

(1) PAYMENT OF WAGES Act, 1936.

The Central Government is the Appropriate Government under the Act in respect of the establishments of Railways, Mines/oil-fields, Air Transport and major ports. Every employer is responsible for payment of wages upon Railways (other than in factories), if the employer is the railway administration and the railway administrative has nominated a person in this behalf for the local area concerned. Employers cannot withhold wages earned by workers nor can they make any unauthorized deduction. Payment must be made before expiry of a specified day after the last day of the wage period. Fines can be imposed for only those acts or omissions, which have been approved by an appropriate authority and must not exceed an amount equal to three per cent of wages payable. If payment of wages is delayed or wrongful deductions are made, workers or their trade unions can file a claim before the Authority under PW Act and appeal can be filed against the order of the Authority. Presently, the employees drawing wages up to Rs.18000 PM is covered under this Act.

(2) MINIMUM WAGES ACT, 1948

The Act empowers the Government to fix minimum wages for employees working in specified employments. It provides for review and revision of minimum wages already fixed after suitable intervals not exceeding five years. Central Government is the appropriate agency in relation to any scheduled employment carried on by or under its authority or in railway administration or in relation to mines, oilfields or major ports or any corporation established under the Central Act. State governments are the appropriate Government in relation to other scheduled employment. The Central Government is concerned to a limited extent with building and construction activities mostly carried on by Central Public Works Department, Ministry of Defence etc, and agricultural farms under the Ministries of Defence and Agriculture. Bulk of such employment fall in the state spheres and state governments are required to fix/revise wages and ensure their implementation in respect of scheduled employment within their spheres.

Enforcement of Minimum wages in Central sphere is secured [through the Central Industrial Relations Machinery (CIRM)]. The Central Government has fixed Minimum Wages under the Minimum Wages Act, 1948 for 40 scheduled employments under the Central Sphere. CLC(C), is revising VDA at the interval of six months i.e. W.e.f. 1st April and 1st October.

(3) PAYMENT OF BONUS ACT, 1965:

The Act Applies to all Factories and every other establishments, which employs twenty or more workmen. The Payment of Bonus Act, 1965 provides for a minimum bonus of 8.33 percent of wages. The salary limited fixed for eligibility purposes is Rs. 3,500 per month and the payment is subject to the stipulation that the bonus payable to employees drawing wages or salary not exceeded to Rs.10000 per month would be calculated as if their salary or wages is Rs. 3,500 per month.

The Central Government is the appropriate authority in respect of the industries /establishments for which it is appropriate Government under the industrial Disputes Act, 1947.

(4) EQUAL REMUNERATION ACT, 1976

Act provides for payment of equal wages for work of same and similar nature to male and female workers and for not making discrimination against female employees in the matters of transfers, training and promotion etc. Central Government is the appropriate Govt. in respect of industries/establishments for which it is appropriate Govt. under the Industrial Disputes Act. 1947.

(5) The Contract Labour (Regulation and Abolition) Act, 1970

This act has been enacted to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith. It applies to all establishments employing 20 or more contract labour and to all contractors who employs 20 or more contract labours. It applies to all establishments 20 or more contract Labour and to all contractors who employer, 20 or more Contract Labour. The Act provides for the constitution of Central and State Advisory Boards to advise the concerned governments on matters arising out of the administration of the Act.

The Central Government has issued a number of notifications prohibiting employment of Contract Labour in different categories of works, job and process as in mines, Food Corporation of India's godowns, port trusts and many other industries/ establishments for which it is the Appropriate Government. The Central Advisory Contract Labour Board has also constituted a number of committees to enquire into the question of prohibition of contract labour system in different establishments.

Central Government is the Appropriate Government in respect of industries and establishments for which it is Appropriate Government under the industrial Disputes Act, 1947.

(6) CHILD LABOUR (Prohibition and Regulation) Act, 1986.

The act prohibits employment of children in certain hazardous occupations and processes and regulates their employment in some other areas.

Central Government is the Appropriate Government in relation to an establishment under the Control of the Central Government or a railways administration or a major port or a mine or oilfield. The Hon'ble Supreme Court in their Judgment dated 10.12.1996 in the Writ Petition (Civil) No.465/86 has given certain directions regarding the manner in which children working in hazardous occupations are to be withdrawn and rehabilitated. One of the important directions of the Supreme Court relates to conduct of survey of Child Labour. The issue of conducting survey came up for discussion in the Conference of Labour Ministers, Labour Secretaries, Labour Commissioner of all the States/UTs which was held in New Delhi on 22.1.1997 under the Chairmanship of the Union Labour Minister.

After the deliberation in the conference guidelines to the State Governments for implementing the judgement of the Hon'ble Supreme Court have been issued by the Ministry of Labour.

(7) THE INDUSTRIAL EMPLOYMENT (Standing Orders) Act, 1946

This Act is to require employers in industrial establishments to formally define conditions of employment under them and submit draft standing orders to certifying Authority for its Certification. It applies to every industrial establishment wherein 100 (reduced to 50 by the Central Government in respect of the establishments for which it is the Appropriate Government) or more workmen are employed. And the Central Government is the appropriate Government in respect of establishments under the control of Central Government or a Railway Administration or in a major port, mine or oil field. Under the Industrial Employment (Standing Orders) Act, 1946, all RLCs(C) have been declared Certifying Officers to certify the standing orders in respect of the establishments falling in the Central Sphere. CLC(C) and all Dy.CLCs(C) have been declared Appellate Authorities under the Act.

(8) Railways Servants (Hour of Work and Period of Rest) Rules, 2005

The Hours of Employment Regulations are applicable to all railway servants excepting those governed by the Factories Act, Mines Act and the Indian Merchant, Shipping Act as well as those specifically excluded. The Hours of Employment Regulation provides for classification of railways workers depending upon nature of duties as intensive, continuous, essentially intermittent and excluded.

It regulates hours of work and periods of rest. workers aggrieved by classification can approach RLCs who is empowered to decide such cases. Appeal against the order of authority can be filed before appropriate authority under MOL&E. Joint Secretary is appellate authority.

(9) MATERNITY BENEFIT ACT, 1961

The Act regulates employment of women in certain establishments for a certain period before and after child birth and provides for maternity and other benefits. The Act applies to mines, factories, circus, industry, plantation and shops and establishments employing ten or more persons, except employees covered under the Employees State Insurance act, 1948. It can be extended to other establishments by the state governments. There is no wage limit for coverage under the Act. The Central Government is Appropriate Government in respect of the Circus Industry and Mines.

(10) PAYMENT OF GRATUITY ACT, 1972

The Act is applicable, to factories, mines, oil fields, plantations, ports, railways, motor transport undertakings, companies, and to shops and other establishments, Employing 10 or more workmen. The Act provides for payment of gratuity at the rate of 15 days wages for each completed year of service subject to a maximum of Rs. ten lakh. In the case of seasonal establishment, gratuity is payable at the rate of seven days wages for each season. The Act does not affect the right of an employee to receive better terms of gratuity under any award or agreement or contract with the employer. Central Government is the Appropriate Government in relation to an establishment belonging to or under the control of the Central Government or having branches in more than state or an establishment of a factory belonging to or under the control of Central Government or of a major port, oilfield railway or mine.

(11) INDUSTRIAL DISPUTES ACT. 1947

This act has made provision for the investigation and settlement of industrial disputes and for certain other purposes. It provides for a special machinery of conciliation officers, work committees, court of inquiry, Labour courts, Industrial Tribunals and national Tribunals, defining their powers, functions and duties and also the procedure to be followed by them.

It also enumerates the contingencies when a strike or lock-out can be lawfully resorted to, when they can be declared illegal or unlawful, conditions for laying off, retrenching discharging or dismissing a workman, circumstances under which an industrial can be closed down and several other matters related to industrial employees and employers.

- (i) The central government is appropriate government for the industries which are carried on:
 - a. By or under the authority of Central Govt.
 - b. By a railway company:
 - c. A controlled industry, specified for this purpose:
 - d. In relation to certain industries enumerated in sec 2(a) of the act. An ir transport service, or a banking or an insurance company, a mine, an oil field, Cantonment Board, or a major port, any company in which not less than fifty-one percent of the aid-up share capital is held by the Central Government, or any corporation, not being a corporation referred to in this clause, established by or under any law made by Parliament, or the Central public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the Central Government, the Central Government, and]
- (ii) In relation to any other industrial dispute, including the State public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the State Government, the State Government:

Provided that in case of a dispute between a contractor and the contract labour employed through the contractor in any industrial establishment where such dispute first arose, the appropriate Government shall be Central Government of their State Government, as the case may be, which has control over such industrial establishment.

(12) **The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979**

The Act is intended to regulate the employment of inter-state migrant workmen and to provide for their conditions of service. It applies to every establishment, and the contractor, who employ five or more inter-state of Pass-Book to every inter-state migrant workmen with full details, payment of displacement allowance equivalent to 50% of monthly wages or Rs.75/- whichever is higher, payment of journey allowance including payment of wage during of the period of journey, suitable residential accommodation, medical facilities and protective clothing, payment of wages, equal pay for equal work irrespective of sex etc.

The main responsibility for enforcement of the provision of the Act lies with the Central and the State Governments/Union Territories in the establishment falling in the Central and State Sphere respectively.

13. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

The Act is applicable to every establishment which employs 10 or more workers in any building or other construction work and to the project's cost of which is more than Rs.10 lakh. There is also provision of constitution of Central and the State Advisory Committees to advise the appropriate Governments on matters arising out of administration of the law besides constitution of Welfare Boards by the State Governments and registration of beneficiaries under the Fund and provision for their identity cards etc. These legislations provide for regulating the employment and conditions of service, safety and health and welfare measures for the construction workers by setting up of a Welfare Fund at the State level.

(14) Labour Laws (Exemption from furnishing and Maintaining Registers by certain Establishments) Act, 1996.

This Act provide for the exemption of employers in relation to establishments employing up to 19 number of persons from furnishing returns and maintaining registers under nine labour Laws.