

AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Dated the August 1977.

No .SL/77. The following Act of the Assembly received the assent of the President on the 18th of July, 1977, and is hereby published for general information :-

(Act III of 1977)

AN Act to amend the Azad Jammu and Kashmir Minimum Wages Act, 1976.

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Minimum Wages Act, 1976 (I of 1976) for the purposes hereinafter appearing ;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Azad Jammu and Kashmir Minimum Wages (Amendment) Act, 1977.

(2) It shall come into force at once.

2. Insertion of Section 8-A, Act (1) of 1976.- In the Azad Jammu

and Kashmir Minimum Wages Act, 1976 (Act I of 1976), after Section 8, the following new Section shall be added, namely :-

"§8-A. Authority to decide claims.- (1) The Government may, by notification in the official Gazette, appoint any person to be Authority for any area specified in the notification, to hear and decide all claims arising out of non-payment, or delay in the payment of wages to workers in that area whose minimum rates of wages have been declared under the provisions of this Act.

(2) Where contrary to the provisions of this Act, wages of any worker have been withheld or delayed, such worker himself or through any person authorised by him in this behalf may within one year from the day on which such payment was to be made, apply to the authority appointed under sub-section (1) having jurisdiction, for an order directing the payment to him of such wages.

(3) When any application under sub-section (2) is entertained, the Authority shall hear the applicant and the employer or other person responsible for the payment of wages alleged to have been withheld or delayed or give them an opportunity of being heard and after such further inquiry, if any, as may be necessary, without prejudice to any other penalty which such employer or other person may be liable under section 8 or any other law for the time being in force direct the employer or such other person to make payment to the applicant of the wages which have been withheld or delayed, together with such penalty not exceeding fifty rupees, as the Authority may fix :

Provided that no direction for the payment of a penalty shall be made in the case of delayed wages, if the Authority is satisfied that the delay was due to :-

(a) A bonafide error or bonafide dispute as to the amount payable to the employee, or

(b) The occurrence of any emergency or the existence of such exceptional circumstances that the person responsible for the payment of the wages was unable to make prompt payment, and

(c) the fault of the worker. .

(4) If the Authority hearing any application under this Section is satisfied that no amount to be paid as wages is due from the employer or other person responsible for the payment of wages to the applicant, it shall reject the application, and if the application, in the opinion of the Authority, is malicious or vexatious, the Authority when rejecting it, may direct the applicant to pay a penalty not exceeding fifty rupees to the employer or other person responsible for the payment of wages.

(5) Any amount directed to be paid under this Section may be recovered;

(a) If the Authority is a Ministrants, by the Authority as if it were fine imposed by him as a Magistrate; and

(b) If that 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) An appeal against a direction or order passed under sub-section (3) or sub-section (4) may be preferred to the District Court within thirty days of the date on which the direction was made or order was passed:-

(a) by the employer or other person responsible for the payment of wages, if the amount directed to be paid as wages or as wages and penalty exceed one hundred rupees;

(b) by the worker, if the total amount of wages claimed to have been withheld from him exceed rupees fifty, or

(c) by the person directed under sub-section (4) to penalty.

(7) If there is no appeal, the direction or order of the authority made under sub-section (3) or sub-section (4) and where there is an appeal as provided in sub-section (6) the decision in appeal shall be final and shall not in any manner be questioned by any person in any Court or before any Authority.

(8) An Authority appointed under Section 1 shall, for the purposes of determining any matter referred to in sub-section (3) or sub-section (4) :-

(a) have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908) as adapted in Azad Jammu and Kashmir for the purposes of enforcing the attendance of witnesses, compelling the production of documents, and the taking of evidence; and

(b) be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (V of 1898) as adapted in Azad Jammu and Kashmir. "

Sd/-

(Syed Mohammad Akram Shah)
Deputy Secretary Law,

Azad Government of the State of J&K,
Muzaffarabad.