

## **Andhra Pradesh Minimum Wages Rules, 1960**

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## **Andhra Pradesh Minimum Wages Rules, 1960**

In exercise of the powers conferred by sub-section (1) of Section 30 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Governor of Andhra Pradesh hereby makes the following rules, the same having been previously published as required by the said section, namely :

## **CHAPTER 1 Preliminary**

### **1. Short title and extent :-**

(1) These rules may be called the Andhra Pradesh Minimum Wages Rules, 1960.

(2) They extend to the whole of the State of Andhra Pradesh.

## **2. Interpretation :-**

(1) In these rules, unless the context otherwise requires,

(a) Act means the Minimum Wages Act, 1948 (Central Act II of 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) Day means a period of twenty-four hours beginning at midnight;

(g) Form means form appended to these rules;

(h) Government means the Government of Andhra Pradesh;

(i) Inspector means a person appointed as Inspector under Section 19;

(j) Registered Trade Union means a trade union registered under the Indian Trade Unions Act, 1926; and

(k) Section means a section of the Act. (2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Act.

## **CHAPTER 2** Membership, Meetings and Staff of the Board and Committee

### **3. Term of office of members of the Committee :-**

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

### **4. Term of office of members of the Board :-**

(1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Board shall be two years commencing from the date of his nomination : Provided that such member shall, notwithstanding the expiry of the said period of two years continue to hold office until his successor is nominated.

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

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

## **5. Nomination of substitute member :-**

If a member is unable to attend a meeting of the Committee, or the Board, the Government or the body which nominated the said member may by notice in writing, signed on its behalf and by such member and addressed to the Chairman of the Committee, or Board, as the case may be, nominate a substitute in his place to attend that meeting. Such a substitute member shall have all the rights of a member in respect of the meeting.

## **6. 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 rates and subject to the conditions applicable to a non-official member of first class committee as laid down by the Government from time to time.

## **7. Staff :-**

(1) The Government may appoint a Secretary in the Committee or the Board, and such other staff as it may think necessary and may fix their 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 measure to carry out the decisions of the Committee or the Board as the case may be.

## **8. Eligibility for renomination of the members of the Committee or the Board :-**

An outgoing member shall be eligible for renomination for the membership of the Committee or the Board of which he was a member.

## **9. Resignation of the Chairman and members of the Committee or the Board and filling up 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 a letter addressed to the Government.

(3) A resignation shall take effect from the date of communication of its acceptance or on the expiry of 30 days from the date of resignation whichever is earlier.

(4) When a vacancy occurs or is likely to occur in the membership of the Committee, or the Board, the Chairman shall immediately submit a report to the Government. The Government shall then take steps to fill the vacancy.

## **10. Cessation and restoration of membership :-**

(1) If a member of the Committee or the Board fails to attend three consecutive meetings he shall subject to the provisions of sub-rule (2), cease to be a member thereof.

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

### **11. Disqualification :-**

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

(i) if he is declared to be of unsound mind by a competent Court;  
or

(ii) if he is an undischarged insolvent; or

(iii) if before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has been incurred under sub-rule (1), the decision of the Government thereon shall be final.

### **12. Meetings :-**

The Chairman may, subject to the provisions of Rule 13, call a meeting of the Committee or the Board, as the case may be, at any

time he thinks fit :

Provided that on a requisition in writing from not less than one half of the members or not less than two-thirds of the representatives of the employers or of the employees as the case may be, the Chairman shall call a meeting within a period of fifteen days from the date of receipt of such requisition.

### **13. 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 list of business to be conducted at the meeting shall be sent to each member by registered post atleast fifteen days before the date fixed for such meeting : Provided that in the case of an emergent meeting, notice of atleast seven days shall be given to every member.

### **14. Chairman :-**

(1) The Chairman shall preside at the meetings of the Committee or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst independent members by a majority of votes, a member, who shall preside at such meeting.

### **15. Quorum :-**

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

Provided that if at any meeting less than one-third of the total number of 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.



## **16. Disposal of business :-**

All business shall be considered, at a meeting of the Committee, or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. In the event of an equal number of votes, the Chairman shall have a casting vote :

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

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

## **17. 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.

## **18. 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 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.

**CHAPTER3** Summoning of Witnesses by the Committee and the Board and Production of Documents

## **19. Summoning of witnesses and production of documents**

:-

(1) A Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents, and things in his possession or under his control in any manner to the enquiry.

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

(3) A summons under this rule may be served\_\_

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

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

(4) The provision of the Code of Civil Procedure, 1908 (Central Act V of 1908) relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall so far, as may be, apply to proceeding before a committee or the Board.

(5) All books, papers and other documents or things produced before Committee or the Board in pursuance of summons under sub-rule (1) may be inspected by the Chairman, independent members, and also by such parties as the Chairman may allow with the consent of the other party; but the information obtained therefrom shall not be made public :

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

## **20. Expenses of witness :-**

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 time being in force for payment of such allowances to witnesses appearing in civil Courts in the State of Andhra Pradesh.

## **CHAPTER 4 Computation and Payment of Wages, Hours of Work and Holidays**

## **21. Mode of computation of the cash value of wages :-**

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

## **22. Time and conditions of payment of wages and the deductions permissible from wages :-**

(1)

(i) The wages of a worker in any scheduled employment shall be paid, on a working day\_

(a) in the case of an establishment in which less than thousand persons are employed, before the expiry of the seventh day; and

(b) in the case of other establishments before the expiry of the tenth day, after the last day of the wages period in respect of which the wages are payable :

Provided that the wage period with respect to employment in agriculture may extend to one year and the wage of a worker in the said employment shall be paid before the expiry of the 15th day after the last day of the wage period in respect of which wages are payable.

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

(iii) The wages of an employed person shall be paid to him without deductions of any kind except those authorised by or under these rules. Explanation :\_Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

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

(2) Deductions from the wages of a person employed in a scheduled employment may be of one or more of the following kind namely :\_

(i) fines in respect of such acts and omissions on the part of the employed persons as may be specified by the Government by

general or special order in this behalf;

(ii) deductions for absence from duty;

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

(iv) deductions for house accommodation supplied by the employer or the Government or any authority constituted by the Government for providing housing accommodation;

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

Explanation :- The words amenities and services in this clause do not include the supply of tools and protectives required for the purpose of employment;

(vi) deduction for recovery of advances or for adjustment of over payment of wages;

(vi-a) deduction for recovery of loans granted for house building or other purposes approved by the State Government and for the interest due in respect of such loans, subject to any rules made or approved by the State Government the extent to which such loans may be granted and the rate of interest payable thereon; or 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 be the monthly instalment of deduction exceed one-fourth of the wages earned in that month and the entire advance shall be recovered within a period of twelve months;

(vii) deductions of income-tax or any tax that may be levied by the

Government or local authority payable by the employed person;

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

(ix) deductions for subscription to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925 (Central Act 19 of 1925), applies or any recognised provident fund as defined in Section 58-A of the Indian Income Tax Act, 1922 (Central Act 11 of 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 deductions made with the written authorisation of the employed, for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956);

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

Provided that the prior approval of the Inspector or any other officer authorised by the Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deductions;

(xii) deductions for contribution to the National Defence Fund or the Prime Ministers Relief Fund or the Chief Ministers Relief Fund or to any Defence Savings Scheme approved by the Government, made with the written authorisation of,

(a) the employed person;

(b) the President or the Secretary of the registered trade union of

which the employed persons is a member, subject to the following conditions namely :

1. The President or in his absence, the Secretary of the registered trade union shall,--

(i) make a written authorisation permitting the employer to make such deductions from the wages of employees;

(ii) send in duplicate, the employer, a copy of the list showing the names and descriptions of the employees who are members of the trade union and indicating therein the amount to be deducted, or the extent of deductions which are to be made from the wages of each employed person, along with a copy of the resolution adopted at a meeting of such trade union, authorising such deductions; and

(iii) send a copy of the said list and resolution to the person who acts as an Inspector for purposes of Section 19 of the Act.

2. The employer shall display in a conspicuous place at the main entrance to the establishment and its office, one of the two copies of such list and resolution received from the President or Secretary, as the case may be, of the trade union for atleast a period of three consecutive days immediately preceding the day on which the deductions are to be made from the wages of the employees.

3. If an employee objects in writing to any deductions being made from his wages or if he objects as to the amount or extent of the deductions indicated in the list displayed by the employer, no deduction shall be made from his wages except in accordance with the written authorisation of such employee.

(3) Any person desirous of imposing a fine on an employed person or making a deduction for damage or loss of goods caused by him shall explain in writing the act or omission or the damage or loss in respect of which the fine or deduction is proposed to be imposed or

made and the amount of fine or deduction proposed to be imposed or made and give him an opportunity to offer an explanation in writing, and also to be heard in person, if he so desires. The fine shall be levied or the deduction ordered after due consideration of the explanation offered in writing or in person, as the case may be.

(4)

(i) The total amount of fine which may be imposed under sub-rule (3) shall not exceed in any one wage period an amount equal to three naye paise in the rupee of the wages payable to the employed person in respect of such wage period.

(ii) The total amount of deduction for damage or loss ordered under sub-rule (3) shall not exceed the cost of replacing the article damaged or lost on the date of passing the order of recovery, or the book value of the article, whichever is less. Where the amount of deduction exceeds an amount equal to one-third of the wages payable to the employed person in respect of a wage period, the deduction shall be made in instalments in such a way that the amount of each instalment does not exceed one-third of the average wages payable to him between one instalment and the other.

(iii) All realisations under clause (i) and all deductions under clause (ii) shall be recovered in a register maintained in Forms I, II and III as the case may be. A return in Form III shall be submitted annually by the employer before the 31st January of every year to the District Inspector of Labour having jurisdiction over the area following the calendar year to which the return relates.

(5) All realisations from fines shall be utilised only for such purposes which are beneficial to the persons employed in the scheduled employments as are generally approved by the Government in this behalf.

(6) Nothing in this rule shall be deemed to affect the provisions of



the Payment of Wages Act, 1936 (Central Act 4 of 1936) and the Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947) and Hyderabad Shops and Establishments Act, 1951 (Hyderabad Act X of 1951).

### **23. Publicity to the minimum wages fixed under the Act :-**

Notices in Form XII containing the minimum rates of wages fixed under the Act together with abstracts from such of the provisions of the Act and the rules as prescribed and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such places as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall be displayed on the Notice Boards of the Offices of the Collectors, Revenue Divisional Officers, Tahsildars and Deputy Tahsildars in all the districts and in the office of Labour and Factories Departments. In the case of employment in agriculture the notice shall be displayed in all the District Offices of the Agricultural Department and Local Administration Department.

### **24. Weekly day of rest :-**

(1) Subject to the provisions of this rule, an employee in a scheduled employment in respect of which the minimum rates of wages have been fixed under the Act, shall be allowed a day of rest every week (hereinafter referred to as the rest day) which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day for any employee or class of employees in that scheduled employment :

Provided that the employee has worked in the scheduled employment under the same employer for a continuous period of not less than six days; Provided further that the employee shall be informed of the day fixed as the rest day and or any subsequent change in the rest day before the change is effected, by display of a notice to that effect in the place of employment at the place specified by the Inspector in this behalf. Explanation :\_For the

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

(a) any day on which an employee is required to attend for work, but is given only an allowance for attendance and is not provided with work for any reason other than any one of those enumerated in Rule 28; and

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

(2) Any such employee shall not be required or allowed to work in a scheduled employment on the rest day unless\_\_

(a) he has or will have substituted rest day for a whole day on one of the three days immediately before or after the rest day; and

(b) prior intimation is given by the employer to the employee of his intention to require the employee to work on the rest day and also of the day which is to be substituted :

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

(3) Where in accordance with the foregoing provisions of this rule, any employee works on a rest day and has been given a substituted rest day on any one of the three days before or after the rest day, the said rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.

(4) An employee shall be granted for the rest day wages calculated at the rate applicable to the preceding day and in case he works on

the rest day and has been given a substituted rest day, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day :

Provided that where the minimum daily rate of wages of the employee, as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twenty six, or where the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty six and such actual daily rate of wages is not less than the notified minimum daily rate of wages of the employee, no wages for the rest day shall be payable, and in case the employee works on the day and has been given a substituted rest day, he shall be paid, only for the rest day on which he worked, an amount equal to the difference between the wages payable to him at the ordinary rate and wages payable to him at the overtime rates; and if any dispute arises whether the daily rate of wages has been worked out as aforesaid the Commissioner of Labour may, on application made to him in this behalf, decide the same, after giving an opportunity to the parties concerned to make written representations; Provided further that in the case of an employee governed by a piece rate schedule, the wages for the rest days, or, as the case may be, the rest day and the substituted rest day, shall be such as the Government may, by notification in the Andhra Pradesh Gazette, prescribe, having regard to the minimum rate of wages fixed under the Act, in respect of the scheduled employment.

Explanation :- In this sub-rule, next preceding day means the last day on which the employee has worked, which precedes the rest day or the substituted rest day, as the case may be; and where the substituted rest day falls on a day immediately after the rest day; the next preceding day means the last day on which the employee has worked, which precedes the rest day.

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

(6) The provisions of this rule shall not operate to the prejudice of

more favourable terms, if any, to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the employee shall be entitled only to the more favourable terms aforesaid.

Explanation : The word "week" used in this rule will mean a period of seven days beginning at midnight on Saturday night.

**25. Number of hours of work, which shall constitute a normal working day :-**

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

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

(b) in the case of a child, 4 1/2 hours.

(2) The period of work of an adult worker each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of atleast half an hour.

(3) The periods of work of an adult worker in a scheduled employment other than employment in any plantation shall be so arranged that inclusive of his intervals for rest under sub-rule (2) they shall not spread over more than ten and a half hours in day :

Provided that the Inspector may, for reasons to be specified in writing, increase the spread over to twelve hours.

(4) 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 the certifying surgeon appointed under Section 10 of the Factories Act, 1948 (Central Act 63 of 1948).

(5) No child shall be employed or permitted to work for more than 4 hours on any day.

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

## **26. Number of hours of overtime work :-**

The total number of hours of overtime a worker shall be required or allowed to work in any employment shall not exceed 50 for any one quarter.

Explanation :- Quarter means a period of three consecutive months beginning on the 1st January, 1st April, the 1st July or the 1st of October.

## **27. Night shifts :-**

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

(a) for the purpose of Rule 24, a rest day shall mean in his case a period of 24 consecutive hours beginning when his shift ends;

(b) the following day for him shall be deemed to be the period of 24 hours beginning when such shift ends, and the hours he has worked after midnight shall be counted towards the previous day.

## **28. Cases and circumstances in which an employee**

**employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day :-**

(1) The following shall be cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day :\_\_

(a) tempest, fire, rain, breakdown of machinery or stoppage of or any cut in the supply of power, epidemic, civil commotion or other cause beyond the control of the employer;

(b) where an employee works for any period of not exceeding 4 hours a day;

(c) strike or stay-in-strike.

(2) In the case of interruption brought about by tempest, fire, rain breakdown of machinery, epidemic, civil commotion or other natural causes beyond the control of the employer, the employee who has already started work for the day shall be paid wages at half the minimum rates of wages fixed for normal working day if the interruption occurs at any time before the interval for midday rest he shall be paid wages for a full normal working day.

(3) If by reason of stoppage of or any cut in the supply of power effected by the Government, an employer is prevented on any working day from giving work to his employees for a full normal working day, the employees shall receive wages for such day in the proportion the number of hours he worked bears to the number of hours constituting the normal working day.

(4) If an employee works for any period not exceeding 4 hours a day he shall receive wages for such day in the proportion the

number of hours he worked bears to the number of hours constituting the normal working day.

## **29. Extra wages for overtime :-**

(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 overtime work, be entitled to wages\_

(a) in case of employment in agriculture including plantations, at one and half times the ordinary rate of wages;

(b) in the case of any other scheduled employment at double the ordinary rate of wages.

Explanation : The expression ordinary rate of wages shall be construed as to mean wages defined in clause (h) of Section 2 of the Act.

(2) A register showing overtime payments shall be kept in Form IV. Overtime work shall be entered up in the register before the expiry of 24 hours from the commencement of such work : Provided that no such register need be kept in the case of an establishment where an overtime Muster Roll as prescribed in Form No.10 of the Madras Factories Rules, 1950 and Hyderabad Factories Rules, 1952, is kept.

(3) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 (Central Act 63 of 1948) and the Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947) and Hyderabad Shops and Establishments Act, 1951 (Hyderabad Act X of 1951).

## **30. Form of register and records :-**

### 30. Form of register and records .

(1) A register of wages shall be maintained by every employer at the workspot or the principal office attached to it in Form No.X in respect of employments including in Part I of the Schedule to the Act.

(2) A wages slip in Form No.XI shall be issued by every person employed by him in respect of employments including in Part I of the Schedule to the Act atleast a day prior to the disbursement of wages and his acknowledgment is obtained.

(3) Every employer shall get the signature or thumb impression of every person employed on the register of wages and wages slips, at the time of the payment of wages.

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

(5) A Muster Roll shall be maintained by every employer at the workspot or the principal office attached to it and kept in Form V in respect of employments included in Part I of the Schedule to the Act and it shall be written up every day on which the work is performed.

### **31. . :-**

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

Provided that, where an establishment has been closed, or where an establishment has no building, the Inspector may demand the production of registers and records in his office or such other public



place as may be nearer to the employer.

### **31A. Preservation of registers :-**

A register required to be maintained under Rules 29 and 30 shall be preserved for a period of 12 months after the date of last entry made therein.

### **31B. Maintenance of registers and forms :-**

Notwithstanding anything in these rules where a combined alternative form of register 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 made thereunder, an alternative suitable form or register in lieu of any of the forms or registers prescribed under these rules may be used with the previous approval of the Commissioner of Labour :

Provided that an application along with a challan in triplicate for Rs.50/- (Rupees fifty only) by crediting to "0230-Labour and Employment \_ MH 101-Receipt under Labour Laws-SH (01) Fees realised under the Minimum Wages Act, 1948 and Andhra Pradesh Minimum Wages Rules, 1960 (to be opened) shall be made to the Commissioner of Labour for his approval under this rule.

## **CHAPTER 5 Claims under the Act**

### **32. Application :-**

An application under sub-section (2) of Section 20 or sub-section (1) of Section 21, by or on behalf of an employed person or group of employed persons, shall be made in duplicate in Forms VI or VII as the case may be.

### **33. Authorisation :-**

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

### **34. Appearance of parties :-**

(1) If an application under sub-section (2) of Section 20 or sub-section (1) of Section 21 is entertained, the authority shall serve upon the employer by registered post a notice in Form IX to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application ex parte.

(3) If the applicant or his representative fails to appear on the specified date, the authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order and the application shall then be reheard after service of notice on the opposite party of the date fixed for rehearing in the manner specified in sub-rule (1).

## **CHAPTER 6 Scale of costs in proceedings under the Act**

### **35. Costs :-**

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

(2) The cost which may be awarded include\_

(i) Expenses incurred on account of Court fees

(i) expenses incurred on account of Court-fees;

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

(iii) pleaders fee to the extent of ten rupees provided that the authority in any proceeding may reduce, the fees to a sum not less than five rupees or, for reasons to be recorded in writing increase it to a sum not exceeding twenty five rupees.

(3) Where there are more than one pleader or more than one applicant or opponent the authority may, subject as aforesaid, award to the successful party or parties such costs as it may deem proper. 36. Court-fees :\_The Court-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.

## **CHAPTER 7** Miscellaneous

### **37. Exemptions :-**

These rules shall not apply insofar as there are already in force

rules applicable to such employment, making equally satisfactory provisions for the matters dealt with by these rules.

### **37A. Restricted application of Rules 24 and 25 to employees**

:-

The provisions of Rules 24 and 25 shall not apply in relation to the classes of employees specified in column (1) of the table below to the extent specified against each such class in column (2) and subject to the conditions specified against the same in column (3) thereof.

### **38. Repeal and Savings :-**

The Andhra Minimum Wages Rules, 1954 and the Hyderabad Minimum Wages Rules, 1951 are hereby repealed : Provided that any other made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

**CHAPTER 8** Rules regarding preparation, preservation and destruction of records in the offices of the authorities appointed under Act

### **39. Preparation of Records :-**

(1) There shall be two files A and B. File

A, shall contain

(1) index,

(2) the records of the proceedings, filed in Form VI or VIII, under sub-section (2) of Section 20 or sub-section (1) of Section 21,

(4) the written statement or counter in reply filed by the opposite party,

(5) the decision, finding or order of the authority,

(5) the decision, finding or order of the authority,

(6) oral evidence recorded,

(7) exhibits, and

(8) such other papers as may be ordered by the authority to be placed in that file.

(2) File B shall contain its index, the notice served or issued to any party or parties and all other papers not connected to File A.

#### **40. Preservation of records :-**

File A shall be preserved for fifteen years and File B for 3 years.

#### **41. Destruction of records :-**

(1) After the period of retention as specified in Rule 40, the files may be destroyed either by tearing or by burning in the presence of the authority or person so authorised by the authority in their behalf.

(2) The records destroyed by tearing may be sold or otherwise disposed of in such a manner as the authority thinks fit.