

THE MINIMUM WAGES (WEST PAKISTAN AMENDMENT) ORDINANCE, 1970

(W.P. Ord. XI of 1970)

C O N T E N T S

SECTIONS

1. Short title and commencement.
2. Addition of section 9-A to Ordinance No. XXXIX of 1961.

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(W.P. Ordinance XI of 1970)

[20 April 1970]

An Ordinance to amend the Minimum Wages Ordinance, 1961, in its application to the Province of West Pakistan

Preamble.— WHEREAS it is expedient to amend the Minimum Wages Ordinance, 1961 (Ordinance No. XXXIX of 1961) in its application to the Province of West Pakistan for the purposes hereinafter appearing ;

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement.— (1) This Ordinance may be called the Minimum Wages (West Pakistan Amendment) Ordinance, 1970.

(2) It shall come into force at once.

2. Addition of section 9-A to Ordinance No. XXXIX of 1961.— In the Minimum Wages Ordinance, 1961, after section 9, the following new section shall be inserted, namely:-

“9-A. (1) The Provincial Government may, by notification in the official Gazette, appoint any person to be the 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 Ordinance.

(2) Where contrary to the provisions of this Ordinance wages of any worker have been withheld or delayed, such worker himself or through any other person authorised by him in this behalf, may, within six months 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:

Provided that any such application may be admitted after the said period of six months but not later than one year from the date on which the payment was to be made, if the applicant satisfies the Authority that he had sufficient cause for not making the application within such period.

(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 may, without prejudice to any other penalty to which such employer or other person may be liable under section 9 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 bona fide error or bonafied 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 magistrate, by the Authority as if it were a 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 made 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 exceeds one hundred rupees ;
 - (b) by a worker, if the total amount of wages claimed to have been withheld from him exceeds rupees fifty; or
 - (c) by the person directed under sub-section (4) to pay a 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 sub-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), 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).”

[1]

This Ordinance was promulgated by the Governor of West Pakistan on 14th April, 1970; published in the West Pakistan Gazette (Extraordinary), dated 20th April, 1970, pages 677-680; saved by Article 281 of the Interim Constitution of Pakistan (1972); and, validated by the Validation of Laws Act, 1975 (LXIII of 1975).