

# THE MINIMUM WAGES (CENTRAL ADVISORY BOARD) RULES, 2011<sup>1</sup>

*In exercise of the powers conferred by section 29 of the Minimum Wages Act, 1948 (11 of 1948), and in supersession of the Minimum Wages (Central Advisory Board) Rules, 1949, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely.—*

**1. Short title and commencement.**—(1) These rules may be called the Minimum Wages (Central Advisory Board) Rules, 2011.

(2) They shall come into force on the date<sup>2</sup> of their publication in the Official Gazette.

**2. Definitions.**—In these rules, unless the context is otherwise requires,—

- (a) “the Act” means the Minimum Wages Act, 1948 (11 of 1948);
- (b) “Board” means the Central Advisory Board constituted under section 8 of the Act;
- (c) “Chairman” means the Chairman of the Central Advisory Board;
- (d) “member” means a member of the Central Advisory Board.

**3. Constitution of the Central Advisory Board.**—(1) The Board shall consists of persons to be nominated by the Central Government representing employers organisations and workers unions, who shall be equal in number, and independent members not exceeding one-third of the total number of members nominated from employers organisations and workers unions.

(2) The Board shall consist of the following independent members to be nominated by the Central Government, namely:—

- (i) the Chairman;
- (ii) one Member of Parliament;
- (iii) two members from any of the two regions, being taken in rotation, to the extent possible, who shall be Members of State Legislative Assemblies in that region, on every re-constitution of the Board in the following order, namely:—

- (a) Eastern Region — West Bengal, Orissa, Bihar, Jharkhand, Chhattisgarh and Andaman and Nicobar Islands;
- (b) North-Eastern Region — Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim;
- (c) Southern Region — Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Puducherry and Lakshadweep;

1. *Vide* G.S.R. 279(E), dated 31st March, 2011 published in the Gazette of India, Extra., Pt. II, Sec. 3(i) dated 31st March, 2011.

2. Came into force on 31-3-2011.

- (d) Northern Region — Punjab, Rajasthan, Himachal Pradesh, Jammu and Kashmir, Haryana, Uttar Pradesh, Uttarakhand, NCT of Delhi and Chandigarh;
- (e) Western Region — Maharashtra, Gujarat, Goa, Madhya Pradesh, Dadra and Nagar Haveli and Daman and Diu;
- (iv) one member who is a professional in the field of wages and labour related issues;
- (v) one member who is or who has been a presiding officer of an Industrial Tribunal constituted under section 7A of the Industrial Disputes Act, 1947 or a Chairman of a Wage Board;
- (vi) two members, who shall be Chairman of the Advisory Board set-up by the State Governments, the States from different regions, to the extent possible, being taken in rotation on every re-constitution of the Board;
- (vii) one member each, who shall be Principal Secretary or Secretary or Commissioner of the State Labour Department representing the region, to the extent possible, being taken in rotation, on every re-constitution of the Board.

**4. Term of office of members.**— (1) Subject to the provisions of these rules, the terms of office of members, other than official members, shall be two years commencing from the date of their appointment:

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

(2) A member nominated to fill a casual vacancy shall hold office, only so long as the member in whose place he is nominated would have been entitled to hold office if the vacancy had occurred.

(3) The official members shall hold office until replaced by others.

**5. Eligibility for re-nomination.**—An outgoing member shall be eligible for re-nomination.

**6. Resignation.**—(1) A member other than the Chairman may resign his office by a letter in writing addressed to the Chairman.

(2) The Chairman may resign his office by a letter addressed to the Central Government.

(3) A member shall be deemed to have vacated his office—

- (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 which, in the opinion of the Central Government, involves moral turpitude.

(4) The Central Government may cancel the nomination of a member if, in its opinion, he has ceased to represent the interest on whose behalf he was nominated.

**7. Cessation of restoration of membership.**—(1) If a member fails to attend three consecutive meetings of the Board, he shall cease to be a member thereof.

(2) A person who ceases to be a member under sub-rule (1) shall be informed of such cessation by a letter sent to him by registered post within fifteen days from the date of cessation. The letter shall indicate that if he desires restoration to membership, he may apply in writing in this behalf to the Chairman within thirty days from the receipt of such letter. Every such application shall contain the reason for the failure to attend three consecutive meetings. The application for restoration to membership, if received, shall be placed before the Board and if a majority of members present at the meeting are satisfied that the reason for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

**8. Meeting.**—The Chairman may, whenever he thinks fit and shall within fifteen days of the receipt of a requisition in writing from not less than one-half of the members, call a meeting of the Board.

**9. Notice of meetings.**—(1) The Chairman shall decide the date, time and place of every meeting. Ordinarily, notice of not less than fifteen days from the date of posting thereof shall be given to every member for each meeting of the Board. A list of business proposed to be transacted at the meeting shall be attached with the notice.

(2) If it is necessary to convene an emergent meeting, at least seven days notice shall be given to every member.

**10. Chairman of the meeting.**—The Chairman shall preside at the meetings and in the event of the absence of the Chairman, the members present may elect one amongst themselves to preside at the meeting.

**11. Quorum.**—No business shall be transacted at any meeting unless at least one-third members are present:

Provided that if at any meeting less than one-third members are present, the Chairman may adjourn the meeting for an hour or so, as considered appropriate and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending it.

**12. Disposal of business.**—Any business which requires consideration by the Board shall be considered at a meeting thereof:

Provided that the Chairman may, if he thinks fit, direct that the necessary papers may be referred for opinion to all members:

Provided further that the decision on any question which is so referred shall be acted upon only if it is supported by not less than a two-thirds majority of the members of the Board. Where there is no majority or where the Chairman so decides the question shall be considered at a duly convened meeting of the Board.

**13. Method of voting.**—Voting shall ordinarily be by show of hands. 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 desire.

**14. Decision by majority.**—Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting:

Provided that in the case of equality of votes, the Chairman or the person presiding shall have a casting vote.

**15. 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 of the Board, to the Central and to all State Governments where the Act is in force, as soon as possible after the meeting and, in any case, not less than seven days before the next meeting.

(2) The minutes of each meeting shall be confirmed with such modifications as may be considered necessary at the next meeting.