ANNEXURE - A

[THE] BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

(Act No. 19 of 1976)

An Act to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected herewith or incidental thereto.

Be it enacted by Parliament in the Twenty-Seventh Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement— (1) This Act may be called THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976.

2. It extends to the whole of India.

3. It shall be deemed to have come into force on the 25th day of October, 1975.

2. Definitions—In this Act, unless the context otherwise requires,—

(a) "advance" means an advance, whether in cash or in kind, or partly in cash or partly in kind,
made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor);

(b) "agreement" means an agreement (whether written or oral, or partly written and partly oral) between a debtor and creditor, and includes an agreement providing for forced labour, the existence of which is presumed under any social custom prevailing in the concerned locality.

Explanation—The existence of an agreement between the debtor and creditor is ordinarily presumed, under the social custom, in relation to the following forms of forced labour, namely;--

Adiyamar, Baramasia, Basahya, Bethu, Bhagela, Cherumar, Garru-Galu, Hali, Hari Harwai, Holya, Jana, Jeetha, Kamiya, Khundit-Mundit, Kuthia, Lakhari, Munjhi, Mat, Munish sytem, Nit-Majoor, Paleru, Padiyal, Pannayilal, Sagri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vett;

(c) "ascendant" or "descendant", in relation to a person belonging to a matriarchal society, means the person who corresponds to such a
expression in accordance with the law of succession in force in such society;

(d) "bonded debt" means an advance obtained, or presumed to have been obtained, by a bonded labour under, or in pursuance of the bonded labour system;

(e) "bonded labour" means any labour or service rendered under the bonded labour system.

(f) "bonded labourer" means a labourer who incurs, or has, or in presumed to have, incurred, a bonded debt;

(g) "bonded labour system" means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that,—

(i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or
(ii) in pursuance of any customary or social obligation, or

(iii) in pursuance of an obligation devolving on him by succession, or

(iv) for any economic consideration received by him or by any of his lineal ascendants, or

(v) by reason of his birth in any particular caste or community, he would—

(1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or

(2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or

(3) forfeit the right to move freely throughout the territory of India, or

(4) forfeit the right to appropriate or sell at market value any of his property or product of
his labour or the labour of a member of his family or any person dependent on him, and includes the system of forced, or partly forced, labour under which a surety for a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor;

(h) "family", in relation to a person, includes the ascendant and descendant of such person;

(i) "nominal wages", in relation to any labour, means a wage which is less than, —

(a) the minimum wages fixed by the Government in relation to the same or similar labour, under any law for the time being in force, and

(b) where no such minimum wages has been fixed in relation to any form of labour, the wages that are normally paid, for the same or similar labour, to the labourers working in the same locality;
(j) "prescribed" means prescribed by rules made under this Act.

3. Act to have overriding effect—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or in any instrument having effect by virtue of any enactment other than this Act.

CHAPTER II

ABOLITION OF BONDED LABOUR SYSTEM

4. Abolition of bonded labour system—(1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render any bonded labour.

(2) After the commencement of this Act, no person shall—

(a) make any advance under, or in pursuance of, the bonded labour system, or

(b) compel any person to render any bonded labour or other form of forced labour.
5. Agreement, custom, etc., to be void— On the commencement of this Act, any custom or tradition or any contract, agreement or other instrument (whether entered into or executed before or after the commencement of this Act), by virtue of which any person, or any member of the family or dependent of such person, is required to do any work or render any service as a bonded labourer, shall be void and inoperative.

CHAPTER III

EXTINGUISHMENT OF LIABILITY TO REPAY BONDED DEBT

6. Liability to repay bonded debt to stand extinguished—

(1) On the commencement of this Act, every obligation of a bonded labourer to repay any bonded debt, or such part or any bonded debt as remains unsatisfied immediately before such commencement, shall be deemed to have been extinguished.

(2) After the commencement of this Act, no suit or other proceeding shall lie in any civil Court or before any other authority for the recovery of any bonded debt or any part thereof.

(3) Every degree or order for the recovery of bonded debt, passed before the commencement of this Act and not
fully satisfied before such commencement, shall be deemed, on such commencement, to have been fully satisfied.

(4) Every attachment made before the commencement of this Act, for the recovery of any boned debt, shall, on such commencement, stand vacated; and, where, in pursuance of such attachment, any movable property of the bonded labourer was seized and removed from his custody and kept in the custody of any Court or other authority pending sale thereof, such movable property shall be restored, as soon as may be practicable after such commencement, to the possession of the bonded labourer.

(5) Where before the commencement of this Act, possession of any property belonging to a bonded labourer or a member of his family or other dependent was forcibly taken over by any creditor for the recovery of any bonded debt, such property shall be restored, as soon as may be practicable after such commencement, to the possession of the person from whom it was seized.

(6) If restoration of the possession of any property to in sub-section (4) or sub-section (5) is not made within thirty days from the commencement of this Act, the aggrieved person may, within such time as may be prescribed, apply to the prescribed authority for the restoration of the possessions of such property and the prescribed authority
may, after giving the creditor a reasonable opportunity of being heard, direct the creditor to restore to the applicant the possession of the concerned property within such time as may be specified in the order.

(7) An order made by any prescribed authority, under sub-section (6), shall be deemed to be an order made by a civil court and may be exacted by the Court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction the creditor voluntarily resides or carries on business or personally works for gain.

(8) For the avoidance of doubts, it is hereby declared that, where any attached property was sold before the commencement of this Act, in execution of a decree or order for the recovery of a bonded debt, such sale shall not be affected by any provision of this Act:

Provided that the bonded labourer, or an agent authorised by him in this behalf, may, at any time within five years from such commencement, apply to have the sale set aside on his depositing in Court, for payment to the decree-holder, the amount specified in the proclamation of sale, for the recovery of which the sale was ordered, less any amount, as well as mesne profits, which may, since the date of such proclamation of sale, have been received by the decree-holder.
(9) Where any suit or proceeding, for the enforcement of any obligation under the bonded labour system, including a suit or proceeding for the recovery of any advance made to a bonded labourer, is pending at the commencement of this Act, such suit or other proceeding shall, on such commencement, stand dismissed.

(10) On the commencement of this Act, every bonded labourer who has been detained in Civil Prison, whether before or after judgement, shall be released from detention forthwith.

7. Property of bonded labourer to be freed from mortgage, etc.— (1) All property vested in a bonded labourer which was, immediately before the commencement of this Act under any mortgage, charge, lien or for the commencement of this Act under any mortgage, charge, lien or other incumbrances in connection with any bonded debt shall, in so far as it is relatable to be bonded debt, stand freed and discharged from such mortgage, charge, lien or other incumbrances, and where any such property was, immediately before the commencement of this Act, in the possession of the mortgagee or the holder of the charte, lien or incumbrance, such property shall (except where it was subject to any other charge), on such commencement, be restored to the possession of the bonded labourer.
(2) If any delay is made in restoring any property, referred to in sub-section (1), to the possession of the bonded labourer, such labourer shall be entitled, on and from the date of such commencement, to recover from the mortgagee or holder of the lien, charge or incumbrance, such mesne profits as may be determined by the civil Court of the lowest pecuniary jurisdiction within the local lomites of whose jurisdiction such property is situated.

8. Freed bonded labourer not to be evicted from homestead etc.— (1) no person who has been freed and discharge under this Act from any obligation to render any bonded labour, shall be evicted from any homestead or other residential premises which he was occupying immediately before the commencement of this Act as part of the consideration for the bonded labour.

(2) If, after the commencement of this Act, any such person is evicted by the creditor from any homestead or other residential premises, referred to in sub-section (1), the Executive Magistrate in charge of the Sub-Division within which such homestead or residential premises is situated shall, as early as practicable, restore the bonded labourer to the possession of such homestead or other residential premises.
9. Creditor not to accept payment against extinguished debt— (1) No creditor shall accept any payment against any bonded debt which has been extinguished or deemed to have been extinguished or fully satisfied by virtue to the provisions of this Act.

(2) Whoever contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three years and also with fine.

(3) The Court, convicting any person under sub-section (2) may, in addition to the penalties which may be imposed under that sub-section, direct the person to deposit, in Court, the amount accepted in contravention of the provisions of sub-section (1), within such period as may be specified in the order for being refunded to the bonded labourer.

10. Authorities who may be specified for implementing the provisions of this Act.— The State Government may confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers and perform all or any of the duties, so conferred or imposed.
and the local limits within which such powers or duties shall be carried out by the officer so specified.

11. Duty of District Magistrate and other officers to ensure credit—The District Magistrate authorised by the State Government under Section 10 and the officer specified by the District Magistrate under that section shall, as far as practicable, try to promote the welfare of the freed bonded labourer by securing the protecting the economic interests of such bonded labourer so that he may not have any occasion or reason to contract any further bonded debt.

12. Duty of District Magistrate and officers authorised by him.-- It shall be the duty of every District Magistrate and every officer specified by him under Section 10 to inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to eradicate the enforcement of such forced labour.
CHAPTER V

VIGILANCE COMMITTEES

13. Vigilance Committees—(1) Every State Government shall, by notification in the Official Gazette, constitute such number of Vigilance Committees in each district and each Sub-Division as it may think fit.

2. Each Vigilance Committee, constituted for a district, shall consist of the following members, namely:

   (a) the District Magistrates, or a person nominated by him, who shall be the Chairman;

   (b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the district to be nominated by the District Magistrate;

   (c) two social workers, resident in the district, to be nominated by the District magistrate;

   (d) not more than three persons to present the official or non-official agencies in the district connected with rural development, to be nominated by the State Government;
(e) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate.

(3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely:-

(a) the Sub-Divisional Magistrate, or a person nominated by him, who shall be the Chairman;

(b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the Sub-Division, to be nominated by the Sub-Divisional magistrate;

(c) two social workers, resident in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(d) not more than three persons to represent the official or non-official agencies in the Sub-Division connected with rural development to be nominated by the District Magistrate;

(e) one person to represent the financial and credit institutions in the Sub-Division,
to be nominated by the Sub-Divisional Magistrate,

(f) one officer specified under Section 10 and functioning in the Sub-Division.

(4) Each Vigilance Committee shall regulate its own procedure and secretarial assistance, as may be necessary, shall be provided by--

(a) the District Magistrate, in the case of a Vigilance Committee constituted for the district;

(b) the Sub-Divisional Magistrate, in the case of a Vigilance Committee constituted for the Sub-Division.

(5) No proceeding of a Vigilance Committee shall be invalid merely by reason of any defect in the constitution, or in the proceedings of, the Vigilance Committee.

14. Functions of Vigilance Committees-- (1) The functions of each Vigilance Committee shall be--

(a) to advise the District magistrate or any officer authorised by him as to the efforts made, and action taken, to ensure that the provisions of this Act or of any
rule made thereunder are properly implemented;

(b) to provide for the economic and social rehabilitation of the freed bonded labourers;

(c) to co-ordinate the functions of rural and co-operative societies with a view to canalising adequate credit to the freed bonded labourer;

(d) to keep an eye on the number of offences of which cognizance has been taken under this Act;

(e) to make a survey as to whether there is any offence of which cognizance ought to be taken under this Act;

(f) to defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or apart of any bonded debt or any other debt which is claimed by such person to be bonded debt.
(2) A Vigilance Committee may authorise one of its members to defend a suit against a freed bonded labourer and the member so authorised shall be deemed, for the purpose of such suit, to be the authorised agent of the freed bonded labourer.

15. Burden of proof—Whenever any debt is claimed by a bonded labourer, or a Vigilance Committee, to be a bonded debt, the burden of proof that such debt is not a bonded debt shall lie on the creditor.

CHAPTER VI

OFFENCES AND PROCEDURE FOR TRIAL

16. Punishment for enforcement of bonded labour—Whoever, after the commencement of this Act, compels any person to render any bonded labour shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.

17. Punishment for advancement of bonded debt—Whoever advances, after the commencement of this Act, any bonded debt shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.
18. Punishment for extracting bonded labour under the bonded labour system—Whoever forces, after the commencement of this act, any custom, tradition, contract, agreement or other instrument, by virtue of which any person or any member of the family of such person or any dependent of such person is required to render any service under the bonded labour system, shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day for which the bonded labour was extracted from him.

19. Punishment for omission or failure to restore possession of property to bonded labourers—Whoever, being required by this Act to restore any property to the possession of any bonded labourer, omits or fails to do so, within a period of thirty days from the commencement of this Act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees or with both; and out of the fine if recovered, payment shall be added to the bonded labourers at the rate of rupees five for each day during which possession of the property was not restored to him.

20. Abetment to be an offence—Whoever abets any
offence punishable under this Act shall, whether or not the
offence abetted is committed, be punishable with the same
punishment as is provide for the offence which has been
abetted.

Explanation— For the purpose of this Act, "abetment"
has the meaning assigned to it in the Indian Penal Code.

21. Offences to be tried by Executive Magistrates--(1)
The States Government may confer, on an Executive
Magistrate, the powers of a Judicial Magistrate of the
first class or of the second class for the trial of the
offences under this Act, and no such conferment of powers,
the Executive Magistrate, on whom the powers area so
conferred, shall be deemed for the purposes of the Code of
Criminal Procedure, 1973, to be a Judicial Magistrate of
the fist class or of the second class, as the case may be.

(2) An offence under this Act may be tried summarily by
a Magistrate. 22. Cognizance of Offences Cognizance
of offences--Every offence under this Act shall be
cognizable bailable.

23. Offences by companies--(1) Where an offence
under this Act has been committed by a company every person
who, at the time the offence was committed was incharge of
and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section—

(a) "company" means anybody corporate and includes a firm or

(b) "director", in relation to a firm means a partner in the firm.
24. protection of action act taken in good faith—No suit, prosecution or other legal proceedings shall lie against any State Government or any officer of the State Government or any member of the Vigilance Committee for anything which is in good faith done or intended to be done under this Act.

25. Jurisdiction of civil courts barred—No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.


(2) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the authority to which application for the restoration of possession of property referred to in sub-section (4), or sub-section (5), of Section
is to be submitted in pursuance of sub-section (6) of that section;

(b) the time within which application for restoration of possession of property is to be made, under subsection (6) of Section 6 to the prescribed authority;

(c) steps to be taken by Vigilance Committee under clause (a) of sub-section (1) of Section 14, to ensure the implementation of the provisions of this Act or of any rule made thereunder;

(d) any other matter which is required to be or may be prescribed.

(3) 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 or more successive sessions, and if before the expiry of the session immediately following the session or successive sessions aforesaid, 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.


27. Repeal and Saving --(1) The Bonded Labour System (Abolition) Ordinance, 1975 is hereby repealed.

2. Notwithstanding such repeal, anything done or any action taken under the ordinance (including any notification published, direction or nomination made, power conferred, duty imposed or officer specified) shall be deemed to have been done or taken under the corresponding provisions of this Act.
ANNEXURE-B

[THE] MINIMUM WAGES ACT, 1948 (ACT XI OF 1948)

[15th March 1948]

AN ACT TO PROVIDE FOR FIXING MINIMUM RATES OF WAGES IN CERTAIN EMPLOYMENTS

WHEREAS it is expedient to provide for fixing minimum rate of wages in certain employments;

It is hereby enacted as follows:


This Act has been extended to the new Provinces and Merged States by the Merged States (Laws) Act 1949 (Lix OF 1949), S. 3 (1-1-1950) and to the States of Manipur, Tripura and Vindhya Pradesh by the Union Territories (Laws) Act 1950 (XXX of 1950), S. 3 (16.4.1950), Manipur and Tripura are Union territories now but Vindhya Pradesh is a part of Madhya Pradesh State now.

It has also been extended to the States merged in--


The Act is applied to--
(a) all the Excluded and Partially Excluded Areas in Assam—See Gaz. 1949, Pt. II, pp. 390 and 793;
(b) Chota Nagpur Division and Santal Parganas District—See Bihar Gz., 1948, Pt. II, p. 878.
(c) partially excluded areas in Bombay Presidency—See Bom. Gaz., 1948, 1948, Pt. IV-A, p.399;
(e) partially excluded areas in C.P. and Berar subject to certain modifications—See C.P. and Berar Gaz., 1948, Pt. I, p. 675;
(f) partially excluded areas in the Province of Orissa—See Orissa Gaz., 1948, Pt. III, p. 740;
(g) the excluded areas of Lahaul and Spiti—See E.P. Gaz., 1948, Pt. I, page 955; Lahaul and Spiti are part of H.P. State now;
(i) the Jaunsar-Bawar Pargana of Dehra Dun District and the portion of Mirzapur District, south of the Kaimur Range—See U.P., Gaz 1949, Pt. I, p. 126.

The Act has been now extended to the Union Territories of
(1) This Act may be called THE MINIMUM WAGES ACT, 1948.

(2) It extends to the whole of India.


2. interpretation-- In this Act, unless there is anything repugnant in the subject or context,--

(a) "adult", "adolescent" and "child" have the meanings respectively assigned to them in section 2 of the a [Factories Act, 1948];


(b) "appropriate Government" means,--

(i) in relation to any scheduled employment carried on by or under the authority of the a[Central Government or a railway administration], or in relation to a mine, oilfield or major port, or any corporation established by b[a Central Act], the Central Government, and


(c) "competent authority" means the authority appointed by the appropriate Government by notification in its Official Gazette to ascertain from time to time the cost of living index number applicable to the employees employed in the scheduled employments specified in such notification;

(d) "cost of living index number," in relation to employees in any scheduled employment in respect of which minimum rates of wages have been fixed, means the index number ascertained and declared by the competent authority by notification in the Official Gazette to be the cost of living index number applicable to employees in each employment;

(e) "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 there 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 (f) of sub-section (1) of section 7 of the Factories Act, 1948, as manager of the factory;

(ii) in any schedule 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 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 so 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;


[f] "prescribed" means prescribed by rules made under this Act;

[g] "scheduled employment" means an employment specified in the Schedule, or any process or branch of work forming part of such employment;

[h] "Wages' means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, expressed 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 or 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 of 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;


(i) "employees" means any person who is employed for hire or reward to do any work, skilled 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 sale 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 Union.

3. Fixing of minimum rate of wages-

a) The appropriate Government shall, in the manner hereinafter
provide,-

b) 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;

(b) review at such intervals as it may think fit such
intervals not exceeding five years, the minimum
rates of wages so fixed and revised the minimum
rates, if necessary.

Provided that where for any reason the appropriate
Government has not reviewed the minimum rates of wages
fixed by it in respect of any scheduled employment within
any interval of five years, nothing contained in this clause shall be deemed to prevent it from reviewing the minimum rates after the expiry of the said period of five years and revising them, if necessary, and until they are so revised the minimum rates in force immediately before the expiry of the said period of five years shall continue in force.]

(1A) Notwithstanding anything contained in sub-section (1), the appropriate Government may refrain from fixing minimum rates of wages in respect of any scheduled employment in which there are in the whole State less than one thousand employees engaged in such employment, but if at any time, the appropriate Government comes to a finding after such inquiry as it may make or cause to be made in this behalf that the number of employees in any scheduled employment in respect of which it has refrained from fixing minimum rates of wages has risen to one thousand or more, it shall fix minimum rates of wages payable to employees in such employment [as soon as may be after such finding].

(2) The appropriate Government may fix,—
(a) a minimum rate of wages for time work (hereinafter referred to as "a minimum time rate");
(b) a minimum rate of wages for piece work (hereinafter referred to as "minimum piece rate");
(c) a minimum rate of remuneration to apply in the case of employees employed on piece work for the purpose of securing to such employees a minimum rate of wages on a time work basis (hereinafter referred to as "a guaranteed time rate");

(d) a minimum rate (whether a time rate or a piece rate) to apply in sub-situation for the minimum rate which would otherwise be applicable, in respect of overtime work done by employees (hereinafter referred to as "overtime rate").

(3) In fixing or revising minimum rates of wages under this section,—

(a) different minimum rates of wages may be fixed for—

(i) different scheduled employments;
(ii) different classes or work in the same scheduled employment;
(iii) adults, adolescents, children and apprentices;
(iv) different localities;

(b) minimum rates of wages may be fixed by anyone or more of the following wage periods, namely:—

(i) by the hour,
(ii) by the day,
(iii) by the month,
(iv) by such other larger wage period as may be prescribed; and where such rates are fixed by the day or by the month, the manner of calculating wages for a month or for a day, as the case may be, may be indicated:

Provided that where any wage-periods have been fixed under section 4 of the Payment of Wages Act, 1936, minimum wages shall be fixed in accordance therewith.

1(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 in 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.]

4. Minimum rate of wages—(1) Any minimum rate of wages fixed or revised by the appropriate Government in respect of scheduled employments under section 3 may consist of—

(i) a basic rate of wages and a special allowance at a rate to be adjusted, at such intervals and in such manner as the appropriate Government may direct, to accord as nearly as practicable with the variation in the cost of living index number applicable to such workers (hereafter referred to as the "cost of living allowance"); or

(ii) a basic rate of wages with or without the cost of living allowance, and the cash value of the concessions in respect of supplies of essential commodities at concession rates, where so authorizes; or

(iii) an all-inclusive rate allowing for the basic rate, the cost of living allowance and the cash value of the concessions, if any.
(2) The cost of living allowance and the cash value of the concession in respect of supplies of essential commodities at concession rates shall be computed by the competent authority at such intervals and in accordance with such directions as may be specified or given by the appropriate government.

5. Procedure for Fixing and Revising Minimum Wages—

(1) In fixing minimum rates of wages in respect of any scheduled employment for the first time under this Act or in revising minimum rates of wages so fixed, the appropriate Government shall either—

(a) appoint as many committees and sub-committees as it considers necessary to hold enquiries and advise it in respect of such fixation or revision, as the case may be; or

(b) by notification in the Official Gazette, published its proposals for the information of persons like to be affected thereby and specify a date, not less than two months from the date of the notification, on which the proposals will be taken into consideration.

(2) After consider in the advice of the committee or committees appointed under clause (a) of sub-section (1), or as the case may be, all representations received by it before the date specified in the notification under clause
(b) of that sub-section, the appropriate Government shall, by notification in the Official Gazette, fix, or, as the case may be, revise the minimum rates of wages in respect of each scheduled employment, and unless such notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue:

Provided that where the appropriate Government purposes to revise the minimum rates of wages by the mode specified in clause (b) of sub-section (1), the appropriate Government shall consult the Advisory Board also.


7. Advisory Board-- For the purpose of co-ordinating the work of a[committees and sub-committees, appointed under section 5] and advising the appropriate Government generally in the matter of fixing and revising minimum rates of wages, the appropriate Government shall appoint an Advisory Board.

8. Central Advisory Board--(1) For the purpose of advising the Central and a[State Governments] in the matters of the fixation and revision of minimum rates of wages and other matters under this Act and for co-
ordinating the work of the Advisory Boards, the Central Government shall appoint a Central Advisory Board.

(2) The Central Advisory Board shall consist of persons to be nominated by the Central Government representing employers and employees in the scheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members; one of such independent persons shall be appointed the Chairman of the Board by the Central Government.

In Substituted for 'Provincial Governments' by A.L.O., 1950.

9. Composition of committees, etc.—Each of the committee, sub-committees, and the Advisory Board shall consist of persons to be nominated by the appropriate Government representing employers and employees in the scheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members; one of such independent persons shall be appointed the Chairman by the appropriate Government.

a[10. Correction of errors, --(1) The appropriate Government may, at any time, by notification in the Official Gazette, correct clerical or arithmetical mistakes in any order fixing or revising minimum rates of wages
under this Act, or errors arising therein from any accidental slip or omission.

[2] Every such notification shall, as soon as may be after it is issued, be placed before the Advisory Board for information.


11. Wages in kind— (1) Minimum wages payable under this Act shall be paid in cash.

(2) Where it has been the custom to pay wages wholly or partly in kind, the appropriate Government being of the opinion that it is necessary in the circumstances of the case may, by notification in the Official Gazette, authorise the payment of minimum wages either wholly or partly in kind.

(3) If the appropriate Government is of the opinion that provision should be made for the supply of essential commodities at concession rates, the appropriate Government may, by notification in the Official Gazette, authorise the provision of such supplies at concession rates.

(4) The cash value of wages in kind and of concessions in respect of supplies of essential commodities at concession rates authorized under sub-sections (2) and (3) shall be estimated in the prescribed manner.
12. **Payment of minimum rates of wages**—(1) Where in respect of any scheduled employment a notification under Section 5 is in force, the employer shall pay to every employee engaged in a scheduled employment under him wages at a rate not less than minimum rate of wages fixed by such notification for that class of employees in that employment without any deductions except as may be authorised within such time and subject to such conditions as may be prescribed.

(2) Nothing contained in this section shall affect the provisions of the Payment of Wages Act, 1936.

13. **Fixing hours for a normal working day, etc.**—(a) In regard to any scheduled employment minimum rates of wages in respect of which, have been fixed under this Act, the appropriate Government may—

(a) fix the number of hours of work which shall constitute a normal working day, inclusive of one or more specified intervals;

(b) provide for a day of rest in every period of seven days which shall be allowed to all employees or to any specified class of employees and for the payment of remuneration in respect of such days of rest;
(c) provide for payment for work on a day of rest at a rate not less than the overtime rate.

b(2) The provisions of sub-section (1) shall, in relation to the following classes of employees, apply only to such extent and subject to such conditions as may be prescribed:

(a) employees engaged on urgent work, or in any emergency which could not have been foreseen or prevented;

(b) employees engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned;

(c) employees whose employment is essentially intermittent;

(d) employees engaged in any work which or technical reasons has to be completed before the duty is over;

(e) employees engaged in a work which could not be carried on except at times dependent on the irregular action or natural forces.

(3) For the purpose of clause (c) of sub-section (2), employment of an employee is essentially intermittent.
when it is declared to be so by the appropriate Government on the ground that the daily hours of duty of the employees, or if there be no daily hours of duty as such for the employees, the hours of duty, normally include periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attention

14. **Overtime**—(1) Where an employee, whose minimum rate of wages is fixed under this Act by the hour, by the day or by such a longer wage period as may be prescribed, works on any day in excess of the number of hours constituting a normal working day, the employer shall pay him for every hour or for part of an hour so worked in excess at the overtime rate fixed under this Act or under any law of the appropriate Government for the time being in force, whichever is higher.

(2) Nothing in this Act shall prejudice the operation of the provisions of a [section 59 of the Factories Act, 1948] in any case where those provisions are applicable.

15. **Wages of worker who works for less than normal working day**— If an employee whose minimum rate of wages has been fixed under this Act by the day works on any day on which he was employed for a period less than the requisite number of hours constituting a normal working
day, he shall, save as otherwise hereinafter provided, he
titled to receive wages in respect of work done by him on
that day as if he had worked for a full normal working day:

Provided, however, that he shall not be entitled to
receive wages for a full normal working day--

(i) in any case 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, and

(ii) in such other cases and circumstances as may be
prescribed.

16. **Wages for two or more classes of work**—where an
employee does two or more classes or work to each of which
a different minimum rate of wages is applicable, the
employer shall pay to such employee in respect of the time
respectively occupied in each class of work, wages at not
less than the minimum rate in force in respect of each such
class.

17. **Minimum time rate wages for piece work**—Where an
employee is employed on piece work for which minimum time
rate and not a minimum prices rate has been fixed under
this Act, the employer shall pay to such employee wages at
not less than the minimum time rate.
18. **Maintenance of registers and records**—(1) Every employer shall maintain such registers and records giving such particulars of employees employed by him, the work performed by them, the wages paid to them, the receipts given by them and such other particulars and in such form as may be prescribed.

(2) Every employer shall keep exhibited. In such manner as may be prescribed in the factory, workshop or place where the employees in the scheduled employment may be employed, or in the case of out-workers, in such factory, workshop or place as maybe used for giving out-work to them, notices in the prescribed form containing prescribed particulars.

(3) The appropriate Government may, by rule made under this Act, provide for the issue of wage books or wage slips to employer or his agent.

19. **Inspectors**—(1) The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act, and define the local limits within which they shall exercise their functions.

(2) Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed—
(a) enter, at all reasonable hours, with such assistant (if any), being persons in the service of the government or any local or other public authority, as he thinks fit, any premises or place where employees are employed or work is given out to out-workers in any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, for the purpose of examining any register, record of wages or notices required to be kept or exhibited by or under this Act or rules made thereunder, and require the production thereof for inspection;

(b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is an employee employed therein or an employee to whom work is given out therein;

(c) require any person giving out-work and any out-workers, to give any information, which is in his power to give, with respect to the names and addresses of the persons to, for end from whom the work is given out or received, and with respect to the payments to be made for the work;

(d) size or take copies of such register, record of wages or notices or portions thereof as he may
consider relevant in respect of an offence under this Act which he has reason to believe has been committed by an employer; and]

(e) exercise such other powers as may be prescribed.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(4) Any person required to produce any document or thing or to give any information by an Inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.]

20. Claims—(1) The appropriate Government may, by notification in the Official Gazette, appoint [any Commissioner for Workmen's Compensation or any officer of the Central Government exercising functions as a Labour Commissioner for any region, or any officer of the State Government not be low the rank of Labour Commissioner or any] other officer with experience as a Judge of a Civil Court or as a stipendiary Magistrate to be the Authority to hear and decide for any specified area all claims arising out of payment of less than the minimum rates of wages [or in respect of the payment of remuneration for days of rest or for work done on such days under clause (b) or clause
(c) of sub-section (1) of section 13 or of wages at the
overtime rate under section 14,] to employees employed or
paid in that area.

(2) [Where an employee has any claim of the nature
referred to in sub-section (1)], the employee
himself, or any legal practitioner or any official of
a registered trade union authorized in writing to
act on his behalf, or any Inspector, or any person
acting with the permission of the Authority
appointed under sub-section (1), may apply to such
Authority for a direction under sub-section (3):

Provided that every such application shall
be presented within six months from the date on
which the minimum wages [or other amount] became
payable;

Provided further that any application may
be admitted after the said period of six months
when the applicants satisfies the authority that he
had sufficient cause for not making the application
within such period.

(3) When any application under sub-section (2) is
entertained, the Authority shall hear the applicant and the
employer, or give them an opportunity of being heard, and
after such further inquiry, if any, as it may consider necessary, may, without prejudice to any other penalty to which the employer may be liable under this Act, direct—

(i) in the case of a claim arising out of payment of less than the minimum rates of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess;

(ii) in any other case, the payment of the amount due to the employee, together with the payment of such compensation as the Authority may think fit, not exceeding ten rupees,

and the Authority may direct payment of such compensation in cases where the same excess or the amount due is paid by the employer to the employee before the disposal of the application.]

(4) If the Authority hearing any application under this section is satisfied that it was either malicious or vexatious, it may direct that a penalty not exceeding fifty rupees be paid to the employer by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered—
(a) if the Authority is a Magistrate, by the Authority as if it were a fine imposed by the Authority as a Magistrate, or

(b) if the Authority is not a Magistrate, by any Magistrate to whom the Authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

(6) Every direction of the Authority under this section shall be final.

(7) Every Authority appointed under sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such Authority shall be deemed to be a Civil Court for all the purposes of Section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898.

21. Single application in respect of a number of employees--(1) a[Subject to such rules as may be prescribed, a single application] may be presented under section 20 on behalf or in respect of any number of employees employed in the scheduled employment in respect of which minimum rates of wages have been fixed and in such cases the maximum compensation which may be awarded under
sub-section (3) of section 20 shall not exceed ten times the aggregate amount of such excess b[or ten rupees per head, as the case may be.]

(2) The Authority may deal with any number of separate pending applications presented under section 20 in respect of employees in the scheduled employments in respect of which minimum rates of wages have been fixed, as a single application presented under subsection (1) of this section and the provisions of that sub-section shall apply accordingly.

"21A, Liability for Payment of Court-fee-- (1) In any proceedings under section 20 the applicant shall not be liable to pay any court-fees (other than fees payable for service of process) in respect of such proceedings.

Provided that, when the application is presented by an Inspector, he shall not be liable to pay the process fees also.

(2) Where the applicant succeeds in such proceedings, the authority hearing the application shall calculate the amount of Court-fees which would have been payable by the applicant but for sub-section (1), and direct the employer or other person responsible for the payment of wages under section 12 to pay the amount to the State Government. The amount shall, without prejudice to any other mode of
recovery, be recoverable as an arrear or land revenue."—

a[22. Penalties for certain offences.— Any employer
who—

(a) pays to any employee less than the minimum rates of
wages fixed for that employee's class of work, or
less than the amount due to him under the
provisions of this Act, or

(b) contravenes any rule or order made under section
13, shall be punishable with imprisonment for a
term which may extended to six months, or with fine
which may extend to five hundred rupees, or with both.

Provided that in imposing any fine for an offence
under this section, the Court shall take into consideration
the amount of any compensation already awarded against the
accused in any proceedings taken under section 20.

22B. Cognizance of offences—(1) No Court shall take
cognizance of a complaint against any person for an
offence—

(a) under clause (a) of section 22 unless an
application in respect of the facts constituting
such offence has been presented under section 20
and has been granted wholly or in part, and the
appropriate Government or an officer authorised by it in this behalf has sanctioned the making of the complaint;

(b) Under clause (b) of section 22 or under section 22A, except on a complaint made by, or with the sanction of, an Inspector,

(2) No Court shall take cognizance of an offence—

(a) under clause (a) or clause (b) of section 22, unless complaint thereof is made within one month of the grant of sanction under this section;

(b) under section 22A, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

22C. Offences by companies—(1) If the person committing any offence under this Act is a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.
(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation-- For the purposes of this section--

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm means a partner in the firm.

22D. Payment of undisbursed amounts due to employees-All amounts payable by an employer to an employee as the amount of minimum wages of the employee under this Act or otherwise due to the employee under this Act or any rule or order made thereunder shall, if such amounts could not or cannot be paid to the employee on account of his death before payment or on account of his whereabouts not being known, be deposited with the prescribed authority who shall deal with the money so deposited in such manner as may be prescribed.
22E. Protection against attachment of assets of employer with Government— Any amount deposited with the appropriate Government by an employer to secure the due performance of a contract with that Government and any other amount due to such employer from that Government in respect of such contract shall not be liable to attachment under any decree or order of any Court in respect of any debt or liability incurred by the employer other than any debt or liability incurred by the employer towards any employee employed in connection with the contract aforesaid.

22F. Application of Payment of Wages Act, 1936, to Scheduled employments—(1) Notwithstanding anything contained in the Payment of Wages Act, 1936, the appropriate Government may, by notification in the Official Gazette, direct that subject to the provisions of sub-section (2), all or any of the provisions of the said Act shall with such modifications, if any, as may be specified in the notification, apply to wages payable to employees in such scheduled employments as may be specified in the notification.

(2) Where all or any of the provisions of the said Act are applied to wages payable to employees in any scheduled employment under sub-section (1), the Inspector appointed under this Act shall be deemed to be the Inspector for the
purpose of enforcement of the provisions so applied within the local limits of his jurisdiction.

23. Exemption of employer from liability in certain cases—Where an employer is charged with an offence against this Act, he shall be entitled, upon complaint duly made by him, to have any other person whom he charges as the actual offender, brought before the Court at the time appointed for hearing the charge; and if, after the commissions of the offence has been proved, the employer proves to the satisfaction of the Court—

(a) that he has used due diligence to enforce the execution of this Act, and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like punishment as if he were the employer and the employer shall be discharged.

Provided that in seeking to prove, as aforesaid, the employer may be examined on oath, and the evidence of the employer or his witness, if any, shall be subject to cross-examination by or on behalf of the person whom the employer charges as the actual offender and by the prosecution.
24. **Bar of Suits**—No Court shall entertain any suit for the recovery of wages in so far as the sum so claimed—

(a) forms the subject of an application under section 20 which has been presented by or on behalf of the plaintiff, or

(b) has formed the subject of a direction under that section in favour of the plaintiff, or

(c) has been adjudged in any proceeding under that section not to be due to the plaintiff, or

(d) could have been recovered by an application under that section.

25. **Contracting Out**—Any contract or agreement, whether made before or after the commencement of this Act, whereby an employee either relinquishes or reduces his rights to a minimum rate of wages or any privilege or concession accruing to him under this Act shall be null and void in so far as it purports to reduce the minimum rate of wages fixed under this Act.

26. **Exemption and exceptions**—(1) The appropriate Government may, subject to such conditions if any as if any as it may think fit to impose, direct that the provisions
of this Act shall not apply in relation to the wages payable to disabled employees.

(2) The appropriate Government may, if for special reasons it thinks so fit, by notification in the Official Gazette, direct that [subject to such conditions and] for such period as it may specify the provisions of this Act or any of them shall not apply to all or any class of employees employed in any scheduled employment or to any locality where there is carried on a scheduled employment.

(2A) The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled employment generally or in a scheduled employment in a local area [or to any establishment or a part of any establishment in a scheduled employment] it is not necessary to fix minimum wages in respect of such employees of that class [or in respect of employees in such establishment or such part of any establishment] as are in receipt of wages exceeding such limit as may be prescribed in this behalf, direct, by notification in the Official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees.]
(3) Nothing in this Act shall apply to the wages payable by an employer to a member of his family who is living with him and is dependent on him.

Explanation--In this sub-section a member of the employer's family shall be deemed to include his or her spouse or child or parent or brother or sister.

27. Power of State Government to add to Schedule-- The appropriate Government, after giving by notification in the Official Gazette not less than three months' notice of its intention so to do, may, by notification, add to either part of the Schedule any employment in respect of which it is of opinion that minimum rates of wages should be fixed under this Act, and there upon the Schedule shall in its application to the [State] be deemed to be amended accordingly.

28. Power of Central Government to give directions-- The Central Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules prescribing the term of office of the members, the procedure to be followed in the conduct of business, the method of voting, the manner of filling up casual vacancies in membership and the quorum necessary for the transaction of business of the Central Advisory Board.
30. **Power of appropriate Government to make rules**—(1)
The appropriate Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generally of the foregoing power, such rules may--

(a) prescribe the term of office of the members, the procedure to be followed in the conduct of business; the method of voting the manner of filing up casual vacancies in membership and the quorum necessary for the transaction of business of the committees, sub-committees, and the Advisory Board;

(b) prescribe the method of summoning witnesses, production of documents relevant to the subject-matter of the enquiry before the committees, sub-committees, and the Advisory Board;

(c) prescribe the mode of computation of the cash value of wages in kind end of concessions in respect of supplies of essential commodities at concession rates;

(d) prescribe the time and conditions of payment of, and the educations permissible from, wages;
(e) provide for giving adequate publicity to the minimum rates of wages fixed under this Act;

(f) provide for a day of rest in every period of seven days and for the payment of remuneration in respect of such day;

(g) prescribe the number of hours of work which shall constitute a normal working day;

(h) prescribe the cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day;

(i) prescribe the form of registers and records to be maintained and the particulars to be entered in such registers and records;

(j) provide for the issue of wage books and wage slips and prescribe the manner of making and authenticating entries in wage books and wage slips;

(k) prescribe the powers of Inspectors for purposes of this Act;

(l) regulate the scale of costs that may be allowed in proceedings under section 20;

(m) prescribe the amount of court-fees payable in respect of proceedings under section 20 and
(n) provide for any other matter which is to be or may be prescribed.

31. Validation of fixation of certain minimum rates of wages—Where during the period—

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

(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

(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 sub-section (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:

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.
ANNEXURE - C

DETERMINATION OF MINIMUM WAGES BY VARIOUS STATE GOVERNMENTS/ UNION TERRITORIES

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>States/ Union Territories</th>
<th>Minimum Wages for Agricultural Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Andhra Pradesh</td>
<td>Rs. 16.80 to 23.40 per day, 8.4.91 (According to zones)</td>
</tr>
<tr>
<td>2.</td>
<td>Arunachal Pradesh</td>
<td>Rs. 18.00 to 21.00 per day, 1.11.90 (According to area)</td>
</tr>
<tr>
<td>3.</td>
<td>Assam</td>
<td>Rs. 978.00 per month or Rs. 828.00 per month plus food, shelter and clothing 1.2.91.</td>
</tr>
<tr>
<td>4.</td>
<td>Bihar</td>
<td>Rs. 16.50 per day, 16.10.90</td>
</tr>
<tr>
<td>5.</td>
<td>Goa</td>
<td>Rs. 22.00 per day to 27.50 per day, 5.2.92.</td>
</tr>
<tr>
<td>6.</td>
<td>Gujarat</td>
<td>Rs. 15.00 per day, 1.8.90</td>
</tr>
<tr>
<td>7.</td>
<td>Haryana</td>
<td>Rs. 31.75 with meals or Rs. 35.75 without meals, 1.1.92</td>
</tr>
<tr>
<td>8.</td>
<td>Himachal Pradesh</td>
<td>Rs. 22.00 per day, 26.1.90. Wages have been increased to Rs. 24 per day w.e.f. 15.8.91.</td>
</tr>
<tr>
<td>9.</td>
<td>Jammu and Kashmir</td>
<td>Rs.15.00 per day, 24.3.89</td>
</tr>
<tr>
<td>10.</td>
<td>Karnataka</td>
<td>Rs. 12.00 to 17.65 per day, 12.7.88</td>
</tr>
<tr>
<td>11.</td>
<td>Kerala</td>
<td>Rs. 30.00 to 40.20 per day, 31.3.90</td>
</tr>
<tr>
<td>12.</td>
<td>Madhya Pradesh</td>
<td>Rs. 20.27 per day, 1.10.90</td>
</tr>
<tr>
<td>13.</td>
<td>Maha Rashtra</td>
<td>Rs. 12.00 to 20.00 per day, 1.5.88 (According to Zones).</td>
</tr>
<tr>
<td>State</td>
<td>Rates</td>
<td></td>
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<td>----------------------</td>
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<td></td>
</tr>
<tr>
<td>14. Manipur</td>
<td>Rs. 26.70 per day for hill areas and 23.70 per day for other hill areas, 1.12.88</td>
<td></td>
</tr>
<tr>
<td>15. Meghalaya</td>
<td>Rs. 25.00 per day, 1.6.90</td>
<td></td>
</tr>
<tr>
<td>16. Mizoram</td>
<td>Rs. 28.00 per day, 1.11.87</td>
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<tr>
<td>17. Nagaland</td>
<td>Rs. 25.00 per day, 6.7.92</td>
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<tr>
<td>18. Orissa</td>
<td>Rs. 25.00 per day, 1.7.90</td>
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<tr>
<td>19. Punjab</td>
<td>Rs. 40.23 without meal or 36.23 with meals per day, 1.3.92.</td>
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<tr>
<td>20. Rajasthan</td>
<td>Rs. 22.00 per day, 2.7.90</td>
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<tr>
<td>21. Sikkam</td>
<td>Rs. 17.00 per day, 1.1.91</td>
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<tr>
<td>22. Tamil Nadu</td>
<td>Rs. 14.00 per day, 3.4.89</td>
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<tr>
<td>23. Tripura</td>
<td>Rs. 17.80 per day, 1.10.90.</td>
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<tr>
<td>24. Uttar Pradesh</td>
<td>Rs. 23.00 to 25.00 per day, 7.1.92</td>
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<tr>
<td>25. West Bengal</td>
<td>Rs. 26.95 to 23.75 per day plus 2 principal meal, 1.10.91</td>
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</tbody>
</table>
| 26. Andaman and Nicobar Islands | Rs. 27.00 per day (Andaman)  
                          | Rs. 28.00 per day (Nicobar)  
                          | 13.8.92 |
| 27. Chandigarh       | Rs. 36.23 per day with meals or 40.23 per day without meals, 1.3.92 |
| 28. Dadra and Nagar Haveli | Rs. 14.00 per day, 5.10.89 |
| 29. Delhi            | Rs. 41.45 per day, 1.2.93            |
| 30. Daman and Diu    | Rs. 18.40 to 22.00 per day, 7.2.91  |
| 31. Lakshadweep      | Rs. 18.00 per day, 1.9.88            |
32. Pondicherry

i) Pondicherry Rs. 14.00 per day, 15.12.89
Region

ii) Mahe Region Rs. 12.00 per day, 12.2.87

iii) Yanam Rs. 11.00 per day, 15.3.88
Region

iv) Karikal Rs. 14.00 per day for adults, 31.3.90

ANNEXURE-D

BONDED LABOUR IN HIMACHAL PRADESH: STRUCTURED INTERVIEW SCHEDULE

Part - A (for Bonded Labourers)

A. BACKGROUND INFORMATION:

(1) Name of the Bonded Labourers:

(2) Father's name:

(3) Age:

(4) Caste/Occupation of Father:

(5) Education:

(6) Address:
   Village:
   Panchayat:
   Tehsil/Block:
   District:

(7) Age at which bonded:

(8) Duration of bondage:

(9) Causes of bondage:

(10) Work for which bonded:

(11) Agreement if any:

(12) Working conditions for the bonded:

(B) WAGE STRUCTURE OF BONDED LABOUR:

(1) Mode of payment of wages:
(2) Amount of loan taken and interest thereon:

(3) Whether the bonded labourer can work for others:

(C) FAMILY STRUCTURE OF THE BONDED LABOUR:

(1) Number of dependents of the bonded labourer:

(2) Marital status of the bonded:

(3) Land holdings of bonded labourer:

(D) MASTER BONDED RELATIONSHIP:

(1) Occupation of the master:

(2) Size of land holdings of master:

(3) Behaviour of the master towards the bonded:

(4) Any other facility provided by the master:

(5) Job Satisfaction level:

E. ANY OTHER INFORMATION;

Part-B (For Authorities)

(1) Name/Designation of the Authority interviewed.

(2) Whether bonded labour exists in your sub-division/District.

(3) What machinery you have to tackle this programme.

(4) What procedure you have devised for release and rehabilitation of identified bonded labourers.
ANNEXURE-E

DISTRICT/SUB-DIVISION/BLOCK-WISE LIST OF VILLAGES COVERED UNDER THE PRESENT STUDY

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>District</th>
<th>Sub-Division</th>
<th>Block</th>
<th>Village</th>
<th>Number of Bonded Labourer Interviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shimla</td>
<td>Rohroo</td>
<td>1.Rohroo</td>
<td>Jagothi</td>
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<td>2. Khanola</td>
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<td>3. Tikkari</td>
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<td>2</td>
<td>Chirgaon</td>
<td>1. Panu</td>
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<td>2. Sheree</td>
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<td>3. Mathala</td>
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<td>4. Bhamwari</td>
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<td>5. Kolcha</td>
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<td>6. Sari</td>
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<td>7. Dhumrera</td>
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<td>8. Shinali</td>
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<td>9. Banoti</td>
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<td>10. Jhatwari</td>
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<td>11. Ranol</td>
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<td>12. Kumrera</td>
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<td>13. Kanthali</td>
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<td>14. Diari</td>
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<td>15. Tikkar</td>
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<td></td>
<td>16. Jagothi</td>
</tr>
</tbody>
</table>
17. Gaar
18. Rawse
19. Gumana
20. Kuttra
21. Sunda
22. Kaloti

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<table>
<thead>
<tr>
<th>Total</th>
<th>1</th>
<th>2</th>
<th>25</th>
<th>43</th>
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<tbody>
<tr>
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</tr>
</tbody>
</table>

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2 Sirmour
Paonta
1. Paonta
1. Salwala
2. Shillai
2. Bhagna
3. Dimti
4. Bela
5. Hainara
6. Jamna
7. Bharyana
8. Drawal
9. Tapra
10. Chiana
11. Bhapeet
12. Shanail
13. Chamiara

---

Total 1 1 2 13 32

Total number of districts covered = 2
Total number of sub-division covered = 2
Total number of blocks covered = 4
Total number of villages covered = 38
Total number of bonded labourers covered = 75
ANNEXURE -F
GEOGRAPHICAL DIVISION, POPULATION AND LITERACY RATE IN HIMACHAL PRADESH

HIMACHAL PRADESH
55 673 Km²

KANGRA 5 745
KINNAUR 6 401
MANDI 3 950
SHIMLA 5 131
KULLU 5 503
SOLAN 3 935
MURTI 2 825
BILASPUR 1 150
Una 1 540
HAMIRPUR 1 747
LAHUL AND SPITI 13 835
24.85%
11.72%
11.50%
10.31%
9.86%
9.22%
7.10%
5.07%
3.48%
2.77%
2.10%
2.00%

HIMACHAL PRADESH
POPULATION SIZE BY DISTRICTS 1991

HIMACHAL PRADESH
5 111 079

KANGRA 114 744
MANDI 768 446
SHIMLA 64 892
SOLAN 379 320
CHAMBA 391 042
SIRMAUR 378 801
UNA 374 639
HAMIRPUR 359 322
KULLU 307 779
KINNAUR 303 398
LABUL AND SPITI 30 820

0.60%
22.50%
1.39%
70.3%
57.0%
5.90%
7.33%
7.47%
7.65%
12.03%
15.04%