



THE WORLD IN THE EYES OF LAW

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Preface

A thought that has been enduring in mind when becomes real is truly an interesting and exciting experience. This book is one such cherished work that has its roots in the persuasion of many authors, contributors and also mentors which has now embellished to become the snapshot of the innumerable efforts put in since months. This book serves to reinforce increased awareness, improved interaction and integration among all of us.

As the Editor of this book entitled “The World in the Eyes of Law”, I wish to thank all researchers, who have submitted their contributions. The main aim of this book is to enhance knowledge among researchers, students and the legal fraternity at large and to provide an opportunity for creative research and multi-level consideration of broader issues related to legal insight from both national and interdisciplinary perspective.

It has been indeed a pleasure going through the journey of compiling and editing this book. This maiden issue will surely inspire all of us for a new beginning and enlighten the minds of young scholars with hope, confidence and faith.

Happy reading!

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“Concept of Wages and Issues of Minimum Wages”

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ABSTRACT

The labourers in India rarely got paid proportionate to their labour. To deal with this problem and to offer reasonable and fair salaries to every worker the Minimum Wages Act, 1948 and recently the Wages Code were introduced by the government. Different wage conceptions have been introduced by legislation. Even the Indian Constitution, in Article 43, mandates that workers be paid a living wage in order to maintain their material well-being, health, and decency. The researcher attempted to comprehend the notion of wages, its history, and various types of pay through this article. The article also throws light on minimum wages, its purpose, issues along with this it also focuses on the new wage code and challenges pertaining to it.

Keywords: *Wages, Labour, Payment, Government, Employment*

INTRODUCTION

It is widely believed that workers should be paid at least minimum wages in order to maintain a basic level of living, i.e. a wage that is just enough to keep the worker's body and soul together. Wage is a payment made to labourers in exchange for their services. It could be paid on a daily, weekly, fortnightly, monthly, hourly, or unit basis. Laborers have traditionally had no say in determining their wages due to a lack of negotiating power. Low-wage informal labour employs a large portion of India's workforce. COVID-19-induced lockdown has had a significant impact on India's labourers (daily wage earners). As a result, the country's poverty level rises, hurting worker/labourer earnings and employment.

Focusing on the pre-covid era, according to the Periodic Labour Force Survey (2018-19), less than 10% of the workers are employed in consistent formal jobs, earning a sum beyond the reasonable minimum wage (roughly Rs 26,000 per month). Another 14% work in conventional informal jobs and make an estimate of Rs 9,500 per month that is almost moderately higher than the minimum wage. Self-employed and temporary workers account for 50% and 24% of the market, respectively, with typical incomes substantially below the minimum wage (Rs 8,400 per month for the self-employed and Rs 209 per day for casual labour).¹

The present article is an effort to understand the changing society and the issues related with wages suffered by the organized and unorganized labour class. The legal provisions though not implemented properly but seems to protect organized The article discusses about the kinds of wages including “minimum wage, fair wage, living wage, need based minimum

¹Radhicka Kapoor & Nomaan Majid, *Minimum wage must be shaped by aim of enhancing incomes and consumption*, INDIAN EXPRESS (Aug. 07, 2021), <https://indianexpress.com/article/opinion/columns/minimum-wage-mgnrega-workers-employment-6544924/>.

wage” and the recently introduced floor wage. This article also throws light on the Wage Code, 2019 with the challenges it may face and certain suggestion with regard.

WAGES: DEFINITION & MEANING

Wages are defined as cash reward for any service or labour rendered. Wages, like other prices, are controlled by demand and supply in the labour market. The term "wages" is elaborated in Section 2(h) of the Minimum Wages Act of 1948 as "all remuneration capable of being expressed in terms of money that would be payable to a person employed in respect of his employment or work done in such employment if the terms of the contract of employment express or implied were fulfilled, and includes house rent allowance but excludes: "The value of-

- a. Any house accommodation supply of light water medical attendance or
- b. Any other amenity or any service excluded by general or special order of the appropriate government;
- i. Any contribution paid by the employer to any person fund or provident fund or under any scheme of social insurance;
- ii. Any raveling allowance or the value of any travelling concession;
- iii. Any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or
- iv. Any gratuity payable on discharge.”

According to the aforementioned definition, three conditions must be met before the payment may be deemed to be included:

- i. It must be remuneration.
- ii. Such remuneration must be able to be quantified in monetary terms.
- iii. It should be paid once the provisions of the employment contract have been met.

In India, wages are lower since capital is scarce and labour is plentiful but less effective. Minimum wages, on the other hand, are not market-clearing wages. They are regulated salaries designed to keep market wages from falling below the subsistence level. Minimum wages are required to pay a small family's essential current costs of housing, food, and clothing. There can be seen a difference of payment of wages of workers from formal (organised) and informal (unorganised) sector of labour. Workers in the informal sector differ from those in the formal sector in the following ways: a) tasks in the organised sector are controlled by law, whereas those in the unorganised sector are not; and b) workers in the organised sector are protected by social security laws, whereas those in the unorganised sector are not.²

²Ayush Verma, *Unorganised sector: problems of facilities, wages and job security*, IPLEADER (Aug. 09, 2021), <https://blog.ipleaders.in/unorganised-sector-problems-facilities-wages-job-security/>.

Message from the Publisher's desk

We, at Pen Acclaims, take immense pleasure in welcoming you to our new venture, "The World in the Eyes of Law". We have created this publication with the intention of providing a space for the generation of knowledge, dialogue, critique, debate, and collaboration among an international community of child, youth, family and community practitioners and scholars. The immediacy of e-based publication makes it possible for us all to be fully connected to each other and to developments in our field and to be directly involved in ongoing knowledge construction. Our journal is independent of corporate demands and we can therefore invite you to be full participants in the creative process that we are undertaking together. Our vision is to create a high-quality publication that will be relevant, challenging, thought-provoking, and inclusive of a diverse range of voices and perspectives, including graduate students, academic researchers and scholars, policy-makers, and child, youth and family serving practitioners. We welcome original research, theoretical contributions, reviews of the literature, critical commentaries, case studies, book reviews, and works-in progress. It is our intention from time to time, to offer guest edited special issues as books as well as journal offerings. We do this in order to support access and diversity in the ever narrowing corporatized world of academic publication. We are delighted that you are joining us as readers and hope you will also join us as contributors.



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