

THE MINIMUM WAGES ACT, 1948

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SECTIONS

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THE SCHEDULE.

THE MINIMUM WAGES ACT, 1948

ACT NO. 11 OF 1948¹

[15th March, 1948.]

An Act to provide for fixing minimum rates of wages in certain employments.

WHEREAS it is expedient to provide for fixing minimum rates of wages in certain employments;

It is hereby enacted as follows:—

1. Short title and extent.—(1) This Act may be called the Minimum Wages Act, 1948.

(2) It extends to the whole of India ²***.

2. Interpretation.—In this Act, unless there is anything repugnant in the subject or context,—

³[(a) “adolescent” means a person who has completed his fourteenth year of age but has not completed his eighteenth year;

(aa) “adult” means a person who has completed his eighteenth year of age;]

(b) “appropriate Government” means,—

(i) in relation to any scheduled employment carried on by or under the authority of the ⁴[Central Government or a railway administration], or in relation to a mine, oilfield or major port, or any corporation established by ⁵[a Central Act], the Central Government, and

(ii) in relation to any other scheduled employment, the State Government;

⁶[(bb) “child” means a person who has not completed his fourteenth year of age;]

(c) “competent authority” means the authority appointed by the appropriate Government by notification in its Official Gazette to ascertain from time to time the cost of living index number applicable to the employees employed in the scheduled employments specified in such notification;

(d) “cost of living index number”, in relation to employees in any scheduled employment in respect of which minimum rates of wages have been fixed, means the index number ascertained and declared by the competent authority by notification in the Official Gazette to be the cost of living index number applicable to employees in such employment;

(e) “employer” means any person who employs, whether directly or through another person, or whether on behalf of himself or any other person, one or more employees in any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, and includes, except in sub-section (3) of section 26,—

(i) in a factory where there is carried on any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person named under ⁷[clause (f) of sub-section (1) of section 7 of the Factories Act, 1948 (63 of 1948)], as manager of the factory;

1. This Act has been extended to Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and the First Schedule; Pondicherry by Reg. 7 of 1973, s. 3 and First Schedule; Lakshadweep by Reg. 8 of 1965, s. 3 and the Schedule; and Union territory of Goa, Daman and Diu by Notification No. G.S.R. 436, dated 16-4-1973, Gazette of India, Part II, sec. 3(i).

This Act has been amended in Uttar Pradesh by U.P. Act 20 of 1960 (w.e.f. 1-1-1960), Bihar by Bihar Act 3 of 1961, Maharashtra by Maharashtra Act 10 of 1961, Andhra Pradesh by Andhra Pradesh Act 19 of 1961, Gujarat by Gujarat Act 22 of 1961, Madhya Pradesh by Madhya Pradesh Act 11 of 1959, Kerala by Kerala Act 18 of 1960, Rajasthan by Rajasthan Act 4 of 1969, Madhya Pradesh by Madhya Pradesh Act 36 of 1976 and Maharashtra by Maharashtra Act 25 of 1976.

2. The words “except the State of Jammu and Kashmir” omitted by Act 51 of 1970, s. 2 and the Schedule (w.e.f. 1-9-1971).

3. Subs. by Act 61 of 1986, s. 23, for clause (a).

4. Subs. by Act 30 of 1957, s. 2, for “Central Government, by a railway administration” .

5. Subs. by the A.O. 1950, for “an Act of the Central Legislature”

6. Ins. by Act 61 of 1986, s. 23.

7. Subs. by Act 26 of 1954, s. 2, for “clause (e) of sub-section (1) of section 9 of the Factories Act, 1934 (25 of 1934)”.

(ii) in any scheduled employment under the control of any Government in India in respect of which minimum rates of wages have been fixed under this Act, the person or authority appointed by such Government for the supervision and control of employees or where no person or authority is so appointed, the head of the department;

(iii) in any scheduled employment under any local authority in respect of which minimum rates of wages have been fixed under this Act, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;

(iv) in any other case where there is carried on any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person responsible to the owner for the supervision and control of the employees or for the payment of wages;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “scheduled employment” means an employment specified in the Schedule, or any process or branch of work forming part of such employment;

(h) “wages” means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, ¹[and includes house rent allowance], but does not include—

(i) the value of—

(a) any house-accommodation, supply of light, water, medical attendance, or

(b) any other amenity or any service excluded by general or special order of the appropriate Government;

(ii) any contribution paid by the employer to any Pension Fund or Provident Fund or under any scheme of social insurance;

(iii) any travelling allowance or the value of any travelling concession;

(iv) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(v) any gratuity payable on discharge;

(i) “employee” means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in a scheduled employment in respect of which minimum rates of wages have been fixed; and includes an out-worker to whom any articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of that other person where the process is to be carried out either in the home of the out-worker or in some other premises not being premises under the control and management of that other person; and also includes an employee declared to be an employee by the appropriate Government; but does not include any member of the Armed Forces of the ²[Union].

3. Fixing of minimum rates of wages.—³[(1) The appropriate Government shall, in the manner hereinafter provided,—

⁴[(a) fix the minimum rates of wages payable to employees employed in an employment specified in Part I or Part II of the Schedule and in an employment added to either Part by notification under section 27:

Provided that the appropriate Government may, in respect of employees employed in an employment specified in Part II of the Schedule, instead of fixing minimum rates of wages under this

1. Ins. by Act 30 of 1957, s. 2.

2. Subs. by the A.O. 1950, for “Crown”.

3. Subs. by Act 26 of 1954, s.3, for sub-section (1).

4. Subs. by Act 31 of 1961, s. 2, for clause (a).

clause for the whole State, fix such rates for a part of the State or for any specified class or classes of such employment in the whole State or part thereof;]

(b) review at such intervals as it may think fit, such intervals not exceeding five years, the minimum rates of wages so fixed and revise the minimum rates, if necessary:

¹[Provided that where for any reason the appropriate Government has not reviewed the minimum rates of wages fixed by it in respect of any scheduled employment within any interval of five years, nothing contained in this clause shall be deemed to prevent it from reviewing the minimum rates after the expiry of the said period of five years and revising them, if necessary, and until they are so revised the minimum rates in force immediately before the expiry of the said period of five years shall continue in force.]

(1A) Notwithstanding anything contained in sub-section (1), the appropriate Government may refrain from fixing minimum rates of wages in respect of any scheduled employment in which there are in the whole State less than one thousand employees engaged in such employment, but if at any time, ^{2***} the appropriate Government comes to a finding after such inquiry as it may make or cause to be made in this behalf that the number of employees in any scheduled employment in respect of which it has refrained from fixing minimum rates of wages has risen to one thousand or more, it shall fix minimum rates of wages payable to employees in such employment ³[as soon as may be after such finding].]

(2) The appropriate Government may fix,—

(a) a minimum rate of wages for time work (hereinafter referred to as “a minimum time rate”);

(b) a minimum rate of wages for piece work (hereinafter referred to as “a minimum piece rate”);

(c) a minimum rate of remuneration to apply in the case of employees employed on piece work for the purpose of securing to such employees a minimum rate of wages on a time work basis (hereinafter referred to as “a guaranteed time rate”);

(d) a minimum rate (whether a time rate or a piece rate) to apply in substitution for the minimum rate which would otherwise be applicable, in respect of overtime work done by employees (hereinafter referred to as “overtime rate”).

⁴[(2A) Where in respect of an industrial dispute relating to the rates of wages payable to any of the employees employed in a scheduled employment, any proceeding is pending before a Tribunal or National Tribunal under the Industrial Disputes Act, 1947 (14 of 1947) or before any like authority under any other law for the time being in force, or an award made by any Tribunal, National Tribunal or such authority is in operation, and a notification fixing or revising the minimum rates of wages in respect of the scheduled employment is issued during the pendency of such proceeding or the operation of the award, then, notwithstanding anything contained in this Act, the minimum rates of wages so fixed or so revised shall not apply to those employees during the period in which the proceeding is pending and the award made therein is in operation or, as the case may be, where the notification is issued during the period of operation of an award, during that period; and where such proceeding or award relates to the rates of wages payable to all the employees in the scheduled employment, no minimum rates of wages shall be fixed or revised in respect of that employment during the said period.]

(3) In fixing or revising minimum rates of wages under this section,—

(a) different minimum rates of wages may be fixed for—

(i) different scheduled employments;

(ii) different classes of work in the same scheduled employment;

(iii) adults, adolescents, children and apprentices;

1. Ins. by Act 30 of 1957, s. 3.

2. Certain words, brackets and figure omitted by Act 31 of 1961, s. 2.

3. Subs. by s. 2, *ibid.*, for certain words.

4. Ins. by s. 2, *ibid.*

(iv) different localities;

¹[(b) minimum rates of wages may be fixed by any one or more of the following wage-periods, namely:—

(i) by the hour,

(ii) by the day,

(iii) by the month, or

(iv) by such other larger wage-period as may be prescribed;

and where such rates are fixed by the day or by the month, the manner of calculating wages for a month or for a day, as the case may be, may be indicated:]

Provided that where any wage-periods have been fixed under section 4 of the Payment of Wages Act, 1936 (4 of 1936), minimum wages shall be fixed in accordance therewith.

STATE AMENDMENT

Kerala

Amendment of Section 3.—(1) Section 3 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), in its application to the fixation of minimum rates of wages in respect of employments specified in Part I and Part II of the Schedule to the Act, in relation to which the appropriate Government is the State Government, shall have effect in the State of Kerala subject to the amendments specified in sub-section (2).

(2) In sub-section (1) of section 3 of the Minimum Wages Act, 1948 (Central Act 11 of 1948),—

(i) in the opening words, for the words “The appropriate Government”, the words “The State Government” shall be substituted;

(ii) in clause (a),—

(a) in sub-clauses (i) and (ii), for the figures, letters and words “31st day of December, 1959”, the figures, letters and words “31st day of December, 1959”, the figures, letters and words “31st day of March, 1961, or such other date, not being later than the 31st day of March, 1962, as the State Government may, from time to time, fix by notification in the Gazette” shall be substituted;

(b) after the existing proviso, the following further proviso, the following further proviso shall be inserted, namely:—

“Provided further that where, in fixing the minimum rates of wages of any employment under sub-clause (1) or sub-clause (ii), any class of employees is left out, the State Government may, at any time, fix the minimum rates of wages payable to such class of employees.

Explanation.—For the purpose of this proviso, the expression “employees left out” with reference to an employment shall include—

(i) employees employed in a particular locality in the employment, the minimum rates of wages payable to whom have not been fixed;

(ii) employees employed in any process or branch of work which was not in existence in the employment at the time when the minimum rates of wages were fixed;

[*Vide* Kerala Act 18 of 1960, sec. 2 (w.e.f. 22-9-1960)].

4. Minimum rate of wages.—(1) Any minimum rate of wages fixed or revised by the appropriate Government in respect of scheduled employments under section 3 may consist of—

(i) a basic rate of wages and a special allowance at a rate to be adjusted, at such intervals and in such manner as the appropriate Government may direct, to accord as nearly as practicable with the

1. Subs. by Act 30 of 1957, s. 3 for clause (b).

variation in the cost of living index number applicable to such workers (hereinafter referred to as the “cost of living allowance”); or

(ii) a basic rate of wages with or without the cost of living allowance, and the cash value of the concessions in respect of supplies of essential commodities at concession rates, where so authorised; or

(iii) an all-inclusive rate allowing for the basic rate, the cost of living allowance and the cash value of the concessions, if any.

(2) The cost of living allowance and the cash value of the concessions in respect of supplies of essential commodities at concession rates shall be computed by the competent authority at such intervals and in accordance with such directions as may be specified or given by the appropriate Government.

¹[**5. Procedure for fixing and revising minimum wages.**—(1) In fixing minimum rates of wages in respect of any scheduled employment for the first time under this Act or in revising minimum rates of wages so fixed, the appropriate Government shall either—

(a) appoint as many committees and sub-committees as it considers necessary to hold enquiries and advise it in respect of such fixation or revision, as the case may be, or

(b) by notification in the Official Gazette, publish its proposals for the information of persons likely to be affected thereby and specify a date, not less than two months from the date of the notification, on which the proposals will be taken into consideration.

(2) After considering the advice of the committee or committees appointed under clause (a) of sub-section (1), or as the case may be, all representations received by it before the date specified in the notification under clause (b) of that sub-section, the appropriate Government shall, by notification in the Official Gazette, fix, or, as the case may be, revise the minimum rates of wages in respect of each scheduled employment, and unless such notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue:

Provided that where the appropriate Government proposes to revise the minimum rates of wages by the mode specified in clause (b) of sub-section (1), the appropriate Government shall consult the Advisory Board also.]

STATE AMENDMENTS

Assam

In Section 5 of the said Act, at the end of Clause (a) of Sub-section (1), for the comma and the word “or” after the word “be”, a colon shall be substituted and the following proviso shall be added, namely:—

“Provided the committees and sub-committee as so appointed may advise the appropriate Government in respect of fixation of wages on interim measure after holding such preliminary enquiries as the committee or the sub-committee, as the case may be, considers necessary in this behalf and the appropriate Government after considering such advice may fix the wages pending the fixation of the minimum rate of wages as required under sub-section (2) or”.

[*Vide* Assam Act 19 of 1964, sec. 2 (w.e.f. 11-8-1964)].

1. Subs. by Act 30 of 1957, s. 4, for section 5.

6. [Advisory committees and sub-committees.] Omitted by the Minimum Wages (Amendment) Act, 1957 (30 of 1957), s. 5.

7. Advisory Board.—For the purpose of co-ordinating the work of ¹[committees and sub-committees appointed under section 5] and advising the appropriate Government generally in the matter of fixing and revising minimum rates of wages, the appropriate Government shall appoint an Advisory Board.

8. Central Advisory Board.—(1) For the purpose of advising the Central and State Governments in the matters of the fixation and revision of minimum rates of wages and other matters under this Act and for co-ordinating the work of the Advisory Boards, the Central Government shall appoint a Central Advisory Board.

(2) The Central Advisory Board shall consist of persons to be nominated by the Central Government representing employers and employees in the scheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members; one of such independent persons shall be appointed the Chairman of the Board by the Central Government.

9. Composition of committees, etc.—Each of the committees, sub-committees ^{2***} and the Advisory Board shall consist of persons to be nominated by the appropriate Government representing employers and employees in the scheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members; one of such independent persons shall be appointed the Chairman by the appropriate Government.

³[**10. Correction of errors.**—(1) The appropriate Government may, at any time, by notification in the Official Gazette, correct clerical or arithmetical mistakes in any order fixing or revising minimum rates of wages under this Act, or errors arising therein from any accidental slip or omission.

(2) Every such notification shall, as soon as may be after it is issued, be placed before the Advisory Board for information.]

11. Wages in kind.—(1) Minimum wages payable under this Act shall be paid in cash.

(2) Where it has been the custom to pay wages wholly or partly in kind, the appropriate Government being of the opinion that it is necessary in the circumstances of the case may, by notification in the Official Gazette, authorise the payment of minimum wages either wholly or partly in kind.

(3) If the appropriate Government is of the opinion that provision should be made for the supply of essential commodities at concession rates, the appropriate Government may, by notification in the Official Gazette, authorise the provision of such supplies at concession rates.

(4) The cash value of wages in kind and of concessions in respect of supplies of essential commodities at concession rates authorised under sub-sections (2) and (3) shall be estimated in the prescribed manner.

12. Payment of minimum rates of wages.—(1) Where in respect of any scheduled employment a notification under section 5 ^{4***} is in force, the employer shall pay to every employee engaged in a scheduled employment under him wages at a rate not less than the minimum rate of wages fixed by such notification for that class of employees in that employment without any deductions except as may be authorised within such time and subject to such conditions as may be prescribed.

(2) Nothing contained in this section shall affect the provisions of the Payment of Wages Act, 1936 (4 of 1936).

1. Subs. by Act 30 of 1957, s. 6, for “committees, sub-committees, advisory committees and the advisory sub-committees appointed under sections 5 and 6”

2. The words “advisory committee, advisory sub-committees” omitted by s. 7, *ibid.*

3. Subs. by s. 8, *ibid.*, for section 10.

4. The words and figures “or section 10” omitted by s. 9, *ibid.*

13. Fixing hours for a normal working day, etc.—¹[(1)] In regard to any scheduled employment minimum rates of wages in respect of which have been fixed under this Act, the appropriate Government may—

(a) fix the number of hours of work which shall constitute a normal working day, inclusive of one or more specified intervals;

(b) provide for a day of rest in every period of seven days which shall be allowed to all employees or to any specified class of employees and for the payment of remuneration in respect of such days of rest;

(c) provide for payment for work on a day of rest at a rate not less than the overtime rate.

²[(2) The provisions of sub-section (1) shall, in relation to the following classes of employees, apply only to such extent and subject to such conditions as may be prescribed:—

(a) employees engaged on urgent work, or in any emergency which could not have been foreseen or prevented;

(b) 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;

(c) employees whose employment is essentially intermittent;

(d) employees engaged in any work which for technical reasons has to be completed before the duty is over;

(e) employees engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces.

(3) For the purposes of clause (c) of sub-section (2), employment of an employee is essentially intermittent when it is declared to be so by the appropriate Government on the ground that the daily hours of duty of the employee, or if there be no daily hours of duty as such for the employee, the hours of duty, normally include periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attention.]

14. Overtime.—(1) Where an employee, whose minimum rate of wages is fixed under this Act by the hour, by the day or by such a longer wage-period as may be prescribed, works on any day in excess of the number of hours constituting a normal working day, the employer shall pay him for every hour or for part of an hour so worked in excess at the overtime rate fixed under this Act or under any law of the appropriate Government for the time being in force, whichever is higher.

(2) Nothing in this Act shall prejudice the operation of the provisions of ³[section 59 of the Factories Act, 1948 (63 of 1948)] in any case where those provisions are applicable.

15. Wages of worker who works for less than normal working day.—If an employee whose minimum rate of wages has been fixed under this Act by the day works on any day on which he was employed for a period less than the requisite number of hours constituting a normal working day, he shall, save as otherwise hereinafter provided, be entitled to receive wages in respect of work done by him on that day as if he had worked for a full normal working day:

Provided, however, that he shall not be entitled to receive wages for a full normal working day—

(i) in any case where his failure to work is caused by his unwillingness to work and not by the omission of the employer to provide him with work, and

(ii) in such other cases and circumstances as may be prescribed.

1. Section 13 re-numbered as sub-section (1) of thereof by Act 30 of 1957, s. 10.

2. Ins. by s. 10, *ibid.*

3. Subs. by Act 26 of 1954, s. 4 for “section 47 of the Factories Act, 1934 (25 of 1934)”.

16. Wages for two or more classes of work.—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.

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

18. Maintenance of registers and records.—(1) Every employer shall maintain such registers and records giving such particulars of employees employed by him, the work performed by them, the wages paid to them, the receipts given by them and such other particulars and in such form as may be prescribed.

(2) Every employer shall keep exhibited, in such manner as may be prescribed, in the factory, workshop or place where the employees in the scheduled employment may be employed, or in the case of out-workers, in such factory, workshop or place as may be used for giving out-work to them, notices in the prescribed form containing prescribed particulars.

(3) The appropriate Government may, by rules made under this Act, provide for the issue of wage books or wage slips to employees employed in any scheduled employment in respect of which minimum rates of wages have been fixed and prescribe the manner in which entries shall be made and authenticated in such wage books or wage slips by the employer or his agent.

19. Inspectors.—(1) The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act, and define the local limits within which they shall exercise their functions.

(2) Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed—

(a) enter, at all reasonable hours, with such assistants (if any), being persons in the service of the Government or any local or other public authority, as he thinks fit, any premises or place where employees are employed or work is given out to out-workers in any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, for the purpose of examining any register, record of wages or notices required to be kept or exhibited by or under this Act or rules made thereunder, and require the production thereof for inspection;

(b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is an employee employed therein or an employee to whom work is given out therein;

(c) require any person giving out-work and any out-workers, to give any information, which is in his power to give, with respect to the names and addresses of the persons to, for and from whom the work is given out or received, and with respect to the payments to be made for the work;

¹[(d) seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by an employer; and]

(e) exercise such other powers as may be prescribed.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

²[(4) Any person required to produce any document or thing or to give any information by an Inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code (45 of 1860).]

1. Subs. by Act 30 of 1857, s. 11, for clause (d).

2. Ins. by s. 11, *ibid.*

20. Claims.—(1) The appropriate Government may, by notification in the Official Gazette, appoint ¹[any Commissioner for Workmen's Compensation or any officer of the Central Government exercising functions as a Labour Commissioner for any region, or any officer of the State Government not below the rank of Labour Commissioner or any] other officer with experience as a Judge of a Civil Court or as a stipendiary Magistrate to be the Authority to hear and decide for any specified area all claims arising out of payment of less than the minimum rates of wages ²[or in respect of the payment of remuneration for days of rest or for work done on such days under clause (b) or clause (c) of sub-section (1) of section 13 or of wages at the overtime rate under section 14,] to employees employed or paid in that area.

(2) ³[Where an employee has any claim of the nature referred to in sub-section (1)], the employee himself, or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf, or any Inspector, or any person acting with the permission of the Authority appointed under sub-section (1), may apply to such Authority for a direction under sub-section (3):

Provided that every such application shall be presented within six months from the date on which the minimum wages ²[or other amount] became payable:

Provided further that any application may be admitted after the said period of six months when the applicant satisfies the Authority that he had sufficient cause for not making the application within such period.

⁴[(3) When any application under sub-section (2) is entertained, the Authority shall hear the applicant and the employer, or give them an opportunity of being heard, and after such further inquiry, if any, as it may consider necessary, may, without prejudice to any other penalty to which the employer may be liable under this Act, direct—

(i) in the case of a claim arising out of payment of less than the minimum rates of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess;

(ii) in any other case, the payment of the amount due to the employee, together with the payment of such compensation as the Authority may think fit, not exceeding ten rupees,

and the Authority may direct payment of such compensation in cases where the excess or the amount due is paid by the employer to the employee before the disposal of the application.]

(4) If the Authority hearing any application under this section is satisfied that it was either malicious or vexatious, it may direct that a penalty not exceeding fifty rupees be paid to the employer by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered—

(a) if the Authority is a Magistrate, by the Authority as if it were a fine imposed by the Authority as a Magistrate, or

(b) if the Authority is not a Magistrate, by any Magistrate to whom the Authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

(6) Every direction of the Authority under this section shall be final.

(7) Every Authority appointed under sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such Authority shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (5 of 1898).

1. Subs. by Act 30 of 1957, s. 12, for “any Commissioner for Workmen’s Compensation or”.

2. Ins. by s. 12, *ibid.*

3. Subs. by s. 12, *ibid.*, for certain words.

4. Subs. by s. 12, *ibid.*, for sub-section (3) .

STATE AMENDMENTS

Kerala

Amendment of Section 20.—In section 20 of the Minimum wages Act, 1948 (Central Act 11 of 1948) (hereinafter referred to as the principal Act),—

(a) in sub-section (1), for the words “or any officer of the State Government not below the rank of a Labour Commissioner”, the words “or any officer of the State Government not below the rank of a Deputy Labour Commissioner” shall be substituted;

(b) in sub-section (4), for the words “fifty rupees”, the words “one hundred rupees” shall be substituted;

(c) in sub-section (5), for clause (b), the following clause shall be substituted, namely:—

“(b) if the Authority is not a Magistrate, by the Authority, as if it were arrears of revenue due on land, without prejudice to any other mode of recovery.”.

[*Vide* Kerala Act 23 of 2017, sec. 2].

Karnataka

Amendment of section 20.—In section 20 of the Minimum Wages Act, 1948 (Central Act XI of 1948), (herein after referred to as the Principal Act),—

(i) in sub-section (1), for the words “not below the rank of Labour Commissioner”, the words “not below the rank of Assistant Labour Commissioner” shall be substituted.

(ii) in sub-section (4), for the words “fifty rupees” the words “one thousand rupees” shall be substituted.

[*Vide* Karnataka Act 40 of 2017, sec. 2].

21. Single application in respect of a number of employees.—(1) ¹[Subject to such rules as may be prescribed, a single application] may be presented under section 20 on behalf or in respect of any number of employees employed in the scheduled employment in respect of which minimum rates of wages have been fixed and in such cases the maximum compensation which may be awarded under sub-section (3) of section 20 shall not exceed ten times the aggregate amount of such excess ²[or ten rupees per head, as the case may be].

(2) The Authority may deal with any number of separate pending applications presented under section 20 in respect of employees in the scheduled employments in respect of which minimum rates of wages have been fixed, as a single application presented under sub-section (1) of this section and the provisions of that sub-section shall apply accordingly.

³[**22. Penalties for certain offences.**—Any employer who—

(a) pays to any employee less than the minimum rates of wages fixed for that employee's class of work, or less than the amount due to him under the provisions of this Act, or

(b) contravenes any rule or order made under section 13,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both:

Provided that in imposing any fine for an offence under this section, the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 20.

STATE AMENDMENTS

Kerala

Amendment of Section 22.—In section 22 of the principal Act, for the words “five hundred rupees” the words “one lakh rupees” shall be substituted.

[*Vide* Kerala Act 23 of 2017, sec. 3].

1. Subs. by Act 30 of 1957, s. 13, for “A single application”.

2. Ins. by s. 13, *ibid.*

3. Subs. by s. 14, *ibid.*, for section 22.

Karnataka

Amendment of section 22.—In section 22 of the Principal Act for the words “which may extend to five hundred rupees” the words “which shall not be less than five thousand rupees but which may extend to ten thousand rupees” shall be substituted.

[*Vide* Karnataka Act 40 of 2017, sec. 3].

22A. General provision for punishment of other offences.—Any employer who contravenes any provision of this Act or of any rule or order made thereunder shall, if no other penalty is provided for such contravention by this Act, be punishable with fine which may extend to five hundred rupees.

STATE AMENDMENTS

Kerala

Substitution of Section 22A.—For section 22A of the principal Act, the following section shall be substituted, namely:—

“22A. *General Provision for punishment of other offences.*—(1) Whoever contravenes the provisions of this Act or the rules made thereunder shall be punishable with fine which may extend to two lakh rupees and in the case of a continuing contravention, with an additional fine which may extend to two thousand rupees for every day during which such contravention continues:

Provided that the total amount of fine shall not exceed two thousand rupees per worker employed.

(2) If any person who has been convicted of any offence punishable under sub-section (1) is again guilty of an offence involving a contravention or failure of compliance of the same provision, he shall be punishable on a subsequent conviction with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees.

(3) Notwithstanding anything contained in sub-section (2) of section 29 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), it shall be lawful for the Magistrate to impose a fine for an amount exceeding ten thousand rupees.”

[*Vide* Kerala Act 23 of 2017, sec. 4].

Karnataka

Amendment of section 22A.—In section 22A of the Principal Act, for the words “five hundred rupees” the words “ten thousand rupees” shall be substituted.

[*Vide* Karnataka Act 40 of 2017, sec. 4].

22B. Cognizance of offences.—(1) No Court shall take cognizance of a complaint against any person for an offence—

(a) under clause (a) of section 22 unless an application in respect of the facts constituting such offence has been presented 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;

(b) under clause (b) of section 22 or under section 22A except on a complaint made by, or with the sanction of, an Inspector.

(2) No Court shall take cognizance of an offence—

(a) under clause (a) or clause (b) of section 22, unless complaint thereof is made within one month of the grant of sanction under this section;

(b) under section 22A, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

22C. Offences by companies.—(1) If the person committing any offence under this Act is a company, every person who at the time the offence was committed, was incharge 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 this sub-section shall render any such person liable to any punishment provided in this 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.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this 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.—For the purposes of this section,—

(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.

22D. Payment of undischursed amounts due to employees.—All amounts payable by an employer to an employee as the amount of minimum wages of the employee under this Act or otherwise due to the employee under this Act or any rule or order made thereunder shall, if such amounts could not or cannot be paid to the employee on account of his death before payment or on account of his whereabouts not being known, be deposited with the prescribed authority who shall deal with the money so deposited in such manner as may be prescribed.

22E. Protection against attachment of assets of employer with Government.—Any amount deposited with the appropriate Government by an employer to secure the due performance of a contract with that Government and any other amount due to such employer from that Government in respect of such contract shall not be liable to attachment under any decree or order of any Court in respect of any debt or liability incurred by the employer other than any debt or liability incurred by the employer towards any employee employed in connection with the contract aforesaid.

22F. Application of Payment of Wages Act, 1936, to scheduled employments.—(1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (4 of 1936), the appropriate Government may, by notification in the Official Gazette, direct that, subject to the provisions of sub-section (2), all or any of the provisions of the said Act shall with such modifications, if any, as may be specified in the notification, apply to wages payable to employees in such scheduled employments as may be specified in the notification.

(2) Where all or any of the provisions of the said Act are applied to wages payable to employees in any scheduled employment under sub-section (1), the Inspector appointed under this Act shall, be deemed to be the Inspector for the purpose of enforcement of the provisions so applied within the local limits of his jurisdiction.]

23. Exemption of employer from liability in certain cases.—Where an employer is charged with an offence against this Act, he shall be entitled, upon complaint duly made by him, to have any other person whom he charges as the actual offender, brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the Court—

(a) that he has used due diligence to enforce the execution of this Act, and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like punishment as if he were the employer and the employer shall be discharged:

Provided that in seeking to prove, as aforesaid, the employer may be examined on oath, and the evidence of the employer or his witness, if any, shall be subject to cross-examination by or on behalf of the person whom the employer charges as the actual offender and by the prosecution.

24. Bar of suits.—No Court shall entertain any suit for the recovery of wages in so far as the sum so claimed—

(a) forms the subject of an application under section 20 which has been presented by or on behalf of the plaintiff, or

(b) has formed the subject of a direction under that section in favour of the plaintiff, or

(c) has been adjudged in any proceeding under that section not to be due to the plaintiff, or

(d) could have been recovered by an application under that section.

25. Contracting out.—Any contract or agreement, whether made before or after the commencement of this Act, whereby an employee either relinquishes or reduces his right to a minimum rate of wages or any privilege or concession accruing to him under this Act shall be null and void in so far as it purports to reduce the minimum rate of wages fixed under this Act.

26. Exemptions and exceptions.—(1) The appropriate Government may, subject to such conditions if any as it may think fit to impose, direct that the provisions of this Act shall not apply in relation to the wages payable to disabled employees.

(2) The appropriate Government may, if for special reasons it thinks so fit, by notification in the Official Gazette, direct that ¹[subject to such conditions and] for such period as it may specify the provisions of this Act 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.

²[(2A) The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled employment generally or in a scheduled employment in a local area ¹[or to any establishment or a part of any establishment in a scheduled employment], it is not necessary to fix minimum wages in respect of such employees of that class ¹[or in respect of employees in such establishment or such part of any establishment] as are in receipt of wages exceeding such limit as may be prescribed in this behalf, direct, by notification in the Official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees.]

(3) Nothing in this Act shall apply to the wages payable by an employer to a member of his family who is living with him and is dependent on him.

Explanation.—In this sub-section a member of the employer's family shall be deemed to include his or her spouse or child or parent or brother or sister.

27. Power of State Government to add to Schedule.—The appropriate Government, after giving by notification in the Official Gazette not less than three months' notice of its intention so to do, may, by like notification, add to either Part of the Schedule any employment in respect of which it is of opinion that minimum rates of wages should be fixed under this Act, and thereupon the Schedule shall in its application to the State be deemed to be amended accordingly.

28. Power of Central Government to give directions.—The Central Government may give directions to a State Government as to the carrying into execution of this Act in the State.

29. Power of the Central Government to make rules.—The Central Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules prescribing the term of office of the members, the procedure to be followed in the conduct of business, the method of voting, the manner of filling up casual vacancies in membership and the quorum necessary for the transaction of business of the Central Advisory Board.

30. Power of appropriate Government to make rules.—(1) The appropriate Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the term of office of the members, the procedure to be followed in the conduct of business, the method of voting, the manner of filling up casual vacancies in membership and the quorum necessary for the transaction of business of the committees, sub-committees, ^{3***} and the Advisory Board;

1. Ins. by Act 30 of 1957, s. 15.

2. Ins. by Act 26 of 1954, s. 5.

3. The words "advisory committees, advisory sub-committees" omitted by Act 30 of 1957, s. 16.

(b) prescribe the method of summoning witnesses, production of documents relevant to the subject-matter of the enquiry before the committees, sub-committees, ^{1***} and the Advisory Board;

(c) prescribe the mode of computation of the cash value of wages in kind and of concessions in respect of supplies of essential commodities at concession rates;

(d) prescribe the time and conditions of payment of, and the deductions permissible from, wages;

(e) provide for giving adequate publicity to the minimum rates of wages fixed under this Act;

(f) provide for a day of rest in every period of seven days and for the payment of remuneration in respect of such day;

(g) prescribe the number of hours of work which shall constitute a normal working day;

(h) prescribe the 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;

(i) prescribe the form of registers and records to be maintained and the particulars to be entered in such registers and records;

(j) provide for the issue of wage books and wage slips and prescribe the manner of making and authenticating entries in wage books and wage slips;

(k) prescribe the powers of Inspectors for purposes of this Act;

(l) regulate the scale of costs that may be allowed in proceedings under section 20;

(m) prescribe the amount of court-fees payable in respect of proceedings under section 20; and

(n) provide for any other matter which is to be or may be prescribed.

²[**30A. Rules made by Central Government to be laid before Parliament.**—³[(1)] Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

⁴[(2) every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

⁵[**31. Validation of fixation of certain minimum rates of wages.**—Where during the period—

(a) commencing on the 1st day of April, 1952, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1954 (26 of 1954); or

(b) commencing on the 31st day of December, 1954, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1957 (30 of 1957); or

(c) commencing on the 31st day of December, 1959, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1961 (31 of 1961),

minimum rates of wages have been fixed by an appropriate Government as being payable to employees employed in any employment specified in the Schedule in the belief or purported belief that such rates were being fixed under clause (a) of sub-section (1) of section 3, as in force immediately before the commencement of the Minimum Wages (Amendment) Act, 1954 (26 of 1954), or the Minimum Wages

1. The words “advisory committees, advisory sub-committees” omitted by Act 30 of 1957, s. 16

2. Ins. by Act 31 of 1961, s. 3.

3. Section 30A re-numbered as sub-section (1) thereof by Act 4 of 2005, s. 2 and the Schedule (w.e.f. 11-1-2005).

4. Ins. by s. 2 and the Schedule, *ibid.* (w.e.f. 11-1-2005).

5. Subs. by Act 31 of 1961, s. 4, for section 31.

(Amendment) Act, 1957 (30 of 1957), or the Minimum Wages (Amendment) Act, 1961(31 of 1961), as the case may be, such rates shall be deemed to have been fixed in accordance with law and shall not be called in question in any court on the ground merely that the relevant date specified for the purpose in that clause had expired at the time the rates were fixed:

Provided that nothing contained in this section shall extend, or be construed to extend, to affect any person with any punishment or penalty whatsoever by reason of the payment by him by way of wages to any of his employees during any period specified in this section of an amount which is less than the minimum rates of wages referred to in this section or by reason of non-compliance during the period aforesaid with any order or rule issued under section 13.]

THE SCHEDULE

[See sections 2(g) and 27]

PART 1

1. Employment in any wollen carpet making or shawl weaving establishment.
2. Employment in any rice mill, flour mill or *dal* mill.
3. Employment in any tobacco (including *bidi* making) manufactory.
4. Employment in any plantation, that is to say, any estate which is maintained for the purpose of growing cinchona, rubber, tea or coffee.
5. Employment in any oil mill.
6. Employment under any local authority
- ¹[7. Employment on the construction or maintenance of roads or in building operations.]
8. Employment in stone breaking or stone crushing.
9. Employment in any lac manufactory.
10. Employment in any mica works.
11. Employment in public motor transport.
12. Employment in tanneries and leather manufactory.
²[Employment in gypsum mines.
Employment in barytes mines.
Employment in bauxite mines.]
³[Employment in manganese mines.]
⁴[Employment in the maintenance of buildings and employment in the construction and maintenance of runways.]
⁵[Employment in China Clay mines.
Employment in Kyanite mines.]
⁶[Employment in Copper mines.]
⁷[Employment in clay mines covered under the Mines Act, 1952 (35 of 1952).]
⁸[Employment in magnesite mines covered under the Mines Act, 1952 (35 of 1952).]
⁹[Employment in white clay mines.]
¹⁰[Employment in stone mines.]
¹¹[Employment in steatite (including the mines producing Seapstone and Tale).]
¹²[Employment in Ochre Mines.]
¹³[Employment in Asbestos mines.]

1. Subs. by Act 30 of 1957, s. 18, for item No. 7.
2. Ins. by notification No. S.O. 3760, dated 4th December, 1962.
3. Ins. by notification No. S.O. 3760, dated 30th October, 1962.
4. Ins. by notification No. S.O. 1987, dated 30th May, 1968.
5. Ins. by notification No. S.O. 586, dated 5th February, 1970.
6. Ins. by notification No. S.O. 795, dated 13th February, 1970.
7. Ins. by notification No. S.O. 796, dated 18th February, 1970.
8. Ins. by notification No. S.O. 2357, dated 1st July, 1970.
9. Ins. by notification No. S.O. 3896, dated the 3rd September, 1971.
10. Ins. by notification No. S.O. 3898, dated 15th September, 1971.
11. Ins. by notification No. S.O. 2972, dated 1st July, 1972.
12. Ins. by notification No. S.O. 2973, dated 1st July, 1972.
13. Ins. by notification No. S.O. 2974, dated 6th July, 1972.

- ¹[Employment in Fire Clay mines.]
²[Employment in Chromite mines.]
³[Employment in quartzite mines.
Employment in quartz mines.
Employment in silica mines.]
⁴[Employment in graphic mines.]
⁵[Employment in feldspar mines.]
⁶[Employment in laterite mines.]
⁷[Employment in dolomite mines.]
⁸[Employment in redoxide mines.]
⁹[Employment in wolfram mines.]
¹⁰[Employment in iron ore mines.]
¹¹[Employment in granite mines.]

PART II

1. Employment in agriculture, that is to say, in any form of farming, including the cultivation and tillage of the soil, dairy farming, the production, cultivation, growing and harvesting of any agricultural or horticultural commodity, the raising of live-stock, bees or poultry, and any practice performed by a farmer or on a farm as incidental to or in conjunction with farm operations (including any forestry or timbering operations and the preparation for market and delivery to storage or to market or to carriage for transportation to market of farm produce).

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1. Ins. by notification No. S.O. 1587, dated 24th May, 1973.
2. Ins. by notification No. S.O. 2311, dated 3rd July, 1975.
3. Ins. by notification No. S.O. 4030, dated 4th February, 1976.
4. Ins. by notification No. S.O. 558, dated 29th January, 1977.
5. Ins. by notification No. S.O. 1823, dated 14th June, 1978.
6. Ins. by notification No. S.O. 2945, dated 22nd September, 1978.
7. Ins. by notification No. S.O. 2950, dated 25th September, 1978.
8. Ins. by notification No. S.O. 3248, dated 26th October, 1978.
9. Ins. by notification No. S.O. 3671, dated 7th December, 1978.
10. Ins. by notification No. S.O. 1757, dated 16th June, 1980.
11. Ins. by notification No. S.O. 2473, dated 3rd September, 1980.

*The Orissa Minimum Wages Rules, 1954

In exercise of the powers conferred by Section 30 of the Minimum Wages Act 11 of 1948, the Governor of Orissa is pleased to make the following rules, the same having been previously published as required by the said section of the said Act.

CHAPTER-I

Preliminary

1. Short title and extent-(1) These rules may be called the Orissa Minimum Wages Rules, 1954.

(2) They extend to the whole of the State of Orissa.

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, as the case may be, 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) "Inspector" means a person appointed as Inspector under Section 19;

(h) "registered Trade Union" means a trade union registered under the Indian Trade Unions Act, 1926;

(i) "section" means a section of the Act; and

(j) all other words and expressions used herein but not defined shall have the meaning respectively assigned to them under the Act.

CHAPTER-II

Membership, meeting and staff of the Board and Committee

3. Term of office of the members of the Committee-The term 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, fix such terms 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 from the date of his nomination:

*. Published *vide* Orissa Gazette, Part-III, No. 17/23.4.1954-see Notfn. No. 2227. VL-145/52 Lab./20.4.1954.

Provided that such members 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 remaining period of the term of office of the member in whose place he is nominated.

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

4-A. Nomination of substitute members-If a member is not able to attend meeting of the Committee or the Board he shall intimate to the State Government in writing at least a week before the date of the meeting and along side may suggest a substitute in his place for the meeting. The State Government will then take steps to nominate him to attend that meeting. The 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 prescribed by the State Government from time to time for non-official members of such bodies.

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

(2) (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 decision 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) 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 Government immediately. Government shall then take steps to fill the vacancy.

9. Cessation and restoration of memberships-If a member of the Committee or the Board fails to attend three consecutive meetings, he shall, subject to the provisions of Sub-rule (2), cease to be a member thereof.

(2) A person, who ceases to be a member under Sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor

within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee or 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 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 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 to be 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 the Committee or the Board, as the case may be, at any time as 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 or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the member 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 and at least one representative of both employers and employees are present :

Provided that if 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 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 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 question which is referred under the first proviso shall be taken unless supported by not less than a two-third majority of the members,

CASE LAW :

Rules 15 and 16-Rules mandatorily requires that a decision shall be taken by majority of votes of the persons present and voting-Voting should ordinarily be by show of hands, or if necessary, by ballot : 1992 (I) OLR 531.

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 the witnesses by the Committee and the Board and production of documents

18. Summoning of witnesses and production of documents-(1) A Committee of 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 any matter 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 Civil Procedure Code 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 documents or things produced before a Committee of the Board in pursuance of the summons under Sub-rule (1) may be inspected by the Chairman and the independent members and also by such parties as the Chairman may allow with the consent of the other party, but information obtained therefrom shall not be made public :

Provided that nothing contained in the sub-rule shall apply to the disclosure of any such information for the purpose of a prosecution under Section 193 of the Penal Code 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 for the time being in force for payment of the allowances as appearing in Civil Court in the State.

CHAPTER IV

Computation and payment of wages, hours of work and holidays

20. Mode of computation of the cash value of wages-The retail prices at the nearest market 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 Government from time to time.

21. Time and conditions of payment of wages and the deduction 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 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, 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 or in case of closure of establishment or termination of services or retrenchment on a large scale, payment shall commence before the expiry of the second working day and shall be completed within a week.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under this rule.

Explanation-Every payment made by the employer to the employed person 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 the employees 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 to which he is required to account where such damage or loss is directly attributable to his neglect or default;
- (iv) deductions of house accommodation supplied by the employers or by the State Government or by any Housing Board or agency which the State Government may, notify, in this behalf;
- (v) deductions for such amenities and services supplied by the employer as the Government may by general or special order authorise;

Explanation -The word 'amenities and services' in this clause do 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-payment 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 of other competent authority;
- (ix) deductions for subscriptions to, and for payment of advance 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, 1951, or any Provident Fund approved in this behalf by the Government during the continuance of such approval;
- (x) deduction for payment of Co-operative Societies or deductions made with the written authorisation of the person employed, for payment of any premium of his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act 31 or 1956;
- (xi) deductions made with the written authorisation of -
 - (a) the employed person ; 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 prescribed, for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the Central Government.

(3) Any person desiring to impose a fine on an employed person or to make 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. A record shall be maintained on the above preceding and the amount of fine or deduction shall also be intimated to the person concerned.

¹[(4) The amount of fine or deduction for damage or loss mentioned in sub-rule(3) shall be subject to such limits as may be specified in this behalf by the State Government. All such fines imposed and deductions made from any employee shall be recorded in the Combined Register of fines, deduction for damage or loss and advances in Form-I. The Register shall be kept at the work-spot and maintained up-to-date. Where no fine has been imposed or deduction has been made from any employee in a wage period, a nil entry shall be made across the body of the relevant register at the end of the wage period indicating also in precise terms the wage period to which the nil entry relates.]

(4-A) Every employer shall send annually a return in Form III showing the deductions from wages so as to reach the Inspector not later than the 1st February following the end of the year to which it relates.

(5) The amount of fine imposed under Sub rule (3) shall be utilised only for such purposes beneficial to the employees as are approved by the State Government or any other officer authorised by them in this behalf.

(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-Notice in Form IX-A containing the minimum rates of wages fixed together with the 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 the main entrances to the establishment and at its office and shall be maintained in a clean and legible condition. Such notices in Form IX-A shall also be displayed on the notice boards of all Subdivisional and District Officers.

23. Weekly holidays-(1) 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 the whole day on one of the five 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) 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.

24. Number of hours of work which shall constitute a normal working day-(1) The number of hours of work which shall constitute a normal working day shall be-

(a) in the case of an adult, 9 hours;

(b) in the case of a child, 4½ hours.

(2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, shall not spread over more than twelve hours on any day.

(3) 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.

(4) The provisions of Sub-rules (1) to (3) shall in the case of workers in agricultural employments, be subject to such modifications as may, from time to time, be notified by the State Government.

(5) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 in so far as it is applicable to the workers of any of the scheduled employments.

(6) No child shall be employed or permitted to work more than 4½ hours on any day.

25. Extra wages for overtime-¹[(1) 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 such overtime work, be entitled to wages at double the ordinary rate of wages.

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

(2) ²[A combined register of overtime working and payment] shall be maintained by every employer in Form IV in which entries under the columns specified therein shall be made as and when overtime is worked in any establishment. The register shall be kept at the workspot and maintained up-to-date. Where no overtime has been worked in any wage period a nil entry shall be made across the body of the register at the end of the wage period including also in precise terms the wage period to which the nil entry relates.

26. Form of registers and other records-(1) A register of ²[Combined Muster Roll-cum-Register of Wages] shall be maintained by every employer at the workspot in Form X.

(2) A wage slip in Form XI shall be issued 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 ²[Combined Register of Muster Roll-cum-Register of Wages] and wage slip.

(4) Entries in the ²[Combined Register of Muster Roll-cum-Register of Wages] and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

³[* * *]

⁴[(5)] Working hour notice showing the spread over and hours of work shall be displayed in Form XII at such place or places as may be directed by the Inspector and the same shall be maintained in a clean and legible condition.

1. Substituted vide Orissa Gazette Ext. No. 691/9.5.1991-Notfn. S.R.O. No. 237/85/2.5.1985.
2. Substituted vide O.G.E. No. 454 dated 27.3.2009.
3. Deleted vide O.G.E. No. 454 dated 27.3.2009.
4. Re-numbered vide O.G.E. No. 454 dated 27.3.2009.

26-A. Preservation of register-A register is required to be maintained under Rules 21 (4), 26 (2) and 26 (1) and '[* * *]' shall be reserved for a period of three years after the date of last entry made therein.

26-B. Production of register's and other records-(1) All registers and records required to be maintained by an employer under these rules shall be produced on demand before the Inspector during the course of the inspection of the establishment :

Provided that the Inspector may, if necessary, demand the production of the registers and records in office or such other public place as may be nearer to the employer.

(2) Any infringement of the provisions of the Act or these rules noticed by the Inspector and communicated to the employer during the course of an inspection or otherwise, shall be certified by the employer and compliance report in respect thereof shall be submitted to the Inspector, on or before the date specified by him in this behalf.

²[**26-C.** Notwithstanding anything contained in these rules, the State Government may permit use of any alternative suitable form in lieu of any of the forms prescribed under these rules, where a combined (alternative) form is sought to be used by the employer to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder.]

CHAPTER-V

Claims under the Act

27. Application-An application under Sub-section (2) of Section 20 or Sub-section (2) 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.

28. 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 VIII by an instrument which shall be presented to the Authority hearing the application and shall form part of the record.

29. 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 re-

1. Deleted vide O.G.E. No. 454 dated 27.3.2009.

2. Inserted vide Orissa Gazette Ext. No. 691/9.5.1991-Notfn. S.R.O. No. 237/85/2.5.1985.

heard 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

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

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

- (i) expenses incurred on account of Court-fee;
- (ii) expenses incurred on subsistence money to witness; 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 parties such costs as it may deem proper.

31. 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 :

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.

1]FORM - I

Combined Register of Fines, deductions for Damage or Loss and Advances

- In lieu of 1. Form No. III of Rule 21 (4) of Orissa Minimum Wages Rules, 1954
2. Form No. XVII, XVI, XVIII of Rule, 78 (d) (fine), 77 (22) (d) (dedu.), m 77 (2) (d) (adv.) of Orissa Contract Labour (R & A) Rules, 1975.
3. Form No. I, II, III under Rule 3 (1) (fine), 4 (deductions) and 17 (3) (advances) of Orissa Payment of Wages Rules, 1936.
4. Form XIX, XX, XXI of Rule 52 (2) C of Orissa I.S.M.W (RE & CS) Rules, 1980.
5. Form XX, XIX and XXI under Rule-239 (1) (b) of Orissa Building other Construction Workers (RE & CS) Rules, 2002.

Sl. No.	Name of the Employee/ Father's/ Husband's name	Designation Emp. No./ Sl. No. in register of employees	Nature & date of offence for which fine imposed	Date and particulars of damages/ loss caused	Whether worker showed cause against fine or deductions	Amount of the fine imposed/ deduction made	Date & purpose for which advance was made	Amount of advance made & purpose thereof.	No. of instalments granted for repayment of fines/ deductions/ advances	Wages period of and rate of wages payable	Date of recovery of fine/deduction/ advance	
											First Instalment	Last Instalment
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

Signature of the Employer / Principal Employer / Authorized signatory]

**1[FORM-IV
COMBINED ANNUAL RETURNS**

In the Lieu of

- (i) Form-21, Rule - 101(I) Orissa Factories Rules, 1950
- (ii) Form XX, Rule - 81 (I) Form XXI, Rule-81(2) Orissa Contract Labour (R&A) Rules,1975
- (iii) Form-III, Rule-21 (4-A) Orissa Minimum Wages Rules,1954
- (iv) Form-IV, Rule-18, Orissa Payment of Wages Rules,1936
- (v) Form 'D', Rule-5, Payment of Bonus Rules, 1975 (Central)
- (vi) Form 13, Rule-28, Orissa Shops and Commercial Rules,1958
- (vii) Form XIII, Rule-39, Orissa Motor Transport Workers Rules,1966
- (viii) Form L, Rule-16, Orissa Maternity Benefit Rules, 1966
- (ix) Form 'V', Rule-8, O.I.E (N&A) II Rules, 1972
- (x) Form XXV, Rule 240, Orissa Building and Other Construction Workers (RECS), Rules-2002
- (xi) Form XXIV, Rule 56(2) of Orissa Interstate Migration Workers (RECS) Rules, 1980

A. GENERAL PARTICULARS -

1(a) Name and full address of the Factory / Establishment (including Building and Other Construction of Work / Motor Transport undertakings)

	Factory / Establishment	Regd./Administrative/ Head Office
Name		
Address		
Tel :		
Fax:		
E-mail:		
Website:		

(b) Name and Residential address of the Proprietor/ Partner/ Directors /Employer/ Principal/Employer/Occupier. (tick which ever is applicable)

Sl. No.	Name Father's Name	Designation	Residential Address	Tel/Mobile/E-mail
(1)	(2)	(3)	(4)	(5)

- (c) Name and Residential Address of the Person responsible for the day to day conduct and control of business.

Name	Residential Address	Tel/Mobile/E-mail

- (d) Name and Residential address of the occupier and Mgr. as named under the Factories Act, 1948.

Sl. No.	Name	Designation	Residential Address	Tel/Mobile/E-mail
(1)	(2)	(3)	(4)	(5)

2. Date of commencement of Manufacturing/Business/Establishment/
Factories/Construction of Works.

- 2 (A) Nature/Type of Industries/Establishments.

- 2 (B) Particulars of Products Manufactured/Services Rendered.

Name of the Product/ Services	Annual installed capacity	Quantity Manufactured	Percentage achieved	Value

3. Registration and License Registration. No. License No.

- (a) Factories Act, 1948

- (b) Contract Labour (R&A) Act, 1970

- (c) O.S and C.E. Act, 1956

- (d) ISMW (R&CE) Act, 1979

- (e) M.T.W. Act, 1961

- (f) Building and Other Construction Workers (RECS) Act, 1996

4. No. of Workmen/employees/employed

Sl. No.	Category	Male	Female	Adolescent/ Adult	Child	Total No. of Employees
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Unskilled					
2	Semi-skilled					
3	Skilled					
4	Highly skilled					
5	ITI / Diploma					

(1)	(2)	(3)	(4)	(5)	(6)	(7)
6	Degree-Engg.					
7	Executive					
8	Probationer / Trainees					

5. Particulars of Employment / Payment in Factories / Establishments / Motor Transport Undertakings / Building Construction of Work.

(a)

No of Person on Roll as on 1st January	No. of Person on Roll as on 31st December	No. of days Factory/ Establishment/ Building & Other Construction Works / Carried on	No. of days Factory/ Establishment / Closed	No. of Mandays worked during the year	No. of man-hours worked including O.T. during the year	Total Amount of salary/ wage paid including O.T. wages & allowances

(b) Average Number of Employment during the year :—

Men	Women	Total

(c) No. of employees discharged/dissmised/terminated/retrrenched/ Resigned or retired during the year.

Men	Women	Total

In respect of Minimum Wages & Payment of Wages etc.

6. Particulars of deduction made from salary (wages) under M.W. and P.W. Act.

	No. of Employees involved	Total Amount of deduction made
1. Fines		
2. Damages / Loss		
3. Breach of Contract		
4. Others		
5: Total		

**In respect of the Factories Act / Orissa Shops & Commercial
Establishment Act, 1956/**

Orissa Industrial Establishment (National & Festival) Holidays Act, 1972.

7. Particulars of Earned Leave with Wages / National Festival Holidays with Wages.

Total No. of Persons employed	No. of Employees eligible for Earned Leave	No. of employees availed/ granted Earned Leave	No. of employees paid wages/ salary in lieu of Earned Leave	No. of Person who were paid wages for the NFIT (separate figure for each day may be furnished)
1. Man				(i) 26th January
				(ii) 1st May
				(iii) 15th August
				(iv) 2nd October
2. Woman				(v)
				(vi)
				(vii)
				(viii)
				Total

In respect of Payment of Bonus

8. Payment of Bonus paid during the year

Name of the Accounting year	Total No. of employees	No. of Employees eligible for Bonus	Percentage of Bonus/ Ex gratia declared	Total amount of Bonus/ Ex gratia paid	Date of Payment
(1)	(2)	(3)	(4)	(5)	(6)

Relating to the Factories Act

9. Does the Factory carry on hazardous process under section-2(cb) dangerous operation u/s 87 of Factories Act. 1948.

If Yes..... Yes / No

- (i) Whether Health and Safety Policy prepared and published Yes / No
- (ii) Whether occupational Health Centre provided Yes / No
- (iii) Whether Medical Officer appointed Yes / No
- (iv) Whether Ambulance Van provided Yes / No
- (v) Average no. of persons employed daily in hazardous process / dangerous operation Yes / No

10. Safety and Welfare Officers:—

(a)

	No. of Officers required to be appointed	No. of Officer actually appointed
(i) Safety Officers as per Section 40(B) of Factories Act.		
(ii) Welfare Officers as per Section 49 of the Factories Act.		

(b) Whether the following Welfare measures are provided ?

(i)	Ambulance Room as per Section 45(A)	Yes / No
(ii)	Canteen as per Section 46(1)	Yes / No
(iii)	Whether the canteen is run departmentally or through contractor departmentally / Contractor	
(iv)	Creche as per Section 48(i)	Yes / No
(v)	Shelters, Rest Rooms and Lunch Room as per Section 47(1)	Yes / No

11. Particulars of Accidents, Man's days lost and others: —

(i)	Total no. of accidents that have taken place in the year.
(ii)	Number of employees involved in such accidents:- (a) Male (b) Female
(iii)	Total number of man' days lost in such accident
(iv)	No. of employees returned to work within 48 hours of the accident
(v)	No. of employees returned to work after 48 hours of the accident (Reportable accident)
	(a) Without Permanent /Partial/ Total Disablement
	(b) With Permanent / Partial / Total Disablement
(vi)	Number of employees involved in accidents with either immediately or later within 7 days resulted in death.

Maternity Benefit Act**12. (a) Rating to Maternity Benefits :—**

(i)	Total no. of women workers who worked for a period of 160 days in the last 12 months immediately preceding the date of delivery.
(ii)	No. of women workers discharged / dismissed in the last 12 months.

(iii) No. of women worker for whom pre-natal confinement and post natal confinement.
(iv) No. of women workers died.
(a) Before delivery —
(b) After delivery —

(b) Leave / additional leave details :—

Item	No. of women applied for leave	Leave sanctioned	Leave reject
(i) Mis-carriage			
(ii) Illness (additional leave under Section-10)			

(c) Maternity Benefit Paid : —

Item	No. of claim received	No. of leave sanctioned	No. of claims rejected	Total benefit paid in rupees
(i) Confinement				
(ii) Mis-carriage				
(iii) Illness				
(iv) Medical Bureaus				

Rating to Contract Labour (R&A) Act

13. (a) Contractor Labour:—

Name & Address of the Contractor / Contractors	Period of contract From / To	Nature of work/ operation in which contract labour were employed Department / Section	No. of person employed	Maximum no. of contract workman employed on any day during the year	No. of days worked	No. of man days worked
(i)						
(ii)						
(iii)						
(iv)						
		Total				

(b) Whether contract has provided ?

- (i) Canteen Yes / No.
(ii) Rest Room Yes / No.
(iii) Drinking Water Yes / No.
(iv) Creche Yes / No.
(v) First Aid Yes / No.
(vi) Remarks Yes / No.

Relating to Building and Other Construction Workers (RE & CS) Act.

14. Particulars of accident that took place during the year: —

(i)	The total No. of accident.
(ii)	The number of accidents resulting in disablement of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost.
(iii)	The number of accidents resulting in disablement of building worker beyond 48 hours, but not resulting in any permanent partial or permanent total disablement, the number of building workers involved, and the number of man-days lost on account of such accident.
(iv)	The number of accidents resulting on permanent partial or total disablement, the number of building workers involved and the number of man-days lost on account of such accident.
(v)	The number of accident resulting in deaths of building workers and the number of resultant deaths.

15. INTER-STATE MIGRANT WORKMEN (RE & CS) ACT

In respect of Principal Employer : —

- (i) Number of contractors who worked in the establishment during the year with details.

Name & Address of the Contractor	Period of Contract		Nature of work	Maximum number of workers supplied by each contractor	No. of days worked	No. of man days worked
	From	To				

16. Beedi and Cigar Workers (Condition of Employment) Act, 1966:—

- (i) Average number of employees employed daily in the Industrial Premises : —

Men
Women
Young person
Male
Female

- (ii) Average monthly number of home workers employed (i.e. who work in their homes)
- (iii) Number of days worked in the year in the industrial establishment.
- (iv) No. of employees who were granted leave during the calendar year.

Young persons

- (a) employees in the Industries Premises
- (b) employees in home

Other than young Persons

- (a) employees in the Industrial Premises
- (b) employed in home

(v) Number of female employees who were given maternity benefit during the year

- (a) employees in the Industrial Premises
- (b) employed in home]

FORM V
[See Rule 26 (5)]
Muster Roll

Name of establishment.....Place.....

Serial No.	Name	Father's/Husband's name	Sex	Name of work	For the period ending	Remarks
					1	
					2	
					3	
					4	
					5	
					6	
					7	
					8	
					9	
					10	
					11	
					12	
					13	
					14	
					15	
					16	

FORM VI

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 20.....

- (1)
- (2)
- (3)



Applicant(s)

(through a Legal Practitioner official of Union which is a registered Trade Union).

Address :

Versus

- (1)
- (2).....
- (3).....



Opponents

Address

The applicant(s) above-mentioned 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) estimates 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.....

The applicant(s) beg(s) leave to amend or add to or make alterations in the application if and when necessary.

Date.....

Signature or thumb impression of employee(s) or legal practitioner or official of a registered trade union duly authorised

The applicant(s) do (es) solemnly declare that what is stated above is true to the best of his (their) knowledge, belief and informations

This verification is signed at..... on..... day of 20.....

Signature or thumb impression of the employees or legal parctitioner or official of a registered trade union duly authorised

When the application is by a group of employees, thumb impressions 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

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 20.....

(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 wage fixed by Government and 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 and when necessary.

Date.....

Signature.....

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

The verification is signed at on day of 20.....

FORM VIII

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 20.....

- (1)
(2)
(3)



Applicant(s)

Versus

- (1)
(2)
(3)



Opponent(s)

I hereby authorise Mr..... a legal practitioner/an official of the registered trade union of to appear and act on my behalf in the above-described proceeding and to do all things incidental to such appealing and acting.

Date.....

Signature or thumb impression of the employee

FORM IX

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 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 20..... at..... O'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 IX-A

[Rule 22]

Notices

Extracts from the Minimum Wages Act, 1948 and the Rules made thereunder

I. Whom the Act affects

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

II. Definition of wages

(1) 'Wages' means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It excludes-

- (i) the value of any house accommodation, supply of light/water, medical attendance or any other amenity or any service extended by general or special order of the appropriate Government;
- (ii) contribution paid by the employer to any Pension Fund or Provident Fund or under any scheme of Social Insurance;
- (iii) the travelling allowance or the value of any travelling concession;
- (iv) the sum paid to the person employed to defray special expenses entailed on him by the nature of his employment;
- (v) gratuity payable on discharge.

(2) The minimum rate of wages may consist of-

- (i) a basic rate of wages and a 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 rate, cost of living allowance and cash value of concession, if any.

(3) The minimum wages payable to employees of scheduled employments notified under Section 5, read with Section 3 or as revised from time to time under Section 10, read with Section 3 may be-

- (a) a minimum time rate;
- (b) a minimum piece rate;
- (c) a guranteed time rate;
- (d) an over-time rate;

differing with (1) different scheduled employments, (2) different classes of work, (3) different localities, (4) different wage periods, and (5) different age groups.

III. 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 or 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 1,000 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.

IV. Hours of work and holidays

The number of hours which shall constitute a normal working day shall be-

- (a) in the case of an adult not more than 10 hours
- (b) In the case of a child, not more than 8 hours.

The working day of an adult worker inclusive of the intervals of rest shall not exceed twelve hours on any day.

The employer shall allow a day of rest in every period of seven days. Ordinarily Sunday, the first day of the week, shall be the holiday.

When a worker works in an employment for more than the prescribed hours on any day or more than the prescribed hours in any week, he shall, in respect of overtime work, be entitled to wages at double time of his ordinary rate of wages.

V. Fines and deductions

No deductions shall be made from wages except those authorised by or under the rules.

Deductions from the wages of a person employed in scheduled employment shall be one or more of the following kinds, namely :

- (i) fines, in respect of such acts and omissions on the part of the employees as may be specified by the State Government by general

or special order in this behalf. An employed person shall be explained personally and also in writing the act or omission in respect of which the fines are proposed to be imposed and given an opportunity to offer any explanation in the presence of another person. The amount of the said fine shall also be intimated to him. It shall be such as may be specified by the State Government. It shall be utilised in accordance with the directions of the State Government or any other officer authorised by them in this behalf;

- (ii) deductions for absence from duty;
- (iii) deductions or 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. The employed person shall be explained personally and also in writing the damage or loss, in respect of which the deduction is proposed to be made and given an opportunity to offer any explanation in the presence of another person. The amount of the said deduction shall also be intimated to him. It shall be such as may be specified by the State Government;
- (iv) deductions for house accommodation supplied by the employer;
- (v) deductions for such amenities and services supplied by the employer as the Government may by general or special order authorise. These will not include the supply of tools and protectives required for the purposes of employment;
- (vi) deductions for recovery of advances or for adjustment of overpayment of wages ; such advances shall not exceed an amount equal to wages for two calendar months of the employed person and the monthly instalment of deduction shall not 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 Government during the continuance of such approval
- (x) deductions for payment to co-operative societies or to a scheme of insurance approved by the Government.

VI. 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;
- (b) the number of days in which overtime was worked;
- (c) the gross wages for each wage period;
- (d) all deductions made from wages;

(e) the wages actually paid and the date of payment.

Every employer shall issue wage-slips containing prescribed particulars to every person employed at least a day prior to the disbursement of wages.

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

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

A muster roll shall be maintained by every employer and kept in the Form prescribed.

Every employer shall keep exhibited, at such places selected by the Inspector, notices in English and in a language understood by a majority of the workers of the following particulars in a clean and legible condition-

- (a) minimum rate of wages;
- (b) extracts from the Acts and Rules made thereunder;
- (c) name and address of the Inspector.

VII. Inspections

An Inspector can enter in 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.

VIII. Claims and complaints

Where an employee is paid less than the minimum rates of wages fixed for his class of work or less than the amount due to him under the provisions of this Act, he can make an application in the prescribed form within six months to the authority appointed for the purpose. An application delayed beyond this period may be admitted if the authority is satisfied that the applicant had sufficient cause for not making the application within such period.

Any legal practitioner, official of a registered trade union, Inspector under the Act or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.

A single application may be presented by or on behalf of any number of persons belonging to the same factory the payment of whose wages has been delayed.

A complaint regarding less payment of notified wages under Section 22 of the Act, can be made to the Court only with the sanction of the Authority within one month of the grant of such sanction.

A complaint under Section 22 of the Act can be made to the Court only by or with the sanction of an Inspector within six months of the date on which the offence is alleged to have been committed.

IX. Action by the Authority

The Authority may direct 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.

X. Penalty for offence under the Act

Any employer who pays to any employee less than the amount due to him under the provisions of this Act, or infringes any Order or Rules in respect of normal working day, weekly holiday, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Any employer who fails to maintain a register or record required to be maintained under Section 18, shall be punishable with fine which may extend to five hundred rupees.

XI. Minimum rates of wages, fixed

Name of undertaking.....

Serial No..... Category of employees..... Minimum wages.....

XII. Name and address of the Inspector (s)

Name.....

Address.....

"FORM-X

[Rule 26(1)]

COMBINED MUSTER ROLL-cum-REGISTER OF WAGES

- | In lieu of | |
|------------|---|
| 1. | Form No. 29 (Muster Roll) Rule 104 of Orissa Factories Rules, 1950 |
| 2. | Form No. V (Muster Roll) Rule 26(5) of Orissa Minimum Wages Rules, 1954 |
| 3. | Form No. X (Wages) Rule 26(1) of Orissa Minimum Wages Rules, 1954 |
| 4. | Form No. XIII (Muster Roll) Rule 33(1) of Orissa Beedi & Cigar Workers (Condition of Employment) Rules, 1969 |
| 5. | Form No. XVI (Muster Roll) Rule 239(1) (a) of Orissa Building & Other Construction Workers etc. Rules, 2002 |
| 6. | Form No. XVII (Register of Wages) Rule 239 (1) (a) of Orissa Building & Other Construction Workers etc. Rules, 2002 |
| 7. | Form No. XVIII(Register of Wage-cum-Muster Roll) Rule 239(1) (a) of Orissa Building & Other Construction Workers etc. Rules, 2002 |
| 8. | Form No. XVII (Muster Roll) Rule 52(2)(a) of Orissa Inter-state Migrant Workmen (RE&CS) Rules, 1980 |
| 9. | Form No. XVIII(Register of Wages) Rule 52(2)(a) of Orissa Inter-State Migrant Workmen (RE&CS) Rules, 1980 |
| 10. | Form No. 10 (Register of payment) of Orissa Shops and Commercial Establishment Rules, 1958 |
| 11. | Form No. 8 (Daily record of works & orders relating to compensating Leave and Deduction from wages of Orissa Shops and Commercial Establishment Rules, 1958 |
| 12. | Form X (Muster Roll) Rule 36 of Orissa Motor Transport Workers Rules, 1966 |
| 13. | Form XIII (Wages) Rule 77(2)(a) of Orissa Contract Labour (R&A), Rules, 1975 |
| 14. | Form XII (Muster Roll) Rule 77(2)(a) of Orissa Contract Labour (R&A), Rules, 1975 |
| 15. | Form VI (Muster Roll) Rule 9 of Orissa Industrial Employment (N&F) H. Rules, 1972 |

Name & Address of the Factory/
Establishment

Name & Address of the Contractor
(if any) Place of work

Name & Address of the Principal
employer Month/Year

Sl. No.	Name of employees	Sex M/F	Date of Birth	Emp. No./ Sl.No. in register of employees	Degn./ Deptt.	Date of joining	ESI No.	PF No.	ATTENDANCE Units of work done (if piece rated)	No. of payable days Total Units of work done	Name of N&F Holiday for which wages have been paid
									1 2 3 4 5 6 7		
									8 9 10 11 12 13 14		
									15 16 17 18 19 20 21		
									22 23 24 25 26 27 28		
									29 30 31		

Month & Year

EARNINGS										DEDUCTIONS													
Basic	DA/VDA	HRA	Conv.Allow.	Med.Allow	ATT/bonus	Spl. All.	OT	Misc. Earnings	Others	Total	ESI	PF	PT	TDS	Socy.	Insurance	Sal. Adv.	Fine	Damage	Others	Total	Net payable	Date of payment

Complete Signature of the Employer / Principal Employer / Authorized Signatory]

FORM XI
[Rule 26 (2)]
Wage Slip

Name of 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) Dearness allowance.....
5. Total attendance/unit of work done.....
6. Overtime wages.....
7. Gross wages payable.....
8. Total deduction.....
9. Not wages paid.....

Pay-in-charge

Employee's signature/
Thumb impression

FORM XII
[Rule 26 (6)]
Working hour Notice

Name of scheduled employment.....
 District.....

Place.....
 Name of employer.....

Periods of work	Men					Women					Children					Description of groups	Groups letter	Nature of work			
	Total No. of men employed					Total No. of women employed					Total No. of children employed										
Groups	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F			
From																			A		
To																			B		
From																			C		
To																			D		
From																			E		
To																			F		

(Signed).....
 Manager/Employer

Date on which this notice first exhibited.....

NOTIFICATION
The 3rd April, 2001

No. 9016 - Whereas the minimum rate of wages for unskilled, semi-skilled, skilled and highly skilled categories of employees in 83 schedule of employments was fixed/revised by Government in Labour & Employment Department, vide Notification, dated the 29th April 1999 in S.R.O. No. 339/99 to 421/99 published in *Orissa Gazette* on the 29th April 1999 and effected from the 1st May 1999 with the proviso that in addition to the said rate of wages a special allowance called as V.D.A. shall be payable @ Rs. 2.50 (Rupees two and paise fifty) only per day for every 50 point of rise in all India Consumers Price Index Number (Base-1982-100) for Industrial Workers or within a block period of two years whichever is earlier and the Labour Commissioner, Orissa has been authorised to issue notification thereof for all the 83 schedule employments;

And whereas, the block period of two years is going to be completed by the 30th April 2001, and within the period of two years, the rise in All India Consumers Price Index Number falls short of 50 Points.

Now, therefore, I, Shri Dandanirodha Mishra, Labour Commissioner, Orissa in exercise of powers delegated to be in the aforesaid notification do hereby notify that the special allowance called as V.D.A. @ Rs. 2.50 (Rupees two and paise fifty) only shall be payable per day to the un-skilled, semi-skilled, skilled and highly skilled categories of employees in all the 83 schedule of employments (list enclosed) in addition to Minimum rate of Wages notified, vide Labour and Employment Department notification cited above.

This V.D.A/Special Allowance shall come into effect from the 1st day of March 2001.

D. MISHRA,
Labour Commissioner

Sl. No. (1)	Name of the Employment (2)
1	Salt Pans
2	Printing Press
3	Tile and Brick Making
4	Private Road Transport
5	Hotels Eating, House and Restaurants
6	Distilleries
7	Shops and Establishment
8	Metal Industry (except the cottage and village scale units)
9	Cinema Industry
10	Saw Mills
11	Timber Trading (excluding feeling and sawing)
12	Handloom and Hosiery
13	Bamboo Forest Establishment

- 14 Timber Trading (including feeling and sawing)
- 15 Kendu Leaf collection
- 16 Construction or maintenance of Dam, Embankments, Irrigation Projects and sinking of Wells and Tanks.
- 17 Refractory Industry
- 18 Ceramic and Pottery Industry
- 19 Chemical Industry
- 20 Minor Engineering Industry (employment less than 50 persons)
- 21 Collection of Sal Seeds
- 22 Rice Mill, Flour Mill or Dal Mill
- 23 Tabaco (including Bidi making) Manufactory
- 24 Oil Mill
- 25 Jute Industry and Jute Twine Industry
- 26 Public Motor Transport
- 27 Stone-breaking or Stone-crushing
- 28 Construction or maintenance of Roads or in building operations
- 29 Bakeries an Confectioneries including Biscuit making
- 30 Cement Pipe making and allied products industry
- 31 Wood works and furniture making industries
- 32 Soap and Detergent Manufactory
- 33 Automobile servicing, repairing garages and workshops
- 34 Manufacture of Paints, Varnishes
- 35 Ice factory and Cold Storages
- 36 Finishing, Dyeing of Yarn and Fabrics, Painting, Knitting and Embroidery
- 37 Trunks, Suitcase, Bucket manufactory
- 38 Manufacture of Utensils including Aluminium and Hindalium products
- 39 Manufacture of plastic products including toys
- 40 Manufacture of matches, fireworks, explosives
- 41 Foundry Industry with or without attached machine shop
- 42 Regulated markets, Marketing Societies, Co-operative Societies and Banks
- 43 Cashew processing establishment
- 44 Petrol and Diesel Oil pumps
- 45 Laundry including dry washing
- 46 Khadi Village Industries including manufacture of Khandasari and other products
- 47 Powerloom Industry
- 48 Carpet Weaving Industries
- 49 Clay Pottery

- 50 Manufacture of Coke and Burnings Coals
- 51 Glass Industries
- 52 Cotton Ginning and Pressing Industry
- 53 Ayurvedic and Unani Pharmacy
- 54 Coil Industry
- 55 Paper and Cardboard Industry
- 56 Manufacture of Electrical Bulbs
- 57 Manufacture of Radio by assembling with parts
- 58 Brash and Bell-metal Industry
- 59 Manufacture of Brush and Brooms
- 60 Manufacture of ropes
- 61 Manufacture of nails and pins
- 62 Manufacture of cold drinks, Soda and other allied products
- 63 Local authority
- 64 Fisheries and Seafood Industry
- 65 Tamarind collection
- 66 Gold and Silver ornaments and articles of artistic design
- 67 Dispensary of Medical Practitioner in any establishment of medical consultant or in any Clinical or Pathological Laboratory
- 68 Motor body building
- 69 Forest produce such as Genduli Gum, Mahua making of coal and resine
- 70 Siali leaf pluckers
- 71 Public Health Engineering
- 72 Graphite Industry including beneficiation
- 73 Spinning Mills
- 74 Pharmaceutical Industry
- 75 Liquified Petroleum Gas manufacture and distribution
- 76 Electricity Board
- 77 Social Forestry
- 78 Contingent and casual employees in Government and other establishments
- 79 Leather Industry
- 80 Readymade Garment Industry
- 81 Rubber and Rubber products industries
- 82 Agriculture
- 83 Private Security Agencies and Private Security Services



The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 454, CUTTACK, FRIDAY, MARCH 27, 2009/ CHAITRA 6, 1931

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 26th March 2009

No.3200—LL-I-(AR) 60/2008/LE.—Whereas draft of certain rules further to amend the Orissa Minimum Wages Rules, 1954 was published as required by sub-section(1) of the section 30 of the Minimum Wages Act, 1948 (Act No. XI of 1948) in the extraordinary issue No. 2235 of the *Orissa Gazette*, dated the 4th December, 2008 under the notification of the Government of Orissa in the Labour & Employment Department No. 12386-LL-I (AR) 60/2008, dated the 4th December, 2008 as S.R.O. No. 60/2008, inviting objections and suggestions from all persons likely to be affected thereby within a period of forty five days from the date of publication of the said notification in the *Orissa Gazette*.

And, whereas, no objection or suggestion has been received during the stipulated period in respect of the said draft ;

Now, therefore, in exercise of the powers conferred by section 30 of the said Act, the State Government do hereby make the following rules further to amend the Orissa Minimum Wages Rules, 1954, namely : —

1. (1) These rules may be called the Orissa Minimum Wages (Amendment) Rules, 2009.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. In the Orissa Minimum Wages Rules, 1954 (hereinafter referred to as the said rules), in rule 21, for sub-rule (4), following sub-rule shall be substituted, namely—

“(4) the amount of fine or deduction for damage or loss mentioned in sub-rule(3) shall be subject to such limits as may be specified in this behalf by the State Government. All such fines imposed and deductions made from any employee shall be recorded in the Combined Register of fines, deduction for damage or loss and advances in Form-I. The Register shall be kept at the work-

spot and maintained up-to-date. Where no fine has been imposed or deduction has been made from any employee in a wage period, a nil entry shall be made across the body of the relevant register at the end of the wage period indicating also in precise terms the wage period to which the nil entry relates."

3. In the said rules, in rule 25, in sub-rule (2), for the words "a register of overtime," the words, "a combined register of overtime working and payment" shall be substituted.

4. In the said rules, in rule 26 : —

(i) in sub-rule (1), for the word "wages", the words "Combined Muster Roll-cum-Register of Wages" shall be substituted;

(ii) in sub-rules, (3) and (4), for the words "Register of Wages" appearing therein, the words "Combined Register of Muster Roll-cum-Register of Wages" shall respectively be substituted;

(iii) sub-rule "(5)" shall be deleted ; and

(iv) sub-rule (6) shall be read as sub-rule (5).

5. In the said rules, in rule 26-A, the words, letter and figures "the muster roll required to be maintained under rule 26(5)" shall be deleted.

6. In the said rules, for Form "I" and Form "II", the following Form shall be substituted, namely:—

"Form I.....
....."

7. In the said rules, for Form "III" and "IV", the following Form shall be substituted, namely: —

"Form III.....
....."

8. In the said rule, for Form "X", the following Form shall be substituted, namely: —

"Form X.....
....."

By order of the Governor

JAGAR SINGH

Commissioner-cum-Secretary to Government

" FORM - I"

Combined Register of Fines, deductions for Damage or Loss and /

In lieu of

1. Form No. III of Rule 21 (4) of Orissa Minimum Wages Rules, 1954
2. Form No. XVII, XVI, XVIII of Rule, 78 (d) (fine), 77 (22) (d) (dedu.), m 77 (2) (d) (ac (R & A) Rules, 1975.
3. Form No. I,II,III under Rule 3 (1) (fine), 4 (deductions) and 17 (3) (advances) of Ori 1936.
4. Form XIX, XX, XXI of Rule 52 (2) C of Orissa I.S.M.W (RE &CS) Rules, 1980.
5. Form XX, XIX and XXI under Rule-239 (1) (b) of Orissa Building other Construction

Sl.No.	Name of the Employee/ Father's/ Husband's name	Designation Emp. No./ Sl. No. in register of employees	Nature & date of offence for which fine imposed	Date and particulars of damages/ loss caused	Whether worker showed cause against fine or deductions	Amount of the fine imposed/ deduction made	Date & purpose for which advance was made	Amount of advance made & purpose thereof.	No. of instalments granted for repayment of fines/ deductions/ advances	Wa perio- rat- wa: pay.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Signature of the Employer / F

FORM-IV
COMBINED ANNUAL RETURNS
(Rule - 21 (4-A))

In the Lieu of

- (i) Form-21, Rule - 101(I) Orissa Factories Rules, 1950
- (ii) Form XX, Rule - 81 (I) Form XXI, Rule-81(2) Orissa Contract Labour (R&A) Rules, 1975
- (iii) Form-III, Rule-21 (4-A) Orissa Minimum Wages Rules, 1954
- (iv) Form-IV, Rule-18, Orissa Payment of Wages Rules, 1936
- (v) Form 'D', Rule-5, Payment of Bonus Rules, 1975 (Central)
- (vi) Form 13, Rule-28, Orissa Shops and Commercial Rules, 1958
- (vii) Form XIII, Rule-39, Orissa Motor Transport Workers Rules, 1966
- (viii) Form L, Rule-16, Orissa Maternity Benefit Rules, 1966
- (ix) Form 'V', Rule-8, O.I.E (N&A) II Rules, 1972
- (x) Form XXV, Rule 240, Orissa Building and Other Construction Workers (RECS), Rules-2002
- (xi) Form XXIV, Rule 56(2) of Orissa Interstate Migration Workers (RECS) Rules, 1980

A. GENERAL PARTICULARS -

1(a) Name and full address of the Factory / Establishment (including Building and Other Construction of Work / Motor Transport undertakings)

	Factory / Establishment	Regd./Administrative/Head Office
Name		
Address		
Tel :		
Fax:		
E-mail:		
Website:		

(b) Name and Residential address of the Proprietor / Partner / Directors / Employer/ Principal / Employer / Occupier. (tick which ever is applicable)

Sl. No.	Name Father's Name	Designation	Residential Address	Tel/Mobile/E-mail
(1)	(2)	(3)	(4)	(5)

(c) Name and Residential Address of the Person responsible for the day to day conduct and control of business.

Name	Residential Address	Tel/Mobile/E-mail

(d) Name and Residential address of the occupier and Mgr. as named under the Factories Act, 1948.

Sl. No.	Name	Designation	Residential Address	Tel/Mobile/E-mail
(1)	(2)	(3)	(4)	(5)

2. Date of commencement of Manufacturing/Business/Establishment/
Factories/Construction of Works.

2 (A) Nature / Type of Industries /Establishments.

2 (B) Particulars of Products Manufactured/Services Rendered.

Name of the Product/Services	Annual Installed capacity	Quantity Manufactured	Percentage achieved	Value

3. Registration and License

Registration. No.

License No.

(a) Factories Act, 1948

(b) Contract Labour (R&A) Act, 1970

(c) O.S and C.E. Act, 1956

(d) ISMW (R&CE) Act, 1979

(e) M.T.W. Act, 1961

(f) Building and Other Construction Workers (RECS) Act, 1996

4. No. of Workmen/employees/employed

Sl. No.	Category	Male	Female	Adolescent/ Adult	Child	Total No. of Employees
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Unskilled					
2	Semi-skilled					

(1)	(2)	(3)	(4)	(5)	(6)	(7)
3	Skilled					
4	Highly skilled					
5	ITI / Diploma					
6	Degree-Engg.					
7	Executive					
8	Probationer / Trainees					

5. Particulars of Employment / Payment in Factories / Establishments / Motor Transport Undertakings / Building Construction of Work.

(a)

No of Person on Roll as on 1st January	No. of Person on Roll as on 31st December	No. of days Factory / Establishment/ Building & Other Construction Works / Carried on	No. of days Factory/ Establishment /Closed	No. of Mandays worked during the year	No. of man-hours worked including O.T. during the year	Total Amount of salary / wage paid including O.T. wages & allowances

(b) Average Number of Employment during the year :—

Men	Women	Total

(c) No. of employees discharged/dismissed/terminated/retrenched/
Resigned or retired during the year.

Men	Women	Total

In respect of Minimum Wages & Payment of Wages etc.

6. Particulars of deduction made from salary (wages) under M.W. and P.W. Act.

	No. of Employees involved	Total Amount of deduction made
1. Fines		
2. Damages / Loss		
3. Breach of Contract		
4. Others		
5. Total		

In respect of the Factories Act / Orissa Shops & Commercial Establishment Act, 1956/

Orissa Industrial Establishment (National & Festival) Holidays Act, 1972.

7. Particulars of Earned Leave with Wages / National Festival Holidays with Wages.

Total No. of Persons employed	No. of Employees eligible for Earned Leave	No. of employees availed/granted Earned Leave	No. of employees paid wages/ salary in lieu of Earned Leave	No. of Person who were paid wages for the NFIT (separate figure for each day may be furnished)
1. Man				(i) 26th January
2. Woman				(ii) 1st May
				(iii) 15th August
				(iv) 2nd October
				(v)
				(vi)
				(vii)
				(viii)
				Total

In respect of Payment of Bonus

8. Payment of Bonus paid during the year

Name of the Accounting year	Total No. of employees	No. of Employees eligible for Bonus	Percentage of Bonus / Ex gratia declared	Total amount of Bonus / Ex gratia paid	Date of Payment
(1)	(2)	(3)	(4)	(5)	(6)

Relating to the Factories Act

9. Does the Factory carry on hazardous process under section-2(cb) dangerous operation u/s 87 of Factories Act. 1948.

If Yes..... Yes / No

(i) Whether Health and Safety Policy prepared and published Yes / No

(ii) Whether occupational Health Centre provided Yes / No

(iii) Whether Medical Officer appointed Yes / No

(iv) Whether Ambulance Van provided Yes / No

(v) Average no. of persons employed daily in hazardous process / dangerous operation Yes / No

10. Safety and Welfare Officers:—

(a)

	No. of Officers required to be appointed	No. of Officer actually appointed
(i) Safety Officers as per Section 40(B) of Factories Act.		
(ii) Welfare Officers as per Section 49 of the Factories Act.		

(b) Whether the following Welfare measures are provided ?

(i)	Ambulance Room as per Section 45(A)	Yes / No
(ii)	Canteen as per Section 46(I)	Yes / No
(iii)	Whether the canteen is run departmentally or through contractor departmentally / Contractor	
(iv)	Creche as per Section 48(i)	Yes / No
(v)	Shelters, Rest Rooms and Lunch Room as per Section 47(I)	Yes / No

11. Particulars of Accidents, Man's days lost and others: —

(i)	Total no. of accidents that have taken place in the year.
(ii)	Number of employees involved in such accidents:- (a) Male (b) Female
(iii)	Total number of man' days lost in such accident
(iv)	No. of employees returned to work within 48 hours of the accident
(v)	No. of employees returned to work after 48 hours of the accident (Reportable accident)
	(a) Without Permanent /Partial/ Total Disablement
	(b) With Permanent / Partial / Total Disablement
(vi)	Number of employees involved in accidents with either immediately or later within 7 days resulted in death.

Maternity Benefit Act

12. (a) Rating to Maternity Benefits :—

(i)	Total no. of women workers who worked for a period of 160 days in the last 12 months immediately preceding the date of delivery.
(ii)	No. of women workers discharged / dismissed in the last 12 months.
(iii)	No. of women worker for whom pre-natal confinement and post-natal confinement.
(iv)	No. of women workers died.
	(a) Before delivery —
	(b) After delivery —

(b) Leave / additional leave details :—

Item	No. of women applied for leave	Leave sanctioned	Leave reject
(i) Mis-carriage			
(ii) Illness (additional leave under section-10)			

(c) Maternity Benefit Paid : —

Item	No. of claim received	No. of leave sanctioned	No. of claims rejected	Total benefit paid in rupees
(i) Confinement				
(ii) Mis-carriage				
(iii) Illness				
(iv) Medical Bureaus				

Rating to Contract Labour (R&A) Act

13. (a) Contractor Labour:—

Name & Address of the Contractor / Contractors	Period of contract From / To	Nature of work/ operation in which contract labour were employed Department / Section	No. of person employed	Maximum no. of contract workman employed on any day during the year	No. of days worked	No. of man days worked
(i)						
(ii)						
(iii)						
(iv)						
		Total				

(b) Whether contract has provided ?

(i) Canteen	Yes / No.
(ii) Rest Room	Yes / No.
(iii) Drinking Water	Yes / No.
(iv) Creche	Yes / No.
(v) First Aid	Yes / No.
(vi) Remarks	Yes / No.

Relating to Building and Other Construction Workers (RE & CS) Act.

14. Particulars of accident that took place during the year: —

(i)	The total No. of accident.
(ii)	The number of accidents resulting in disablement of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost.
(iii)	The number of accidents resulting in disablement of building worker beyond 48 hours, but not resulting in any permanent partial or permanent total disablement, the number of building workers involved, and the number of man-days lost on account of such accident.
(iv)	The number of accidents resulting on permanent partial or total disablement, the number of building workers involved and the number of man-days lost on account of such accident.
(v)	The number of accident resulting in deaths of building workers and the number of resultant deaths.

15. INTER-STATE MIGRANT WORKMEN (RE & CS) ACT

In respect of Principal Employer : —

- (i) Number of contractors who worked in the establishment during the year with details.

Name & Address of the Contractor	Period of Contract		Nature of work	Maximum number of workers supplied by each contractor	No. of days worked	No. of man days worked
	From	To				

16. Beedi and Cigar Workers (Condition of Employment) Act, 1966:—

- (i) Average number of employees employed daily in the Industrial Premises : —

Men

Women

Young person

Male

Female

- (ii) Average monthly number of home workers employed (i.e. who work in their homes)

(iii) Number of days worked in the year in the industrial establishment.

(iv) No. of employees who were granted leave during the calendar year.

Young persons (a) employees in the Industries Premises

(b) employees in home

Other than young Persons (a) employees in the Industrial Premises

(b) employed in home

(v) Number of female employees who were given maternity benefit during the year

(a) employees in the Industrial Premises

(b) employed in home "