

¹**West Pakistan Minimum Wages Rules, 1962.**

[Rules framed by Government of West Pakistan in exercise of the powers conferred by section 17 of the Minimum Wages Ordinance, 1961 (XXXIX of 1961)].

1. **Short title and commencement.**—(1) These rules may be called the West Pakistan Minimum Wages Rules, 1962.

(2) They shall come into force at once.

2. **Definitions.**—In these rules, unless the context otherwise requires, the following expressions shall have meanings hereby respectively assigned to them, that is to say—

- (a) "Board" means the Minimum Wages Board established under section 3 of the Ordinance for West Pakistan;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Committee" means any Committee appointed by the Board;
- (d) " Form " means a form appended to these rules;
- (e) "Government" means the Government of West Pakistan;
- (f) "Independent member" means the member of the Board appointed under clause (b) of sub-section (1) of section 3 of the Ordinance;
- (g) "Inspector" means an Inspector appointed under rule 21;
- (h) " member " means a member of the Board; and
- (i) "Ordinance" means the Minimum Wages Ordinance, 1961 (XXXIX of 1961).

3. **Term of office of the Chairman, etc,** -(1) The term of office of the Chairman and Other members shall be three years from the date on which their appointment is notified in the official Gazette but they shall be eligible for re-appointment.

(2) Notwithstanding the expiry of their term of office, the Chairman and the members shall continue to hold office till the appointment of their successors is notified in the official Gazette.

¹ Published under Health and Social Welfare Department Noti. No. 9-15 (I-II/61, dated 22 March, 1962, Gaz of West Pak. Extr. 23 March 1962, p/1099.

4. **Resignation and removal of members.**—(1) A member may resign his office by notice in writing to Government, and his seat shall fall vacant from the date of the acceptance of the resignation by Government.

(2) If a member absents himself from three consecutive meetings of the Board without leave of absence from the Chairman, he shall cease to be a member.

(3) If for misconduct or any other reason the continuance in office of a member is deemed to be not in the public interest, Government may remove such member from membership of the Board.

5. **Casual vacancies.**—(1) Any vacancy in the Board shall be filled by Government in a manner not affecting the representative's interest on the Board.

(2) A member appointed to fill a casual vacancy shall hold office only for the unexpired portion of the terms of office of his predecessor.

6. **Absence of members from Pakistan.**—If any member leaves Pakistan—

(a) he shall intimate to the Chairman the date of his departure from and the date of his expected return to Pakistan; and

(b) If he intends to be absent from Pakistan for a period exceeding six months, the Chairman shall inform Government with a view to the appointment, if necessary, of a substitute member for such period.

7. **Allowances to members.**—Members, other than the Chairman, shall receive such allowances as Government may determine.

8. **Meetings of the Board.**—(1) Meetings of the Board shall be convened by notice in writing given to each member by the Chairman, indicating such time and place of meeting as the Chairman may direct.

(2) Meetings shall be convened as frequently as the Chairman considers necessary.

(3) Every meeting of the Board shall be presided over by the Chairman if present, or if he is absent, by the independent member.

(4) The quorum for a meeting of the Board shall consist of at least the independent member, one representative of the employers and one representative of the workers.

Provided that if the representatives, either of the employers or of the workers, fail to attend three consecutive meetings of the Board, the attendance of any three members shall constitute the quorum for subsequent meetings.

(5) The proceedings of the Board shall not be invalidated because of a vacancy in its membership.

9. **Minutes of Meetings.**—(1) The minutes of each meeting of the Board shall show the names of the members present, shall be recorded in such form as may be directed by the Chairman and a copy thereof shall be communicated to each member as soon after the meeting as possible.

(2) The minutes of each meeting shall be confirmed at the next meeting and signed by the person presiding at the meeting.

10. **Disposal of business.**—(1) Decisions of the Board shall be according to the views of the majority of the members present at the meeting, and in the event of equality of votes the person presiding at the meeting shall have second or casting vote:

Provided that if at any meeting the representatives of the employers and workers respectively are present in unequal numbers, the person presiding at the meeting, if he deems it expedient may require them to vote by " sides ".

(2) Votes shall ordinarily be by show of hands, but if the person presiding at the meeting so decides the decision on any matter may be taken by secret vote which shall be held in such manner as the person presiding at the meeting may decide.

11. **Appointment of Committees.**—(1) The Board may appoint Committees and may refer to any such Committee for investigation, report and recommendations any matter within the competence of the Board, including matters relating to minimum rates of wages for any locality or for any section of an industry.

(2) A Committee appointed under sub-rule (1) shall consist of at least one member representing employers, one member representing workers, and the Independent member, who shall be the Chairman of the Committee.

(3) The Chairman of a Committee shall have the same powers for purposes of investigation as conferred upon the Chairman of the Board under section 13 of the Ordinance.

(4) The Chairman and the members of a Committee shall receive such allowances as are admissible to the members of the Board.

12. **Duties of Chairman.**—(1) The Chairman shall have power to invite any expert or adviser to attend any meeting of the Board and to take part in its deliberations, but such person shall not have the right to vote.

(2) The expenses of advisers to members other than the Chairman and the independent member, shall be borne by the respective parties.

13. **Staff.**—(1) Government may appoint a Secretary of the Board and such other staff as it thinks necessary.

(2) The Secretary shall attend the meetings of the Board and assist the Chairman in—

- (i) convening meetings;
- (ii) keeping the records of the proceedings or the meeting;
- (iii) carrying out the decisions taken; and
- (iv) the performance of such other duties and functions under the Ordinance, as the Chairman may direct.

(3) The Secretary shall not be entitled to vote at any meeting of the Board or its sub-committees.

14. **Power of Board to recommend minimum rates of wages.**—(1) Where the Board proposes to recommend minimum rates of wages it shall publish the proposed recommendations in the Official Gazette for inviting objections and suggestions thereto from persons likely to be affected thereby within fourteen days from the date of publication.

(2) The Board may, after considering any objection and suggestion made in accordance with sub-rule (1) make such amendments in the original proposals as may seem desirable, or may uphold its original proposals and make recommendations accordingly, to Government.

15. **Rates of wages.**—In fixing minimum rates of wages, the principle of equal remuneration for men and women workers for work of equal value shall be applied.

16. (1) In regard to any class of workers for whom minimum rates of wages shall be fixed under the Ordinance, Government, on the recommendation of the Board, shall, subject to the provisions of the Factories Act, 1934 (XXV of 1934), and any other law relating to employment of workers—

- (a) fix the number of hours of work which shall constitute a normal working day, inclusive of one or more specified intervals;
- (b) where a worker whose minimum rate of wages is fixed under the Ordinance works for his employer on any day in excess of the number of hours constituting a normal working day, require the employer to pay him for every hour or for part of an hour so worked in excess at the overtime rate fixed under the Ordinance or under any other law for the time being in force, whichever is higher;
- (c) provides for a day of rest in every period of seven days which shall be allowed to all workers or to any specified class of workers: and

- (d) where a worker whose minimum rate of wages is fixed under the Ordinance works for his employer on any day of rest or on specified holidays, require the employer to pay the worker at a rate double the minimum rate fixed for work during normal hours: or alternatively to give the worker a day of rest or holiday within a period of not more than six days of the day of rest or holiday on which he worked.

(2) The provision of this rule shall apply in relation to the following classes of workers only to such extent and subject to such conditions as may be specified by Government:—

- (a) workers engaged on urgent work or in any emergency which could not have been foreseen or prevented;
- (b) workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the employment concerned;
- (c) workers whose employment is essentially intermittent as declared to be so by Government on the ground that the daily hours of duty of the worker, or, if there be no daily hours of duty for the worker, the hours of duty normally include periods of in-action during which the worker may be on duty but is not called upon to display either physical activity or Sustained attention;
- (d) workers engaged in any work, which for technical reasons has to be completed before the duty is over; and
- (e) workers engaged in any work which could not be carried on except at times dependent on the irregular action of natural forces.

17. **Execution of agreement**—(1) If a contract between a worker to whom minimum rate of wage applies and his employer provides for the payment of a wage lower than the minimum rate of wage fixed under the Ordinance, the contract shall have effect as if for that lower wage there were substituted the minimum rate fixed under the Ordinance.

(2) Any contract or agreement, whether made before or after the commencement of the Ordinance, whereby a worker purports either to relinquish or reduce his right to a minimum rate of wage or any privilege or concession accruing to him under the Ordinance shall be null and void in so far as it purports to reduce the minimum rate of wage fixed under the Ordinance.

18. **Publicity for minimum rates of wages.**— Government shall take all appropriate means of ensuring that the minimum rates of wages fixed under the Ordinance shall be made known to all employers and workers concerned.

(2) Government may, whenever it considers appropriate, require all employers for whose workers minimum rate of wages have been fixed under the Ordinance, to display in prominent places in the factory, workshop or other specified place, notice in Urdu, English and any other language specified in the order, giving the minimum rates of wages fixed.

(3) In respect of home or out-workers the notices shall be displayed in such factory, workshop or place as may be used for giving out-work to them.

19. Forms of Register and Records.—(1) Every employer shall maintain at the place of employment in respect of any industry for which minimum rates of wages have been fixed under the Ordinance, a Wage Register in Form I.

(2) Every employer shall issue to the employees employed in any industry in respect of which minimum rates of wages have been fixed under the provisions of the Ordinance, Wage Slips in Form II.

(3) Every employer shall obtain the signature or the thumb-impression of every employee on the Wage Register.

(4) Entries in the Wage Register and Wage Slips shall be authenticated by the employer or a person authorised by him in this behalf.

(5) A Muster Roll in Form III shall be maintained by the employer at the place of employment in respect of all employees employed in any industry, in respect of which minimum rates of wages have been fixed under the provisions of the Ordinance.

(6) The registers and records required to be kept under this rule and such other rolls and records as shall be prescribed for the effective application of the Ordinance shall be preserved by the employer for two years after the last entry made therein.

20. Penalty for false entries in records, producing false recorder or giving false information.—Whoever makes or cause to be made or knowingly allows to be made any entry in a record required to be kept by an employer under the provisions of these rules, which he knows to be false in any material particular or for purposes connected with rule 19 produces or furnishes, or causes or knowingly allows to be produced or furnished, any Wages Register wages slips or information which he knows to be false in any material particulars, shall be liable, on conviction before a Magistrate, to a fine not exceeding five hundred rupees.

21. Appointment of Inspectors.— (1) Government may appoint such persons as it thinks fit to be Inspectors for the purposes of the Ordinance.

(2) the Director, Deputy Director, Assistant Directors and Labour Officers of the West Pakistan Labour Welfare Department and the Inspectors appointed under the payment of Wages Act, 1936, shall be *ex-office* Inspectors for the purposes of the Ordinance in respect of the employments to which the Ordinance applies within their respective jurisdiction.

22. An Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code and shall for the performance of his duties under the Ordinance, have the following powers:—

- (a) to enter at any time any premises which any employer of workers to whom minimum rates of wages fixed under the Ordinance apply, carries on his business and to require the production for examination of any register, wage books, records or payments made to home or out-workers by persons giving out-work and any other records or documents relating to the calculation or payment of wages, and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of the Ordinance ;
- (b) to examine, either alone or in the presence of any other persons, as he thinks fit, with respect to any matter under the Ordinance, any person whom he has reasonable cause to believe to be or to have been a worker to whom minimum rate of wage applies or was applicable or the employer of any such person or a servant or agent of the employer employed in the employer's business, and to require every such person to be so examined and sign a declaration of the truth of the matters in respect of which he is so examined.

23. **Application for claims.**—Where a worker claims that he has been paid less than the minimum rate of wages applicable to him, the worker himself or any legal practitioner or any officer of a registered trade union authorised in writing to take action on his behalf or any Inspector or any other authorised official may submit the claim in Form IV to Government or to such person or persons as may be appointed to act on its behalf:

Provided that every such claim shall be submitted within six months from the date on which the minimum rates of wages should have been paid.

FORM I
[See rule 19 (1)]
Wage Register

1. Name of the Factory.....
2. Department.....
3. Branch/Section/Group/Relay, etc.....
4. Wage period.....
5. Address.....

Serial No.	Name of the employee	Token or Ticket No.	Occupation	Rate of pay (if paid on piece rate the rate at which paid)	Minimum rate of wages payable	No. of days the worker attended	No. of hours overtime worked	Amount of overtime wages earned	Gross wages payable	Amount of any deductions for which reasons imposed	Actual wages paid	Signature or thumb-impression of the employee and date of payment	Remarks
1		3	4	5	6	7	8	9	10	11	12	13	14

FORM II
[Sec rule 19 (2)]
Wage Slip

1. Name of Factory.....
2. Department.....
3. Branch Section/ Group, etc.....
4. Wage period.....
5. Address.....

1	2	3	4	5	6	7	8					
Name of the employee	Token or Ticket No.	Minimum rate of wages payable		Amount of over-time wages earned		Gross wages payable		Deduction, if any		Actual wages paid		Remarks
		Rs.	Paisa	Rs.	Paisa	Rs.	Paisa	Rs.	Paisa	Rs.	Paisa	

FORM IV
[See rule 23]
Application for Claim

in the Court of (the Authority appointed under the Minimum Wages Ordinance, 1961 (XXXIX of 1961) for.....area.

Application No.....of.....19..

between

A. B. C,—*Applicant*.
(Through a legal practitioner

.....
an official of..... which is a registered trade union)

And

X. Y. Z, *Opposite Party*.
The applicant states as follows:—

- (1) A, B, C, is a person employed in the factory/or industrial establishment.....and resides at.....

The address of the applicant for the service of all notices and processes is.....

- (2) X, Y, Z, the opposite party, is the person responsible for the payment of his wages under section.....of the Ordinance and his address for the service of all notices and processes is.....

- (3) The applicant states that he has been paid less than the minimum rate of wages applicable to him for the following wage period(s) (give dates).

(Here give any further claim or explanation).

- (4) The applicant estimates the value of the relief sought by him at the sum of Rs.....

- (5) The applicant prays that a direction may be issued under sectionfor:—

- (a) payment of his wages paid less as estimated or such greater or lesser amount as the Authority finds to be due.

(b) compensation amounting to.....

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb-impression of the employed person or legal practitioner or official of a registered Trade Union duly authorised.
