

# THE PAYMENT OF WAGES (KARNATAKA AMENDMENT) ACT, 1976.

## ARRANGEMENT OF SECTIONS

Sections :

1. Short title, extent and commencement.
2. Repeal of certain enactments.
3. Amendment of section 7.
4. Amendment of section 13.
5. Amendment of section 15.
6. Insertion of new section 15A.
7. Amendment of section 17.
8. Amendment of section 21.
9. Amendment of section 26.

SCHEDULE.

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## STATEMENT OF OBJECTS AND REASONS

**Act 2 of 1977.-** Prior to 1st November 1956 there were many local amendments in respect of several provisions of the Payment of Wages Act which are till in operation in different areas of the Karnataka State with a view to secure uniformity in the application of the Payment of Wages Act, all these local amendments are proposed to be repealed. Only such of the provisions in the local amendments which are desirable are proposed to be incorporated in the Central Act. Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A as No. 4420 dated 8-11-1976 at page 5.)

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KARNATAKA ACT No. 2 OF 1977.

*(First published in the Karnataka Gazette, Extraordinary on the Sixteenth day of March, 1977)*

**THE PAYMENT OF WAGES (KARNATAKA AMENDMENT) ACT, 1976.**

*(Received the assent of the President on the Ninth day of March 1977)*

**An Act further to amend the Payment of wages Act, 1936, in its application to the State of Karnataka.**

WHEREAS it is expedient further to amend the Payment of wages Act, 1936 (Central Act 4 of 1936) in its application to the State of Karnataka;

BE it enacted by the Karnataka State Legislature in the Twenty-seventh year of the Republic of India as follows :-

**1. Short title, extent and commencement.-** (1) This Act may be called the Payment of Wages (Karnataka Amendment) Act, 1976.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force on such '[date]' as the State Government may, by notification in the Official Gazette, appoints

**2. Repeal of certain enactments.-** (1) The enactments specified in the Schedule, as in force in the respective areas of State mentioned against each enactment are hereby repealed.

(2) As from the date appointed under sub-section (3) of section 1, the amendments made by the enactments repealed by sub-section (1) (hereinafter in this section referred to as the repealed enactments) shall cease to continue and shall be omitted from the Payment of Wages Act, 1936 (Central Act 4 of 1936) (hereinafter in this Act referred to as the principal Act), and such of the provisions thereof as were affected by the repealed enactments shall stand revived to the extent to which they would have otherwise continued in operation but for the passing of the repealed enactments and after such revival, the enactments made to the Principal Act by this Act shall become operative:

Provided that in respect of provisions which cease to continue by virtue of this section, the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) shall be applicable as if such provisions were enactments repealed by a Karnataka Act and in respect of provisions which cease to continue but are re-enacted by this Act, the provisions of sections 8 and 24 of the said Karnataka General Clauses Act, 1899, shall be applicable as if the said provisions had been repealed but re-enacted by a Karnataka Act.

**\*3. Amendment of section 7.-** In section 7 of the principal Act in sub-section (2), after clause (p), the following clauses shall be added namely:-

"(q) deductions to recover from a person re-employed after the termination of his former employment any amount paid to him from a provident fund or as a gratuity on such termination:

Provided that such recovery shall not exceed 20 per cent of total earnings. Re-employment in this context means employment under the same employer;

(r) deduction specially authorised by the State Government for purposes beneficial to the employed person".

**\*4. Amendment of section 13.-** In section 13 of the principal Act,-

(1) for the heading the following heading shall be substituted, namely:-

**"13. Other deductions."**

(2) for the words, letters and brackets, "under clause (j) and clause (k)" the words, letters and brackets "under clause (j), clause (k), clause (q) and clause (r)" shall be substituted.

*\* Further amended by Act 2 of 1982.*

**5. Amendment of section 15.-** In section 15 of the principal Act,-

(1) in sub-section (2), after the word, brackets and figure "sub-section (3)", the following shall be inserted, namely:-

"and in case of death of the employed person, it shall be lawful for his legal representatives to make an application for such direction";

(2) for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) Any amount directed to be paid under this section may be recovered by the authority as an arrear of land revenue and the authority shall for that purpose be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890".

**6. Insertion of new section 15A.-** After section 15 of the Principal Act, the following section shall be inserted, namely:-

**"15A. Liability for payment of court fees.-** (1) In any proceedings under section 15, the applicant shall not be liable to pay any court fees (other than fees payable for the 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 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 3 to pay such amount to the State Government. Such amount shall, without prejudice to any other mode of recovery be recoverable as an arrear of land revenue.

(3) When an appeal is preferred under section 17 by a person making an application under section 15, the provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply with the modification that such person, not being an Inspector, shall pay court fees of an amount of five rupees, but that such amount shall be refunded to him in the event of his succeeding in the appeal."

**7. Amendment of section 17.-** In section 17 of the principal Act,-

(1) in sub-section (2), after the words, brackets and figure "sub-section (4) of that section" the words, brackets, figures and letter, "or any order made under sub-section (1) of section 17A" shall be inserted.

(2) after sub-section (4), the following sub-section shall be added, namely:-

"(5) the provisions of section 5 of the Limitation Act, 1963 shall be applicable to appeals under this section."

**8. Amendment of section 21.-** In section 21 of the principal Act,-

(1) in sub-section (1), for the words "and the authority empowered under the latter section or the Appellate Court granting such application", the words "by the authority or the Appellate Court or the State Government or any Officer authorised by it in this behalf" shall be substituted;

(2) in sub-section (2) for the words and figures "the authority empowered under section 15 or the Appellate Court", the words "the State Government or the officer authorised by it in this behalf" shall be substituted.

**9. Amendment of section 26.-** In section 26 of the principal Act in sub-section (3), in clause (k) for the words "Court fees", the words "*ad valorem* or fixed court fees" shall be substituted.

### SCHEDULE

(See section 19)

| Sl. No. | Year of Enactment | No.of Enactment | Name of Enactment                                 | Area where the enactment is in force |
|---------|-------------------|-----------------|---|--------------------------------------|
| 1       | 1952              | XV              | The Payment of Wages (Mysore Amendment) Act, 1952 | Mysore Area                          |
| 2       | 1953              | LXII            | The Payment of Wages (Bombay Amendment) Act, 1953 | Belgaum Area                         |
| 3       | 1954              | LXX             | The Payment of Wages (Bombay Amendment) Act, 1954 | Belgaum Area                         |
| 4       | 1955              | XLVIII          | The Payment of Wages (Bombay Amendment) Act, 1955 | Belgaum Area                         |
| 5       | 1956              | XXXVII          | The Payment of Wages (Bombay Amendment) Act, 1956 | Belgaum Area                         |

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1. Act is said to have come into force on 01.02.1982 by notification Text of notification not available.