

Minimum Wages Act, 1948

Section 5 - Procedure for Fixing and Revising Minimum Wages

1[5. Procedure for fixing and revising minimum wages.--

(1) In fixing minimum rates of wages in respect of any scheduled employment for the first time under this Act or in revising minimum rates of wages so fixed, the appropriate Government shall either--

(a) appoint as many committees and sub- committees as it considers necessary to hold enquiries and advise it in respect of such fixation or revision, as the case may be, 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 or committees 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, or, as the case may be, revise 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;

Provided that where the appropriate Government proposes to revise the minimum rates of wages by the mode specified in clause (b) of sub- section (1), the appropriate Government shall consult the Advisory Board also.]

STATE AMENDMENTS

Assam--To clause (a) of sub-section (1) of section 5 add at the end the following proviso, after adding a colon after the word "be" and deleting the comma and the word "or" namely:--

"Provided the committees and sub-committees as so appointed may advise She appropriate Government in respect of fixation of wages on interim measure after holding such preliminary enquiries as the necessary committee or the sub-committee, as the case may be, considers in this behalf and the appropriate government after considering such advise may fix the wages pending the fixation of the minimum rate of wages as required under sub-section (2), or." [Vide Assam Act 19 of 1964, sec. 2 (w.e.f 11-8-1964)]

Madhya Pradesh--The M.P. Minimum Wages Fixation Act, 1962 (16 of 1962) is an Act to fix the minimum wages in certain scheduled employments and to provide for certain other matters connected therewith. Section 3 of this Act says that notwithstanding anything contained in section 5 of the principal Act of 1948 as applicable to State of Madhya Pradesh or any other provision contained therein in that behalf or any judgment, decree or order of any Court to the contrary, the State can fix minimum rates of wages in respect of employment in items 2, 3, 5, 6, 7, 8 and 11 of Part I as well as in respect of employments in Part II of the Schedule. Rates fixed in respect of the said employments shall be enforceable with effect from 1st January, 1959.

Section 4 of that M.P. Act (16 of 1962) states that the States shall also have power to revise the rates fixed, from time to time.

1. Substituted by Act 30 of 1957, section 4, for section 5 w.e.f. 17-9-1957.
