

# THE MINIMUM WAGES ACT, 1948

- I **OBJECT:** For fixing minimum rates of wages in certain employments.
- II **APPLICABILITY:** It extends to the whole of India and applies to scheduled employments in respect of which minimum rates of wages have been fixed under this act.
- III **SCHEDULED EMPLOYMENTS:** An employment specified in the schedule, or any process or branch of work forming part of such employment (Section-2g)
- IV **FIXING OF MINIMUM RATES OF WAGES:**
- i. The appropriate government shall fix the minimum rates of wages payable to employees employed in a scheduled employment.
  - ii. Review at such intervals not exceeding five years, the minimum rates of wages so fixed and revise the minimum rates if necessary. The minimum rates of wages may be fixed as a minimum time rate or a minimum piece rate or as a guaranteed time rate (Section-3).
- V **PAYMENT OF MINIMUM RATES OF WAGES:** The employer shall pay to every employee in a scheduled employment under him wages at the rate not less than the minimum rates of wages fixed under the Act. (Section-12)
- VI **HOURS OF WORK, OVERTIME ETC**
- The Act also provides for regulation of working hours, overtime, weekly holidays and overtime wages. Period and payment of wages, and deductions from wages are also regulated. (Section—13 to 17)
- VII **CLAIMS UNDER THE ACT** (Section-20) This section makes provisions to appoint authorities to hear and decide all claims arising out of payment less than the minimum rates of wages or any other monetary payments due under the Act. The presiding officers of the Labour court and Deputy Labour Commissioners are the authorities appointed.

### VIII **WHO CAN FILE A CLAIM PETITION**

- i. The Employee or
- ii. Any legal practitioner or any official of a regd. Trade union authorised in writing to act on his behalf or
- iii. Any Inspector or
- iv. Any person acting with the permission of the authority under Section-20 (I)

### IX **REGISTERS AND RECORDS**

Every employer shall maintain the following registers and records as required under the Kerala Minimum Wages Rules 1958 enacted vide section-30 of the Act.

- i. Register of wages in Form No. XI or Form XII
- ii. A muster-roll in Form No. VI
- iii. Register of fines, Form No. I
- iv. Register of deductions for damage or loss in Form No. II
- v. Register of overtime in Form No. V
- vi. Visit book
- vii. A wage slip in Form No. XIII shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

X. **NOTICE TO BE EXHIBITED:** A notice in Form IV containing the minimum rates of wages fixed together with the abstract of the Act, the rates made thereunder and the name and address of the inspector shall be displayed in English and in a language understood by the majority of the workers.

XI. **ANNUAL RETURNS:** Annual returns in Form III or Form III a as per rule 21 (4) (iii) shall be submitted to the Inspector before the first day of the February of the succeeding year.

XII. **PRESERVATION OF REGISTERS:** All the registers shall be preserved for a period of three years after the date of last entry made therein

XIII. **PENTALITY:** Any employer who contravenes any of the provisions of this Act other than those relating to Section 12 and 13 of any rule or any order made thereunder shall be punishable with fine, which may extend to Rs.500. Any employer who contravenes the provision relating to the payment of minimum rates of wages fixed (Section- 12) hours of work stipulated for constituting a normal working day as per section 13 shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500/- or with both.

**XIV. AUTHORITIES APPOINTED UNDER THE ACT:**

**1. Inspector: (Under Section-19)**

- a. Labour Commissioner
- b. Additional Labour Commissioner (IR and E)
- c. Regional Joint Labour Commissioners
- d. Joint Labour Commissioner (P)
- e. Chief Inspector of Plantations
- f. Deputy Labour Commissioner (HQ)
- g. Dist Labour Officer (HQ)
- h. Additional Labour Commissioner, Kozhikode
- i. Dist Labour Officers (E)
- j. Inspector of plantations
- k. Asst. Labour Officers – Grade II

**2. Claim Authorities (under Section –20)**

- a. Labour Courts
- b. Deputy Labour Commissioners

**3. Sanctioning Authority under Sec. 22**

- a. Labour Courts
- b. The chief inspector of plantations Kottayam.
- c. Dist. Labour officers (E)

***NB. Rules wherever specified means “The Kerala Minimum Wages Rules 1958”.***

## **LIST OF EMPLOYMENTS**

### **a. EMPLOYMENTS ORIGINALLY INCLUDED IN THE SCHEDULE**

1. Employment in any Woolen Carpet making or shawl Weaving Establishment (not fixed).
2. Employment in any Rice mill, Flour mill or Dhall mill.
3. Employment in any Tobacco (including beedi making ) Manufactory.
4. Employment in any Plantation, that is to say, any estate which is maintained for the purpose of growing cinchona, rubber, tea, coffee (or cardamom)
5. Employment in any Oil Mill.
6. Employment under any local authority.
7. Employment on the construction or maintenance of roads or in building operations.
8. Employment in stone breaking or stone crushing.
9. Employment in any lac manufactory (not fixed)
10. Employment in any Mica works (not fixed)
11. Employment in Public Motor Transport.
12. Employment in Tanneries and leather manufactory.

### **b. EMPLOYMENTS ADDED TO THE SCHEDULE BY THE STATE GOVERNMENT**

13. Employment in the manufacture of Coir.
14. Employment in Salt Pan (not fixed)
15. Employment in Water Boat Transport, other motor boat Transport (not fixed)
16. Employment in Water Boat Transport, other motor boat Transport (not fixed).
17. Employment in Printing Presses
18. Employment in the Tile manufacturing Industry
19. Employment in Toddy tapping Industry
20. Employment in Match Industry.
21. Employment in Shops and Establishments (including Hotels and Restaurants)
22. Employment in Timber Industry.
23. Employment in bricks manufactories.
24. Employment in Banks (not fixed).
25. Employment in Handloom Industry.

26. Employment in Plywood Industry.
27. Employment in Minor Ports.
28. Employment in Works in Forests.
29. Employment in Rubber Products.
30. Employment in Minor Engineering Industry.
31. Employment in the Construction industry.
32. Employment in Fish Peeling, Fish Canning, Freezing and exporting of seafoods and Frog Legs.
33. Employment in the Hill Product Industry.
34. Employment in the manufacturing of Ayurvedic and Allopathic Medicines.
35. Employment in the Power loom Industry (excluding the worker employed in the Power loom section or the Cotton Textile Mills).
36. Employment in Drying of Coconuts for making them Copra.
37. Employment in Handling and care of Elephants.
38. Employment in Hosiery Manufactory.
39. Employment in Ice factories
40. Employment in the Units engaged in the manufacture and sale of Umbrella.
41. Employment in Hostels.
42. Employment in Rubber Crep Mills.
43. Employment in Liquor Trading and Liquor Vending Industry.
44. Employment in Cinema Theaters.
45. Employment in Crumb Rubber Factories
46. Employment in Collection of river sand and its loading and unloading
47. Employment in Manufacture of Aluminium.
48. Employment in Light Motor Vehicles.
49. Employment in Oil Palm Plantations.
50. Employment in Marble and Granite Industry.
51. Employment in Food processing industry-Toffee,Bakery coming under the Factories Act,Icecream,soft drinks etc.
52. s

LIST OF EMPLOYMENTS

THE SCHEDULE

see Sec2(g) and 27)

PART I

1. Employment in any woollen carpet making or shawl weaving establishment.
2. Employment in any rice mill, flour mill or dal mill
3. Employment in any tobacco (including bidi making) manufactory.
4. Employment in any plantation, that is to say any estate which is maintained for the purpose of growing cinchona, rubber, tea or coffee.

5. Employment in any oil mill.
6. Employment under any local authority.
7. Employment on the construction or maintenance of roads or in building operations
8. Employment in stone-breaking or stone crushing.
9. Employment in any lac manufactory.
10. Employment in any mica works
11. Employment in public motor transport
12. Employment in in gypsum mines
  - Employment in barites mines
  - Employment in bauxite mines
  - Employment in manganese mines
  - Employment in the maintenance of building and employment in the construction an maintenance of run ways
  - Employment in china clay mines
  - Employment in kyanite mines
  - Employment in Copper mines.
  - Employment in clay mines covered under the Mines Act, 1952
  - Employment in manganesite mines covered under the Mines Act 1952
  - Employment in white clay mines
  - Employment in stone mines
  - Employment in state Mines (including the mines producing Soapstone and Tale)
  - Employment in Ochre mines
  - Employment in Asbestos mines.
  - Employment in Chromite mines
  - Employment in Quartzite mines
  - Employment in Quartz mines
  - Employment in Silica mines
  - Employment in Graphite mines
  - Employment infelspor mines
  - Employment in Laterite mines
  - Employment in Dolomite mines
  - Employment in red oxide mines
  - Employment in Granite mines
  - Employment in rock phosphate mines
  - Employment in marble and calcite mines
  - Employment in loading and unloading in Railways, goods shed and docks and ports.
  - Employment in marble and calcite mines
  - Employment in Ashpit cleaning on railways
- Employment in uranium mines
  - Employment in Mica mines
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- Employment in Lignite mines
- Employment in Gravel mines
- Employment in State mines
- Employment in Laying of underground cables
13. Employment in the manufacturing of coir
14. Employment in cashew industry
15. Employment in salt pans
16. Employment in Water Transport other than motor boat transport

17. Employment in printing press
18. Employment in Tile manufacturing Industry
19. Employment in Toddy Tapping Industry
20. Employment in Match industry
21. Employment in shops and Establishments
22. Employment in Timber Industry
23. Employment in Bricks manufacturies
24. Employment in banks
25. Employment in Handloom Industry
26. Employment in Plywood Industry
27. Employment in Minor ports
28. Employment for works in Forests
29. Employment in the manufacture of Rubber products
30. Employment in minor engineering Industry

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31. Employment in the construction or maintenance of Dams
  32. Employment in fish canning , freezing and exporting of sea food and frog legs.
  33. Employment in Hill produce industry
  34. Employment in Manufacture of Ayurvedic and Allopathic employed medicines
  35. Employment in the powerloom section of the Cotton Textile Mills in the State
  36. Employment in Handling and care of elephant
  37. Employment in Drying of coconuts for making copra
  38. Employment in Hosiery Manufacturing
  39. Employment in Ice Factories
  40. Employment in units engaged in the manufacturing and sale of Umbrellas
  41. Employment in Hostels
  42. Employment in Rubber Crepe mills
  43. Employment in Liquor Trading and Liquor Vending Industry
  44. Employment in Cinema Theaters
  45. Employment in Crumb Rubber Factories
  46. Employment in Security services
  47. Employment in Machanised Fish Catching Industry
  48. Employment in Production of Motion
  49. pictures and Telefilms
  50. Employment in Private Educational Institutions
  51. Employment in Private Hospitals, dispensaries, pharmacies, clinical Lab, scanning centers , X-ray Units and other a
  52. Employment llied institutions in Liquefied petroleum Gas Agencies(Cooking Gas)
53. PART II Employment in Collection of river sans and its loading and unloading
54. Employment in Manufacture of a Aluminium
  55. Employment in Light motor Vehicles
  56. Employment in Oil palm plantations
  57. Employment in Marble and Granite Industry.
  58. Employment in Food processing industry- Toffee, Bakery coming under the Factories Act, Ice cream, Soft drink etc.
  59. Employment in Electric Equipments, Home appliances and Operations of software systems
  60. Employment in Soap Manufacturing
  61. Employment in Computer Software

62. Employment in Plastic Industry
63. Employment in Wirecut Bricks
64. Employment in Screen printing
65. Employment in Handicrafts
66. Employment in Film production industry
67. Employment in Garment Making Industry
68. Employment in Diamond Cutting and polishing industry
69. Employment in Kadi Industry

Employment in Cane and Bamboo Industry

Employment in agriculture, that is to say, in any form of farming including cultivation and tillage of the soil dairy, farming the production, cultivation, growing and harvesting of any agricultural or horticultural commodity, the raising of live stock, bees or poultry and any practice performed by a farmer or on a farm as incidental to or in conjunction with farm operations (including any forestry or timbering operations and the preparations for market and delivery to storage or to market or a carriage for transporting to market of farm produce).