

ABSTRACT

NOTICE (RULE22)

EXTRACTS FROM THE MINIMUM WAGES ACT, 1948

AND THE RULES MADE THEREUNDER

1. WHOM THE ACT AFFECTS

1. (a) The Act applies to persons engaged on scheduled employments or specified class of work in respect of which minimum wages have been fixed.
- b) No employee can give up by contract or agreement, his right in so far as it purports to reduce the minimum rates of wages fixed under the act.

2. DEFINITION OF WAGES

1. "Wages" means all remuneration payable to an employed person on the fulfillment of his contract of employment. It excludes.

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

(ii) Contribution paid by the employer to any Pension Fund or Provident Fund or provident Fund or under any scheme of Social Insurance

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

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

v) Gratuity payable on discharge.

2. The minimum rate of wages may consist of

(i) a basic rate of wages and special allowance called the cost of living allowance

(ii) a basic rate of wages with or without a cost of living allowance and the cash value of any concession like supplies of essential commodities at concession rates;

(iii) an all and inclusive rate comprising of basic rate, cost of living allowance and cash value of concession, if any

3) The minimum wages payable to employees of scheduled employments notified under section read with section 3 or as revised from time to time under section 10 read with section 3 may be

(a) a minimum time rate; (b) minimum piece rate; (c) a guaranteed time rate;

(d) an overtime rate;

Differing with (1) different scheduled employment, (2) different class of work, (3) different localities; (4) different wage periods and (5) different age groups.

3. COMPUTATION AND CONDITIONS OF PAYMENT

The employer shall pay to every employee engaged in scheduled employment under him wages at rate not less than minimum rate of wages fixed for that class of employee.

The minimum wages payable under this Act shall be paid in cash unless the Government authorizes payment there of either wholly or partly or partly in kind.

Wage period shall be fixed for the payment of wages at intervals not exceeding one month.

Wage shall be paid on a working day within 7 days of the end of the wage period or within days if 1000 or more person are employed.

The wages of the persons discharged shall be paid not later than the second working day after his discharge. If an employee is employed on any day for period less than the normal working day he shall be entitled to receive wages for a full normal working day provided his failure to work is not caused by his unwillingness to work but by the omission of the employer to provide him with work for the period.

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

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

4 HOUR OF WORK AND HOLIDAYS

The number of hours shall constitute a normal working day shall be :-

- (a) In case of an adult, 9 hours.
- (b) In case of a child, 4-30 hours.

The working day of an adult workers inclusive of the intervals of rest shall not exceed twelve hours on any day.

The employer shall allow a day of rest with wages to the employees every week. Ordinarily Sunday the first day of the weekly day of rest, but any other day of the week may be fixed as such on rest day. No employee shall be required to work on a day unless he is paid wages for that day at the overtime rate and is also allowed a substituted rest day with wages.

Wages.

When a worker works in an employment for more than nine hours on any day or for more than forty eight hours in any week, he shall in respect of overtime worked be entitled to wages in scheduled employment other than agriculture, at double the ordinary rate of wages.

5. FINES AND DEDUCTION

No deductions shall be made from wages except that authorized by, under, or the rules.

Deductions from the wages shall be one or more of the following kinds namely .

(i)Fines : An employed person shall be explained personally and also in writing the act or omission in respect of which the fin is proposed to be imposed and given an opportunity to offer any explanation in the presence of another person. The amount of the said shall also be intimated to him . It shall be subject to such limits as may be specified in this behalf by the Central Government. It shall be utilized in accordance with the directions of the Central Government.

(ii) deduction absence from duty :

(iii) deductions for damage to or loss of goods entrusted to the employee for custody or for loss of money for which he is required to account I, where such damage loss is directly attributable to his neglect or default. The employed persons shall be explained personally and also in writing the damage or loss, in respect o of which the deduction is proposed to be made and given an opportunity to offer any explanation in the presence of another person. The amount of the said deduction shall also be intimated to him. It shall be subject to such limits as may be specified in this behalf by the Central Government.

(iv) deduction for house accommodation supplied by the employer;

(v) deduction for such amenities and service supplied by the employer as the Central Government may be general or special order authorize. These will not include the supply of tools and protective's required for the purpose of employment.

(vi) deduction for recovery of advances or for adjustment of overpayment of wages; such advances shall not exceed an amount equal to wages for two calendar months of the employed person and the monthly installment of deduction shall not exceed one fourth of the wages earned in that month.

vii) deductions of income tax payable by the employed person.

(viii) deductions required to be made by the order of the court of competent authority.

ix) deductions for subscriptions to and for repayment of advances from any provident fund.

(x) deductions for payment to co-operative societies or deductions made with the written authorization of the person employed. For payment of any premium of this life insurance policy to the LIC establishment under the LIC Act, 1956 to scheme of insurance approved by the Central Government.

6. MAINTENANCE OF REGISTERS AND RECORDS

Every employer shall maintain a register of wages specifying the following particulars of each period in respect of each employed person.

- (a) The minimum rates payable.
- (b) The number of days in which overtime was worked.
- (c) The gross wages.
- (d) All deductions made from wages.
- (e) The wages actually paid and the date of payment.

Every employer shall issue wage slips containing particulars to every person employed.

Every employer shall get the signature or thumb impression of every person employed on the wage-book and wage-slips.

Entries in the wage-book and wages-slips shall be properly authenticated by the employer or his agent.

A master roll shall be maintained by every employer and kept in the form prescribed.

Every employer shall keep exhibited at such places selected by the inspector. Notices in English and in language understood by a majority of the workers of the following particulars in a clean and legible form.

- (a) Minimum rate of wages
- (b) Extracts from the Acts and rules made there under.
- (c) Name and address of the inspector.

7. INSPECTORS.

An inspector can enter any premises, and can exercise power of inspector including examination of documents and taking evidence as he may deem necessary for carrying out the purpose of the Act.

8. CLAIMS AND COMPLAINTS

Where an employee is paid less than the minimum rates of wages fixed for his class of work or less than the amount due to him under the provisions of this Act. He can make an application in the prescribed form within 6 months to the authority appointed for this purpose. An application delayed beyond this period may be admitted if the authority is satisfied appointed for this purpose. An application delayed beyond this period may be admitted if the authority is satisfied that the applicant had sufficient cause for not making the application within the such period any legal practitioner, official of a registered Trade Union, inspector under the Act. Or other person acting with the permission of the authority can make the complaint on behalf of the employed person.

A single application may be presented by, on behalf of or in respect of a group of employed whose wages have been delayed if they are bone on the same establishment and their claims relates to the same wage period any number of person belonging to the court only same factory the payment of whose wages has been delayed.

A complaint regarding less payment of notified wages under section 22 of the Act can be made to the court only with the sanction of the authority within on month of the grant of such sanction.

A complaint under section 22 of the Act can be made to the court only by or with the sanction of an inspector within six months of the date on which the offence is alleged to have been committed.

9. ACTION BY THE AUTHORITY

The authority may direct the payment of the amount by which the minimum wages payable exceed the amount actually paid together with the payment of compensation not exceeding ten times the amount of such excess. The Authority may direct payment of compensation incase where the excess is paid before the disposal of the application.

If malicious or vexations complaints is made; the authority may impose a penalty at exceeding Rs.50 on the application and order that it be paid to the employer.

Every direction on the Authority shall be final.

10. PENALTY FOR OFFECES UNDER THE ACT

Any employer who pays to an employee less than the amount due to him under provisions of this Act infringes any order or rules in respect of normal working day. Weekly holiday, 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.

An 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.