

Minimum Wages Act, 1948

Section 9 - Composition of Committees, Etc.

Each of the committees, sub- committees¹[* * *] 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 person not exceeding one- third of its total number of members of members; one of such independent persons shall be appointed the Chairman by the appropriate Government.

STATE AMENDMENTS

Madhya Pradesh--In section 9 of the Principal Act,--

- (1) after the words, "and independent persons", insert the words, "including officers of Government",
- (2) for the words, "such independent persons" substitute the words, "such independent persons, or such officers of Government", and
- (3) add at the end the following proviso and the explanation, namely:--

"Provided that the number of officers of Government shall not exceed two."

Explanation.--In this section--

- (i) "a person representing employer" shall mean--
 - (a) an employer; or
 - (b) an officer of an association of employers ; or
 - (c) "an officer of a federation of association of employers to which the association referred to in clause (b) is affiliated;
- (ii) "a person representing employees" shall mean--
 - (a) an employee; or
 - (b) an officer of a trade union functioning in the scheduled employment; or
 - (c) an officer of federation of trade unions in the State to which trade union referred to in clause (b) is affiliated."

After section 9, insert the following section 9A:

"9A. Finality of orders consisting Board, Committee, sub-committee, etc.--No order of the State Government nominating any person as the Chairman or a member of the Advisory Board or a committee or sub-committee shall be called in question in any manner and no act or proceeding before any Board. Committee or sub-committee shall be called in question in any manner in any Court of law on the ground merely of the existence of any vacancy in or of any defect or irregularity in the constitution of such Board, committee or subcommittee." [Vide M.P. Act 23 of 1961, sec. 5 (w.e.f. 23-6-1961).]

Rajasthan--To section 9 add the following explanation with retrospective effect:--

"Explanation.--For the purposes of this section, an officer of the State Government shall be deemed to be 'independent' notwithstanding that the State Government is an employer in any scheduled employment." [Vide Rajasthan Act 4 of 1969, sec. 3 (w.e.f. 4-4-1969)]

After section 9 of the principal Act, the following new section shall be inserted, namely:--

"9A. Finality of order constituting Board, Committee, sub-committee, etc.-No order of the State Government nominating any person as the Chairman or a Member of the Advisory Board or a Committee or Sub-Committee shall be called in question in any manner and no action or proceedings before any Board, Committee or Sub-Committee shall be called in question in any manner in any court of law on the ground merely of the existence of any vacancy in or of any defect or irregularity in the constitution of such Board, Committee or Sub-Committee." [Vide Rajasthan Act 4 of 1969, sec. 3 (w.e.f. 4-4-1969)]

Tamil Nadu--"9A. Saving--No order of the State Government nominating any person as the Chairman or a Member of the Advisory Board or a Committee or Sub-Committee shall be called in question in any manner and no action or proceedings before any Board, Committee or Sub-Committee shall be called in question in any manner in any court of law on the ground merely of the existence of any vacancy in or of any defect or irregularity in the constitution of such Board, Committee or Sub-Committee." [Vide Tamil Nadu Act 47 of 1981, sec. 2 (w.e.f. 1-10-1981)]

1. The Words "advisory committees, advisory sub-committees" omitted by Act 30 of 1957, section 7 w.e.f. 17-9-1957.
