

Topic: Wages Lower Than That Of Minimum Wages Act Even During The Pandemic Attracts Article 23

Name of the Case: Sanjit Roy v. State of Rajasthan, AIR 1983 SC 328

Bench: Justice P.N. Bhagwati and Justice R.S. Pathak

Fact of the Case: Because of famine conditions in the countryside, the Public Work Department of the State of Rajasthan started a road project as a famine relief measure and a large number of workers were employed on this project.

The State was paying to this worker less than the minimum wages fixed for unskilled workers in the State. The State claimed that this was authorised by the Rajasthan Famine Relief Work Employees Exception from Labour Laws Act, 1964. The State argued that because of the exception act, the minimum wages act was not applicable to employees engaged on a famine relief work.

The State argued that what it was doing was to provide relief to the person affected by drought and famine, and that its potential to help people would be very much reduced, and it would not be able to render help to maximum number of sufferers, if it were to give minimum wages to the workers.

Ratio: The Supreme Court invalidated the payment by State of wages lower than the minimum wages to the person employed on the mild relief work under Article 23. Rejecting the arguments, the Supreme Court ruled that even those persons who are employed on the relief work should be paid the legal minimum wages and not less than that as that would be invalid under Article 23.

In other words of Justice Bhagwati, "where a person provides labour or services to another for remuneration which is less than the minimum wages, the level of service provided by him clearly falls within the meaning of word forced labour and attract the condemnation of Article 23."

Whenever any labour or service is taken by the State from any person, even if the person is affected by drought and/or scarcity condition or not, the state must pay, at least, minimum wages to him/her to save violation of Article 23.

Rejecting the argument of the State that it was providing relief to person affected by drought and famine, the Supreme Court held that though the plea of State might seem possible but it was unsustainable.

The State is not giving dole or bounty to the affected persons, the work done by them is not worthless or useless to the society as to do so would be sheer waste of human labour and resources which could be usefully devoted to fruitful and productive channels leading to community welfare and creation of national wealth or asset. Therefore, if persons are employed in doing useful work, there can be no justification for the state not to pay the minimum wages.

Justice Bhagwati observed on this point as follows;

"The State cannot be permitted to take advantage of helpless condition of the affected persons and extract labour or services from them on payment of less than the minimum wages. No work of utility and value can be allowed to be constructed on the blood and sweat of persons who are reduced to a state of helplessness on account of drought and scarcity conditions.

The State cannot under the use of helping these affected persons extract work of utility and value from them without paying them minimum wages. Whenever any labour or services is taken by the state from any person, whether he be affected by brought, scarcity conditions or not, the state must pay, at least, minimum wages to such persons insofar as any exception provided by statute excludes the applicability of the Minimum Wages Act, 1948 to workman employed on famine relief work and permits payment of less than minimum wages to such workmen, must be held to be invalid as offending the provisions of Article 23."

The expression forced labour in Article 23 is of the widest amplitude and on its true interpretation, it covers very possible form of forced labour, begar or otherwise, and it makes no difference whether the person is forced to give his labour or services to another is remunerated or not.

Justice Bhagwati emphasise that Article 23 "is intended to eradicate the pernicious practice of forced labour and to wipe it out altogether from the national scene." Therefore, the exception act which warranted payment of less than minimum wages on the five main relief work was held to be unconstitutional. The court therefore directed the state to pay to those workers the minimum wages and also to pay them the difference between the minimum wages and the actual wage paid for the past services.