

FORM XII

NOTICE NO. 2

Abstract of the Minimum Wages Act, 1948 and the U.P. Minimum Wages Rules, 1952

[Section 18(2), Rule 22]

(To be fixed at such a place as may be selected by the Inspector and maintained in a clean and legible condition)

Interpretation

"Employer" means any person who employs, whether directly or through another person or whether on behalf of himself or any other person, one or more employees in any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, and includes except in sub-section (3) of Section 26.

- (i) in a factory where is carried on any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person named under clause (e) of sub-section (1) of Section 9 of the Factories Act, 1934 (25 of 1934), as manager of the factory;
- (ii) in any scheduled employment under the control of any Government in India in respect of which minimum rates of wages have been fixed under this Act, the person or authority appointed by such Government for the supervision and control of the employees or where no person or authority is so appointed, the Head of the Department;
- (iii) in any scheduled employment under any local authority in respect of which minimum rates of wages have been fixed under this Act, the person appointed by such authority for the supervision and control of employees or where no person is appointed, the Chief Executive Officer of the local authority.
- (iv) in any other case where there is carried on any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person responsible to the owner for the supervision and control of the employees or for the payment of wages.

"Scheduled employment" means an employment specified in the schedule, or any process or branch or work forming part of each employment.

"Wages" means all remuneration, capable of being expressed in terms of money, which would, if the term of the contract of employment express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment (and includes house rent allowance) but does not include

- (i) the value of
  - (a) any house, accommodation, supply of light, water, medical attendance, or
  - (b) any other amenity for any service excluded by general or special order of the appropriate Government;
- (ii) any contribution paid by the employer to any Pension Fund or Provident Fund or under any Scheme for social insurance;
- (iii) any travelling allowance or the value of any travelling concession;
- (iv) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or
- (v) any gratuity payable on discharge.

"Employee" means any person who is employed for hire or reward to do any work, skill or unskilled, manual or clerical, in a scheduled employment in respect of which minimum rates of wages have been fixed, and includes an out-worker to whom any articles or materials are given out by another person to be made up cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for the purposes of the trade or business of that other person where the process is to be carried out either in the home of the out-worker or in some other premises not being premises under the control and management of that other person; and also includes an employee declared to be an employee by the appropriate Government but does not include any member of the armed forces of the Government.

Fixation of minimum rates of wages

1. Minimum rates of wages, fixation and enforcement (Sections 3 and 5)

The minimum rates of wages fixed for the first time by notification in the Official Gazette by the appropriate Government shall come into force, unless such notification otherwise provides, on the expiry or three months from the date of issue.

Wages of kind

2. Payment in kind and mode of computation of the cash value of wages (Section 11, Rule 20)

The payment of the minimum wages unless authorised to be paid in kind (wholly or partly) if found customary or by way of concessions by the appropriate Government shall be made in cash.

In computing the cash value of wages paid in kind and of concession in respect of supplies of essential commodities, the prices shall be the retail prices for any particular centre published by the State Labour Commissioner, failing which retail prices prevailing in the main market or the nearest market shall be taken into account for this purpose.

Payment of wages and deductions permissible

3. Payment of wages and deductions permissible from wages (Section 12, Rule 21)

The employer shall pay wages not less than those fixed without any deduction except those prescribed but without affecting the provisions of the Payment of Wages Act, 1936.

Holidays, working hours, intervals for rest, etc.

4. Weekly holidays (Section 13, Rule 23)

No employee shall be required or allowed to work in a scheduled employment, on the first day of the week except when he has had or will have a holiday for the whole day on one of the three days immediately before or after the said day for which he shall receive payment equal to his average daily wages during the preceding week.

5. Hours of work (Section 13, Rule 24)

For establishments and concerns not covered by either the Factories Act, 1948, or the U.K. Shops and Commercial Establishments Act, 1947, where hours of work shall be as laid down in those respective Acts, the hours of work of adult employee shall be 9 hours inclusive of intervals for rest which should be of at least half an hour and should be allowed before or at 5 hours work, and of child be 4-1/2 hours.

6. Wages of an employee who works for less than normal working day, (Section 15)

Where an employee works on any day less than the requisite number of hours constituting a normal working day, he shall, except where his failure to work is caused by his unwillingness to work and not by the omission of the employer to provide him with work, be entitled to receive wages as if he had -worked for a full normal working day.

7. Wages for piece work (Section 17)

Where an employee is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed, the employer shall pay to such employee wages at not less than the minimum time rate.

Special Provision

8. Registers notices and returns (Section 18, Rules 21, 22 and 26)

Prescribed registers of wages, employees, deductions, etc., shall be maintained and prescribed wage slips to every employee issued by every employer.

Prescribed notices shall be displayed in English and in a language understood by the majority of the employees in the scheduled employment.

Every employer shall submit the prescribed periodical return to the Inspector regularly.

9. Power of Inspectors (Sections 19, 20 and 22)

Inspectors have power to inspect a scheduled employment at all reasonable hours to require the production of registers, record of wages or notices, etc., prescribed under the Act and Rules and take copies thereof. They have powers to approach the Authority for all claims under the Act and also powers of prosecution.