

# THE PAYMENT OF WAGES (AMENDMENT) ACT, 1982

No. 38 OF 1982

[18th August, 1982.]

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

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Wages (Amendment) Act, 1982.

Short title and commencement.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

4 of 1936.

2. In the Payment of Wages Act, 1936 (hereinafter referred to as the principal Act), in the long title and in the preamble, for the words "persons employed in industry", the words "employed persons" shall be substituted.

Amendment of long title and preamble.

3. In section 1 of the principal Act,—

Amendment of section 1.

(a) in sub-section (4),—

(i) for the words "factory and to persons", the words "factory, to persons" shall be substituted;

(ii) after the words "contract with a railway administration", the words, brackets, letters and figures " and to persons employed in an industrial or other establishment specified in sub-clauses (a) to (g) of clause (ii) of section 2" shall be inserted;

(b) in sub-section (5),—

(i) for the words "any industrial establishment or in any class or group of industrial establishments", the words, brackets, letter and figures "any establishment or class of establishments specified by the Central Government or a State Government under sub-clause (h) of clause (ii) of section 2" shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

"Provided that in relation to any such establishment

<sup>1</sup> (except §.13)/15-10-1982/vide Notification G.S.R. 612 (E), dated 15-10-1982; Gazette of India, Extraordinary, 1982, Pt II, Section 3 (i).

owned by the Central Government, no such notification shall be issued except with the concurrence of that Government.”;

(c) in sub-section (6), for the words “one thousand rupees”, the words “one thousand six hundred rupees” shall be substituted.

Amend-  
ment of  
section 2.

4. In section 2 of the principal Act, in clause (ii),—

(a) in the opening portion, for the words “‘industrial establishment’ means”, the words “‘industrial or other establishment’ means” shall be substituted;

(b) after sub-clause (g), the following sub-clause shall be inserted, namely:—

“(h) any other establishment or class of establishments which the Central Government or a State Government may, having regard to the nature thereof, the need for protection of persons employed therein and other relevant circumstances, specify, by notification in the Official Gazette.”.

Amend-  
ment of  
section 3.

5 In section 3 of the principal Act, in the proviso, for clause (b), the following clause shall be substituted, namely:—

“(b) in industrial or other establishments, if there is a person responsible to the employer for the supervision and control of the industrial or other establishments;”.

Amend-  
ment of  
section 5.

6. In section 5 of the principal Act, in clauses (a) and (b) of sub-section (1), for the words “industrial establishment”, the words “industrial or other establishment” shall be substituted.

Amend-  
ment of  
section 7.

7. In section 7 of the principal Act, in sub-section (2), after clause (k), the following clauses shall be inserted, namely:—

“(kk) deductions made, with the written authorisation of the employed person, for the payment of his contribution to any fund constituted by the employer or a trade union registered under the Trade Unions Act, 1926 for the welfare of the employed persons or the members of their families, or both, and approved by the State Government or any officer specified by it in this behalf, during the continuance of such approval;

16 of 1926.

“(kkk) deductions made, with the written authorisation of the employed person, for payment of the fees payable by him for the membership of any trade union registered under the Trade Unions Act, 1926;”.

16 of 1926.

Amend-  
ment of  
section 8.

8. In section 8 of the principal Act,—

(a) in sub-section (4), for the words “half-an-anna in the rupee”, the words “three per cent.” shall be substituted;

(b) in the *Explanation*, for the words “industrial establishment”, the words “industrial or other establishment” shall be substituted.

Amend-  
ment of  
section 14.

9. In section 14 of the principal Act,—

(a) in sub-section (3), for the words “industrial establishments”, the words “industrial or other establishments” shall be substituted;

(b) in sub-section (4), in clauses (b) and (c), for the words "industrial establishment", the words "industrial or other establishment" shall be substituted;

(c) in sub-section (4A),—

5 of 1898.  
2 of 1974.

(i) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;

(ii) for the word and figures "section 98", the word and figures "section 94" shall be substituted.

5 of 1898.  
2 of 1974.

10. In section 18 of the principal Act, for the words and figures "Chapter XXXV of the Code of Criminal Procedure, 1898", the words and figures "Chapter XXVI of the Code of Criminal Procedure, 1973" shall be substituted.

Amendment of section 18.

11. In section 20 of the principal Act,—

Amendment of section 20.

(a) in sub-section (1), for the words "which may extend to five hundred rupees", the words "which shall not be less than two hundred rupees but which may extend to one thousand rupees" shall be substituted;

(b) in sub-section (2), for the words "two hundred rupees", the words "five hundred rupees" shall be substituted;

(c) in sub-section (3), for the words "which may extend to five hundred rupees", the words "which shall not be less than two hundred rupees but which may extend to one thousand rupees" shall be substituted;

(d) in sub-section (4),—

(i) in clause (b), for the words "industrial establishment", the words "industrial or other establishment" shall be substituted;

(ii) for the words "which may extend to five hundred rupees", occurring at the end, the words "which shall not be less than two hundred rupees but which may extend to one thousand rupees" shall be substituted;

(e) in sub-section (5), for the words "which may extend to three months, or with fine which may extend to one thousand rupees, or with both", the words "which shall not be less than one month but which may extend to six months and with fine which shall not be less than five hundred rupees but which may extend to three thousand rupees" shall be substituted;

(f) in sub-section (6), for the words "fifty rupees", the words "one hundred rupees" shall be substituted.

12. In section 25 of the principal Act,—

(a) for the words "employed in a factory", the words "employed in a factory or an industrial or other establishment" shall be substituted;

Amendment of section 25.

(b) for the words "displayed in such factory", the words "displayed in such factory or industrial or other establishment" shall be substituted;

(c) for the words "in the factory", the words "in the factory or industrial or other establishment" shall be substituted.

Insertion  
of new  
section  
25A.

13. After section 25 of the principal Act, the following section shall be inserted, namely:—

Payment  
of un-  
disbursed  
wages in  
cases of  
death of  
employed  
person.

"25A. (1) Subject to the other provisions of the Act, all amounts payable to an employed person as wages shall, if such amounts could not or cannot be paid on account of his death before payment or on account of his whereabouts not being known,—

(a) be paid to the person nominated by him in this behalf in accordance with the rules made under this Act; or

(b) where no such nomination has been made or where for any reasons such amounts cannot be paid to the person so nominated, be deposited with the prescribed authority who shall deal with the amounts so deposited in such manner as may be prescribed.

(2) Where, in accordance with the provisions of sub-section (1), all amounts payable to an employed person as wages—

(a) are paid by the employer to the person nominated by the employed person; or

(b) are deposited by the employer with the prescribed authority,

the employer shall be discharged of his liability to pay those wages."

Amend-  
ment of  
section  
26.

14. In section 26 of the principal Act,—

(a) in sub-section (3),—

(i) in clause (l), the word "and", occurring at the end, shall be omitted;

(ii) after clause (l), the following clauses shall be inserted, namely:—

"(la) prescribe the form and manner in which nominations may be made for the purposes of sub-section (1) of section 25A, the cancellation or variation of any such nomination, or the making of any fresh nomination in the event of the nominee predeceasing the person making nomination, and other matters connected with such nominations;

(lb) specify the authority with whom amounts required to be deposited under clause (b) of sub-section (1) of section 25A shall be deposited, and the manner in which such authority shall deal with the amounts deposited with it under that clause;"

(b) in sub-section (6),—

(i) for the words "two successive sessions", the words "two or more successive sessions" shall be substituted;

(ii) for the words "in which it is so laid or the session immediately following", the words "immediately following the session or the successive sessions aforesaid" shall be substituted.