

**JOINT /SELECT
COMMITTEE REPORTS OF
LEGISLATIVE ASSEMBLY -
1948**

The Minimum Wages Bill

List of Reports of Select Committees presented to
the Constituent Assembly of India(Legislative)
in 1948.

S. No.	Short title of the Bill.	Date of presentation.	Date of publication.
1.	The Minimum Wages Bill./	28.1.48.	7.2.48.
2.	The Industrial Finance Corporation Bill.	28.1.48.	7.2.48.
3.	The Dock Workers (Regulation of Employment) Bill.	28.1.48.	7.2.48.
4.	The Pharmacy Bill.	28.1.48.	7.2.48.
5.	The Damodar Valley Corporation Bill.	28.1.48.	7.2.48.
6.	The Indian Army and the Indian Air Force(Amenment) Bill. /	28.1.48.	14.2.48.
7.	The Dentists Bill. /	28.1.48.	14.2.48.
8.	The Rehabilitation Finance, Administration Bill.	9.2.48.	21.2.48.
9.	The Workmen's State Insurance, Bill.	11.2.48.	21.2.48.
10.	The Electricity(Supply) Bill./	4.3.48.	20.3.48.
11.	The Taxation on Income(Investigation Commission) (Amdt.)Bill,	8.3.48.	20.3.48.
12.	The Provincial Insolvency (Amendment) Bill.	16.3.48.	20.3.48.
13.	The Indian Finance Bill.	22.3.48.	27.3.48.
14.	The Delhi and Ajmer-Merwara Land Development Bill.	29.3.48.	3.4.48.
15.	The Estate Duty Bill. (PRELIMINARY REPORT)	9.8.48.	14.8.48.
	The Factories Bill./	9.8.48.	21.8.48.

S. No.	Short title of the Bill.	Date of presentation.	Date of publication.
17.	The Hindu Code.	12.8.48.	21.8.48.
18.	The Income-tax and Business Profits Tax (Amdt.) Bill.	13.8.48.	21.8.48.
19.	The Indian Railways (Second Amendment) Bill.	24.8.48.	11.9.48.
20.	The Mines and Minerals (Regulation and Development) Bill.	25.8.48.	11.9.48.
21.	The Central Silk Board Bill.	26.8.48.	11.9.48.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

REPORT OF THE SELECT COMMITTEE ON THE MINIMUM WAGES BILL, 1946.

We, the undersigned members of the Select Committee, to which the Bill to provide for fixing minimum wages in certain employments was referred, have considered the Bill and have now the honour to submit this our Report with the Bill as amended by us annexed thereto.

2. We have made certain amendments in the Bill and the important ones are as follows:—

Preamble.—The object of the Bill is to provide for fixing minimum rates of wages. We have accordingly used the expression "minimum rates of wages" wherever the expression "minimum wages" was used.

Clause 2.—We have retained the original definitions of "adult", "adolescent" and "child", but added new definitions of "appropriate Government", "competent authority", "cost of living index" and amended the definitions of "employer", "wages" and "workman".

Appropriate Government.—The definition of "appropriate Government" has been introduced to describe the Central Government or the Provincial Government in its context as the various provisions of the Act refer to the one or the other.

Competent Authority.—The cost of living allowance and the cash value of concession which are items to be taken into consideration in fixing or revising minimum rates of wages necessitated the creation of an authority for the purpose of computing them and the competent authority was accordingly provided. We therefore considered it necessary to define "competent authority".

Cost of living index number.—The "cost of living index number" had also to be defined as the cost of living allowance might in some cases form part of the wages.

Employer.—We considered it necessary to include in the expression "employer" a contractor through whom labour is employed and exclude from it the owner of a place where a scheduled employment is carried on since such owner might not be connected with such employment. The definition has accordingly been amended.

Scheduled Employment.—The definition of "scheduled employment" has been amended to include any process or branch of work forming part of such employment following the suggestions received. The amended definition is intended to forestall an evasion of the provisions of the Act by the device of the division of an employment into various processes or branches so as not to fall within the scheduled employments.

Wages.—The definition of 'wages' has been adapted from the Payment of Wages Act, 1936.

Workman.—A comprehensive definition has been substituted and workmen declared to be such by the appropriate Government and out-workers have been included therein, in order to secure to them also the benefits of the Act.

Fixing of Minimum Wages.—A new sub-clause (2) has been introduced to provide for fixing minimum time-rate, minimum piece-rate, guaranteed time-rate and overtime rate in respect of wages.

A provision has been made for fixing minimum rates of wages for apprentices by including them in sub-clause (3)(iii) and for doing away with the distinction between men and women workers as regards the minimum rates of wages applicable to them by deleting the original sub-clause (iv) of sub-section (3).

Sub-clause (c) has been omitted as provision has been made *inter alia* for minimum piece-rates of wages in the new sub-clause (2).

Clause 4.—This is a new clause added to indicate what the wages may consist of. The computation of the cost of living allowance and the cash value of concessions is left to the competent authority.

Clause 5 (as renumbered).—In sub-clause (1)(a) provision has been made for Committees to hold enquiries with the assistance of Sub-Committees for different localities to be appointed by the appropriate Government.

Clause 6 (as renumbered).—This clause has been amended to provide for the appointment of Sub-Committees in addition to Advisory Committees to hold enquiries and advise the appropriate Government in revising the minimum rates of wages as in the case of the Committees and Sub-Committees appointed to fix the minimum rates of wages.

Clause 7.—The original clause 5(2) has been reproduced in an amended form in this clause.

10) The Board is styled "An Advisory Board" instead of "A Provincial Board" and its appointment is made obligatory on the appropriate Government. The Board is to co-ordinate the work also of the Committees and the Advisory Sub-Committees appointed under new clauses 5 and 6.

Clause 8.—This is a new clause providing for the appointment of a Central Advisory Board to advise the Central and Provincial Governments in the matter of fixing and revising minimum rates of wages and co-ordinating the work of the Advisory Boards. It also provides for its composition.

Clause 9.—This is a new clause providing for the composition of the various Committees, Sub-Committees, Advisory Committees, Advisory Sub-Committees and the Advisory Boards.

Clause 11.—This clause reproduces the original clause 7 in two parts. A new sub-clause (3) has been added to provide for authorization of the supplies of essential commodities at concessional rates. Sub-clause (4) which is also new provides for estimation of the cash value of the wages in kind and concessions in the prescribed manner.

Clause 12.—This is the original clause 8, renumbered 12.

The amendment is intended to ensure payment of the wages at the appointed time and subject to such deductions and conditions as may be prescribed. In order to avoid conflict with the provisions of the Payment of Wages Act, sub-clause (2) has been introduced.

Clause 13.—This is a new clause under which the appropriate Government may fix the number of hours for a normal working day, allow for a day of rest in every period of seven days and provide for payment of remuneration for days of rest and for working on days of rest at rates not less than the overtime rates.

Clause 14.—The original clause 9 has been redrafted having regard to the provisions for a normal working day and for payment of overtime rate and renumbered as 14. Sub-clause (2) has been omitted.

Clause 15.—This is a new clause to provide for payment for a full working day to a workman who works for a shorter period without any fault of his.

Clause 16.—This is also a new clause to ensure payment of a fair wage to a workman who does two or more different classes of work according to the rates applicable to each such work.

Clause 17.—This is a new clause which provides for minimum time rate wages being paid to a workman employed on piece-work to ensure payment to him of fair wages.

Clause 19.—A new sub-clause is substituted for the original sub-clause (2) giving wider powers to Inspectors.

Clause 20.—Sub-clause (3) has been amended so as to allow the authority to direct payment of compensation where excess is paid by the employer after the proceedings are started.

Clause 21.—This is a new clause to permit a single application to be presented by a number of workmen in a scheduled employment or separate applications to be dealt with as a single application by the authority.

Clause 23.—This is a new clause introduced to enable an employer to prove his innocence by establishing guilt on the part of the actual offender.

Clause 26.—Sub-clause (2) has been amended so as to enable the appropriate Government to exempt any locality where a scheduled employment is carried on from the operation of the Act and to grant exemption from the operation of some of the provisions of the Act.

The expression "workman" has been changed into "employee" as the term includes clerical staff as well.

3. The Bill was published in Part V of the *Gazette of India*, dated the 20th April, 1948.

4. We think that the Bill has not been so altered as to require re-circulation under Standing Order 41(3).

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SATYA NARAYAN SINHA.
H. A. S. H. ESSAK SAIT.
MD. ISMAIL KHAN.
M. ANANTHASAYANAM AYYANGAR.
HIRA LAL SHASTRI.

NEW DELHI;

The 28th January, 1948.

* Subject to a minute of dissent.

MINUTE OF DISSENT

I should have preferred, in the fixation of definite minima rates on the basis of a living wage, in scheduled employments, but in view of the inadequacy of the statistical data available as well as existing administrative difficulties I suggest that, after a short experience of the working of this measure, steps may be taken to review the situation with the intention of guaranteeing a basic living minimum to workers requiring protection of the law keeping not only individual but also family needs.

NEW DELHI;
The 28th January, 1948.

D. CHAMAN LALL.

(AS AMENDED BY THE SELECT COMMITTEE.)

(Words underlined or sidelined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

A

BILL

to provide for fixing minimum rates of wages in certain employments.

WHEREAS it is expedient to provide for fixing minimum rates of wages in certain employments;

It is hereby enacted as follows:—

1. **Short title and extent.**—(1) This Act may be called the Minimum Wages Act, 1948.

(2) It extends to all the Provinces of India.

2. **Interpretation.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) “adult”, “adolescent” and “child” have the meanings respectively assigned to them in section 2 of the Factories Act, 1934 (XXV of 1934);

(b) “appropriate government” means—

(i) in relation to any scheduled employment carried on by or under the authority of the Central Government, by the Federal railway authority, or a railway company operating a Federal railway or in relation to a mine, oilfield or major port, the Central Government; and

(ii) in relation to any other scheduled employment, the Provincial Government;

(c) “competent authority” means the authority appointed by the appropriate government by notification in its official Gazette to ascertain from time to time the cost of living index number applicable to the employees employed in the scheduled employments specified in such notification;

(d) “cost of living index number” in relation to employees in any scheduled employment in respect of which minimum rates of wages have been fixed, means the index number ascertained and declared by the competent authority by notification in the official Gazette to be the cost of living index number applicable to employees in such employment;

(e) “employer” means any person 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 this Act, and includes, except in sub-section (3) of section 26,—

(i) in a factory where there is carried on any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person named under clause (e) of sub-section (1) of section 9 of the Factories Act, 1934 (XXV of 1934), as manager of the factory;

(ii) in any scheduled employment under the control of any government in India in respect of which minimum rates of wages have been fixed under this Act, the person or authority appointed by such government for the supervision and control of employees or where no person or authority is so appointed, the head of the Department;

(iii) in any scheduled employment under any local authority in respect of which minimum rates of wages have been fixed under this Act, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;

(iv) in any other case where there is carried on any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person responsible to the owner for the supervision and control of the employees or for the payment of wages;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "scheduled employment" means an employment specified in the Schedule, or any process or branch of work forming part of such employment;

(h) "wages" means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include—

(i) the value of—

(a) any house-accommodation, supply of light, water, medical attendance, or

(b) any other amenity or any service excluded by general or special order of the appropriate government;

(ii) any contribution paid by the employer to any Pension Fund or Provident Fund;

(iii) any travelling allowance or the value of any travelling concession;

(iv) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(v) any gratuity payable on discharge;

(i) "employee" means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in a scheduled employment in respect of which minimum rates of wages have been fixed; and includes an outworker 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 the trade or business of that other person where the process is to be carried out either in the home of the outworker or in some other premises not being premises under the control and management of that other person; and also includes an employee declared to be an employee by the appropriate Government; but does not include any member of the armed forces of the Crown.

3. Fixing of minimum rates of wages.—(1) The appropriate government shall, in the manner hereinafter provided,—

(a) fix, before the expiry of three years in the case of an employment specified in Part II of the Schedule, or two years in any other case, from the commencement of this Act or, as the case may be, from the date of the notification under section 27 including the employment in the Schedule, the minimum rates of wages payable to employees employed in all scheduled employments;

(b) review at such intervals as it may think fit, such intervals not to exceed five years, the minimum rates of wages so fixed and revise the minimum rates, if necessary;

Provided that the appropriate government shall not be required to fix minimum rates of wages in respect of any scheduled employment where there are in the whole Province less than one thousand employees engaged in such employment.

(2) The appropriate government may fix—

(a) a minimum rate of wages for time work (hereinafter referred to as "a minimum time rate");

(b) a minimum rate of wages for piece work (hereinafter referred to as "a minimum piece rate");

(c) a minimum rate of remuneration to apply in the case of employees employed on piece work for the purpose of securing to such employees a minimum rate of wages on a time work basis (hereinafter referred to as "a guaranteed time rate");

(d) a minimum rate (whether a time rate or a piece rate) to apply in substitution for the minimum rate which would otherwise be applicable, in respect of overtime work done by employees (hereinafter referred to as "overtime rate").

(3) In fixing or revising minimum rates of wages under this section,—

(a) different minimum rates of wages may be fixed for—

(i) different scheduled employments;

(ii) different classes of work in the same scheduled employment;

(iii) adults, adolescents, *children and apprentices;

(iv) different localities;

(b) minimum rates of wages may be fixed by the hour, by the day or by any larger wage period as may be prescribed:

Provided that where any wage-periods have been fixed under section 4 of the Payment of Wages Act, 1936 (IV of 1936), minimum wages shall be fixed in accordance therewith.

4. Minimum rate of wages.—(1) Any minimum rate of wages fixed or revised by the appropriate government in respect of scheduled employments under section 3 may consist of—

(i) a basic rate of wages and a special allowance at a rate to be adjusted, at such intervals and in such manner as the appropriate government may direct, to accord as nearly as practicable with the variation in the cost of living index number applicable to such workers (hereinafter referred to as the "cost of living allowance");

(ii) a basic rate of wages with or without the cost of living allowance, and the cash value of the concessions in respect of supplies of essential commodities at concession rates, where so authorised; or

(iii) an all-inclusive rate allowing for the basic rate, the cost of living allowance and the cash value of the concessions, if any.

(2) The cost of living allowance and the cash value of the concessions in respect of supplies of essential commodities at concession rates shall be computed by the competent authority at such intervals and in accordance with such directions as may be specified or given by the appropriate government.

5. Procedure for fixing minimum wages.—(1) In fixing minimum rates of wages in respect of any scheduled employment for the first time under this Act, the appropriate government shall either—

(a) appoint a committee to hold enquiries and advise it in this behalf with such sub-committees for different localities as it may deem expedient to appoint to assist such committee, or

(b) by notification in the official Gazette, publish its proposals for the information of persons likely to be affected thereby and specify a date, not less than two months from the date of the notification, on which the proposals will be taken into consideration.

(2) After considering the advice of the committee appointed under clause (a) of sub-section (1), or as the case may be, all representations received by it before the date specified in the notification under clause (b) of that sub-section, the appropriate government shall, by notification in the official Gazette, fix the minimum rates of wages in respect of each scheduled employment, and unless such notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue.

6. Advisory Committees and sub-committees.—For the purpose of revising minimum rates of wages fixed under this Act, the appropriate government shall appoint as many Advisory Committees and Sub-Committees as it considers necessary to inquire into the conditions prevailing in any scheduled employment and to advise the appropriate government in making such revision in respect of that employment.

7. Advisory Board.—For the purpose of co-ordinating the work of *Committees, Sub-Committees, Advisory Committees and Advisory Sub-Committees appointed under sections 5 and 6 and advising the appropriate government generally in the matter of fixing and revising minimum rates of wages, the appropriate government shall appoint an *Advisory Board.

8. Central Advisory Board.—(1) For the purpose of advising the Central and Provincial Governments in the matters of the fixation and revision of minimum rates of wages and other matters under this Act and for co-ordinating the work of the Advisory Boards, the Central Government shall appoint a Central Advisory Board.

(2) The Central Advisory Board shall consist of persons to be nominated by the Central Government representing employers and employees in the scheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members; one of such independent persons shall be appointed the Chairman of the Board by the Central Government.

9. Composition of Committees, etc.—Each of the Committees, Sub-Committees, Advisory Committees, Advisory Sub-Committees and the Advisory Board shall consist of persons to be nominated by the appropriate Government representing employers and employees in the scheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members; one of such independent persons shall be appointed the Chairman by the appropriate government.

10. Procedure for revision of minimum rates of wages.—(1) Before revising any minimum wages fixed under this Act, the appropriate government shall consult all Advisory Committees appointed under section 6 to inquire into the conditions prevailing in the scheduled employment concerned, and the Advisory Board also.

(2) Revisions of minimum wages shall be notified by the appropriate government in the official Gazette, and unless the notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue.

11. Wages in kind.—(1) Minimum wages payable under this Act shall be paid in cash. * * *

(2) Where it has been the custom to pay wages wholly or partly in kind, the appropriate government being of the opinion that it is necessary in the circumstances of the case may, by notification in the official Gazette, authorise the payment of minimum wages either wholly or partly in kind.

(3) If the appropriate government is of the opinion that provision should be made for the supply of essential commodities at concession rates, the appropriate government may, by notification in the official Gazette, authorise the provision of such supplies at concession rates.

(4) The cash value of wages in kind and of concessions in respect of supplies of essential commodities at concession rates authorised under sub-sections (2) and (3) shall be estimated in the prescribed manner.

12. Payment of minimum rates of wages.—(1) Where in respect of any scheduled employment a notification under section 5 or section 10 is in force, the employer shall pay to every employee engaged in a scheduled employment under him wages at a rate not less than the minimum rate of wages fixed by such notification for that class of employees in that employment without any deductions except as may be authorised within such time and subject to such conditions as may be prescribed.

(2) Nothing contained in this section shall affect the provisions of the Payment of Wages Act, 1936 (IV of 1936).

13. Fixing hours for a normal working day, etc.—In regard to any scheduled employment minimum rates of wages in respect of which have been fixed under this Act, the appropriate government may—

- (a) fix the number of hours of work which shall constitute a normal working day, inclusive of one or more specified intervals;
- (b) provide for a day of rest in every period of seven days which shall be allowed to all employees or to any specified class of employees and for the payment of remuneration in respect of such days of rest;
- (c) provide for payment for work on a day of rest at a rate not less than the overtime rate.

14. Overtime.—* * * (1) Where an employees, whose minimum rate of wages is fixed under this Act by the hour, by the day or by such a longer wage-period as may be prescribed, works on any day in excess of the number of hours constituting a normal working day, the employer shall pay him for every hour or for part of an hour so worked in excess at the overtime rate fixed under this Act or under any law of the appropriate government for the time being in force, whichever is higher.

(2) Nothing in this Act shall prejudice the operation of the provisions of section 47 of the Factories Act, 1934 (XXV of 1934) in any case where those provisions are applicable.

15. Wages of worker who works for less than normal working day.—If an employee whose minimum rate of wages has been fixed under this Act by the day works on any day on which he was employed for a period less than the requisite number of hours constituting a normal working day, he shall, save as otherwise hereinafter provided, be entitled to receive wages in respect of work done by him on that day as if he had worked for a full normal working day:

Provided, however, that he shall not be entitled to receive wages for a full normal working day—

(i) in any case where his failure to work is caused by his unwillingness to work and not by the omission of the employer to provide him with work, and

(ii) in such other cases and circumstances as may be prescribed.

16. Wages for two or more classes of work.—Where an employee does two or more classes of work to each of which a different minimum rate of wages is applicable, the employer shall pay to such employee in respect of the time respectively occupied in each such class of work, wages at not less than the minimum rate in force in respect of each such class.

17. Minimum time rate wages for piece work.—Where an employee is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed under this Act, the employer shall pay to such employee wages at not less than the minimum time rate.

18. Maintenance of registers and records.—(1) Every employer shall maintain such registers and records giving such particulars of employees employed by him, the work performed by them, the wages paid to them, the receipts given by them and such other particulars and in such form as may be prescribed.

(2) Every employer shall keep exhibited, in such manner as may be prescribed, in the factory, workshop or place where the employees in the scheduled employment may be employed, or in the case of out-workers, in such factory, workshop or place as may be used for giving outwork to them, notices in the prescribed form containing prescribed particulars.

(3) The appropriate government may, by rules made under this Act, provide for the issue of wage books or wage slips to employees employed in any scheduled employment in respect of which minimum rates of wages have been fixed and prescribe the manner in which entries shall be made and authenticated in such wage books or wage slips by the employer or his agent.

19. Inspectors.—(1) The appropriate government may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act, and define the local limits within which they shall exercise their functions.

(2) Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed—

(a) enter, at all reasonable hours, with such assistants (if any), being persons in the service of the Crown or any local or other public authority, as he thinks fit, any premises or place where employees are employed or work is given out to outworkers in any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, for the purpose of examining any register, record of wages or notices required to be kept or exhibited by or under this Act or rules made thereunder, and require the production thereof for inspection.

(b) examine any person whom he finds in any such premises, or place and who he has reasonable cause to believe, is an employee employed therein or an employee to whom work is given out therein;

(c) require any person giving out work and any outworkers, to give any information, which is in his power to give, with respect to the names and addresses of the persons to, for and from whom the work is given out or received, and with respect to the payments to be made for the work;

(d) take copies of any register, record of wages or notices or of any portions thereof; and

(e) exercise such other powers as may be prescribed, or as he may deem necessary for carrying out the purposes of this Act.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code (XLV of 1860).

20. Claims.—(1) The appropriate government may, by notification in the official Gazette, appoint any Commissioner for Workmen's Compensation or other officer with experience as a Judge of a Civil Court or as a stipendiary Magistrate to be the authority to hear and decide for any specified area all claims arising out of payment of less than the minimum rates of wages to employees employed or paid in that area.

(2) Where an employee is paid less than the minimum rates of wages fixed for his class of work under this Act, the employee himself, or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf, or any Inspector, or any person acting with the permission of the authority appointed under sub-section (1), may apply to such authority for a direction under sub-section (3):

Provided that every such application shall be presented within six months from the date on which the minimum wages became payable:

Provided further that any application may be admitted after the said period of six months when the applicant satisfies the authority that he had sufficient cause for not making the application within such period.

(3) When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer or give them an opportunity of being heard, and after such further inquiry if any as it may consider necessary, may, without prejudice to any other penalty to which the employer may be liable under this Act, direct the payment to the employee of the amount by which the minimum wages payable to him exceeds the amount actually paid, together with the payment of such compensation as the authority may think fit, not exceeding ten times the amount of such excess and the authority may direct payment of such compensation in cases where the excess is paid by the employer to the employee before the disposal of the application.

(4) If the authority hearing any application under this section is satisfied that it was either malicious or vexatious, it may direct that a penalty not exceeding fifty rupees be paid to the employer by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered—

(a) if the authority is a Magistrate, by the authority as if it were a fine imposed by the authority as a Magistrate, or

(b) if the authority is not a Magistrate, by any Magistrate to whom the authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

(6) Every direction of the authority under this section shall be final.

(7) Every authority appointed under sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such authority shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (V of 1898).

21. Single application in respect of a number of employees.—(1) A single application may be presented under section 20 on behalf of or in respect of any number of employees employed in the scheduled employment in respect of which minimum rates of wages have been fixed and in such cases the maximum compensation which may be awarded under sub-section (3) of section 20 shall not exceed ten times the amount of such excess per head.

(2) The authority may deal with any number of separate pending applications presented under section 20 in respect of employees in the scheduled employments in respect of which minimum rates of wages have been fixed, as a single application presented under sub-section (1) of this section and the provisions of that sub-section shall apply accordingly.

22. Penalties and procedure.—(1) Any employer who pays to any employee less than the minimum rates of wages fixed for that employee's class of work shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both:

Provided that in imposing any fine for an offence under this sub-section, the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 20.

(2) Any employer who fails to maintain a register or record required to be maintained under section 18 shall be punishable with fine which may extend to five hundred rupees.

(3) No Court shall take cognizance of a complaint against any person for an offence under sub-section (1), unless an application in respect of the facts constituting the offence has been presented under section 20 and has been granted wholly or in part, and the authority granting such application has sanctioned the making of the complaint.

(4) No Court shall take cognizance of an offence under sub-section (2) except on a complaint made by, or with the sanction of, an Inspector.

(5) No Court shall take cognizance of an offence—

(a) under sub-section (1), unless complaint thereof is made within one month of the grant of sanction under sub-section (3);

(b) under sub-section (2), unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

23. Exemption of employer from liability in certain cases.—Where an employer is charged with an offence against this Act, he shall be entitled, upon complaint duly made by him, to have any other person whom he charges as the actual offender, brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the Court—

(a) that he has used due diligence to enforce the execution of this Act, and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like punishment as if he were the employer and the employer shall be discharged:

Provided that in seeking to prove, as aforesaid, the employer may be examined on oath, and the evidence of the employer or his witness, if any, shall be subject to cross-examination by or on behalf of the person whom the employer charges as the actual offender and by the prosecution.

24. Bar of suits.—No Court shall entertain any suit for the recovery of wages in so far as the sum so claimed—

(a) forms the subject of an application under section 20 which has been presented by or on behalf of the plaintiff, or

(b) has formed the subject of a direction under that section in favour of the plaintiff, or

(c) has been adjudged in any proceeding under that section not to be due to the plaintiff, or

(d) could have been recovered by an application under that section.

25. Contracting out.—Any contract or agreement, whether made before or after the commencement of this Act, whereby an employee either relinquishes or reduces his right to a minimum rate of wages shall be null and void in so far as it purports to reduce the minimum rate of wages fixed under this Act.

26. Exemptions and exceptions.—(1) The appropriate government may, subject to such conditions if any as it may think fit to impose, direct that the provisions of this Act shall not apply in relation to the wages payable to disabled employees.

(2) The appropriate government may, if for special reasons it thinks so fit, by notification in the official Gazette direct that for such period as it may specify the provisions of this Act or any of them shall not apply to all or any class of employees employed in any scheduled employment or to any locality where there is carried on a scheduled employment.

* * * * *

(3) Nothing in this Act shall apply, to the wages payable by an employer to a member of his family who is living with him and is dependant on him.

Explanation.—In this sub-section a member of the employer's family shall be deemed to include his or her spouse or child or parent or brother or sister.

27. Power of Provincial Government to add to Schedule.—The appropriate government, after giving by notification in the official Gazette not less than three months' notice of its intention so to do, may, by like notification, add to either Part of the Schedule any employment in respect of which it is of opinion that minimum rates of wages should be fixed under this Act, and thereupon the Schedule shall in its application to the Province be deemed to be amended accordingly.

28. Power of Central Government to give directions.—The Central Government may give directions to a Provincial Government as to the carrying into execution of this Act in the Province.

* * * * *

29. Power of the Central Government to make rules.—The Central Government may, subject to the condition of previous publication, by notification in the official Gazette, make rules prescribing the term of office of the members, the procedure to be followed in the conduct of business, the method of voting, the manner of filling up casual vacancies in membership and the quorum necessary for the transaction of business of the Central Advisory Board.

30. Power of appropriate Government to make rules.—(1) The appropriate Government may, subject to the condition of previous publication, by notification in the official Gazette, make rules for carrying out the purposes of this Act;

(2) without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the term of office of the members, the procedure to be followed in the conduct of business, the method of voting, the manner of filling up casual vacancies in membership and the quorum necessary for the transaction of business of the Committees, Sub-Committees, Advisory Committees, Advisory Sub-Committees and the Advisory Board;

(b) prescribe the method of summoning witnesses, production of documents relevant to the subject-matter of the enquiry before the Committees, Sub-Committees, Advisory Committees, Advisory Sub-Committees and the Advisory Board;

(c) prescribe the mode of computation of the cash value of wages in kind and of concessions in respect of supplies of essential commodities at concession rates;

(d) prescribe the time and conditions of payment of, and the deductions permissible from, wages;

(e) provide for giving adequate publicity to the minimum rates of wages fixed under this Act;

(f) provide for a day of rest in every period of seven days and for the payment of remuneration in respect of such day;

(g) prescribe the number of hours of work which shall constitute a normal working day;

(h) prescribe the cases and circumstances in which an employee 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;

(i) prescribe the form of registers and records to be maintained and the particulars to be entered in such registers and records;

(j) provide for the issue of wage books and wage slips and prescribe the manner of making and authenticating entries in wage books and wage slips;

(k) prescribe the powers of Inspectors for purposes of this Act;

(l) regulate the scale of costs that may be allowed in proceedings under Section 20;

(m) prescribe the amount of court-fees payable in respect of proceedings under Section 20; and

(n) provide for any other matter which is to be or may be prescribed.

THE SCHEDULE

[See sections 2(g) and 27]

PART I

1. Employment in any woollen carpet making or shawl weaving establishment.
2. Employment in any rice mill, flour mill or dal mill.
3. Employment in any tobacco (including bidi making) manufactory.

4. Employment in any plantation, that is to say, any estate which is maintained for the purpose of growing cinchona, rubber, tea or coffee.
5. Employment in any oil mill.
6. Employment under any local authority.
7. Employment on road construction or in building operations.
8. Employment in stone breaking or stone crushing.
9. Employment in any lac manufactory.
10. Employment in any mica works.
11. Employment in public motor transport.
12. Employment in tanneries and leather manufactory.

PART II

1. Employment in agriculture, that is to say, in any form of farming, including the cultivation and tillage of the soil, dairy farming, the production, cultivation, growing and harvesting of any agricultural or horticultural commodity, the raising of live-stock, bees or poultry, and any practice performed by a farmer or on a farm as incidental to or in conjunction with farm operations (including any forestry or timbering operations and the preparation for market and delivery to storage or to market or to carriage for transportation to market of farm produce).

GOVERNMENT OF INDIA LEGISLATIVE ASSEMBLY DEPARTMENT

BILL

to provide for fixing minimum rates of wages in certain employments

(As amended by the Select Committee)

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