

Minimum Wages Act, 1948

Section 20 - Claims

(1) The appropriate Government may, by notification in the Official Gazette, appoint¹[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 below 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 wages²[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)³[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 authorised 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 wages²[or other amount] became payable:

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

⁴(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 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 (5 of 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 (5 of 1898).

STATE AMENDMENTS

Bihar--In section 20 of the principal Act,--

(i) after sub-section (4), the following sub-section shall be inserted, namely:--

"(4A) No employer shall, during the pendency of any proceedings arising out of any claim case, take any action against any employee concerned in such claim case--

(a) by altering to the prejudice of such employee, the conditions of service applicable to him immediately before the commencement of such proceedings; and

(b) by discharging, terminating the services in any manner of punishing whether by dismissal or otherwise of such workers, save with the express permission in writing of the Authority before whom the proceeding is pending."

(ii) after sub-section (5), the following sub-section shall be inserted, namely:--

"(5A) At the time of hearing, the authority may direct the employers to deposit at least 50% of the claimed amount with the Authority excluding the amount of compensation. The said amount may be paid to the claimant which shall be adjusted subsequently with the decreed amount." [Vide Bihar Act 9 of 1988, sec. 3 (19-2-1988)]

Madhya Pradesh--(1) For sub-section (1) of section 20 of the principal Act, the following sub-section shall be substituted, namely:--

"(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 of any region or any officer of the State Government not below the rank of Labour Commissioner or any other officer with experience as a Judge of Civil Court or as a stipendiary Magistrate or any Revenue Officer not below the rank of Naib Tahsildar, to be the authority to hear and decide for any specified area all claims arising out of payment of less than minimum rates or 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 of wages at the overtime rate under section 14, to employees employed or paid in that area." [Vide Madhya Pradesh Act 36 of 1976, published in the M.P. Gazette. Extraordinary, dated 16th July, 1976 (w.e.f. 16-7-1976)]

(2) In section 20, in the proviso to sub-section (2), for the words "six months", at both the places they occur, substitute the words "one year"; and

(3) To sub-section (4) insert following proviso:--

"Provided that nothing in this sub-section shall apply to any application filed by an Inspector under sub-section (2)." [Vide M.P. Act 23 of 1961, sec. 12 (w.e.f. 23-6-1961)]

Maharashtra--(1) In section 20, sub-section (1) after the words "payment of less than the minimum rates of wages", insert the words, brackets, figures "or in respect of wages not paid within the time prescribed under sub-section (1) of section 12." [Vide Maharashtra Act 3 of 1963, sec. 6 (w.e.f. 14-1-1963)]

(2) For the word "Magistrate" in sub-section (1) substitute the words "Judicial Magistrate." [Vide Bombay Act 8 of 1954, sec. 2 and Schedule (w.e.f. 10-2-1954)]

In section 20, to sub-section (1) add the following proviso:--

"Provided that the State Government may, by notification in the Official Gazette, appoint any Block Development Officer, Tahsildar, Additional Tahsildar or Naib Tahsildar to be the Authority to hear and decide for any area specified in the Notification all such claims of employees employed or paid in employment in agriculture in the area so specified.

Explanation.--For the purposes of this proviso, the expression "Block Development Officer" has the meaning assigned to it in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Maharashtra Act 5 of 1962)]." [Vide Maharashtra Act 25 of 1976, sec. 2 (w.e.f 1-2-1977)]

Karnataka--In section 20. in sub-section (1), for the words "stipendiary Magistrate" substitute the words "Judicial Magistrate." [Vide Mysore Act 13 of 1965, sec. 66 and Schedule (w.e.f. 1-10-1965)]

Rajasthan--In the Minimum Wages Act 1948 (11 of 1948), in section 20, in sub-section (1), after the expression "Labour Commissioner", the expression "or a Vikas Adhikari appointed under the Rajasthan Panchayat Samities and Zilla Parishads Act, 1959 (Rajasthan Act 37 of 1959)" shall be inserted. [Vide Rajasthan Act 11 of 1976- sec. 3.]

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1. Substituted by Act 30 of 1957, section 12, for "any Commissioner for Workmen's Compensation or" w.e.f. 17-9-1957.
 2. Inserted by Act 30 of 1957, section 12 w.e.f. 17-9-1957.
 3. Substituted by Act 30 of 1957, section 12, for certain words w.e.f. 17-9-1957.
 4. Substituted by Act 30 of 1957, section 12, for sub-section (3) w.e.f. 17-9-1957.
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