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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
and Regulations made by the Governor.

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The following Act of the Gujarat Legislature, having been assented to by the President on the 31st May, 1961, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XXVI OF 1961

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 12th June 1961.)

An Act to provide for uniformity in the provisions of the Payment of Wages Act, 1936; in its application to the State of Gujarat and further to amend that Act as so uniformly applied.

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

1. This Act may be called the Payment of Wages (Gujarat Provision Short title, for Uniform Application and Amendment) Act, 1961.

Extension of certain enactments amending Act IV of 1936 to whole State.

2. For the purpose of providing for the uniform application of the Pay-IV of 1936. ment of Wages Act, 1936 throughout the State of Gujarat—,

(i) the Payment of Wages (Bombay Amendment) Act, 1953 (Bom. LXII of 1953), and

(ii) the Payment of Wages (Bombay Amendment) Act, 1955 (Bom. XLVIII of 1955), hereinafter referred to as "the said two Acts", as in force in the Bombay area of the State of Gujarat immediately before the date of the commencement of this Act shall be amended in the manner and to the extent specified in the Schedule and the said two Acts as so amended and the Payment of Wages (Bombay Amendment) Act, 1954 (Bom. LXX of 1954) as so in force in the said area are hereby extended to, and shall by virtue of such extension be in force in the Saurashtra and Kutch areas of the State of Gujarat; and accordingly, the Payment of Wages Act, 1936 shall on the commencement of this Act be deemed to be amended also in its application to those areas of the State. IV of 1936.

Amendment of section 6 of Act IV of 1936.

3. In the Payment of Wages Act, 1936 in its application to the State of Gujarat (hereinafter referred to as " the principal Act") for section 6 the following shall be substituted, namely :—

Wages to be paid in current coin or currency notes.

"6. All wages shall be paid in current coin or currency notes, or in both :

Provided that, where the amount of any bonus payable to an employed person exceeds an amount equal to one-fourth of his earnings (exclusive of dearness allowance) for the year to which the bonus relates, such excess shall be paid or invested in the manner prescribed.

Explanation.—For the purposes of this section, the expression.—

(1) "wages" shall include any bonus of the description given in sub-clause (1), of clause (vi) of section 2; and

(2) "bonus" means bonus payable to an employed person under the terms of employment or under an award or settlement or order of a court, and also includes any bonus of the description given in sub-clause (1) of clause (vi) of section 2."

Amendment of section 7 of Act IV of 1936.

4. In section 7 of the principal Act, in sub-section (2) in clause (k), the words "for being deposited in any Post Office Savings Bank" shall be deleted.

Amendment of section 15 of Act IV of 1936.

5. In section 15 of the principal Act, in sub-section (1A), for the portion beginning with the words " of a Labour Court" and ending with the words "Judicial Magistrate" the following shall be substituted, namely :—

Bom. XI of 1947. Bom. XIV of 1947.

“as a stipendiary Judicial Magistrate (or as a Judge of a Labour Court or as judicial member of the Industrial Court constituted under the Bombay Industrial Relations Act, 1946 or as Presiding Officer of a Tribunal constituted under the Industrial Disputes Act, 1947 ”.

6. In section 17 of the principal Act, in sub-section (1) —

Amendment of section 17 of Act IV of 1936.

(1) for clause (b), the following shall be substituted, namely :—

Bom. XI of 1947.

“(b) by an employed person, or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf, or a representative union registered as such under the Bombay Industrial Relations Act, 1946, or any Inspector under this Act, or any other person authorised by an authority to make an application under sub-section (2) of section 15, and in the case of the death of the employed person by his legal representative, as the case may be if the total amount of wages claimed to have been withheld from the employed person, or from the unpaid group to which the employed person belonged, exceeds fifty rupees, or ”;

(2) after the first proviso, the following shall be added, namely :—

Bom. XI of 1947. Bom. XIV of 1947.

“Provided further that, when the order or direction appealed against was made by any person who holds or has held office of or above the rank of a District Judge or a judicial member of the Industrial Court constituted under the Bombay Industrial Relations Act, 1946, or the presiding officer of a Tribunal constituted under the Industrial Disputes Act, 1947, an appeal under this section shall lie to the High Court.”.

LXVIII of 1957. Bom. XI of 1947. Bom. XIV of 1947.

7. In section 17A inserted in the principal Act, by section 8 of the Payment of Wages (Amendment) Act, 1957, in sub-section (1), for the words “any official of a registered trade union authorised in writing to act on his behalf” the words “any other person or a representative union competent to present such appeal,” shall be substituted.

Amendment of section 17A of Act IV of 1936 inserted by Act LXVIII of 1957.

Bom. LXX of 1954.

8. Section 17A as inserted in the principal Act by section 3 of the Payment of Wages (Bombay Amendment) Act, 1954, shall be renumbered as section 17B of the principal Act.

Renumbering of section 17A of Act IV of 1936 inserted by Bom. LXX of 1954.

Bom. XXXVII of 1956. Sau. Act XLVII of 1955.

9. The Payment of Wages (Bombay Amendment) Act, 1956 and the Payment of Wages (Saurashtra Amendment) Act, 1955 are hereby repealed.

Repeal of Bom. XXXVII of 1956 and Sau. Act XLVII of 1955.

SCHEDULE

(See section 2)

Serial No.	Acts	The manner and extent of amend- ment
1	2	3
1	The Payment of Wages (Bombay Amendment) Act, 1953 (Bom. LXII of 1953).	Section 3, clauses (1) and (4) of section 4 and clause (2) of section 6 shall be deleted.
2	The Payment of Wages (Bombay Amendment) Act, 1955 (Bom. XLVIII of 1955).	Section 4 shall be deleted.