

* Chapter 18 *
* Unit II - Minimum
Wages, Act 1948 *

* FIXATION OF MINIMUM RATES OF WAGES.

Section 3 :- The appropriate government shall fix minimum rates of wages. To make review at intervals upto 5 years the minimum rates or fixed & revise the minimum rates.

* GOVERNMENT CAN ALSO FIX MINIMUM WAGES FOR

- i) Timework
- ii) Piece work at piece rate.
- iii) Piece work for purpose of securing employees on a time work basis.
- iv) Overtime work done by employees for piece work or rate workers.

* OVERTIME

Section 5 :- Overtime shall be fixed by hour or day or by such longer wage period where employer works on any day in excess of number of hours constituting normal working day. Payment for every hour or part hour worked should be double of ordinary rate.

* ADVISORY BOARD

Appropriate government shall constitute advisory board for co-ordinating work of committees & sub-committees & advising government in matters of fixing & revising minimum rates of wages.

Section 9 :- According to this section advisory board shall consists of persons nominated by appropriate government who will represent employers and employees and shall be equal in number.

- independent persons not exceeding $\frac{1}{3}$ rd of its total number of members.
- One member or independent person shall be appointed by appropriate government as a chairmen.

* CENTRAL ADVISORY BOARD

Section 8 :- Central Government shall appoint a Central Advisory board for advising the C.Govt. and S.Govt. in matters of fixation & revision of minimum rates of wages and for coordinating work of advisory boards.

Central advisory board shall consists of persons nominated by C.Govt. who will represent employers & employees and shall be equal in number.

- Independent persons shall be $\frac{1}{3}$ rd of total number of members.
- One of members shall be appointed as chairmen by C.Govt.

* MINIMUM WAGE - WHETHER TO BE PAID IN CASH OR KIND

Section 11 :- It provides that minimum wage payable under the Act shall be paid in cash. When there is a custom to pay wages wholly / partly in kind appropriate government may approve such payments on being satisfied.
When there is a payment made in kind the cash value of wages in kind or the value of essential commodities on concession shall be estimated in prescribed manner.

* SECTION 12 :- Payment less than minimum rates of wages specified by government is an offence. Every employer shall pay to every employee under him such wages at a rate not less than minimum rate of wage notified by appropriate Govt.

* FIXING HOURS FOR A NORMAL WORKING DAY.

i) Appropriate Govt. shall fix number of work which shall constitute a normal working day.

ii) Appropriate Govt. shall provide a day of rest in every 7 days which shall be allowed to all employees.

iii) Appropriate Govt. shall provide payment of work on a day of rest and the rate shall not be less than overtime rate.

* PAYMENT OF OVERTIME

Section 14 :- When the employee, whose minimum rate of wage is fixed under the act, works overtime on any day including number of hours on a normal working day, employer shall pay him for every hour or part hour worked at the overtime rate fixed under the act.

Payment of overtime work can be claimed by only those employee who is getting minimum rate of wages under the act.

WAGES OF A WORKER WHO WORKS LESS THAN NORMAL WORKING DAY.

Section 15 - When a employee works on any day for less period than he is required to work for number of hours including normal working day, he shall entitled to receive wages for that days on which he had worked full day.

He shall not receives wages for full normal working day - his failure to work due to unwillingness & not to ommission of employer to gave him work &

- other cases & circumstances as may be prescribed.

* SECTION 17 -

- The employer is required to maintain registers and records giving particulars of employees under his employment -
 - the work performed / done by them.
 - the receipts given by them
 - other particulars as may be prescribed

- He is also required to maintain wage books or wage slips as may be prescribed by appropriate Govt.

- And entries made in them will have to be authenticated by employer or his agent in manner prescribed by appropriate Govt.

* AUTHORITY AND CLAIMS

Section 20 (1) - Appropriate Govt. may appoint any of following authority to hear and decide for any area any claims arising due to payment of less than minimum rate of wage or payment of remuneration for overtime

- Any commissioner for workmen's Compensation.

- Any officer of Central government exercising functions as labour commissioner for any region.
- Any officer of State Govt. not below the rank of labour commissioner.
- Any other officer who have experience as Judge or Civil Court or stipendiary Magistrate.

* OFFENCES AND PENALTIES

Section 22 :- It provides that any employer who pays who pays any employee less than minimum rate of wages fixed for him / employee, shall be punishable with imprisonment for a term for 6 months or fine upto Rs. 500 or both.