

FORM III-A.*

[Rule 22]

ABSTRACTS OF THE MINIMUM WAGES ACT, 1948, AND THE RULES MADE THEREUNDER

1. Extent and purpose.- The Act provides for fixing minimum rates of wages and applies to every person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in an employment specified in the schedule and in respect of which minimum rates of wages have been fixed including an out-worker to whom any articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of trade or business of that other person where the process is to be carried out either in the home of the out-worker or in some other premises under the control and management of that other person. It also applies to any other person declared to be an employee by the appropriate Government. It does not, however, apply in respect of the wages payable by an employer to a member of his family who is living with him and is dependent on him.

2. Wages.- Wages means all remuneration payable to an employed person on the fulfillment of his contract of employment, express or implied, but it does not include-

(a) the value of house-accommodation, supply of light, water, medical attendance, or any other amenity or service excluded by general or special order of the appropriate Government ;

(b) the employer's contribution to a Pension or Provident Fund or under any scheme of social insurance ;

(c) any travelling allowance or the value of any travelling concession or any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment ;

(d) any gratuity payable on discharge.

3. Fixing and Revising of Minimum Rates of Wages under the Act.-The minimum rates of wages fixed or revised under the Act shall come into force on the expiry of three months from the date of the notification fixing or revising the minimum rate of wages, as the case may be, unless the notification otherwise provides.

4. Responsibility for payment of minimum wage.-The following persons are responsible for payment of the minimum rates of wages fixed under the Act to the employees employed by them, namely ;-

The employer who employs whether directly or through another person or whether on behalf of himself or any other person, one or more employees in any scheduled employment in respect of which minimum rates of wages have been fixed under the Act, and includes-

in a factory, any person named as Manager of the factory ;

(b) in any scheduled employment under the control of any Government in India, or any local authority , the person appointed by such Government or local authority, as the case may be for the supervision and control of employees or in the absence of any such appointed, the head of the Department or the Chief Executive Officer of the local authority ; and

(c) in any other case, any person responsible to the owner for the supervision and control of the employees or for the payment of wages.

5. Contracting out void.-A contract or agreement whereby an employee relinquishes or reduce his right to a minimum rate of wages or any privilege or concession accruing to him under the Act is null and void in so far as its purpose to reduce the minimum rates of wages fixed under the Act.

*G. N. D. D., No. 2436/48, dated 19th January, 1955.

6. The mode of payment of wages.-(a) the wages period shall be fixed for the payment of wages at intervals not exceeding one-month.

(b) Wages shall be paid before the expiry of the 7th day after the last day of the wages period in respect of which the wages are payable ;

(c) The wages of person whose employment is terminated by or on behalf of the employer shall be paid before the expiry of the second working day after the day on which his employment is terminated.

7. Deduction and Fines.-(1) The person responsible for payment of wages shall pay to every employees engaged in a scheduled employment under him, wages at a rate not less than the minimum rate of wages fixed for that class of employees in that employment. No. deductions shall be made from the wages of an employee except those authorised under the rules.

(2) Fines.-

(a) shall not exceed half an anna in the rupee of the wages payable to an employment in respect of any wage period ;

(b) shall be imposed only in respect of the following acts and omissions on the part of the employed person.-

(i) absence from duty without leave, without sufficient cause [fine may be imposed only as an alternative to the deduction permissible under clause (ii) of sub-rule (2) of rule 21 for absence from duty] ‘

(ii) negligence in work or neglect of work ;

(iii) smoking on the premises of the work place except in place where smoking permitted ;

(iv) entering or leaving, or attempting to enter or to leave the premises by the gate provided for the purpose ;

(v) absence without Leave or without sufficient cause from appointed work in the establishment ;

(vi) breach of any rules or instructions for the maintenance and ruing of any Department and maintaining its cleanliness ;

(vii) damage to work in process or to any other property of the establishment or employer ;

(viii) interference with any safety devices installed in the premises ;

(ix) distributing or exhibition inside the establishment premises handbills, pamphlets or posters without the previous sanction of the employer ;

(x) misconduct (fine may be imposed only as an alternative to a heavier permissible punishment) ;

(c) shall not be imposed unless an opportunity for explanation is given to the employee, and

(d) shall be utilised only for the following purposes beneficial to the employees :-

(i) medical aid, if the standard is adequate, other than that prescribed under any law for the time being in force;

(ii) facilities for literacy classes ;

(iii) welfare activities including sports and recreation for the employees and their dependants.

3.Deduction.-(a) Any employee whose minimum rate of wages has been fixed by the day is entitled to receive wages of the full day even though he works for less than the

requisite number of hours constituting a normal working day, provided his failure to work is not caused by his unwillingness to work.

(b) Deduction can be made for absence from duty. The amount of such deductions shall be such as may be specified by the State Government.

(c) Deduction can be made for the damage to or loss of goods expressly entrusted to an employed person for custody or for loss of money for which he is required to account whether such damage or loss is directly attributable to his neglect or default.

(d) Deduction can be made for house accommodation, and for such other amenities and services (other than tools and protectives required for the purposes of employment) supplied by the employer as may be authorised by the appropriate Government.

(e) Deduction can be made for the recovery of advances or for adjustment of over-payments of wages, provided that such advances do not exceed an amount equal to wages for two calendar month of the employee. In no case the monthly installment of deduction can exceed one-fourth of the wages earned in that month.

(f) Deduction can be made for Income-Tax or by an order of a court or other competent authority.

(g) Deductions can be made for subscription to and for repayment of advances from any provident fund to which Provident Fund Act, 1952, applies, or which has been approved by Income-Tax Authorities or by Government.

(h) Deduction can be made for payment to co-operative societies or to a scheme of insurance approved by the Government.

(4) Minimum Wages payable under the Act shall be paid in cash except where the Government authorised the payment thereof either wholly or in part in kind or the supply of essential commodities at concessional rates.

8. Working hours constituting a normal working day, holiday, intervals for rest, etc.-(a) Unless otherwise permitted by the State Government no worker shall be required or allowed to work on the first day of the week (which means a period of seven days beginning at midnight on Saturdays night) unless he has or will have a holiday for a whole day on one of the five days immediately before or after the said day and the employer has, before the said day or the day to be substituted which ever is earlier displayed a notice of his intention to require the worker to work on the said day and of the day which is to be substituted in the place of employment.

(b) such substituted of weekly holiday shall not result in any worker working for more than ten days consecutively for without a holiday for a whole day!

(c) Where in accordance with clause (a) any worker works on the first day of the week and has a holiday on one of the five days immediately preceding it, the said day shall, for the purpose of calculating his weekly hours or work, be included in the preceding week.

(d) The provisions contained in clauses (a), (b) and (c) do not apply to a worker employed in agriculture.

(e) The number of hours of work, which shall constitute a normal working day, shall be-

(i) in the case of an adult, or an adolescent who has been certified to work as an adult, hours.

(ii) in the case of child (that is a person who has not completed his fifteenth year of age or an adolescent who has been certified to work as a child 4.1/2 hours.

(f) An interval for rest of at least half an hour shall be given to an adult on each day before he works for more than five hours, and the periods of works shall be so arranged that inclusive of this interval for rest, they shall not spread over more than twelve hours in respect of employment in Public Motor Transport and ten and half hours in any day in respect of employment. Provided that the Inspector may, for the reasons to be specified in writing increase the spread-over to twelve hours in the case of such other scheduled employments.

(g) Where a worker in a scheduled employment works on a shift which extends beyond mid-night,-

a holiday for the whole day for the purposes of clause (a) shall in his case mean a period of twenty-four consecutive hours beginning from the time when his shift ends; and.

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 worker was engaged in work shall be counted towards the previous day.

Y-105-10

9. Extra wages for overtime.-When a worker works in an employment for more than nine hours on any day or in any employment other than an employment in public motor transport for more than forty-eight hours in any week or for more than the hours of work notified under sub-rule (6) of rule 24, as the case may be, he shall, in respect of overtime work be entitled to wages-

(i) in the case of employment in agriculture at one and half times the ordinary rate of wages;

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

Explanation.-The term “ordinary rate of wages” means the basic wage plus such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of food grains and other articles as the person employed is for the time being entitled to, but does not include a bonus.

10. The provisions of paragraphs 8 and 9 do not affect the provisions of the Factories Act, 1948.

11. Procedure for payment of wages.-(a) Where an employee is employed on piece work for which minimum time rate and not a minimum piece-rate, is fixed under the Act, the employer shall pay to such employee wages at not less than the minimum time-rate.

(b) for two or more classes of work an employee does, the employer shall pay wages at not less than the minimum rate in respect of each class of work for the time occupied to each such class of work.

(c) (i) Every employer shall to every employee a wage slip at least a day prior to the disbursement of wages;

Every employer shall get the thumb impression or signature of every employee on the wage slip and wages book and the entire in them shall be authenticated by the employer or by any person authorised by him in this behalf.

12. Every employer shall keep exhibited at such places selected by the Inspector, notices in English and in a language understood by a majority of the worker of the following particulars in a clean and legible form:

Minimum rate of wages
Abstracts of the Act and the Rules made thereunder,
Name and address of the Inspector.

13. Complaints of less payments.-(1) Where an employee is paid less than the minimum rates of wages fixed for his class of work, he can make an application in the prescribed form within six months from the date on which the minimum wages became payable, to the authority appointed by the appropriate Government for the purpose. An application made after this period may be rejected unless sufficient cause for delay is known.

(2) Such application can also be made on behalf of the employee by any legal practitioner, any official of a registered trade union authorised in writing by the employee concerned to act on his behalf or any Inspector under the Act or any other person acting with the permission of the authority.

(3) A single application may be presented by or on behalf of any number of persons belonging to the same employment to whom the wage less than the minimum fixed under Act are paid.

14. Action by the authority.-The authority may award compensation to the employee in addition to ordering the payment of the amount by which the minimum wages payable to him exceed the amount actually paid.

If a malicious or vexatious application is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it may be paid to the employer.