

THE MINIMUM WAGES (AMENDMENT) ACT, 1954

No. 26 OF 1954

[20th May, 1954]

An Act further to amend the Minimum Wages Act, 1948.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Minimum Wages (Amendment) Act, 1954.

2. **Amendment of section 2, Act XI of 1948.**—In section 2 of the Minimum Wages Act, 1948 (hereinafter referred to as the principal Act),—

(a) in clause (a), for the words and figures “Factories Act, 1934 (XXV of 1934)”, the words and figures “Factories Act, 1948 (LXIII of 1948)” shall be substituted; and

(b) in sub-clause (i) of clause (e), for the words, brackets, letter and figures “clause (e) of sub-section (1) of section 9 of the Factories Act, 1934 (XXV of 1934)”, the words, brackets, letter and figures “clause (f) of sub-section (1) of section 7 of the Factories Act, 1948 (LXIII of 1948)” shall be substituted.

G189 M of Law.

3. Amendment of section 3, Act XI of 1948.—For sub-section (1) of section 3 of the principal Act, the following sub-sections shall be substituted, namely:—

“(1) The appropriate Government shall, in the manner hereinafter provided,—

(a) fix the minimum rates of wages payable to employees employed—

(i) in an employment specified in Part I of the Schedule at the commencement of this Act, before the 31st day of December, 1954;

(ii) in an employment specified in Part II of the Schedule at the commencement of this Act, before the 31st day of December, 1954 :

Provided that the appropriate Government may, instead of fixing minimum rates of wages under this sub-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 part thereof; and

(iii) in an employment added to Part I or Part II of the Schedule by notification under section 27, before the expiry of one year from the date of the notification;

(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.

(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, whether before or after the expiry of any time limit specified in sub-section (1) 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 within one year from the date on which it comes to such finding.”

4. Amendment of section 14, Act XI of 1948.—In section 14 of the principal Act, in sub-section (2), for the words and figures “section 47 of the Factories Act 1934 (XXV of 1934)” the words and figures “section 59 of the Factories Act, 1948 (LXIII of 1948)” shall be substituted.

5. Amendment of section 26, Act XI of 1948.—After sub-section (2) of section 26 of the principal Act, the following sub-section shall be inserted, namely:—

“(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, it is not necessary to fix minimum wages in respect of such employees of that class 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."

6. Insertion of new section 31 in Act XI of 1948.—After section 30 of the principal Act, the following section shall be inserted, namely:—

"31. Validation of fixation of certain minimum rates of wages.—Where during the period commencing on the 1st day of April, 1952, and ending with the date of commencement of the Minimum Wages (Amendment) Act, 1954, minimum rates of wages have been fixed by an appropriate Government as being payable to employees employed in any employment specified in Part I of the Schedule in the belief or purported belief that such rates were being fixed under sub-clause (i) of clause (a) of sub-section (1) of section 3, such rates shall be deemed to have been fixed in accordance with law, and shall not be called in question in any court on the ground merely that the date specified in that sub-clause had expired at the time the rates were fixed:

Provided that nothing contained in this section shall extend, or be construed to extend, to affect any person with any punishment or penalty whatsoever by reason of the payment by him by way of wages to any of his employees during the period specified in this section an amount which is less than the minimum rates of wages referred to in this section or by reason of non-compliance during the period aforesaid with any order or rule issued under section 13."