

LAW AREA NAME : LABOUR LAWS
SECTION NAME : LABOUR ATROCITIES
SUB SECTION NAME : MINIMUM WAGES

LAW IN BRIEF

Workers in certain industries are paid substantially low wages and are highly exploited due to being unorganized and illiterate. The Minimum Wages Act provides for fixing minimum rates of wages in certain scheduled employments. An employment as specified in the schedule or any process or branch of work forming part of such employment is defined as a scheduled employment.

LAW IN DETAIL

The Central or State Governments fix and revise the minimum wages for unskilled workers. These rates are generally revised once in 5 years. The wage rate may be either a minimum time rate or a minimum piece rate or a guaranteed time rate.

Every employer is required to maintain the following registers and records under the act.

- Register of wages
- Muster roll
- Register of fines
- Register of deductions for damage or loss
- Register of overtime
- Visit book

A wage slip in the prescribed form must be issued to every employee a day prior to the disbursement of wages.

A notice containing the minimum rates of wages along with the abstract of the Act, the name and address of the inspector must be displayed in English and in the local language in the work premises.

Any employer who pays less than the minimum wages fixed under the Act or violates any other provisions under the Act is punishable with 6 months imprisonment or fine up to five hundred rupees or both.

PROCESS FOR SOLUTION

Complaint Under which Section ?

Section 22: Claims for payment of minimum rates of wages or remuneration for days of rest or of wages at overtime rate or as per the rules and orders made by the appropriate government under this Act.

Whom to complain / where to complaint?

The presiding officers of the Labour court and Deputy Labour Commissioners hear and decide claims arising out of payment of less than the minimum rates of wages.

The employee or
Any legal practitioner or
Any official of a regd. Trade Union or
Any Inspector or
Any other authorized person may file a claim petition under this act.

How to file the Case ?

Every application under this Act must be presented within 6 months from the date on which the minimum wages become payable.

A single application may be filed on behalf of any number of employees.

The adjudicating authority will hear both the applicant and the employer and after due inquiries may direct -

- i. Payment of the difference between the minimum wages to be paid under the act and the actual wages along with a compensation not exceeding 10 times such amount.
- ii. Payment of any amount due to the employees by the employer along with compensation.

A Penalty of fifty rupees may be levied on the applicant if the authority feels that the application is either malicious or vexatious.

The direction of the authority is final and he shall exercise all the powers of a civil court under the Code of Civil Procedure for taking evidence, enforcing attendance of witnesses and compelling the production of documents.

Courts have been barred from entertaining suits under this Act.

What Next ?

No appeal lies against the decision of the authorities under the Act.

ALTERNATE REMEDIES

No alternate remedies exist.