

## Minimum Wages Act. 1948

An act to provide for fixing minimum rates of wages in certain employment.

Minimum Wages Act, 1948 has authorised the State Government to determine minimum wages for certain employment specified as Schedule [see section 2(g) & 27 and revised there off] employments with the object to obviate the chance of exploitation in those employments.

The Govt. May fix minimum rate of wages for time work/for piece work or a guaranteed time rate for over time rate considering Industrial Dispute Act, 1947. In fixing/revising minimum rates of wages under this section

- a) Minimum rate of wages may be fixed considering different schedule of employment, classes of work in same schedule employment for adults, adolescent, children and apprentices. Different locations may also be considered for fixing up the minimum wages.
- b) The minimum rate of wages may be fixed by any one or more of the following wage periods, viz.
  - i) By the hour,
  - ii) By the day,
  - iii) By the month,
  - iv) By such other larger 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 indicated.

Provided that where any wages – periods have been fixed under section 4 of the Payment of Wages Act, 1936.

The minimum wages are fixed by the State Govt. Time to time and uploaded in the website –“Banglar Mukh”

All establishments shall follow the minimum wages Act according to the category and location of the employment.

### c) Self Certification by the owner

Self-certification by the owner shall be accepted under the Minimum Wages Act, 1948 as per the matter contained in Schedule – I. Such self-certification shall be deemed as sufficient compliance and shall dispense with the necessity of enquiry and verification.(vide No. 195-Emp/EMP/IM-19/14 dated 18.06.15)

### F.A.Q.

1. What is the object of the Minimum Wages Act, 1948 ?
  - A. The object of the Act is to provide for fixing and revising minimum wages in certain employments in order to stop sweated labour and prevent the exploitation of unorganized labour.
2. Which employments are intended to be benefited by fixation of minimum rates of wages

A. The Government is required to fix minimum rates of wages payable to employees employed in the employments specified in Part I or Part II of the Schedule appended to the Act. {Section 3}

3. Is the Act applicable to daily rated employees ?

A. The Act is expected to fix the minimum wages in respect of employees whether they are casual, daily rated, temporary or permanent. The Act is applicable to daily rates employees also.

4. What is the procedure the Government has to follow for fixing and revising minimum wages?: The Government has to fix and revise minimum wages either-

A. (a) by appointing one or more committees and sub-committees consisting of representatives of employers and employees and also of independent persons to hold necessary enquiries and by taking into consideration the advice tendered by the committee or committees; or

(b) by formulating and publishing its proposals and taking into consideration the representations received in response to the proposals. {Section 5}

5. Is it permissible for the employer to pay minimum wages in kind ?

A. As a rule minimum wages payable under the Act must be paid in cash. The employer, however, can pay them in kind with the permission of the appropriate Government. {Section 11}

6. Can attendance bonus be treated as part of the minimum wage fixed under the Act ?

A. Attendance bonus is in the nature of an incentive. It is an additional payment made to the workmen as a means of increasing production. It cannot be treated as part of the minimum wage fixed under the Act.

7. Can the supply of essential commodities at concessional rates form part of the minimum wage ?

A. Such supply cannot form part of the minimum wage unless it is authorized by the appropriate Government by a notification in the Official Gazette under section 11(3) of the Act.

8. What is the obligation of the employer in respect of [payment of wages](#) under the Minimum Wages Act, 1948 ?

A. Where minimum wages are fixed and enforced under section 5 of the act in respect of any employment covered by the Act, the employer is bound to pay to every employee engaged in that employment wages at a rate not less than the minimum rate to fixed and enforced. {Section 12}

9. What is the number of hours which constitutes a normal working day for the employees covered by the Act ?

A. A normal working day prescribed for the employees covered by the Act is of 9 hours. {Section 13 & Mah. Rule 24}

10. Can an [Industrial](#) Tribunal adjudicate upon a dispute relating to the fixation of wages of employees covered under the Act ?

A. Section 24 of the Act does not bar the jurisdiction of an Industrial Tribunal to adjudicate upon a dispute relating to the fixation of wages of employees covered under the Act.

11. What is the position of the employer who is unable to pay minimum wages fixed under the Act ?

A. The employer is bound to pay minimum wages fixed under the Act and it is irrelevant whether he has the capacity to pay them or not.

12. Can a group of employees make a single application for claiming minimum wages ?

A. A single application can be made on behalf or in respect of any number of employees.

13. Is an employer required to maintain any register and record ?

A. Every employer must maintain a muster-roll-cum-wage register and also a bound [inspection](#) book. {Rule 27 & 28}

14. What are the offences under the Act and what is the punishment for them ?

A. If any employer –

- a. pays to any employee less than the minimum rates of wages fixed for that employees' class of work; or
- b. contravenes any rule or order made by the appropriate Government under Section 13 regarding hours of work, he would be punished with imprisonment up to five years or with fine up to Rs. 10000.00 or with both. The offences under Section 22 of this Act shall be cognizable and non-bailable. {Section 22, 22B}

15. Is it permissible for an employee to recover minimum wages payable under the Act by filing a suit in a Civil Court ?

A. The Act prohibits Civil Courts from entertaining any suit for recovery of minimum wages payable under the Act. {Section 24}