

Object of the Minimum Wages Act of 1948

INTRODUCTION

The concept of minimum wages is based on the principles of equity and social justice. Its underlying idea is that "he who works is entitled to a fair remuneration which may enable him to live a life consistent with human dignity"

In the case of Edwards Mill Company Limited, the Honorable Supreme Court has described the purpose of this Act as follows.:

- 1- To ensure that the payment are not as low as to put the labour at disadvantage.
- 2-The wages should be given equal to the amount of work done and should not be exploited.
- 3-Ensuring that unorganized labour does not suffer from unfair bargaining and that their rights are protected.
- 4-To root out evils like strike and lockout by making fair payment to the labour.

In other words, the objectives of this act can be described as reduced. --:

The object of this Act is to promote the welfare of workers by fixing minimum rates of wages in certain industries where labour is not organised and sweated labour is most prevalent. The Act seeks to prevent exploitation of workers by ensuring that they are paid the minimum wages which would provide for their subsistence and preserve their efficiency.

When the constitutionality of this Act was challenged in 1955 in the case of **Bejoy Cotton Mills V. State of Ajmer** before the Supreme Court the Court rejected the contention and upheld the constitutionality of the Act observing that securing of living wage to workers which ensures not only bare subsistence but also maintenance of health and decency, is conducive to general interest of the public, and it is also in conformity with the Directive Principles of State Policy embodied in Article 43 of the Constitution.

The objectives of the Act may be made more clear with the help of the following cases.

H.D. Singh vs Indian Reserve Bank Supreme Court observed that greater possibility that workers may offer and be ready to work on starvation, wages in undeveloped country like ours which is facing acute problem of unemployment. This is the reason that there is no need to consider the employer's capacity in fixing the minimum wages.

The Supreme Court of India has observed that the object of this act is directed against exploitation of the ignorant, less organised less privileged members of the society by the capitalist class. Thus the anxiety of the State for improving the general economic condition of some of its less favoured members appears to be in supersession of the old principle of absolute freedom of contract and the doctrine of laissezfaire and in recognition of new principle of social welfare and common good.

In the case of Kamani Metals, the Supreme Court made it clear that it is necessary to give minimum wages and in this the economic condition of the industry benefits is of no importance today.

In the case of a Hydro engineer, the court considered that the employer does not have the capacity to pay wages when determining the minimum wages because every employer should pay minimum wages to his employee.

In the case of Unichoi vs State of Kerala, the Supreme Court has made it clear that the Act is not contrary to the provisions of the Constitution. In the end, it would be right to say object of the minimum wages act of the 1948 is to solve the problem relating to the minimum living and fair wage in India.