

**AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the December 24, 1975

No, 3929/ SL/ 75 The following Act the Legislative Assembly received the assent of the President on the 16th day of December, 1975, and is hereby published for general information.

(ACT XIV OF 1975)

AN ACT to fix the minimum rates of wages for unskilled workers employed in certain commercial and industrial establishments in Azad Kashmir.

PREAMBLE:

WHEREAS it is expedient to fix the minimum rates of wages for unskilled workers employed in certain commercial and industrial establishments in Azad Kashmir:

It is hereby enacted as follows:-

- 1. Short title, extent, commencement and application:-** (1) This Act may be called the Azad Jammu and Kashmir minimum wages for unskilled workers Act 1975.
 - (2) It extends to the whole of Azad Jammu and Kashmir Territory.
 - (3) It shall come into force at once.
 - (4) It shall apply to every commercial and industrial establishment where in fifty or more persons are employed or were employed on any day during the proceeding twelve months, but shall not apply to:-
 - (a) Any establishment, undertaking or installation relating to the Defense service, Civil Armed Forces, Postal, telegraph and telephone services, ports, fire-fighting services, electricity, gas, water-supply, public conservancy and hospitals, and
 - (b) Any establishment or undertaking, which Government; by notification in the official Gazette, declares to be engaged in a public utility service for the purposes of this Act.

- 2. Definition:** In this Act, unless the context otherwise requires-
- (a) 'Apprentice' means a learner who is paid an allowance during the period of training;
 - (b) 'Commercial establishment' means an establishment in which the business of advertising, commission or forwarding is conducted, or which is a commercial agency, and includes a clerical department of a factory or of any industrial or commercial under taking, the office establishment of a person who for the purpose of fulfilling a contract with the owner of any commercial establishment or industrial establishment, employer workmen, a unit of a Joint-stock company, an insurance company, a banking company or a bank a broker's office or stock exchange, a club, a hotel, a restaurant or an eating house, a cinema or theatre, and such other establishment or class thereof, as Government may, by notification in the official Gazette, declare to be a commercial establishment for the purposes of this Act;
 - (c) 'Employer' means a person owing or having charge of the business of commercial or industrial establishment and includes and agent or manager or any other person acting on behalf of such person in the general management or control of such establishment.
 - (d) "Government" means the Azad Government of the State of Jammu and Kashmir.
 - (e) "Industrial area" means the districts of Muzaffarabad, Mirpur Poonch, and Kotali;
 - (f) "Industrial establishment" means:-
 - (i) A mine or quarry;
 - (ii) A workshop or other establishment in which the work of making, altering, repairing, ornamenting, finishing or packing or otherwise treating any article or substance with a view of its use, as sale, transport, delivery or disposal is carried on, or where any such service is rendered to a customer; and
 - (iii) Any other establishment which Government may, by notification in the official Gazette,

declare to be an industrial establishment.

- (g) "Wages" means all cash remuneration payable to a workman, and includes dearness allowance, house rent, conveyance allowance, any other fixed allowance but does not include traveling allowance, gratuity or bonus;
- (h) "Unskilled worker" means a worker employed to be unskilled, Labour; and
- (i) "Worker" means any person employed in a commercial or industrial establishment.

- 3. Minimum wages in commercial and industrial establishment:-** Every unskilled worker, other than an apprentice, employee in commercial or industrial establishment situated in an area specified in column 1 of the schedule, shall be paid wages at a rate not lower than the minimum wages per month specified against such area in column 2 of the schedule;

Provided that where an employer provides housing accommodation to a worker, he may deduct from the wages of such worker, an amount not exceeding that specified in column 3 of the Schedule, and where the employer provides a worker with transport to and from the place of work, he may deduct from the wages of such a worker an amount not exceeding that specified in column 4 of the Schedule.

Explanation: In this section, months means a normal working period of twenty six days, calculated at the rate of forty-eight hours of work per week.

- 4. Responsibility for payment of Minimum wages:** Every employer shall be responsible for the payment of minimum wages required to be paid under this Act to all unskilled workers, employed, either directly or through a contractor, in his commercial or industrial establishment.

- 5. Agreements under Duress to be void:** All agreement arrived at between the employers and the workers under duress shall, from the date of coming into force of this Act, be void.

Explanation: In this Section the word "Under duress" includes circumstances in which due to fear either party is in state of mental incompetence to resist pressure improperly brought to bear due to violence or threat of violence.

6. **Effect of Laws, Orders, agreements, etc, inconsistent with this Act:** The provision of this act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in any order or notification made or issued under any such law or in any award, agreement or contract of service;

Provided that where under any such law, order, notification, award, agreement or contract of service, other than an agreement declared to be void under section 5, and unskilled worker is entitled to wages which are higher than the minimum wages required to be paid under this Act, he shall continue to be paid such higher wages.

7. **Penalty:** Any employer who contravenes any provisions of this Act shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.
8. **Cognizance of offences:** No Court shall take cognizance of any offence under this Act save on complaint made by an aggrieved worker or by an officer of a registered trade union of which such worker is a member, or any person authorized in this behalf by Government.
9. **Repeal:-** The Azad Jammu and Kashmir Minimum Wages for unskilled worker Ordinance, 1975 (Ordinance XXIII of 1975) is hereby repealed.

Sd/- (Mohammad Akram Shah)
Deputy Secretary Law