

Minimum Wages Act, 1948

Section 26 - Exemptions and Exceptions

(1) The appropriate Government may, subject to such conditions, if any, as it may think fit to impose, direct that the provisions of this Act shall not apply in relation to the wages payable to disabled employees.

(2) The appropriate Government may if for special reasons it thinks so fit, by notification in the Official Gazette, direct that. 1[subject to such conditions and] for such period as it may specify the provisions of this Act or any of them shall not apply to all or any class of employees employed in any scheduled employment or to any locality where there is carried on a scheduled employment.

2[(2A) The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled employment generally or in a scheduled employment in a local area. 1[or to any establishment or a part of any establishment in a scheduled employment], it is not necessary to fix minimum wages in respect of such employees of that class1[or in respect of employees in such establishment or such part of any establishment] as are in receipt of wages exceeding such limit as may be prescribed in this behalf, direct, by notification in the Official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees.]

(3) Nothing in this Act shall apply to the wages payable by an employer to a member of his family who is living with him and is dependent on him.

Explanation.-- In this sub- section a member of the employer's family shall be deemed include his or here spouse or child or parent or brother or sister.

STATE AMENDMENTS

Madhya Pradesh--In section 26 after sub-section (2A), add the following new subsection:--

"(2AA) Where the State Government is of the opinion that it is necessary or expedient in the public interest so to do, it may by notification and subject to such condition, if any, as may be specified therein, direct that all or any of the provisions of this Act shall not apply in relation to all or any class of employers in any scheduled employment." [Vide M.P. Act 23 of 1961, sec. 16 (w.e.f. 23-6-1961)]

Maharashtra--In section 26 to sub-section (2A), insert the following proviso:--

"Provided that the powers of the State Government under this sub-section may, subject to the control of State Government, be exercised by Commissioner of Labour." [Vide Maharashtra Act 3 of 1963, sec. 9 (w.e.f 14-1-1963)]

1. Inserted by Act 30 of 1957, section 15 w.e.f. 17-9-1957.

2. Inserted by Act 26 of 1954, section 5 w.e.f. 20-5-1954.
