

**THE MINIMUM WAGES (TAMIL NADU) RULES,
1953**

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THE MINIMUM WAGES (TAMIL NADU) RULES, 1953

CHAPTER I

PRELIMINARY

1. Short title and extent

- (1) These rules may be called the Minimum Wages (Tamil Nadu) Rules, 1953.
- (2) The extend to the whole of the State of Tamil Nadu including the Kanyakumari district, the Shencottah taluk of the Tirunelveli district and the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959).

2. Interpretation

In these rules, unless the context otherwise requires,

- (a) 'Act' means the Minimum Wages Act, 1948;
- (b) 'Authority' means the authority appointed under sub-section (1) of section 20;
- (c) 'Board' means the Advisory Board appointed under section 7;
- (d) 'Chairman' means the Chairman of the Advisory Board or the Committee appointed under section 9;
- (e) 'Committee' means a committee appointed under clause (a) of sub-section (1) of section 5 and includes a sub-committee appointed under that section;
- (f) 'Form' means a form appended to these rules;
- (g) 'Government' means the Government of Tamil Nadu;
- (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, 1926¹; and
- (j) 'Section' means a section of the Act.

CHAPTER II

MEMBERSHIP, MEETINGS AND STAFF OF BOARD AND COMMITTEE

3. Term of office of members of the Committee

The terms of the office of the members of the Committee shall be such as in the opinion of the Government are necessary for completing the enquiry into the scheduled employment concerned and the Government may, at the time of the constitution of the Committee, fix such terms and may, from time to time, extend them as circumstances may require.

4. Term of 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 from the date of his nomination:

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

²[Provided further that if the Government consider it necessary it may terminate the term of office of a non-official member earlier than the said period of two years.]

- (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 Government.

4A. ³[Nomination of substitute member

If a member is unable to attend a meeting of the Committee or the Board, the Government or the Body which nominated him may, by notice in writing signed on its behalf and by such member and 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. Travelling allowance

A non-official member of the Committee or the Board shall be entitled to draw travelling and halting allowance 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 non-official member of first class Committee as laid down by the Government from time to time.

6. Staff

- (1) The Government may appoint a Secretary to the Committee or the Board and such other staff as it may think necessary and may 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 or the Board as the case may be. He may attend the meetings of such Committee or Board but shall not be entitled to vote at such meetings.
 - (ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee or the Board, as the case may be.

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

An outgoing 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) ⁴[A member of the Committee or the Board, other 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 Government.
- (2) A resignation shall take effect from the date of communication of its acceptance or on the expiry of 30 days from the date of resignation, whichever is earlier.
- (3) When a vacancy occurs or is likely to occur in the membership of the Committee or the Board, the Chairman shall immediately submit a report to the Government. The Government shall then take steps to fill the vacancy aforesaid.

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 cease to be a member thereof.
- (2) A person who ceases to be a member under-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within a period of fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within a period of thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member, shall be restored to membership immediately after a resolution to that effect is passed.

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 been incurred under sub-rule (1), the decision of the Government thereon shall be final.

11. Meetings

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

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 at least seven days shall 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 majority of votes, a member who shall preside at such meeting.

14. ⁵[Quorum

No business shall be transacted at any meeting unless at least one-third of the members and at least one representative of both the employers and 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 of class of members present:]

⁶[Provided further that the date and time of such adjourned meeting shall be intimated to the absentee members by registered letter with acknowledgement due.]

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 a casting vote.

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

Provided further that no decision on any question which is referred under the preceding proviso shall be taken, unless supported by not less than a two-thirds 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 meetings

- (1) The proceedings of each meeting showing inter alia the names of the members present thereat shall be forwarded to each member and to the Government as

soon after the meeting as possible and in any case, not less than seven days before the next meeting.

- (2) The proceedings of each meeting shall be confirmed with such modifications, if any, as may be considered necessary at the next meeting.

CHAPTER III

SUMMONING OF WITNESSES BY THE COMMITTEE AND THE BOARD AND PRODUCTION OF DOCUMENTS

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 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 in any manner to the enquiry.
- (2) A summons under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered trade union of workers.
- (3) A summons under this rule may be served:
- (i) in the case of an individual, by being delivered or sent to him by registered post;
 - (ii) in the case of an employers' organisation or a registered trade union of workers, by being delivered or sent by registered post to the secretary or other principal officer of the organisation or union, as the case may be.
- (4) The 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 or the Board.
- (5) All books, papers and other documents or things produced before a Committee, or the Board in pursuance of a summons under 7[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 8[but the information so obtained shall be treated as confidential and it will be made public only with the consent in writing of the party concerned.

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 (Central Act XLV of 1860).

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 at the time being in force for payment of such allowances to witnesses appearing in civil Courts in the State of Tamil Nadu.

CHAPTER IV

COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK, AND HOLIDAYS

20. Mode of computation of the cash value of wages

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

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

(1)

- (i) The wages of a worker in any scheduled employment shall be paid before the expiry of the tenth day after the last day of the wage-period-

Provided that in the case of establishments in the Kanyakumari District and the Shencottah Taluk of the Tirunelveli District in which less than one thousand persons are employed, the wages of a worker shall be paid before the expiry of the seventh day after the last day of the wage-period.

- (ii) Where the employment of any person is terminated by or on behalf of the employer, or due to the acceptance of the employee's resignation, the wages carried by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

- (iii) The wages of an employed person shall be paid to him without deductions of any kind except those authorised by or under these rules.

Explanation: Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

- (iv) The employer shall display in a conspicuous place at or near the main entrance of the establishment, a notice ⁹[***] in the language of the majority of the persons employed therein specifying the dates on which wages will ordinarily be paid, the dates so specified being not earlier than the expiry of two months from the date on which such notice is displayed

(2) Deductions from the wages of a displayed. employment may 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 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 payment to Co-operative Societies approved by the Government or for house accommodation supplied by the employer or by the Central or the State Government or any housing board set up under any law for the time being in force (whether the Central or the State Government or the Board is the employer or not) or any other authority engaged in the business of subsidising house accommodation which may be specified in this behalf by the Government by notification in the Official Gazette

(v) deductions for such amenities and services supplied by the employer as the Government may, by special order authorise;

Explanation: The word '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-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 instalments of deductions exceed one-fourth of the wages earned in that month and the entire advance shall be recovered within a period of twelve months;

(vii) deduction of income-tax or any tax that maybe levied by the Government or local authority payable by the employed Person;

(viii) deductions required to be made by order of a Court or other 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, 1925¹⁰, or any provident fund approved in this behalf by the Government during the continuance of such approval;

(x) deductions made with the written authorisation of the employed person for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (Central Act 31 of (1956), or to a scheme of insurance maintained by the Indian Post Office or for the purchase of securities of the Government of India or of any State Government or for being deposited in any Post Office Savings Bank in furtherance of any savings scheme of any such Government ;

(xi) deductions made with the written authorisation of-

(a) the employed persons; or

(b) the President or Secretary of the registered trade union of which the employed person is a member on such conditions as may be specified by the State Government;

for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the Central or the State Government;

- (3) Any person desirous of imposing a fine on an employed person or making a deduction for damage or loss of goods caused by him, shall explain to him in writing the act or omission or the damage or loss in respect of which the fine or deduction is proposed to be imposed or made and the amount of fine or deduction proposed to be imposed or made and give him an opportunity to offer an explanation in writing, and also to be heard in person, if he so desires. The fine shall be levied or the deduction ordered the case may be.
- (4)
- (i) The total amount of fine which may be imposed under sub-rule (3) shall not exceed in any one wage-period, an amount equal to three per cent of the wages payable to the employed person in respect of such wage-period.
 - (ii) The total amount of deduction for damage or loss ordered under sub-rule (3) shall not exceed the cost of replacing the article damaged or lost on the date of passing the order of recovery, or the book value of the article whichever is less. Where the amount of deduction exceeds an amount equal to one-third of the wages payable to the employed person in respect of a wage-period, the deduction shall be made in instalments in such a way that the amount of each instalment does not exceed one-third of the average wages payable to him between one instalment and the other.
 - (iii) ¹¹[All realisations under clause (i) and all deductions under clause (ii) shall be recorded in a register maintained in Forms I and II, as the case may be. A return in Form III with all the columns duly filled in and with the correct particulars shall be submitted annually by the employer to such Inspectors and before such time as may be notified by the Government in this behalf
¹²[Provided that no annual return in Form III need be sent by an employer, if a combined annual return in Form No. 22 as required in clause (2) of rule 100 of the Tamil Nadu Factories Rules, 1950 ¹³[or a combined annual return in Form XXV under Schedule XIII as required in rule 242 of the Tamil Nadu Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2006] is furnished.]
¹⁴[Provided further that no annual return in Form No. III need be sent by an employer, if
 - (a) a combined annual return in Form No. XIII as required in rule 42 of the Tamil Nadu catering Establishments Rules, 1959 is furnished; or
 - (b) a combined annual return in Form No. XII as required in sub-rule (ii) of rule 35 of the Tamil Nadu Beedi and cigar workers (conditions of Employment) Rules, 1968 is furnished; or
 - (c) a combined annual return in Form No. 28 as required in sub-rule (1) of rule 83 of the Tamil Nadu Plantations Labour Rules, 1955 is furnished; or
 - (d) a combined annual return in Form No. XIX as required in rule 43 of the Tamil Nadu motor Transport workers' Rules, 1965 is furnished]

- (5) All realisations from fines shall be applied only to such purposes which are beneficial to the persons employed in the scheduled employments as are generally approved by the Government in this behalf but in the case of any establishment to which the Tamil Nadu Labour Welfare Fund Act, 1972 (Tamil Nadu Act 36 of 1972) applies all such realisations shall be paid into the Fund constituted under the aforesaid Act.
- (6) Nothing in this rule shall be deemed to affect the provisions of the Payment of wages act, 1936, and the Tamil Nadu Shops and Establishments Act, 1947.

22. Publicity to the minimum wages fixed under the Act

A notice in Form X containing an abstracts of the provisions of the Act, and the rules made thereunder, the minimum rates of wages fixed under the Act for the employment concerned, and the name and address of the Inspector or inspectors concerned shall be displayed ¹⁵[***] 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 clean and legible condition. Such notices shall also be displayed on the notice boards of all offices of the Collectors, Revenue Divisional Officers, Tahsildars and deputy Tahsildars in all the districts. In the case of employment in agriculture, the notices shall also be displayed in all the District Offices of the Agricultural Department and in the case of any other scheduled employment, such notices shall also be displayed in all the District Offices of the Industries and Labour and Factories Departments.

23. Weekly holidays

- (1) Unless otherwise permitted by the 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 where he has or will have a holiday for the whole day on one of the three days immediately before or after the said day. Every worker who is required or allowed to work in a scheduled employment on the said day) except where he has or will have a holiday for the whole day on one of the three days immediately before or after the said day. Every worker who is required or allowed to work in a scheduled employment on the said day and who gets a substituted holiday within the same week shall be paid at the rate of wages to which he is entitled for a normal working day.

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

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

- (2) Every worker in any employment other than the employment in Agriculture, Plantations, Road Construction, Building Operations, Stone breaking or Stone Crushing, Oil Mill and Rice Mill, Flour Mill or Dhal mill for whom minimum rates of wages have been fixed by the day shall be paid remuneration for the said day or for the substituted holiday, at a rate not less than the minimum rate fixed for his category of employment.

¹⁶[Provided that in the case an employee other than the Out-Worker carrying the process in the home and employed on piece rate, the wages for the weekly

holiday shall be the average of the earnings of the employee (during the period of six days immediately preceding the weekly holiday]

- (3) Where in accordance with the provisions 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 midnight on Saturday night.

- (4) Notwithstanding anything contained in this rule, no substitution of the weekly holiday shall be made in the case of any plantation if it is to result in any worker working for more than 54 hours in a week as laid down in the Plantations Labour Act, 1951.

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 case of an adult, 9 hours
 - (b) in the case of a child, 4 1/2 hours; and
 - (c) in the case of an adolescent employed in any plantation 6 1/4 hours.
- (2) No worker shall be required or allowed to work in an employment for more than nine hours in any day and forty-eight hour in any week:
- Provided that a worker may be allowed to work in an employment for any period in excess of the limit fixed under this sub-rule subject to the payment of overtime wages; if the period of work, including overtime work, does not exceed 10 hours in any day and in the aggregate fifty-four hours in any week.
- (3) The period of work 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 atleast half an hour.
- (4) The periods of work of an adult worker in a schedule employment, other than employment in any plantations, shall be so arranged that inclusive of his interval for rest under sub-rule '(3), they shall not spread over more than twelve hours in any day.
- (5) The number of hours of work in the case of an adolescent worker in a scheduled employment other than employment in any plantation shall be the same as that of an adult or a child according as he certified to work as an adult or a child by a competent medical practitioner approved by the Government.
- (6) The provisions of sub-rules (1) to (5) shall, in the case of workers in agricultural employment including employment in plantations, be subject to such modifications as may, from time to time, be notified by Government.

24-A. Certain provisions of rule 23 and 24 not to apply to certain specified employees

The provisions of rules 23 and 24 specified in column (1) of the Table below shall not apply in relation to the classes of employees specified in the corresponding entries in

column (2) of that table subject to the conditions specified in the corresponding entries in column (3) thereof

THE TABLE

Provisions of rules 23 and 24 which shall not apply.	Classes of employees	Conditions
(1)	(2)	(3)
Rule 23 and sub-Rules (2), (3) and (4) of rule 24.	Employees engaged on urgent work, or in any emergency which could not have been foreseen or prevented.	(1) No employee shall be employed for more than 12 hours on any one day, 30 hours during any three consecutive days or 60 hours during each period of seven consecutive days, commencing from his first employment on urgent work or in any emergency which could not have been foreseen or prevented.
		(2) A separate running record of such work done shall be maintained in addition to making entries in Form IV.
		(3) Within twenty-four hours of the commencement of work, notice shall be sent to the Inspector of Factories in respect of Factories governed by the Factories Act, 1948 (Central Act LXIII of 1948), to the Inspector of Plantation in respect of plantations governed by the Plantations Labour Act, 1951 (Central Act LXIX of 1951), and to the Assistant Inspectors of Labour in respect of all other establishments having jurisdiction over such other establishments describing the nature of urgent work

		and the period probably required for its completion
		(4) A compensatory holiday for every weekly holiday lost for each employee shall be granted within one month from the day on which the weekly holiday was lost.
		(5) Extra wages for overtime shall be paid as provided in rule 26.
Sub-rule (3) of rule 24.	Employees engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned.	Exemption shall apply only in respect of the persons who are permitted by the Inspector of Factories in respect of factories governed by the Factories Act, 1948 (Central Act. LXIII of 1948), the Inspector of Plantations in respect of plantation governed by the Plantations Labour Act, 1951 (Central Act LXIX of 1951), and by the Assistant Inspectors of Labour in respect of other establishments within whose jurisdiction such other establishments are situated, on an application made by the employer.
	Employees whose employment is essentially intermittent.	Sufficient time though not fixed period shall be given for meals to the satisfaction of the Inspector concerned.
	Employees engaged in any work which for technical reasons has to be completed before the duty is over.	The total overtime hours worked beyond 9 hours per day and 48 hours per week shall not exceed 50 hours per quarter of a calendar year.

	Employees engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces.	Extra wages for overtime shall be paid as provided in rule 26.
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24-B. ¹⁷[**Night Shifts**

Where a worker in a scheduled employment works on a shift which extends beyond midnight,

- (a) a holiday for the whole day ' for the purpose 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 the worker was engaged in work shall be counted towards the previous day.]

25.

Cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day

- (1) The following shall be cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day:
 - (a) tempest, fire, rain, breakdown of machinery or stoppage of or any cut in the supply of power, epidemic, the civil commotion or other causes beyond the control of employer.
 - (b) Refusal to work.
 - (c) Strike or stay-in-strike.
- (2) In the case of interruption brought about by tempest, fire, rain, breakdown of May, 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.
- (3) If by reason of stoppage or of any cut in the supply of power, effected by the Government, an employer is prevented on any working day from giving work to his employees for a full normal working day, the employees shall receive wages for such day in the proportion the number of hours be worked bears to the number of hours constituting the normal working day.

26. Extra wages for overtime

- (1) When a worker works on any day for more than the number of hours constituting the normal working 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 food grains and other articles as the person employed is for the time being entitled to but does not include a bonus.
- (2) A register showing overtime payment shall be kept in Form IV. Overtime work shall be entered up in the register before the expiry of 24 hours from the commencement of such work.

27. Form of registers and records

- (1) A Register of Wages shall be maintained by every employer at the work spot or the principal office attached to it and kept in such form as may be notified by the Government and shall include the following particulars: -
 - (a) The minimum rates of wages payable to each employed person;
 - (b)
 - (i) Total overtime worked (or total production during overtime 1 the case of piece rate workers) in the wage-period. [This entry should agree with the total for each wage-period shown in column (8) of the overtime register;
 - (ii) Overtime earnings in the wage-period. [This entry should correspond with the total for each wage-period shown in column (13) of the overtime register,]
 - (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; and
 - (e) The wages actually paid to each person employed for each wage-period and the date of payment.
- (2) ¹⁸[Wage-slips containing the aforesaid particulars and such other particulars as may be notified by the Government shall be issued by every employer to every person employed by him a day prior to the disbursement of wages or at least on the date of disbursement of wages or if the wages are paid daily, along with the wages.] ¹⁹[The copies of wage-slips issued to the workers shall be maintained by the employer and produced to the Inspector on demand.]

²⁰[Provided that no such wage slips as aforesaid need be issued by the employer if a wage slip containing the above particulars are issued as required under any other labour law.]

- (3) Every employer shall get the signature, or the thumb-impression of every person employed on the wage books at the time of the payment of wages.
- (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 or the principal office attached to it and kept in Form V and it shall be written up every day on which work is performed.

²¹[Provided that no separate register as aforesaid need be maintained, if the particulars maintained in Form V are contained in any other records maintained by the employer under any other labour law].

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

- (6) A register of employees shall be maintained by every employer at the work spot or principal office attached to it in Form XI:

Provided that no separate register as aforesaid need be maintained if the particulars required in Form XI are contained in any other records maintained by the employer under any other labour law.

27-A. Certain documents deemed to be maintained under the rules

If any register maintained as part of the routine of the scheduled employment or under any other enactment gives in respect of any or all of the employees in the scheduled employment, the particulars required for the enforcement of the Act, the inspectors mentioned in column (2) of the Table below may in respect of the establishments specified in column (3) thereof and which are scheduled employments, direct, by an order in writing, that such register, shall, to the corresponding extent, be maintained in the place of and be treated as the register required under these rules in respect of such establishments and scheduled employments.

THE TABLE

Serial number	Inspectors	Establishments
(1)	(2)	(3)
1.	Chief Inspector of Factories	Establishments covered by the Factories Act, 1948 (Central Act LXIII of 1948)
2.	Chief Inspector of Plantations	Plantations covered by the Plantations Labour Act, 1951 (Central Act LXXX of 1951).

3.	Deputy Commissioners of Labour	All other establishments
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27-B. Power to exempt from rules

The Government may, if, for special reasons, it thinks so fit, by notification in the Fort St. George Gazette, direct that, subject to such conditions and for such period as it may specify, the provisions of these rules or any of them shall not apply to all or any class of employees employed in any scheduled employment or to any locality where there is carried on a scheduled employment.

28.

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

28-A.

²²[The registers, records and notices required to be maintained by the employer under the provisions of these rules shall be preserved for a period of twelve months from the date of the last entry noted on them and shall always be readily available in the establishment for inspection at all reasonable hours by an Inspector having jurisdiction over the establishment.]

28-B. ²³[Self-Certification by Information Technology software Establishments or Information Technology Software Enabled Services.

Employer of every information technology Software Establishment or Information Technology Software Enabled Service, shall furnish to the Inspector of Labour, a half-yearly certificate of maintenance of registers, records and notices, which are required to be maintained or exhibited under the provisions of these rules, in Form XII (in duplicate), the certificate for the half year ending 30th June shall be furnished before the 31st July of the year and the certificate for the half year ending 31st December shall be furnished before the 31st January of the succeeding year.

Explanation: Employment in the said establishments is not a scheduled employment under the Act. However, they are covered under the scheduled employment, namely, employment in Shops and Commercial Establishments. As such minimum rates of wages fixed by the Government, for the employment in Shops and Commercial Establishments are applicable to the said employment also.]

CHAPTER V

CLAIMS UNDER THE ACT

29. Applications

(1)

- (i) 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 or Form VII, as the case may be.

- (ii) Each application in Form VI or Form VII shall be accompanied by a statement containing the following particulars, namely:
 - (a) Name of applicants
 - (b) Period of service of each applicant;
 - (c) Minimum wages payable in respect of each applicant
 - (d) Wages actually paid in respect of each applicant; and
 - (e) Difference between the minimum wages payable and the wages actually paid in respect of each applicant.

(2) A single application on behalf of or in respect of any number of employed persons shall be entertained only where the employed persons, for whom the single application is presented, belong to the same scheduled employment working under the same employer.

30. Authorisation

The authorisation to act on behalf of an employed person or persons under sub-section (2) of section 20 or of sub-section (1) of section 21 shall be given in Form VII by an instrument which shall be presented to the Authority bearing the application and shall form part of the record.

31. Appearance of parties

- (1) if an application under sub-section 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).

CHAPTER VI

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT

32. Costs

- (1) The Authority, for reasons to be recorded in, may direct that the cost of any proceeding pending before it shall how 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.
 - (iv) expenses incurred by the parties on subsistence and travelling in connection with the claims subject to a limit of Rs. 10.
- (3) Where there is more than one pleader or more than one applicant or opponent the Authority may, subject as aforesaid, award to successful party or parties such cost as it may deem proper.

33. Court-fees

The Court-fees 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 or group of employees — One rupee:

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

Provided further that no fee shall be chargeable

- (a) from persons employed in agriculture; or
- (b) in respect of an application made by an Inspector.

34.

Nothing contained in these rules shall affect any rights or privileges which any employee in a scheduled employment is entitled to under any other law, contract, custom or usage applicable to such employment if such rights or privileges are more favourable to him than those which he would be entitled to under these rules.

35. Preservation of records

Files relating to the claims under section 20 of the Act, shall be preserved for a period of five years from the date of final decision.

36. Manner of destruction of records

After the period of retention mentioned in rule 35, the records may be destroyed either by tearing or by burning in the presence of the head of the office provided that records of secret or confidential nature shall be destroyed only by burning.

The records destroyed by tearing may be sold or otherwise disposed of in such manner as the head of the office thinks fit.

37. Authority for purposes of section 22-D

The prescribed Authority for the purposes of section 22-D shall be the Authority appointed under section 20 (1).

- 1 Now the Trade Union Act, 1926.
- 2 Ins. by G.O. Ms. No. 1046, Labour and Employment dated the 29th November 1976
- 3 Ins. by G.U. (D) No. 322, Labour and Employment, dated the 3rd Maw, 1993
- 4 Subs. By G.O. Ms. No. 1046, Labour and Employment, dated the 29th November 1976.
- 5 Subs. by G.O. Ms. No. 1046, Labour and Employment dated the 29th November 1976
- 6 Added by Ms. No. 380, Labour and Employment, dated the 5th May 1978
- 7 Subs. By S.R.O. No. A-671 of 1971, dated 15th June, 1971
- 8 Subs. By S.R.O. No. A-671 of 1971, dated 15th June, 1971
- 9 Certain words omitted by G.O. Ms No. 1046, Labour and Employment, dated the 29th November, 1976.
- 10 Now Act 43 of 1961
- 11 Subs, by G.O. Ms. No. 996, Labour, dated the 8th May, 1984 (see Also Erratum dated the 10th October, 1984).
- 12 Subs. By G.N. Ms. No. 260, Labour and Employment (M-2), dated the 16th August, 2004 (deemed to have come into force with effect from 18th August, 2004)
- 13 Ins. By G.O.Ms. No. 48, Labour and Employment (J1), dated, 19th April 2018.
- 14 Added by G.O. Ms No. 148, Labour and Employment (J1), 29th October 2018.
- 15 Certain words omitted by G.O. Ms. No. 1046, Labour and Employment, dated the 9th November, 1976
- 16 Ins. By G.O. (D) No. 691, Labour and Employment, dated 2nd September, 1993 w.e.f 22nd September, 1993.)
- 17 Ins. By G.O. Ms. No. 1046, Labour and employment, dated the 29th November, 1976.
- 18 Subs. By G.O. Ms. No. 642, Labour, dated the 1st April, 1985.
- 19 Added by G.O. Ms. No 170, Labour & Emp.. (J-1), dated the 13th October, 1999
- 20 Added by G.O. (D) No 1241, Lab. & Emp. (J-1), dated the 23rd November, 2005.
- 21 Ins. By G.O. Ms No. 166, Labour and Employment, dated the 23rd July, 1992
- 22 Ins. By S.R.O. No. A-1131 of 1970, dated the 31st October, 1970
- 23 Ins. By G.O. (D) No. 248, Labour and Employment (J-1), dated the 15th July, 2008.