

# Minimum Wages (Gujarat Amendment) Act, 1961

GUJARAT

India

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### Act 22 of 1961

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An Act further to amend the Minimum Wages Act, 1948, to its application to the State of Gujarat It is hereby enacted in the Twelfth Year of the Republic of India as follows:-

**1. Short title.-This Act may be called the Minimum Wages (Gujarat Amendment) Act, 1961.**

**2. Amendment of Section 3 of Act XI of 1948.-In Section 3 of the Minimum Wages Act, 1948 hereinafter referred to as "the Principal Act"-**

(1) in clause (a) of sub-section (1)-(a) in sub-clause (i), the following provisos shall be added at the end, namely:-"Provided that where the appropriate Government is the State Government this sub-clause shall have effect as if the words, figures and the letters "before 31st day of December, 1959" had been deleted: Provided further that the State Government may, instead of fixing minimum rates of wages under this sub-clause for the whole State, fix such rates for a part of the State, and in the case of an employment under any local authority the State Government may fix such rates for any specified local authority, or class of local authorities;" ;(b) in sub-clause (ii), (i) after the figure "1959" the following proviso shall be inserted, namely: "Provided that where the appropriate Government is the State Government, this sub-clause shall have effect as if the words, figures and letters "before the 31st day of December, 1959" had been deleted; and (ii) for the words "provided that" the words "Provided further that" shall be substituted; (c) in sub-clause (iii) the following provisos shall be added at the end, namely: "Provided that, the State Government may, instead of fixing minimum rates of wages under this sub-clause for the whole State, fix such rates for a part of the State: Provided further that, where the State Government has for any reason not fixed the minimum rates of wages in respect of any such employment before the expiry of one year from the date of such notification, nothing contained in this sub-clause shall, after the commencement of the Minimum Wages (Gujarat Amendment) Act, 1961, prevent the State Government from fixing the minimum rates of wages in respect of such employment even after the expiry of the said period of one year." (2) to sub-section (1-A), the following proviso shall be added, namely: "Provided that,

where the State Government has for any reason not fixed the minimum rates of wages in respect of any scheduled employment within one year from the date on which it came to a finding as aforesaid in respect of such employment, nothing contained in this sub-section shall, after the commencement of the Minimum Wages (Gujarat Amendment) Act, 1961, prevent the State Government from fixing the minimum rates of wages in respect of such employment even after the expiry of the said period of one year."

### **3. Insertion of Section 21-A in Act XI of 1948.-After Section 21 of the Principal Act, the following section shall be inserted, namely:**

"21-A. Liability for payment of court-fee.-(1) In any proceedings under Section 20 the applicant shall not be liable to pay any court-fees (other than fees payable for service of process) in respect of such proceedings:Provided that, when the application is presented by an Inspector, he shall not be liable to pay the process fees also.(2)Where the applicant succeed in such proceedings, the authority hearing the application shall calculate the amount of court-fees which would have been payable by the applicant but for sub-section (i) and direct the employer or other person responsible for the payment of wages under Section 12 to pay the amount to the State Government. The amount shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue."

### **4. Amendment of Section 22-B of Act XI of 1948.-In Section 22-B of the Principal Act, in sub-section (2) for clause (b) the following shall be substituted, namely-**

"(b) under Section 22-A, unless the complaint thereof is made within six months of the date on which the offence becomes known to the Inspector;"

### **5. Amendment of Schedule to Act XI of 1948.-(1) In the Schedule to the Principal Act, in Part I, the following entries shall be deleted, namely-**

(a)the entries-(i)"Employment in salt-pan industry.";(ii)"Employment in any residential hotel, restaurant or eating house as defined in the Bombay Shops and Establishments Act, 1948.";(iii)"Employment in any industry in which any process of printing by letter-press, lithography, photogravure or other similar work or work incidental to such process or book-binding is carried on."; and(iv)"Employment in any cotton ginning or cotton pressing manufactory.";as added to the said Schedule in its application to the Bombay area of the State of Gujarat;(b)the entries-(i)"Employment in salt-pan industry,."; and(ii)"Employment in the cotton ginning and cotton pressing factories.";as added to the said Schedule in its application to the Saurashtra area of the State of Gujarat; and(c)the entry-"Employment in any shop or commercial establishment, other than covered under any of the other entries in this Schedule.Explanation.-For the purposes of this entry, the expressions 'shop' and 'commercial establishment' shall have the same meanings as assigned to them in the Bombay Shops and Establishments Act, 1948.";as added to the said Schedule in its application to the State of Bombay.(2)In Part I of the Schedule to the Principal Act, after Entry 12, the following entries shall be added to the said Part in its application to the State of

Gujarat, namely:-"13. Employment in any residential hotel, restaurant or eating house as defined in the Bombay Shops and Establishments Act, 1948.

**14. Employment in any industry in which any process of printing by letter-press, lithography, photo gravure or other similar work or work incidental to such process or book-binding is carried on.**

**15. Employment in any cotton ginning or cotton pressing manufactory.**

**16. Employment in any shop or commercial establishment, other than that covered under any of the other entries in this Schedule.**

Explanation.-For the purposes of this entry, the expressions 'shop' and 'commercial establishment' shall have the meanings respectively assigned to them in the Bombay Shops and Establishments Act, 1948."(3)The deletion under sub-section (1) of any entry specified in that sub-section shall not affect any minimum rates of wages in force under the Principal Act, immediately before the commencement of this Act in any area in respect of any employment specified in such entry, and such rates shall, subject to the provisions of clause (b) of sub-section (1) of Section 3 of the Principal Act, continue in force in such area as if they had been fixed or revised in respect of the corresponding employment specified in the Schedule to the Principal Act as amended by this section.