

The Payment of Wages (Nomination) Rules, 2009¹

Whereas certain draft rules namely the payment of Wages (Nomination) Rules, 2009 were published as required by sub-section (5) of Section 26 of the Payment of Wages Act, 1936 (4 of 1936), vide notification of the Government of India in the Ministry of Labour and Employment number G.S.R. 450(E), dated the 29th June, 2009, inviting objections and suggestions from all person likely to be affected thereby, within a period of three months from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, the copies of the said Gazette were made available to the public on 29th June, 2009;

And whereas, suggestions received in respect of the proposed draft rules have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by sub-section (2) read with clause (1a) of sub-section (3) of Section 26 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Payment of Wages (Nomination) Rules, 2009.

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

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

(a) “Act” means the Payment of Wages Act, 1936 (4 of 1936);

(b) “family” means all or any of the following relatives of an employed person, namely:—

(i) a spouse;

(ii) a minor child dependant upon the employed person;

(iii) a child who is wholly dependant on the earnings of the employed person and who is receiving education, till he or she attains the age of twenty-one years;

(iv) an unmarried daughter;

(v) a son or daughter who is inform by reason of any physical or mental abnormality or injury and is wholly dependant on the earnings of the employed person, so long as the infirmity continues;

(c) “minor” means a person who has not completed the age of eighteen years.

Explanation.—For the purpose of this rule, “child” means and includes an adopted child, and any reference to “son” or “daughter” shall be construed accordingly.

3. Procedure for nomination.—(1) Every employed person shall make a declaration in Form-I, nominating a person conferring the right to receive the

1. Ministry of Labour and Employment, Noti. No. G.S.R. 822(E), dated November 13, 2009, published in the Gazette of India, Extra., Part II, Section 3(i), dated 13th November, 2009, pp. 5-8, No. 656.

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.

(2) If an employed person has a family at the time of making nomination, the nomination shall be in favour of the spouse or the spouse in preference followed by one more members of his family:

Provided that nominated made by an employed person having a family in favour of a person other than member of his family shall be invalid:

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

(3) Where the nomination is wholly or partly in favour of a minor, the employed person may appointed a major of his family, to be the guardian of the minor nominee or were 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.

(4) If the employed person 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.

FORM-I

Nominated and Declaration Form

(See Rule 3)

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

I hereby nominated 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 of nominee/nominees	Address	Nominee's relationship with the member	Date of Birth	Total amount of share of accumulations in credit to be paid to each nominee	If the nominee is minor, name relationship and address of the guardian who may receive the amount during the minority of nominee
(1)	(2)	(3)	(4)	(5)	(6)

1. Certified that I have no family and should 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 employed person.

CERTIFICATE BY EMPLOYER

Certified that the above declaration and nomination has been signed/thumb impressed before me by Shri/Smt./Kum employed in my establishment after he/she has read the entry/entries have been read over to him/her by me and got confirmed by him/her.

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

Place:

Date:

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