

Minimum Wages Act, 1948

Section 3 - Fixing of Minimum Rates of Wages

1[(1) The appropriate Government shall, in the manner hereinafter provided.

2[(a) fix the minimum rates of wages payable to employees employed in an employment specified in Part I or Part II of the Schedule and in an employment added to either Part by notification under section 27 :

Provided that the appropriate Government may, in prespect of employees employed in an employment specified in part II of the Schedule, instead of fixing minimum rates of wages under this clause for the whole state, fix fixing minimum rates of wages under this clause for the whole State, fix such rates for a part of the State or for any specified class or classes of such employment in the whole State or party thereof;]

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

3[Provided that where for any reason the appropriate Government has not reviewed the minimum rates of wages fixed by it in respect of any scheduled employment within any interval of five years, nothing contained in this clause shall be deemed to prevent it from reviewing the minimum rates after the expire of the said period of five years and revising them . if necessary, and until they are so revised the minimum rates in force immediately before the expiry of the said period of five years shall continue in force.]

(1A) Notwithstanding anything contained in sub- section (1) the appropriate Government may refrain from fixing minimum rates of wages in respect of any scheduled employment in which there are in the whole State less than one thousand employees engaged in such employment, but if at any time, 4[* * *]the appropriate Government comes to a finding after such inquiry as it may make or cause to be made in this behalf that the number of employees in any scheduled employment in respect of which it has refrained from fixing minimum rates of wages has risen to one thousand or more, it shall fix minimum rates of wages payable to employees in such employment 5[as soon as may be after such finding].]

(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 'minimum piece rate');

(c) a minimum rate of remuneration to apply in the case of employees employed en 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 minimum rate which would otherwise be applicable, in respect of overtime work done by employees (hereinafter referred to as 'overtime rate');

6[(2A) Where in respect of an industrial dispute relating to the rates of wages payable to and of the employees employed in a scheduled employment, any proceeding is pending before a Tribunal or National Tribunal under the Industrial Disputes Act, 1947 (14 of 1947) or before any like authority under any other law for the time being in force, or an award made by any Tribunal, National Tribunal or such authority is in operation, and a notification fixing or revising the minimum rates of wages in respect of the scheduled d employment is issued during the pendency of such proceeding or the operation of the award, then, notwithstanding anything contained in this Act, the minimum rates of

wages so fixed or so revised shall not apply to those employees during the period in which the proceeding is pending and the award made therein is in operation or, as the case may be, where the notification is issued during the period of operation of an award, during that period; and where such proceeding or award relates to the rates of wages payable to all the employees in the schedule d employment, no minimum rates of wages shall be fixed or revised in respect of that employment during the said period.]

(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;

7[(b) minimum rates of wages may be fixed by any one or more of the following wage- periods, namely :--

- (i) by the hour,
- (ii) by the day,
- (iii) by the month, or
- (iv) by such other larger wage- period as may be prescribed, and where such rates are fixed by the day or by the month, the manner of calculating wages for a month or for a day, as the case may be, may be indicated:]

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

STATE AMENDMENTS

Gujarat--In section 3 of the Act--

to sub-section (1A), the following proviso shall be added, namely:--

"Provided that, where the State Government had for any reason not fixed the minimum rates of wages in respect of any scheduled employment within one year from the date on which it came to a finding as aforesaid in respect of such employment, nothing contained in this sub-section shall, after the commencement of the Minimum Wages (Gujarat Amendment) Act, 1961, prevent the State Government from fixing the minimum rates of wages in respect of such employment even after the expiry of the said period of one year." [Vide Gujarat Act 22 of 1961, sec. 2 (w.e.f. 18-5-1961)]

Kerala--Section 3, in its application to the fixation of minimum rates of wages in respect of employments specified in Part I and Part II of the Schedule to the Act in relation to which the appropriate government is the State Government, shall have effect in the State of Kerala subject to the amendments specified below. In sub-section (1) of section 3--

in the opening words for the words "The appropriate Government", substitute the words "The State Government" . [Vide Kerala Act 18 of 1960., sec. 2 (w.e.f. 2-9-1960)]

Madhya Pradesh--(1) To sub-section (1A) of section 3, insert the following proviso, namely:--

"Provided that where for any reason the State Government has not fixed the minimum rates of wages in respect of any scheduled employment within the period specified in this sub-section, the State Government may, by notification, extend from time to time, the said period by a further period not exceeding one year in the aggregate:

Provided further that the State Government may, instead of fixing minimum rates of wages under this sub-section for the whole State, fix such rates for a part of the State" or for any specified class or classes of such employment or category or categories of employees in such employment in the whole State or part thereof."

(2) After sub-section (1A) of section 3, add the following sub-section, namely:--

"(1B) Notwithstanding anything contained in sub-section (1), the State Government may, at the time of review under clause (b) of that sub-section--

(a) split up the class or classes of such employment or category or categories of employees in such employment or amalgamate the class or classes of such employment or category or categories of employees in such employment and revise the minimum rates of wages fixed in respect thereof under sub-section (1);

(b) fix the minimum rates of wages for the class or classes of such employment or category or categories of employees in such employment as were not in existence at the time of fixing the minimum rates under sub-section (1) or were in existence but were not covered by such fixation;

(c) fix the minimum rates of wages, mentioned under clause (a) or clause (b) for the whole State or for any such part thereof for which they were not fixed under subsection (1) or extend the minimum rates fixed under sub-section (1) for any part of the State, to the whole State or any other part thereof."

(3) In sub-clause (iii) of clause (a) of sub-section (3) of section 3, after the word "adults" insert the words and brackets "(males and females)" [Vide M.P. Act 23 of 1961, sec. 3 (w.e.f. 23-6-1961)]

Maharashtra--(1) To sub-section (1A) of section 3, add the following proviso, namely:--

"Provided that, where the State Government has not for any reason fixed the minimum rates of wages in respect of any scheduled employment within one year from the date on which it came to a finding as aforesaid in respect of such employment, nothing contained in this sub-section shall, after the commencement of the Minimum Wages (Maharashtra Amendment) Act, 1960, prevent the State Government from fixing the minimum rates of wages in respect of such employment even after the expiry of the said period of one year." [Vide Maharashtra Act 10 of 1961, sec. 2 (w.e.f. 15-2-1961)]

(2) For the proviso to clause (a) of sub-section (1) of section 3, substitute the following, namely:--

"Provided that the State Government may, instead of fixing the minimum rates of wages under this clause for the whole State, fix such rates for a part of the State or for any specified class or classes of such employment in the whole of the State or any part thereof and in the case of an employment under any local authority, or class of local authorities." [Vide Maharashtra Act 3 of 1963, sec. 3 (w.e.f. 14-1-1963)]

1. Substituted by Act 26 of 1954, section 3, for sub-section (1) w.e.f. 20-5-1954.

2. Substituted by Act 31 of 1961, section 2, for clause (a) w.e.f. 28-8-1961.

3. Inserted by Act 30 of 1957, section 3 w.e.f. 17-9-1957.

4. Certain words omitted by Act 30 of 1961, section 2 w.e.f. 28-8-1961.

5. Substituted by Act 31 of 1961, section 2, for "Within one year from the date on which it comes to such finding" w.e.f. 28-8-1961.

6. Inserted by Act 31 of 1961, section 2 w.e.f. 28-8-1961.

7. Substituted by Act 30 of 1957, section 3 for clause (b) w.e.f. 17-9-1957.
