

Rep. by Act 52 of 1964, S. 24 Sec. I (w.c.f. 29.12.64)

THE MINIMUM WAGES (AMENDMENT) ACT, 1961

NO. 31 OF 1961

[28th August, 1961]

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

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

Short title: 1. This Act may be called the Minimum Wages (Amendment) Act, 1961.

Amendment of section 3: 2. In section 3 of the Minimum Wages Act, 1948 (hereinafter referred to as the principal Act),—

(i) in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

“(a) fix the minimum rates of wages payable to employees employed in an employment specified in Part I or Part II of the Schedule and in an employment added to either Part by notification under section 27:

Provided that the appropriate Government may, in respect of employees employed in an employment specified in Part II of the Schedule, instead of fixing minimum rates of wages under this 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;”;

(ii) in sub-section (1A),—

(a) the words, brackets and figure “whether before or after the expiry of any time limit specified in sub-section (1),” shall be omitted;

(b) for the words, “within one year from the date on which it comes to such finding”, the words “as soon as may be after such finding” shall be substituted;

*Rep. Act 52 of 1964*

[ACT 31 OF 1961]

Minimum Wages (Amendment)

187

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

24 of 1947.

“(2A) Where in respect of an industrial dispute relating to the rates of wages payable to any of the employees employed in a scheduled employment, any proceeding is pending before a Tribunal or National Tribunal under the Industrial Disputes Act, 1947 or before any like authority under any other law for the time being in force, or an award made by any Tribunal, National Tribunal or such authority is in operation, and a notification fixing or revising the minimum rates of wages in respect of the scheduled employment is issued during the pendency of such proceeding or the operation of the award, then, notwithstanding anything contained in this Act, the minimum rates of wages so fixed or so revised shall not apply to those employees during the period in which the proceeding is pending and the award made therein is in operation or, as the case may be, where the notification is issued during the period of operation of an award, during that period; and where such proceeding or award relates to the rates of wages payable to all the employees in the scheduled employment, no minimum rates of wages shall be fixed or revised in respect of that employment during the said period.”

3. After section 30 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 30A.

“30A. Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

Rules made by Central Government to be laid before Parliament.

4. For section 31 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 31.

“31. Where during the period—

(a) commencing on the 1st day of April, 1952, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1954; or

Validation of fixation of certain minimum rates of wages.

26 of 1954.

(b) commencing on the 31st day of December, 1954, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1957; or

30 of 1957

(c) commencing on the 31st day of December, 1959, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1961,

minimum rates of wages have been fixed by an appropriate Government as being payable to employees employed in any employment specified in the Schedule in the belief or purported belief that such rates were being fixed under clause (a) of subsection (1) of section 3, as in force immediately before the commencement of the Minimum Wages (Amendment) Act, 1954, or the Minimum Wages (Amendment) Act, 1957, or the Minimum Wages (Amendment) Act, 1961, as the case may be, 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 relevant date specified for the purpose in that clause had expired at the time the rates were fixed:

26 of 1954.  
30 of 1957.

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 any period specified in this section of 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."