

LABOUR LAW & INDUSTRIAL LAW

FACTORIES ACT, 1948

MATERNITY BENEFIT ACT, 1961

MINIMUM WAGES ACT, 1948

By

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Preface

Hello & नमस्कार,

LINKING BARE ACTS are not merely Bare Act of the Text approved by Legislature rather it envisage my personal Experience as Judiciary Exam Educator of more than a decade wherein I found the style of Inter Section Linking, Inter Chapter Linking and Inter Acts Linking so effective that the reader can gain comprehensive command over any particular topic or concept with help of it. Further, such things also help in easy mediation while making revision.

"जो याद (memorize) नहीं होता उसे, उससे याद करो जो याद हो चुका है" - this technique is output of Linking style.

Presently, Law Exam specially concentrate to check command of student over Legislative Text (i.e. Bare Act), accordingly they asked questions which directly or indirectly Linked with Bare Act only. While teaching various laws, I found that Linking techniques is easy for student to learn multiple sections together, so I have included such technique in LINKING BARE ACTS.

These Linking Bare Acts of **LABOUR LAW & INDUSTRIAL LAW** (viz. *FACTORIES ACT, 1948, MATERNITY BENEFIT ACT, 1961 & MINIMUM WAGES ACT, 1948*) includes regular features of any Linking Bare Acts, so I have provided various comparative table also which will help to understand the changes easily in new laws. it's my firm belief, these LINKING BARE ACT will certainly change the way of reading Bare Act. Further, spacious margin, Bracket Method of Proviso and Explanation etc will make the study more convenient.

- **Tansukh Paliwal**

Founder of Linking Laws

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All efforts have been made to avoid any kind of typing or other kind of error or omission, though It is humbly requested to all readers that in case of doubt kindly prefer official text of the legislation as passed by Parliament. By **Scanning following QR code** You may have official text of parliament regarding FACTORIES ACT, 1948, MATERNITY BENEFIT ACT, 1961 & MINIMUM WAGES ACT, 1948:-

किसी भी प्रकार की टाइपिंग या अन्य प्रकार की त्रुटि या चूक से बचने के लिए सभी प्रयास किए गए हैं, हालांकि सभी पाठकों से विनम्र अनुरोध है कि संदेह की स्थिति में कृपया संसद द्वारा पारित विधि के आधिकारिक शब्दों को प्राथमिकता दें। **निम्नलिखित क्यूआर कोड को स्कैन करके** आप कारखाना अधिनियम, 1948, मातृत्व लाभ अधिनियम, 1961 & न्यूनतम मजदूरी अधिनियम, 1948 के संबंध में संसद का आधिकारिक पाठ प्राप्त कर सकते हैं: -

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**THE
FACTORIES ACT, 1948**
ACT NO. 63 OF 1948

[Enforcement 23rd September, 1948.]

Sample Preview

THE FACTORIES ACT, 1948

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.
2. Interpretation.
3. References to time of day.
4. Power to declare different departments to be separate factories or two or more factories to be a single factory.
5. Power to exempt during public emergency.
6. Approval, licensing and registration of factories.
7. Notice by occupier.

CHAPTER II

THE INSPECTING STAFF

- 7A. General duties of the occupier.
- 7B. General duties of manufacturers, etc., as regards articles and substances for use in factories.
8. Inspectors.
9. Powers of Inspectors.
10. Certifying surgeons.

CHAPTER III

HEALTH

11. Cleanliness.
12. Disposal of wastes and effluents.
13. Ventilation and temperature.
14. Dust and fume.
15. Artificial humidification.
16. Overcrowding.
17. Lighting.
18. Drinking water.
19. Latrines and urinals.
20. Spittoons.

CHAPTER IV

SAFETY

21. Fencing of machinery.
22. Work on or near machinery in motion.
23. Employment of young persons on dangerous machines.
24. Striking gear and devices for cutting off power.
25. Self-acting machines.
26. Casing of new machinery.
27. Prohibition of employment of women and children near cotton-openers.
28. Hoists and lifts.
29. Lifting machines, chains, ropes and lifting tackles.
30. Revolving machinery.
31. Pressure plant.
32. Floors, stairs and means of access.

Factories Act, 1948
THE FACTORIES ACT, 1948
ACT NO. 63 OF 1948

[23rd September, 1948.]

An Act to consolidate and amend the law regulating labour in factories.
WHEREAS it is expedient to consolidate and amend the law regulating labour in factories; It is hereby enacted as follows: —

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.

- (1) This Act may be called the Factories Act, 1948.
- (2) It extends to the whole of India.
- (3) It shall come into force on the 1st day of April 1949.

2. Interpretation.

In this Act, unless there is anything repugnant in the subject or context, —

- (a) **“adult”** means a person who has completed his eighteenth year of age;
- (b) **“adolescent”** means a person who has completed his fifteenth year of age but has not completed his eighteenth year;
- (bb) **“calendar year”** means the period of twelve months beginning with the first day of January in any year;
- (c) **“child”** means a person who has not completed his fifteenth year of age;
- (ca) **“competent person”**, in relation to any provision of this Act, means a person or an institution recognised as such by the Chief Inspector for the purposes of carrying out tests, examinations and inspections required to be done in a factory under the provisions of this Act having regard to—
 - (i) the qualifications and experience of the person and facilities available at his disposal; or
 - (ii) the qualifications and experience of the persons employed in such institution and facilities available therein, with regard to the conduct of such tests, examinations and inspections, and more than one person or institution can be recognised as a competent person in relation to a factory;
- (cb) **“hazardous process”** means any process or activity in relation to an industry specified in the First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, wastes or effluents thereof would—
 - (i) cause material impairment to the health of the persons engaged in or connected therewith, or
 - (ii) result in the pollution or the general environment:
Provided that the State Government may, by notification in the Official Gazette, amend the First Schedule by way of addition, omission or variation of any industry specified in the said Schedule;
- (d) **“young person”** means a person who is either a child or an adolescent;

THE MATERNITY BENEFIT ACT, 1961

ACT NO. 53 OF 1961

[Enforcement 12th December, 1961.]

Sample Preview

Maternity Benefit Act, 1961

THE MATERNITY BENEFIT ACT, 1961

ARRANGEMENT OF SECTIONS

1. Short title, extent and commencement.
2. Application of Act.
3. Definitions.
4. Employment of, or work by, women prohibited during certain periods.
5. Right to payment of maternity benefit.
- 5A. Continuance of payment of maternity benefit in certain cases.
- 5B. Payment of maternity benefit in certain cases.
6. Notice of claim for maternity benefit and payment thereof.
7. Payment of maternity benefit in case of death of a woman.
8. Payment of medical bonus.
9. Leave for miscarriage, etc.
- 9A. Leave with wages for tubectomy operation.
10. Leave for illness arising out of pregnancy, delivery, premature birth of child, miscarriage, medical termination of pregnancy or tubectomy operation.
11. Nursing breaks.
12. Dismissal during absence of pregnancy.
13. No deduction of wages in certain cases.
14. Appointment of Inspectors.
15. Powers and duties of Inspectors.
16. Inspectors to be public servants.
17. Power of Inspector to direct payments to be made.
18. Forfeiture of maternity benefits.
19. Abstract of Act and rules thereunder to be exhibited.
20. Registers, etc.
21. Penalty for contravention of Act by employer.
22. Penalty for obstructing Inspector.
23. Cognizance of offences.
24. Protection of action taken in good faith.
25. Power of Central Government to give directions.
26. Power to exempt establishments.
27. Effect of laws and agreements inconsistent with this Act.
28. Power to make rules.
29. Amendment of Act 69 of 1951.
30. Repeal.

Maternity Benefit Act, 1961

THE MATERNITY BENEFIT ACT, 1961

ACT NO. 53 OF 1961

[12th December, 1961.]

An Act to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit and certain other benefits. BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows: —

1. Short title, extent and commencement. —

- (1) This Act may be called the Maternity Benefit Act, 1961.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as may be notified in this behalf in the Official Gazette, —
 - (a) in relation to mines and to any other establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances, by the Central Government; and
 - (b) in relation to other establishments in a State, by the State Government.

2. Application of Act. —

- (1) It applies, in the first instance, —
 - (a) to every establishment being a factory, mine or plantation including any such establishment belonging to Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;
 - (b) to every shop or establishment within the meaning of any law for the time being in force in relation to shops and establishments in a State, in which ten or more persons are employed, or were employed, on any day of the preceding twelve months:
Provided that the State Government may, with the approval of the Central Government, after giving not less than two months' notice of its intention of so doing, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply also to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.
- (2) Save as otherwise provided in sections 5A and 5B, nothing contained in this Act shall apply to any factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948, apply for the time being.

3. Definitions.

In this Act, unless the context otherwise requires, —

- (a) **"appropriate Government"** means, in relation to an establishment being a mine, or an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances, the Central Government and in relation to any other establishment, the State Government;
- (b) **"child"** includes a still-born child;
- (ba) **"commissioning mother"** means a biological mother who uses her egg to create an embryo implanted in any other woman;
- (c) **"delivery"** means the birth of a child;

THE MINIMUM WAGES ACT, 1948

ACT NO. 11 OF 1948

[Enforcement 15th March, 1948.]

Sample Preview

Minimum Wages Act, 1948

THE MINIMUM WAGES ACT, 1948

ARRANGEMENT OF SECTIONS

1. Short title and extent.
2. Interpretation.
3. Fixing of minimum rates of wages.
4. Minimum rate of wages.
5. Procedure for fixing and revising minimum wages.
6. Omitted.
7. Advisory Board.
8. Central Advisory Board.
9. Composition of committees, etc.
10. Correction of errors.
11. Wages in kind.
12. Payment of minimum rates of wages.
13. Fixing hours for a normal working day, etc.
14. Overtime.
15. Wages of worker who works for less than normal working day.
16. Wages for two or more classes of work.
17. Minimum time rate wages for piece work.
18. Maintenance of registers and records.
19. Inspectors.
20. Claims.
21. Single application in respect of a number of employees.
22. Penalties for certain offences.
- 22A. General provision for punishment of other offences.
- 22B. Cognizance of offences.
- 22C. Offences by companies.
- 22D. Payment of undisbursed amounts due to employees.
- 22E. Protection against attachment of assets of employer with Government.
- 22F. Application of Payment of Wages Act, 1936, to scheduled employments.
23. Exemption of employer from liability in certain cases.
24. Bar of suits.
25. Contracting out.
26. Exemptions and exceptions.
27. Power of State Government to add to Schedule.
28. Power of Central Government to give directions
29. Power of the Central Government to make rules.
30. Power of appropriate Government to make rules.
- 30A. Rules made by Central Government to be laid before Parliament.
31. Validation of fixation of certain minimum rates of wages.

THE SCHEDULE.

Minimum Wages Act, 1948

THE MINIMUM WAGES ACT, 1948

ACT NO. 11 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 rates of wages in certain employments; It is hereby enacted as follows:

1. Short title and extent.

- (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) **“adolescent”** means a person who has completed his fourteenth year of age but has not completed his eighteenth year;
- (aa) **“adult”** means a person who has completed his eighteenth year of age;
- (b) **“appropriate Government”** means,
 - (i) in relation to any scheduled employment carried on by or under the authority of the Central Government or a railway administration, or in relation to a mine, oilfield or major port, or any corporation established by 5[a Central Act], the Central Government, and
 - (ii) in relation to any other scheduled employment, the State Government;
- (bb) **“child”** means a person who has not completed his fourteenth year of age;
- (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 such 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 scheduled 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;



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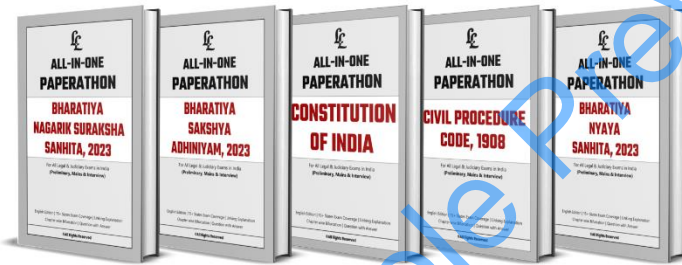
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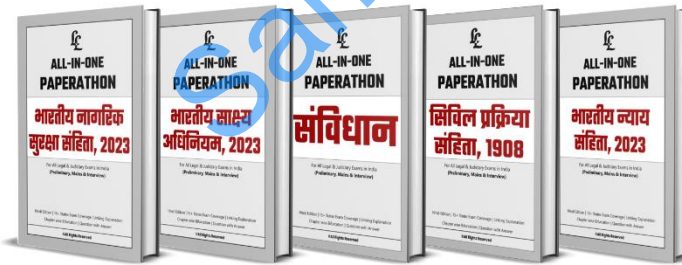
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