

Rep. by Act 58 of 1960, s. 2 & Sch I (orig 26.12.1960)

THE PAYMENT OF WAGES (AMENDMENT) ACT, 1957

No. 68 OF 1957

An Act further to amend the Payment of Wages Act, 1936.

[28th December, 1957]

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

Short title
and com-
mencement.

1. (1) This Act may be called the Payment of Wages (Amendment) Act, 1957.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 1.

2. In section 1 of the Payment of Wages Act, 1936 (hereinafter ⁴ of 1936, referred to as the principal Act),—

(i) in sub-section (5), for the words “the Act”, the words “this Act” shall be substituted; and

(ii) in sub-section (6), for the words “two hundred rupees”, the words “four hundred rupees” shall be substituted.

Amendment
of section 2.

3. In section 2 of the principal Act,—

(i) for clause (i), the following clause shall be substituted, namely:—

‘(i) “factory” means a factory as defined in clause (m) of section 2 of the Factories Act, 1948;’

63 of 1948.

(ii) in clause (ii)—

(1) for item (c), the following item shall be substituted, namely:—

“(c) inland vessel, mechanically propelled;”;

(2) after item (f), the following item shall be inserted, namely:—

“(g) establishment in which any work relating to the construction, development or maintenance of

¹1st April, 1958, *vide* Notification No. S.O.353, dated 19th March, 1958, Gazette of India, Part II, Sec. 3 (ii), page 228.

buildings, roads, bridges or canals, or relating to operations connected with navigation, irrigation or the supply of water, or relating to the generation, transmission and distribution of electricity or any other form of power is being carried on;"; and

(iii) for clause (vi), the following clause shall be substituted, namely:—

'(vi) "wages" means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms 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—

(a) any remuneration payable under any award or settlement between the parties or order of a court;

(b) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;

(c) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name);

(d) any sum which by reason of the termination of employment of the person employed is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions, but does not provide for the time within which the payment is to be made;

(e) any sum to which the person employed is entitled under any scheme framed under any law for the time being in force;

but does not include—

(1) any bonus (whether under a scheme of profit sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a court;

(2) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the State Government;

(3) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;

(4) any travelling allowance or the value of any travelling concession;

(5) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment; or

(6) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (d).'

Amendment
of section 3.

4. In section 3 of the principal Act, in clause (a) of the proviso, for the words, brackets, letter and figures "clause (e) of sub-section (1) of section 9 of the Factories Act, 1934", the words, brackets, letter and figures "clause (f) of sub-section (1) of section 7 of the Factories Act, 1948" shall be substituted.

25 of 1934.

63 of 1948

Amendment
of section 7.

5. In section 7 of the principal Act,—

(i) in sub-section (1), the *Explanation* shall be re-numbered as *Explanation I*, and after the *Explanation* as so re-numbered, the following *Explanation* shall be inserted, namely:—

"*Explanation II*.—Any loss of wages resulting from the imposition, for good and sufficient cause, upon a person employed of any of the following penalties, namely:—

(i) the withholding of increment or promotion (including the stoppage of increment at an efficiency bar);

(ii) the reduction to a lower post or time scale or to a lower stage in a time scale; or

(iii) suspension;

shall not be deemed to be a deduction from wages in any case where the rules framed by the employer for the imposition of any such penalty are in conformity with the requirements, if any, which may be specified in this behalf by the State Government by notification in the Official Gazette.";

(ii) in sub-section (2), for clause (d), the following clause shall be substituted, namely:—

"(d) deductions for house-accommodation supplied by the employer or by Government or any housing board set up under any law for the time being in force (whether the Government or the board is the employer or not) or any other authority engaged in the business of subsidising

house-accommodation which may be specified in this behalf by the State Government by notification in the Official Gazette;"; and

(iii) for clause (k), the following clause shall be substituted, namely:—

"(k) deductions, made with the written authorisation of the person employed for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956, or for the purchase of securities of the Government of India or of any State Government or for being deposited in any Post Office Savings Bank in furtherance of any savings scheme of any such Government;".

31 of 1956.

25 of 1934.

63 of 1948.

6. In section 14 of the principal Act, in sub-section (1), for the words, brackets and figures "sub-section (1) of section 10 of the Factories Act, 1934", the following shall be substituted, namely:—

Amendment
of section
14.

"sub-section (1) of section 8 of the Factories Act, 1948".

7. In section 17 of the principal Act,—

(i) in sub-section (1)—

Amendment
of section
17.

(a) for the words, brackets and figures "An appeal against a direction made under sub-section (3) or sub-section (4) of section 15", the following shall be substituted, namely:—

"An appeal against an order dismissing either wholly or in part an application made under sub-section (2) of section 15, or against a direction made under sub-section (3) or sub-section (4) of that section";

(b) for the words "the direction", the words "the order or direction" shall be substituted;

(c) for clause (b), the following clause shall be substituted, namely:—

"(b) by an employed person or any official of a registered trade union authorised in writing to act on his behalf, if the total amount of wages claimed to have been withheld from the employed person or from the unpaid group to which the employed person belonged exceeds fifty rupees, or"; and

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Save as provided in sub-section (1), any order dismissing either wholly or in part an application made under

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sub-section (2) of section 15, or a direction made under sub-section (3) or sub-section (4) of that section shall be final.”

Insertion of a new section 17A.

8. After section 17 of the principal Act, the following section shall be inserted, namely:—

Conditional attachment of property of employer or other person responsible for payment of wages.

“17A. (1) Where at any time after an application has been made under sub-section (2) of section 15 the authority, or where at any time after an appeal has been filed under section 17 by an employed person or any official of a registered trade union authorised in writing to act on his behalf the court referred to in that section, is satisfied that the employer or other person responsible for the payment of wages under section 3 is likely to evade payment of any amount that may be directed to be paid under section 15 or section 17, the authority or the court, as the case may be, except in cases where the authority or court is of opinion that the ends of justice would be defeated by the delay, after giving the employer or other person an opportunity of being heard, may direct the attachment of so much of the property of the employer or other person responsible for the payment of wages as is, in the opinion of the authority or court, sufficient to satisfy the amount which may be payable under the direction.

(2) The provisions of the Code of Civil Procedure, 1908, relating to attachment before judgment under that Code shall, so far as may be, apply to any order for attachment under sub-section (1).”