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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
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The following Act of the Gujarat Legislature, having been assented to by the President on the 11th May 1961, is hereby published for general information.

AKBAR S. SARELA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XXII OF 1961

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 18th May 1961).

An Act further to amend the Minimum Wages Act, 1948, in its application to the State of Gujarat.

It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

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

Amendment of section 3 of Act XI of 1948. 2. In section 3 of the Minimum Wages Act, 1948 (hereinafter referred to as " the principal Act "), — XI of 1948.

(1) in clause (a) of sub-section (1) —

(a) in sub-clause (i), the following provisoes 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 letters “ before the 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 figures “ 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 provisoes 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.” ; Guj. XXII of 1961.

(2) to sub-section (1A), 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.”. Guj. XXII of 1961.

3. After section 21 of the principal Act, the following section shall be inserted, namely :—

Insertion of section 21A in Act XI of 1948.

“ 21A. (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 : Liability for payment of Court-fees.

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 succeeds 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 (1), 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. In section 22B of the principal Act, in sub-section (2), for clause (b), the following shall be substituted, namely :— Amendment of section 22B of Act XI of 1948.

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

5. (1) In the Schedule to the principal Act, in Part I, the following entries shall be deleted, namely :— Amendment of Schedule to Act XI of 1948.

(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 that covered under any of the other entries in this Schedule.

Explanation.— For the purposes of this entry, the expression '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. Bom.
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of 1948.

14. 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.

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. Bom.
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of 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.