

Minimum Wages Act, 1948

Section 31 - Validation of Fixation of Certain Minimum Rates of Wages

1[31. Validation of fixation of certain minimum rates of wages

Where during the period--

- (a) commencing on the 1st day of April, 1952, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1954 (26 of 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 (30 of 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 (31 of 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 (26 of 1954), or the Minimum Wages (Amendment) Act, 1957 (30 of 1957), or the Minimum Wages (Amendment) Act, 1961 (31 of 1961). as the case may be, such rates shall be deemed to have been fixed in accordance with law and shall 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 reasons of non-compliance during the period aforesaid with any order or rule under section 13.]

STATE AMENDMENTS

Madhya Pradesh--After section 13 of the principal Act, add the following:--

"31A. Validation of certain minimum rates of wages.--

(1) The rates of minimum wages fixed or revised in respect of employment Nos. 2, 3, 5, 6, 7, 8 and 11 in Part I of the Schedule to the principal Act, under the Government of Madhya Pradesh. Labour Department Notification Nos. 306 to 309-XVI-58, dated the 30th December, 1958, shall be and shall always be deemed to have been validly fixed or revised and shall be deemed to have come into force on the date mentioned in the said notifications, notwithstanding any judicial decision to the contrary or any defect or irregularity in the constitution of the Advisory Board under section 7 of the principal Act read with section 9 thereof or publication of the notifications in the Gazette or non-compliance with any other requirement of law and shall not be called in question in any court merely on the ground that there was failure to comply with provisions of the principal Act.

(2) The rate of minimum wages fixed or revised in respect of employment specified in Part II of the Schedule to the principal Act under the Government of Madhya Pradesh, Labour Department Notification No- 7758-XV1, dated 31st December, 1959, shall be and shall always be deemed to have been validly fixed or revised, notwithstanding any defect or irregularity in the constitution of the Committee under section 5 (1) (a), of the principal Act, read with section 9 thereof, or publication of the notification in the Gazette or non-compliance with any other requirement of law and shall not be called in question in any court merely on the ground

that there was failure to comply with the provisions of the principal Act:

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 the period between the dates on which the aforesaid notifications come into force and the date on which this Act comes into force an amount which is less than the minimum rates of wages immediately prevailing before the said notification or by reason of non-compliance during the period aforesaid with any order or rule issued under section 13 of the principal Act". [Vide M.P. Act 23 of 1961, sec. 20 (w.e.f. 23-6-1961)]

Rajasthan--After section 31 of the principal Act, add the following section, namely:--

"31A. Validation of certain minimum rates of wages.--

The rate of minimum wages fixed or revised before the commencement of the Minimum Wages (Rajasthan Amendment and Validation Ordinance, 1968, in respect of employment Nos. 1, 2, 3, 5, 6, 7, 8, 10, 11, 13, 14, 16, 17, in Part I of the Schedule to the Act and employment in Part II of the Schedule to the Act shall be and shall be deemed to always have been validly fixed or revised as the case may be, and shall be deemed to have come into force on the date such fixation or revision has been brought into force by the State Government by a notification in the Official Gazette, notwithstanding any judicial decision to the contrary or any defect or irregularity in the constitution of the Committee or the sub-committee, or the Advisory Board under section 5 or section 7 of the Act read with section 9 thereof or publication of the notification in the Official Gazette or non-compliance with any requirement of law and shall not be called in question in any court merely on the ground that there was a failure to comply with the provisions of the Act." [Vide Rajasthan Act 4 of 1969, sec. 4 (w.e.f. 4-4-1969)]

1. Inserted by Act 26 of 1954, section 6 w.e.f. 28-8-1954 and Substituted by Act 31 of 1961, section 4 w.e.f. 28-8-1961.
