Madhya Pradesh
Labour Department
Notification

Bhopal, the..... , 2025

No./.....:- In exercise of the powers conferred by sub-Section (1) of Section 67 of the Code on Wages, 2019 (29 of 2019) and in supersession of the Minimum wages (The Madhya Pradesh) Rules, 1958 and the Madhya Pradesh payment of wages Rules, 1962 the State Government hereby notifies the draft Rules. As required by sub-Section (1) of said Section 67, notice is, hereby given to all persons likely to be affected by these draft Rules, that the said draft Rules will be taken into consideration after the expiry of a period of 45 days from the date on which this notification is published in official Gazette of Madhya Pradesh.

Objections and suggestions, if any, may be addressed to the Secretary to the Government of Madhya Pradesh, Department of Labour, Mantralaya, Vallabh Bhawan, Bhopal or by email to — pslabour@mp.gov.in . The objections and suggestions should be sent in a proforma containing columns (i) specifying the name and address of the person/organization and column (ii) specifying the rule or sub-rule which is proposed to be modified and column (iii) specifying the revised rule or sub-rule proposed to be substituted and column (iv) reasons thereof.

Objections and suggestions, which may be received from any person or organization with respect to the said draft notification before expiry of the period specified above, will be considered by the State Government.

RULES

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement

1. These Rules may be called the Madhya Pradesh Code on Wages Rules, 2026.
2. They shall extend to the whole State of Madhya Pradesh.
3. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :

1. In these Rules, unless the subject or context otherwise requires -
   a. "Appeal" means an appeal preferred under sub-Section (1) of Section 49;
   b. "Appellate Authority" means the appellate authority appointed by the Government under sub-Section (1) of Section 49;
   . "Authority" means the authority appointed by the Government under sub-Section (1) of Section 45;

d. "Board" means the Madhya Pradesh State Advisory Board constituted by the State Government under sub-Section (4) of Section 42;
e. "Chairperson" means the chairperson of the Board;
f. "Code" means the Code on Wages, 2019 (29 of 2019);
g. "committee" means a committee appointed by the Madhya Pradesh State Government under clause (a) of sub-Section (1) of Section 8;
h. "day" means a period of 24 hours beginning at midnight;
i. "family" means all or any of the following relatives of an employee namely:-
    I. a spouse;
    II. a minor legitimate or adopted child dependent upon the employee ;
    III. a child who is wholly dependent on the earnings of the employee, and who is -
        i receiving education, till he attains the age of twenty-one years; and
        ii. an unmarried daughter;
    IV. a child who is infirm by reason of any physical or mental abnormality or injury and is wholly dependent on the earnings of the employee, so long as the infirmity continues;
    V. dependent parents (including father-in-law and mother-in-law of a woman employee), whose income from all sources does not exceed such income as may be specified by the Central Government from time to time;
j. "Form" means a form appended to these Rules;
k. "Geographical Area" means, the areas notified as such by the State Government from time to time.
l. "Government" means the Government of Madhya Pradesh;
m. "highly skilled occupation" means an occupation which calls in its performance a specific level of perfection and required competence acquired through intensive technical or professional training or practical occupational experience for a considerable period and also requires of an employee to assume full responsibility for his judgement or decision involved in the execution of such occupation;
n. "Inspector-cum-Facilitator" means a person appointed by the State Government, by notification under sub-Section (1) of Section 51 ;
o. "member" means a member of the Board and includes its chairperson;
p. "metropolitan City" means a compact area having a population of forty lakhs or more comprised in one or more districts;
q. "non-metropolitan city" means a compact area having a population of more than ten lakhs but less than forty lakhs, comprised in one or more districts;
r. "population" means the population as ascertained at the last preceding census of which the relevant figures have been

published;

s. "registered trade union" means a trade union registered under The Trade Unions Act, 1926 (16 of 1926);

t. "rural area" means the area which is not the metropolitan or non-metropolitan area;

u "Schedule" means the schedule to these Rules;

v "Section" means a Section of the Code;

w "semi-skilled occupation" means an occupation which in its performance requires the application of skill gained by the experience on job which is capable of being applied under the supervision or guidance of a skilled employee and includes supervision over the unskilled occupation;

x "skilled occupation" means an occupation which involves skill and competence in its performance through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiating and judgement;

t. "unskilled occupation" means an occupation which in its performance requires the application of simply the operating experience and involves no further skills;

2. All other words and expressions used herein in these Rules and not defined shall have the same meanings respectively assigned to them under the Code.

CHAPTER II
Minimum Wages

3. Manner of calculating the minimum rate of wages (sub-Section (5) of Section 6 of the Code) :

1. The minimum wage shall be fixed on daily basis keeping in view the following criteria, namely -
   - l. Standard working class family which includes the worker, his wife or her husband and two children in addition to the earning worker, which is equal to three adult consumption units,
   - ll. Net consumption of 2700 calories per consumption unit per day,
   - lll. 66 meters of cloth per year per standard working class family,
   - lv. Residential rent expenses which shall be 10 per cent of food and clothing expenses at maximum,
   - v. Fuel, electricity and other miscellaneous items of expenditure which shall be 20 per cent of food and clothing expenses at maximum.
   - vl. Expenses of children's education, medical needs, entertainment and other incidental expenses which shall be 25 per cent of the food and clothing expenses at maximum.
2. When the rate of wages for a day is fixed, then, such amount shall be divided by eight for fixing the rate of wages for an hour and multiplied by twenty six for fixing the rate of wages for a month and in such division and multiplication the factors of one-half and more than one-half shall be rounded as next figure and the factors less than one-half shall be ignored. In case of a five day working week, the hourly rate of minimum wages so calculated shall be used to derive the minimum wages for the day.

4. Norms for fixation of minimum rate of wages (sub-Section (6) of Section 6 of the Code) :

1. While fixing the minimum rates of wages, the State Government shall take into account the following:
   - i Geographical area or
   - ii. Physical circumstances of work contingent on Level of skill required for working under the categories of unskilled, semi-skilled, skilled and highly skilled.
2. The State Government shall constitute a Technical Committee for the purpose of advising the State Government in respect of skill categorization of occupation, arduousness of work, hazardous occupations or processes and underground work and like other categorization, which shall consist of the following members, namely -
   - i. Labour Commissioner (Chairperson)
   - ii. Additional Labour Commissioner/Senior Deputy Labour Commissioner Government of Madhya Pradesh (Member)
   - iii. a representative from the Government of Madhya Pradesh, dealing with skill development (Member)
   - iv. two technical experts in wage determination as nominated by Government (Member); and
   - v the Deputy Labour Commissioner/Assistant Labour Commissioner, Department of Labour, Government of Madhya Pradesh, Member Secretary of such technical committee.
3. The State Government shall, on the advice of the Technical Committee referred to in sub-Rule (2), by notification update Schedule-E in respect of categorization of occupations into unskilled, semiskilled, skilled and highly skilled by modifying, deleting or adding any entry in respect of occupations specified in **Schedule-E.**
4. While fixing or revising the minimum rates of wages, the Technical Committee specified in sub-Rule (2) shall give appropriate advice to the State Government keeping in view the difficulties of the workers, such as tolerating temperature or generally dampness, hazardous occupations or processes or such underground work etc.

5. Time Interval for revision of Dearness Allowance (sub-Section (2) of Section 7 of the Code) : Endeavour shall be made so that the cost of living allowance and the cash value of the concession in respect of essential commodities at concession rate shall be computed once before 1st April and 1st October in every year to revise the variable Dearness Allowance payable to the employees on the minimum wages considering the Average Consumer Price Index Number for Industrial Workers published by the Labour Bureau, Ministry of Labour and Employment, Government of India.

6. Circumstances in which an employee shall not be entitled to receive wages for a full normal working day (clause (ii) of the proviso to section 10 of the Code) :

1. A person 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 to the extent to which he has remained himself absent during the normal working hours.

2. An employee shall not be entitled to receive wages for a 1ull normal working day under Section 10, if he is not entitled to receive such wage under any other law for the tfme being in force.

7. Number of Hours of work which shall constitute a normal working day (clause (a) of sub-Section (1) of Section 13 of the Code) :

1. No employee shall be required or allowed to work in an establishment for more than forty eight hours in a week.
2. The normal working day under clause (a) of sub-Section (1) of Section 13 shall be comprised of eight hours of work and one or more intervals of rest which in total shall not exceed one hour.
3. The working day of an employee shall be so arranged that inclusive of the intervals of rest, if any, it shall not spread over more than twelve hours on any day.
4. Nothing in this Rule shall be deemed to affect the provisions of the Code on Occupational Safety, Health and Working Conditions 2020.
5. No employee shall be allowed to work lor more than five hours continuously before he has had an interval for rest of at least half an hour.
6. The provisions of sub-Rules (1), (2), (3), (4) and (5) shall, in the case of an employee employed in agricultural employment, be subject to such modifications as may, from time to time be determined by the state government.

8. Weekly day of rest (clause (b) and (c) of sub-Section (1) of Section 13 of the Code) :

1. Subject to the provisions of this Rule, an employee shall be allowed rest of one day or more than one day as the case may be, every week (hereinafter referred to as “the rest days") which in case of six day week shall ordinarily be Sunday and in case of less than six day week shall include Saturday and Sunday, but the employer may 1ix any other days of the week as the rest days for any employee or class of employees.

Provided that in a six day working week or less than six days working week, as the case may be, the remaining days of the week shall be paid rest days for such employees.

Provided that an employee shall be entitled for the rest days under this sub-Rule if he has worked under the same employer in case of six day week for a continuous period of not less than six days and in case of less than six day working week for a continuous period of the stipulated number of working days as the case may be.

Provided further that the employee shall be informed of the days fixed as the rest days and of any subsequent change in the rest days before the change is effected, by display of a notice to that effect at a conspicuous place in the place of employment.

Explanation.- For the purpose of computation of the

continuous period of not less than six days or the stipulated number of working days in a week specified in the second 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,
b. any day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947 (14 of 1947), and
c. any leave or holiday, with or without pay, granted by the employer to an employee in the period of six days or during the stipulated number of working days of a week as the case may be, immediately preceding the rest days, shall be deemed to be days on which the employee has worked.

1. Any such employee shall not be required or allowed to work on the rest day unless he has or will have a substituted rest day for a whole day on one of the working days in a week immediately before or after the rest day:
2. 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 working days before or a1ter the rest day, the 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.
3. An employee shall be granted -
   a. for rest day, wages calculated at the rate applicable to the next preceding day; and
   b. where he works on the rest day and has been given a substituted rest day, Then, 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 in case of six day week where-

the minimum rate of wages of the employee as notified under the Code has been worked out by dividing the minimum monthly rate of wages by twenty six; or

ii. 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, then, no wages for the rest day shall be payable; and

iii. the employee works on the rest day and has been given a substituted rest day, then, he shall be paid, only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate; and, if any dispute arises whether the daily rate of wages has been worked out in accordance with the provisions of this proviso, the Labour Commissioner or the Deputy Labour Commissioner having territorial jurisdiction 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 case of an employee governed by a piece-rate system,

he shall be paid wages for the rest day on which he works, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day."

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 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 the day immediately after the rest day, the next proceeding day means the last day on which the employee has worked, which precedes the rest day.

5. 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 more favourable terms aforesaid.

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

6. Night shifts : Where an employee in an employment works on a shift which extends beyond midnight, then, -
   a. a rest day for the whole day for the purposes of this Rule shall, in this case means a period of twenty-four consecutive 'hours beginning from the time when his shift ends; and
   b. the following day in such a case shall be deemed to be the period of twenty-four hours beginning from the time when such shift ends, and the. hours after midnight during which such an employee was engaged in work shall be counted towards the previous day.

9. The extent and conditions for the purposes of sub-Section (2) of Section 13 of the Code : In case of employees -

a. engaged in any emergency which could not have been foreseen or prevented;
b. engaged in work of 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. whose employment is essentially intermittent;
d. engaged in any work which for technical reasons has to be completed before the duty is over; and
e. engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces; the provisions of Rules 6, 7 and 8 shall apply subject to the condition that -
   i the spread over of the hours of work of the employee shall not exceed 16 hours in any day; and
   ii. the actual hours of work excluding the intervals of rest and the

periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attendance shall not exceed 9 hours in any day.

10. Longer wage period (Section 14 of the Code) : The longer wage period for the purposes of minimum rate of wages shall be by the month.

CHAPTER III
Payment of Wages

11. Recovery under sub-Section (4) of Section 18 of the Code : Where the total deductions authorized under sub-Section (2) of Section 18 exceed fifty percent of the wages of an employee, the excess shall be carried forward and recovered from the wages of succeeding wage period or wage periods, as the case may be, in such instalments so that the recovery in any month shall not exceed the fifty per cent of the wages of the employee in that month.

12. The authority under sub-Section (1) of Section 19 of the Code : The Labour Officer or Assistant Labour Commissioner shall be the authority for the purposes of sub-Section (1) of Section 19.

13. The manner of exhibiting the notice under sub-Section (2) of Section 19 of the Code : A notice referred to in sub-Section (2) of Section 19 shall be displayed in physical form or electronically in Hindi and English at the conspicuous places in the premises of the work place in which the employment is carried on, so that every concerned employee would be able to easily read the contents of the notice and a copy of the notice shall be sent electronically or by registered post to the Inspector-cum-Facilitator having jurisdiction.

14. The procedure under sub-Section (3) of Section 19 of the Code : The employer shall give an intimation electronically or in writing specifying therein the detailed particulars for obtaining the approval of the imposition of fine to the Labour Officer or Assistant Labour Commissioner referred to in Rule 12 who shall, before granting or refusing the approval, give opportunity of being heard to the employee and the employer concerned and shall dispose of the matter within 30 days from the date of receiving such intimation, failing which it shall be deemed to be approved.

15. Form of Register, etc (sub-Section (8) of Section 19 of the Code) : All fines and all realization thereof referred to in sub-Section (8) of Section 19 shall be recorded in a register to be kept by the employer in Form-I appended to these

Rules, electronically or otherwise and the authority referred to in said sub-Section (8) shall be the Labour Officer having jurisdiction.

16. Intimation of deduction (sub-Section (2) of Section 20 of the Code):

1. Where an employer makes any deduction in pursuance of the proviso to sub-Section (2) of Section 20, he shall make intimation electronically or by registered post of such deduction to the Inspector-cum-Facilitator having jurisdiction within 10 days from the date oT such deduction explaining therein the reason oT such deduction.
2. The Inspector-cum-Facilitator shall, after receiving intimation under sub-Rule (1), examine such intimation and if he finds that the explanation given therein is in contravention of any provision of the Code or the Rules made there under, he shall initiate appropriate action under the Code against the employer within thirty days from the date of receipt of such intimation.

17. Procedure for deduction under sub-Section (2) of Section 21 of the Code : Any employer desiring to make deduction for damages or loss under sub-Section (1) of Section 21 from the wages of an employee shall,-

i. explain to the employee personally and also in writing the damage or loss of goods expressly entrusted to the employee for custody or for loss of money for which he is required to account and how such damages or loss is directly attributable to the neglect or default of the employee; and
ii. Thereafter, give the employee an opportunity to offer any explanation and deduction for any damages or loss, if made, shall be intimated to the employee within fifteen days from the date of such deduction.

18. Form of Register, etc (sub-Section (3) of Section 21 of the Code): All deductions and all realizations referred to in sub-Section (3) of Section 21 shall be recorded in a register to be kept by the employer in Form-I appended to these Rules, electronically or otherwise.

19. Conditions regarding recovery of advance under Section 23 of the Code : The recovery, as the case may be

advances of money given to an employee after the employment begins under clause (b) of Section 23; or

ii. advances of wages to an employee not already earned under clause (c) of Section 23;

shall be made by the employer from the wages of the concerned employee in instalments determined by the employer, so as any or all instalments in a wage period shall not exceed fifty percent of the wages of the employee in that wage period and the particulars of such recovery shall be recorded in the register maintained in Form-I.

20. Deduction under Section 24 of the Code : Deductions for recovery of loans granted for house building or other purposes approved by the State Government, and the interest due in respect thereof shall be, subject to any direction made or circular issued by the State Government from time to time regulating the extent to which such loans may be granted and the rate of interest shall be payable thereon.

CHAPTER IV
State Advisory Board

A. The procedure of State Advisory Board under sub-Section (10) of Section 42

21. Constitution of the Board

1. The Board shall consist of the persons to be nominated by the State Government representing employers and employees as specified in clauses (a) and (b) of sub-Section (6) of Section 42 and the independent persons as specified in clauses (c) of that sub-Section.
2. The persons representing employers as referred to in clause (a) of sub-Section (6) of Section 42 shall be six and the persons representing employees referred to in clause (b) of that sub-Section shall also be six out of which at least two members of representatives of employer and two members of representative of employees shall be women.
3. The independent persons specified in clause (c) of sub-Section (1) oI Section 42 to be nominated by the State Government shall consist of the following, namely -
   - i the Chairperson;
   - ii. One Member of State Legislative Assembly ;
   - iii. Two members each of whom, shall be a professional in the field of wages and labour related issues;
   - iv. one member who is or has been a presiding officer of Labour Court or an Industrial Tribunal constituted by the State Government under Section 7A of the Industrial Disputes Act, 1947 (14 of 1947); and
   - two members, each of whom shall be a representative of two works departments of the state, not below the rank of deputy secretary of the state government.

22. Additional function of the Board : In addition to the functions specified in sub-Section (4) of Section 42, the Board on reference by the State Government, shall advise the Government on the issue relating to the fixation of minimum wages in respect of -

i. working journalists as defined in clause (f) of Section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955); and
ii. sales promotion employees as defined in clause (d) of Section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of

1976).

23. Meeting of the Board : The Chairperson may, subject to the provision of Rule 25, call a meeting of the Board, at any time he thinks fit:

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

24. Notice of meetings : The Chairperson 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 and electronically 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.

25. Function of Chairperson The Chairperson shall

i preside at the meetings of the Board: Provided that in the absence of the Chairperson at any meeting, the members shall elect from amongst themselves by a majority of votes, a member who shall preside at such meeting;

ii. decide agenda of each meeting of the Board;

iii. where in the meeting of the Board, if any issue has to be decided by voting, conduct the voting and count or cause to be counted the secret voting in the meeting.

26. Quorum : No business shall be transacted at any meeting unless at least one-third of the members and at least one representative member each of both the employers and an employee are present:

Provided that, if at any meeting less than one-third of the members are present, the Chairperson 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:

Provided further that the date, time and place of such adjourned meeting shall be intimated to all the members electronically or by a Registered post.

27. Disposal of business of the Board : All business of the Board shall be considered at a meeting of the Board, and shall be decided by a majority of the votes of members present and voting and in the event of an equality of votes, the Chairperson shall have a casting vote:

Provided that the Chairperson 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 matter under the preceding proviso shall be taken, unless supported by not less than two-thirds majority of the members.

28. Method of Voting : Voting in the Board shall ordinarily be by show of hands, but if any member asks for voting by Ballot, or if the Chairperson so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairperson may decide.

29. Proceedings of the meetings :

1. The proceedings of each meeting of the Board showing inter alia the names of the members present there 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 of the Board shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.

30. Summoning of witnesses arid production of documents :

1. The Chairperson may summon any person to appear as a witness if required in the course of the discharge of his duty and require any person to produce any document.
2. Every person who is summoned and appears as a witness before the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing before a civil court.

B. The Terms of office of members of the Board under sub-Section (11) of Section 42

31. Term of office of members of the Board

1. The term of office of the chairperson or a member, as the case may be, shall be normally two years commencing from the date of his appointment or nomination under sub-Section (1) of Section 42: Provided that such chairperson or a member shall,

notwithstanding the expiry of the said period of two years, continue to hold office until his successor is appointed or nominated.

2. A member representing employers or employees or independent persons of the Board, nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.
3. The official members of the Board shall hold office till they are replaced by respective such other official members.
4. Notwithstanding anything contained in sub-Rule (1), (2) and (3) the members of the Board shall hold office during the pleasure of the State Government.

32. Travelling allowance : The chairman and every member of the Board, shall be entitled to draw travelling and halting allowance for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a class I officer of the State Government.

33. Officers and Staff : The State Government may provide a Secretary not below the rank of Assistant Labour Commissioner to the Government of Madhya Pradesh, other officers and staff to the Board, as it may think necessary for the function of the Board.

34. Eligibility for re-nomination of the members of the Board : An outgoing non-official member shall be eligible for re-nomination for the membership of the Board for not more than three terms.

35. Resignation of the Chairperson and other members of the Board :

1. A member of the Board, other than the Chairperson, may, by giving notice in writing to the Chairperson, resign his membership and the Chairperson may resign by a letter addressed to the State Government.
2. A resignation shall take effect from the date of communication of its acceptance or on the expiry of 30 days from the date of resignation, whichever is earlier.
3. When a vacancy occurs or is likely to occur in the membership of the Board, the Chairperson shall submit a report to the State Government immediately and the State Government shall, then, take steps to fill the vacancy in accordance with the provisions of the Code.

36. Cessation of membership : If a member of the Board, fails to attend three consecutive meetings without prior intimation to the Chairperson, he shall, cease to be a member thereof.

37. Disqualification :

1. A person shall be disqualified for being nominated as, and for being a member of the Board,
   i if he is declared to be of unsound mind by a competent authority; or
   ii. if he is an un-discharged insolvent; or
   iii. if before or after the commencement of the Code, he has been convicted of an offence involving moral turpitude.
2. If any question arises whether a disqualification has been incurred under sub-Rule (1), the decision of the State Government thereon shall be final.

CHAPTER V
PAYMENT OF DUES, CLAIMS, Etc.

38. Payment under clause (a) of sub-Section (1) of Section 44 of the Code :

1. Here -
   a. Every employee shall make a declaration in Form-VII, nominating a person conferring the right to receive the amount that may stand in his credit at the event of his death before that amount standing to his credit has become payable or where the amount has become payable, before payment has been made.
   b. If the employee has a family at the time of making nomination, the nomination shall be in favor of the spouse or the spouse in preference followed by one or more members of his family;

      Provided that nomination made by an employee having a family in favor of a person other than member of his family shall be invalid;

      Provided further that a fresh nomination towards his spouse shall be made by the employee on his marriage and any nomination made before such marriage shall be deemed to be invalid.

   c. Where the nomination is wholly or partly in favor of a minor, the employee may appoint a major person of his family, to be the guardian of the minor nominee or where there is no major person in the family, he may at his discretion, appoint any other person to be a guardian of the minor nominee.
   d. If the employee nominates more than one member, he shall specify in the nomination, the amount or share payable to each of his nominees at his own discretion so as to cover the whole of the amount that may stand to his credit.
1. Where any amount payable to an employee under the Code is due after his death or on account of his whereabouts not being known, and the amount could not be paid to the nominee of the employee until the expiry of three months from the date the amount had become payable, then, such amount shall be deposited by the employer with the Labour Offfcer or Assistant Labour Commissioner having jurisdiction, who shall disburse the amount to the person nominated by the employee after ascertaining his identity within two months of the date on which the amount was so deposited with him.

39. Deposit of the undisbursed dues under clause (b) of sub-Section (1) of Section 44 of the Code :

1. Where any amount payable to an employee under this Code remains undisbursed because either no nomination has been made by such employee or for any other reason, such amounts could not be paid to the nominee of employee until the expiry of six months from the date the amount had become payable, all such amounts shall be deposited by the employer with the Labour Officer or Assistant Labour Commissioner having jurisdiction before the expiry of the fifteenth day after the last day of the said period of six months.
2. The amount referred to in sub-Rule (1) shall be deposited by the employer with the Labour Officer or Assistant Labour Commissioner having jurisdiction through bank transfer or through a crossed demand draft obtained from any scheduled bank in India drawn in favour of such Labour Officer or Assistant Labour Commissioner.

40. Manner of dealing with the undisbursed dues under clause (b) of sub-Section (1) of Section 44 of the Code :

1. The amount referred to in sub-Rule (1) of Rule 39 (hereinafter in this Rule referred to as the amount) deposited with the Labour Officer or Assistant Labour Commissioner having jurisdiction shall remain with him and be invested in the Central or State Government Securities or deposited as a fixed deposit in a scheduled bank.

2. The Labour Officer or Assistant Labour Commissioner having jurisdiction will exhibit, as soon as maybe possible, a notice containing such particulars regarding the amount as the Labour Officer or Assistant Labour Commissioner considers sufficient for information at least for fifteen days on the notice board and also publish such notice in any two newspapers being circulated in the language commonly understood in the area in which undisbursed wages were earned.

3. Subject to the provision of sub-Rule (4), the Labour Officer or Assistant Labour Commissioner having jurisdiction shall release the amount to the nominee or to that person who has claimed such amount, as the case may be, in whose favour such Labour Officer or Assistant Labour Commissioner has decided, after giving the opportunity of being heard, the amount to be paid.

4. If the undisbursed amount remains unclaimed for a period of three years, the same shall be dealt with in the manner as directed by the State Government from time to time on this behalf.

CHAPTER VI
THE FORM, REGISTER AND-WAGE SLIP

41. The form of a single application (sub-Section (5) of Section 45 of the Code) :

1. A single application may be filed under sub-Section (5) of Section 45 in Form-II manually or electronically along with documents specified in the said Form.
2. Where an application under sub-Section (5) of Section 45 is entertained, the authority shall serve upon the employer electronically or by registered post a notice in Form-VIII to appear before him on the date specified in the notice with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.
3. If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application ex-parte.
4. If the applicant or his representative fails to appear on the specified date without any reasonable cause shown in advance, the authority may dismiss the application.

42. Appeal (sub-Section (1) of Section 49 of the Code)

1. Any person aggrieved by an order passed by the authority under sub-Section (2) of Section 45 may prefer an appeal under sub-Section (1) of Section 49 in Form-III electronically or by registered post, along with documents mentioned by the appellant in the said Form, to the appellate authority having jurisdiction;

Provided that no appeal by an employer shall be admitted unless at the time of preferring the appeal , the appellant has deposited the claim amount with the appellate authority.

2. Where an appeal under sub-Section (1) of Section 49 is entertained, the appellate authority, shall serve upon the respondent electronically or by registered post a notice in Form-VIII to appear before him on the date specified in the notice and shall inform the appellant of the date so specified.
3. The appellate authority shall after hearing the appellant and the respondent shall, by Order, decide the appeal.

43. Form of Register, etc (sub-Section (1) of Section 50 of the Code) : Every employer of establishments to which the Code applies shall maintain under sub-Section (1) of Section 50, electronically or in physical form in the formats appended to these Rules, the following registers:

i Employee Register in Form-IV,
ii. Register of Wages, Overtime, Advances, Fines and Deductions for Damage and Loss in Form-I, and
iii. Attendance Register-cum-Muster Roll in Form-IX.

44. Wage slip (sub-Section (3) of Section 50 of the Code) : Every employer shall issue wage slips, electronically or otherwise to the employees in Form-V under sub-Section (3) of Section 50 on or before payment of wages.

45. Power of Inspector-cum-Facilitators (clause (e) of sub-Section (6) of Section 51 of the Code) : In addition to the powers specified in sub-Section (5) of Section 51 of the Code, an Inspector shall, for the purposes of the enforcement of the Code, have powers, subject to the provisions of the Code, to prosecute, conduct or defend before a Court any complaint or other proceeding arising under the Code or in a

discharge of his duties as an Inspector and secure such evidence as may be necessary for the purpose.

46. The manner of imposing fine under sub-Section (1) Section 56 of the Code :

1. An accused person desirous of making composition of offence under sub-Section (1) o1 Section 56 may make an -application in Form-VI to the Gazetted Officer notified under said sub-Section (1).
2. The Gazetted Officer referred to in sub-Rule (1), shall, on receipt of such application, satisfy himself as to whether the o1fence is compoundable or not under the Code and if the offence is compoundable and the accused person agrees for the composition, compromise the offence for a sum of fifty per cent of the maximum fine provided for such offence under the Code, to be paid by the accused within the time specified in the order of composition issued by such officer.
3. Where the offence has been compromised under sub-Rule (2) after the institution of the prosecution, then, the officer shall send a copy of such order made by him for intimation to the officer referred to in sub-Section (1) of Section 53 for needful action under sub-Section (6) o1 Section 56.

CHAPTER VII

MISCELLANEOUS

47. Timely Payment of Wages : Where the employees are employed in an establishment through contractor, then, the company or firm or association of any other person who is the proprietor of the establishment shall pay to the contractor the amount Payable to him or it, as the case may be, before the date of payment of wages so that payment of wages to the employees shall be made positively in accordance with the provisions of Section 17.

Explanation - For the purpose of this Rule, the expression "firm" shall have the same meaning as assigned to it in the Indian Partnership Act, 1932 (9 of 1932)

48. Responsibility for payment of minimum bonus Where in an establishment, the employees are employed through contractor and the contractor fails to pay minimum bonus to them under Section 26, then, the company or firm or association or other person as referred to in the proviso to Section 43 shall, on the written information of such failure, given by the employees or any registered trade union or unions of which the employees are members and on confirming such failure, pay such minimum bonus to the employees.

49. Inspection scheme :

1. For the purposes of the Code and these Rules, there shall be formulated an inspection scheme by the Labour Commissioner.
2. In the inspection scheme referred to in sub-Rule (1), apart from other structural facts, a number shall be specified in the scheme for each Inspector-cum-Facilitators and establishments.
3. The Inspector-cum-Facilitator shall select the establishment specified by him for inspection through the inspection portal by random method and information of which shall be sent to the concerned Inspector-cum-Facilitator and the concerned establishment through appropriate medium.
4. The Inspector-cum-Facilitator may enter the premises of the establishment selected for inspection.
5. The information of inspection by the concerned Inspector-cum-Facilitator shall be entered on the portal within two working days of inspection and the concerned establishment shall enter the status of compliance on the portal within three working days.
6. Any person may, for the purpose of prosecuting, enforcing or defending any complaint or other proceeding under the Code or in the discharge of his duties as Inspector-cum-Facilitator, take such action or resort to such means as may be required for the purpose.
7. In addition to the above, the Inspector-cum-Facilitator shall be authorised to ensure compliance of the directions issued from time to time by the Labour Commissioner for the conduct of the inspection scheme framed under sub-Rule (1).

50. Annual Return : The return under these Rules shall be filed electronically by every employer of an establishment to which the Code applies in the relevant columns of the Form specified for such purpose in the Rules made under the Occupational, Safety, Health and Working Conditions Code, 2020 (37 of 2020). A copy of such return shall also be forwarded electronically to the Labour Bureau, Ministry of Labour and Employment, Government of India. The Annual return may be autogenerated on the basis of the data electronically flowing in the prescribed procedure to the Department of Labour suitably using applications for the purpose.

By order and in the name of the Governor of Madhya Pradesh
(Dy. Secretary)

Form-I
(See rules- 15, 18, 19 and 43(b))
Register of wages, Overtime, Fine, Deduction for damage and Loss

under the code on wages

SN In Employee Register	Name of the employee	Designation / Department	Duration ot Payment of wages (Monthly/Fortnightly/Weekly/Daily/Piece rated)	Wage Period From-To	Iotal no. Of days worked during the period	Iotal overtime (hours worked or production in case of piece workers)	Rate of wages		
							Basic	DA	Allowances
(1)	(2)	(3)	(4)	(5)	(ö)	(7)	(8)	(9)	(10)

Uverti mearning	Name ot acts omissions for Which fine imposed with date	Amount of fine imposed	Damage of loss caused to the employer by neglect or default of the employee	Amount of deduction from wages	i otal amount of wages paid	Date of Payment	Attendance	
							Daite	gnat
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)

Form-II

[See rule 49]

[SINGLE APPLICATION UNDER SUB-SECTION (5) OF SECTION 45]

BEFORE THE AUTHORITY APPOINTED UNDER SUB SECTION (1) OF SECTION 45 OF THE CODE ON WAGES, 2019 (29 OF 2019)

FOR..... AREA.....

Application No.....of 20.....

Between ABC and (State the number).....

other. ..... Applicant

(Through employee concerned or registered trade union or inspector cum facilitator

Address.....

And

XYZ.....

Address.....

The application states as follows:

(1) The applicants whose names appear in the attached schedule were/have been employed from..... to..... As.....categories in..... (establishment) Shri/M/s.....engaged in (nature of work) which is/are covered by the Code on Wages, 2019.

(2) The opponent (s) is/are the employer(s) within the meaning of section 2 (l) of the Code on Wages, 2019.

(3) (a) The applicants have been paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Code by Rs.... .Per day for the period(s) from.....to..... .....

(b) The applicants have not been paid wages at Rs..... Per day for the weekly days of rest from.....to...

(c) The applicants have not been paid wages at overtime rate(s) for the period from.....to....

(d) The applicant (s) has/have not been paid wages for a period from .....to

(e) Deductions have been made which are in contravention of the code, from the wages(s) of the applicant (s) as per details specified in the annexure appended with this application.

(f) The applicant (s) has/have not been paid minimum bonus for the accounting year.....

(4) The applicants estimate the value of relief sought by them on each amount as under:

Rs.....

Rs.....

Rs..... Total Rs.....

(5) The applicants, therefore, prays that a direction may be issued under section 45(2) of the Code on Wages, 2019 for;

(a) payment of the difference between the wages payable under the Code and the wages actually paid,

(b) payment of remuneration for the days of rest

(c) payment of wages at the overtime rates,

(d) compensation amounting to Rs.....

(6) The applicants do hereby solemnly declare that the facts stated in this application are true to the best of their knowledge, belief and information.

Dated.....

Signature or thumb-impression of the employed Person, or official of a registered trade union duly authorized.

Form-III
(See rule 42)
Appeal under Section 49(1) of the Code on Wages, 2019
Before The Appellate Authority under the Code on Wages, 2019

A.B.C
Address.....
..... APPELLANT

Vs.

C.D.E.
Address.....
..... RESPONDENT

DETAILS OF APPEAL:

1. Particulars of the order against which the appeal is made
   Number and date :
   The authority who has passed the impugned order: Amount Awarded:
   Compensation awarded , if any

2. Facts of the case :
   (Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact).

a. Grounds for appeal :

4. Matters not previously filed or pending with any other Court or any appellate Authority:

The appellant further declares that he had not previously filed any appeal, writ petition or suit regarding the matter in respect of which this appeal has been made, before any Court or any other Authority or Appellate Authority nor any such appeal, writ petition or suit is pending before any of them.

s. Reliefs sought :

In view of the facts mentioned above the appellant prays for the following relief(s) :— (Specify below the relief(s) sought)

6. List of enclosures:

1.
2.
3.
4.

Date :
Place :

Signature of the appellant.

For Office Use

Date of filing or
Date of Receipt by Post Registration No.

Authorized Signatory

Form-IV

[See rule 43(a)]

FORMAT OF EMPLOYEE REGISTER

Name of the Establishment---------- Name of Employer----------

Name of the Owner .....PAN/TAN of the Employer

Labour Identification Number (LIN)----------

SN	Employee Code	Name	Surname	Gender	Father's/Spouse Name	Date of Birth	Nationality	Education Level	Date of Jo iF\IF\9	Designation
1	2	3	4	5	6	7	8	9	10	11

Category Address (HS/S/SS/US)	Type of Employment	Mobile	UAN	PAN	ESIC IP	AADHAAR	Bank A/c Numbe	Bank	Branch (IFSC)	Present Address	Permanent
12	13	14	15	16	17	18	19	20	21	22	22

Service Book No.	Date of Exit	Reason for Exit	Mark of Identification	Photo	Specimen Signature/Thumb Impression	Remarks
24	25	26	27	28	29	30

*(Highly Skilled/Skilled/Semi skilled/Unskilled)

Form-V

[See rule 44] WAGE SLIP

Name of establishment..... Address.....

Period.....

1.Name of employee :	
2.Father's/Husband's name :	
3.Designation :	
4.UAN :	
5.Bank Account No :	

6.Wage period :			
7.Rate of wages payable:	a. Basic	b. D.A.	c. other allowances
8.Total attendance/unit of work done :			
9.Overtime wages :			
10.Gross wages payable :			
11. Total deductions	a. PF	b. ESIC	c. Other
12. Net wages paid			

Employer / Pay-in-charge signature

Form-VI
[See rule 46(1)]

APPLICATION UNDER SUB-SECTION (4) OF SECTION 56 FOR COMPOSITION OF OFFENCE

1. Name of applicant

2. Father's / Husband's name of the applicant

a. Address of the applicant

4. Particulars of the offence.....

s. Section of the Code under which the offence is committed

6. Maximum fine provided for the oñence under the Code.....

. Whether prosecution against the applicant is pending or not

8. Whether the offence is first offence or the applicant had committed any other offence prior to the offence, if had committed, then, full detail of the oñence

. Any other information which the applicant desires to provide

Dated:

Applicant
(Name and signature)

Form-VII

(See rule 38(a))

NOMINATION FORM

1. Name of person making nomination (In block letters)
2. Father's/Spouse's Name
3. Date of Birth
4. Sex
5. Marital Status
6. Address:

Permanent

Temporary.

I hereby nominate the person(s)/cancel the nomination made by me previously and nominate the person(s) mentioned below to receive any amount due to me from the employer in the event of my death.

Name ot Address nominee/ nominees	Nominee s relationship with the employee	Uate of Birth	I otai amounl of share of accumulations in credit to be paid to each	It the nominee is minor, name, relationship. and address of the guardian who may receive the amount during the minority of nominee
(1) | (2)	(iJ)	(4)	(5)	(6)

1. Certified that I have no family and if I acquire a family hereafter, the above nomination shall be deemed as cancelled.
2. Certified that my father/mother is/are dependent upon me
3. Strike out whichever is not applicable.

Signature or the thumb impression
of the employee

CERTIFICATE BY EMPLOYER

Certified that the above declaration and nomination has been signed/thumb impressed before me by Shri/SmLKu employed in my establishment after he/she has

read the entry/entries or have been read over to him/her by me and got confirmed by him/her in either of the cases.

Signature of the employer or other authorised officer of the establishment and Designation

Place

D_alA;

Name and Address of the Factory/Establishment and rubber stamp thereof

Form-VIII
(See rule 41(2) and 42(2))

(A) FORM OF NOTICE TO THE RESPONDENT TO BE ISSUED BY THE AUTHORITY UNDER SUB SECTION (5) OF SECTION 45

(Title of the application)

To

Name
Address

Whereas (name of the applicant) has made the above said application to me under the Code on Wages, 2019, you are hereby summoned to appear before me in person or by a duly authorized representative, and required to answer all material questions relating to the application, or shall be accompanied by some person duly authorized by you and able to answer such question on the. .....Day *ol* .....20 .....at .....AM/PM, to answer the claim in application 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 the documents upon which you intend to rely in support of your defense.

Take notice that in default of your appearance on the day mentioned here above, the application will be heard and disposed of in your absence.

Date..

Signature of the authority with seal

(B). FORM OF NOTICE TO THE RESPONDENT TO BE ISSUED BY THE APPELLATE AUTHORITY UNDER SUB-SECTION (1) OF SECTION 49

(Title of the appeal)

To

Name

Address

Take notice that an appeal (copy of which is enclosed) under section 49 of the Code on Wages, 2019 has been presented by.....(name of appellant) before this appellate authority, and that the .... day of .....20..... has been fixed by this appellate authority for the hearing of the appeal.

If no appearance is made by you in person or by a duly authorized representative to act for you in this appeal, it will be heard and decided in your absence.

Date.....

Signature of the Appellate authority with seal

Form —IX

(See rule 43(c))

Attendance Register Cum Muster Roll

Name of the LstaDlishment						
Name of the Employer						
Name of the Owner						
Registration Number of the Establishment (Labour identification number (LIN) shall be the Registration Number of the Establishment)						
For the Month of						
Il. No.	Employee code	Name	Designation	Shift	Place of Work/Section/Department	Date and Time of Attendance
(1)	(?)	(3)	(4)	(5)	(b)	(/)

Date	1		2		3		4		5		6		7		8		9		10		11		12	
	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out
Time																								
Signature																								

Date	13		14		15		16		17		18		19		20		21		22		23		24	
	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out
Time																								
Signature																								

Date	25		26		27		28		29		30		31	
	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out
Time														
Signature														

iotal numDer of days worked	I otal number ol overtime hours worked	Driet details ot tour or assignment outside the work place, if any	Signature of Register keeper“
(8)	(9)	(10)	(11)

” Note — Required in case register is maintained in physical form.