-in-charge

Employer's signature or
thumb-impression.

* Subs., vide Notification No. 4783/W/LWIR-10/76,
dated 20.9.1977 and published in the *Calcutta Gazette*,
Part I, No. 5, dated 15.12.1977.