

# The M.P. Payment of Wages Rules, 1962

MADHYA PRADESH

India

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### Rule THE-M-P-PAYMENT-OF-WAGES-RULES-1962 of 1962

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The M.P. Payment of Wages Rules, 1962 Published vide Notification No. 5775-4912/16, dated 30-7-1962, M.P. Rajpatra, Part 4 (Ga), dated 28-9-1962 at p. 620 In exercise of the powers conferred by sub-sections (1) and (2) of Section 26 of the Payment of Wages Act, 1936 (IV of 1936), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (5) of Section 26 of the Act.

#### 1. Title.

- These rules may be called the Madhya Pradesh Payment of Wages Rules, 1962.

#### 2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context (otherwise requires) :- (a) "the Act" means the Payment of Wages Act, 1936 (IV of 1936); (b) "appeal" means an appeal under Section 17; (c) "the Authority" means the authority appointed under sub-section (1) of Section 15 of the Act; (d) "the Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of Section 8 of the Factories Act, 1948 (No. 63 of 1948); (e) "Commissioner of Labour" means the Commissioner of Labour appointed under sub-section (1) of Section 3 of the Madhya Pradesh Industrial Relations Act, 1960 (No. 27 of 1960); (f) "the Court" means the Court mentioned in sub-section (1) of Section 17 of the Act; (g) "deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to sub-section (2) of Section 9; (h) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of Section 7; (i) "employer" includes the persons responsible for the payment of wages under Section 3; (j) "Form" means a form appended to these rules; (k) "Inspector" means the Inspector authorised by, or under, Section 14 of the Act; (l) "person employed" excludes all persons to the payment of whose wages the Act does not apply; (m) "section" means a section of the Act. (n) "pay-master" means an employer or other person responsible under Section 3 of the Act for the payment of wages; (o) Words and expressions defined in the Act shall be deemed to have the

same meaning as in the Act.

## **Part I – 3. Register of Fines.**

(1) In any factory in respect of which the employer has obtained approval under sub-section (1) of Section 8 to a list of acts and omissions in respect of which fines may be imposed, the pay-master shall maintain a Register of Fines in Form I. (2) At the beginning of the Register of Fines there be entered serially numbered the approved purpose or purposes on which the fines realised are to be expended. (3) When any disbursements are made from the fines realised, a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be obtained in duplicate, of which one copy shall be forwarded to the Chief Inspector of Factories for his information and the other copy shall be maintained by the employer and shall be available to an Inspector on demand. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.

## **4. Register of deductions for damage or loss.**

- In every factory in which deductions for damage or loss are made, the pay-master shall maintain the Register required by sub-section (2) of Section 10 in Form II.

## **5. Register of Wages.**

- A Register of Wages shall be maintained in every factory and may be kept in such form as the pay-master finds convenient but shall include the following particulars :- (a) name, ticket number and designation of each employee; (b) rate of salary or wages of each employed person; (c) particulars of attendance put in by each worker or quantum of work with particulars thereof performed by each employee engaged on piece work, in the wage period; (d) the gross wages earned by each person employed for each wage period; (e) advance against wages of the period made to each employee in the wage period; (f) all deductions made from those wages with an indication in each case of the clause of sub-section (2) of Section 7 under which the deduction is made; (g) the wages actually paid to each person employed for each wage period; (h) date of payment.

### **5A. [Inserted by Notification No. 3080-921-XVI-A, dated 8-5-1981.]**

A copy of the entries made in the register of wages maintained under Rule 5 shall be supplied free of charge within a week of the entries made in the register to every person employed in the factory where the number of persons employed is one hundred or more.]

## **6. Maintenance of Registers.**

(1) The registers required by Rules 3, 4, 5 and 17 shall be preserved by the employer - (a) for twelve months after the date of the last entry made in them; or (b) for such longer period, as the Inspector may require in any particular case; or (c) as may be required by any law or rule or order of a Court or

other competent authority.(2)In the event of closure of a factory, the pay-master shall forthwith intimate to the Inspector the place where the registers referred to in sub-rule (1) above shall be available for inspection and notwithstanding the closure the person who was pay-master at the time of the closure shall continue to be liable to preserve them for the period prescribed in sub-rule (1).(3)Any person who succeeds the pay-master shall take charge of all the registers required to be preserved under clause (a) of sub-rule (1) of Rule 6 and if any such register is not available he shall immediately make a report to the Inspector.

## **7. Weights, measures and weighing machines.**

- All weights, measures, or weighing or measuring instruments which are used in checking, or ascertaining, the wages of persons employed in any factory shall be examined in accordance with the provisions of the law relating to weights and measures in force in different regions of the State. If the Inspector considers that any action should be taken under the said enactment or the Indian Penal Code, 1860 (XLV of 1860), he may seize the article in question for the purpose of inspection and shall report the matter with his opinion to the authority concerned for necessary action.

## **8. Notice of dates of payment.**

- The pay-master shall display, in a conspicuous place at or near the main entrance of the factory, a notice, in English and in Hindi written in Devanagari script, giving for not less than one month in advance the days on which wages are to be paid.

## **9. Prescribed authority.**

- The Chief Inspector of Factories shall be the authority competent to approve, under sub-section (1) of Section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of Section 8, the purposes on which the proceeds of fines shall be expended.

## **10. Application in respect of fines.**

- Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the Chief Inspector of Factories-(a)a list, in English, or in Hindi written in Devanagari script, in duplicate, clearly defining such acts and omissions;(b)in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list in duplicate, showing those appointments in his factory of which the incumbents may pass orders imposing fines and the class of establishment on which the incumbent of each such appointment may impose line.

## **11. Approval of list of acts and omissions.**

- The authority appointed under Rule 9 on receipt of the list prescribed in clause (a) of Rule 10 may, after such enquiry as he considers necessary, pass orders either-(a)disapproving the

list;(b)approving the list either in its original form or as amended by him, in which case such list shall be considered to be an approved list :Provided that no order disapproving or amending any list shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the list as submitted by him should be approved.

## **12. Postings of list.**

- The employer shall display at or near the maintenance of the factory a copy in Hindi written in Devnagari script of the list of acts and omissions approved under Rule 11.

## **13. Persons authorised to impose fines.**

- No fine may be imposed by any person other than an employer, or a person holding an appointment named in a list submitted under Rule 10.

## **14. Procedure in imposing fines and deductions.**

- No fine shall be imposed on and no deduction for damage or loss shall be made from the wages of an employed person until the person competent to impose the fine or make the deductions has intimated in writing or explained personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and the amount of the fine or deduction which it is proposed to impose or make and has heard and recorded his explanation in the presence of at least one other person.

## **15. Information to pay-master.**

- The person imposing a fine or directing the making of a deduction for a damage or loss shall at once inform the pay-master of all particulars, so that the entries in the register prescribed in Rule 3 or 4 may be duly completed.

## **16. Deductions for breach of contract.**

(1)No deduction for breach of contract shall be made from the wages for an employed person who is under the age of fifteen years or is a woman.(2)No deduction for breach of contract shall be made from the wages of any employed person unless-(a)there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of termination of his employment; and(i)the period of this notice does not exceed eight days or the wage-period, whichever is less; and(ii)the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;(b)this rule has been displayed in English and in Hindi written in Devnagari script at or near the main entrance of the factory and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;(c)a notice has been displayed at or near the main entrance of the factory giving the names of the persons from whom the deduction is proposed to be made, the number of

days wages to be deducted and the conditions (if any) on which the deduction shall be remitted :Provided that where the deduction is proposed to be made from all the persons employed in any department or sections of the factory, it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.(3)No deduction for breach of contract shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.(4)If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no deduction for breach of contract shall be made from any person who has complied with these conditions.

## **17. Advances.**

(1)An advance against wages not already earned shall not, without the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding two calendar months, or if he has not been employed for that period, the wages he is likely to earn during the two subsequent calendar months.(2)The advance may be recovered in instalments by deductions, from wages spread over not more than twelve months. No instalment shall exceed one-third, or where the wages for any wage period are not more than twenty rupees, one-fourth of the wages for the wage-period in respect of which the deduction is made :Provided that in the case of advances exceeding the ordinary limit made with the previous permission of an Inspector in accordance with sub-rule (1) the recovery may be spread over such larger period as the Commissioner of Labour (Madhya Pradesh), may fix on the application of the employer.(3)The amounts of all advances sanctioned and the repayments thereof shall be entered in a register in Form III.

## **18. Annual Return.**

- In respect of every factory subject to the Act, a return shall be sent in Form IV so as to reach the Chief Inspector of Factories not later than the 15th of February, following the end of the calendar year to which it relates.

## **19. Notice of appointment of a contractor.**

- Every pay-master shall notify to the Inspector appointment of any contractor in the factory for employing persons in the factory premises or precincts thereof in any of the manufacturing processes as defined in the Factories Act, 1948, or in any other kind of work incidental to or connected directly or indirectly therewith.

## **20. Statement of unpaid or unclaimed wages.**

- The pay-master shall submit forthwith a report to the Inspector in Form No. V in respect of such employees whose employment is terminated by or on behalf of the employer and who have failed to apply or accept their payment in accordance with sub-section (2) of Section 5.

## **21. Display of rates of wages.**

- In every factory, a notice shall be displayed in each department of the factory specifying occupation wise rates of wages payable to all persons employed in such factory other than those who are employed in position of supervision or management or those who are employed in a confidential position in accordance with the provisions of the Factories Act, 1948 and rules made thereunder.

## **22. Costs.**

(1)Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event, he shall state his reasons for so doing in writing.(2)The costs which may be awarded shall include-(a)the charges necessarily incurred on account of court-fees;(b)the charges necessarily incurred on subsistence money to witnesses; and(c)pleader's fees which shall ordinarily be Rs. 10 provided that the authority or the Court, as the case may be, in any proceedings, may reduce the fee to a sum not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.(3)When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.

## **23. Fees.**

(1)The court fee payable in respect of proceedings under the Act shall be-(i)For every application to summon a witness-Twenty-five naye Paise in respect of each witness.(ii)For every other application made by, or on behalf of, an individual person before the Authority-Fifty naye Paise.(iii)For every other application made by, or on behalf of, an unpaid group before the Authority-Twenty-five naye Paise for each member of the group, subject to maximum of five rupees.(iv)For every appeal lodged with the Court-Five rupees :Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit this fee :Provided further that no fee shall be chargeable in respect of an application presented by an inspector.(2)The court-fee payable for obtaining copies of orders and proceedings under the Act or of any document filed or of depositions taken before any authority or Court in such proceedings shall be the same as is payable for obtaining similar documents in a District Court :Provided that no fee shall be payable for copies obtained by Inspector:Provided further that the authority or the Court, as the case may be, may grant copies free of cost to any person in consideration of the poverty of such person.

## **24. Abstracts.**

- The abstracts of the Act and of the rules made thereunder to be displayed under Section 25 shall be in Form VI.

## **25. Application of rules to Industrial Establishment.**

- Where the provisions of the Act have been extended to any industrial establishment under sub-section (5) of Section 1 of the Act, every reference in these rules to-(a)a factory shall be deemed to include also a reference to such industrial establishment; and(b)Chief Inspector of Factories shall

be deemed to be a reference to the Commissioner of Labour.

## **26. Penalties.**

- Any breach of Rules 3, 4, 5, 6, 7, 10, 12, 13, 14, 15, 16, 17, 18 and 19 of these rules shall be punishable with fine which may extend to Rs. 200.

## **Part II – 27. Form of application.**

- Applications under sub-section (2) of Section 15 by or on behalf of an employed person or group of employed persons or an Inspector or any other person acting with the permission of the authority appointed under sub-section (1) of Section 15, shall be made in duplicate in Form VII, Form VIII or Form IX, as the case may be, one copy of which shall bear such court-fee as may be prescribed.

## **28. Authorisation.**

- The authorisation to act on behalf of an employed person or persons under Section 15 shall be given by a certificate in Form X which shall be presented to the Authority hearing the application and shall form part of the record.

## **29. Permission to appear.**

- Any person desiring the permission of the authority to act on behalf of any employed person or persons shall present to the Authority a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement, which in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

## **30. Presentation of documents.**

(1) Applications or other documents relevant to an application may be presented in person to the authority at any time during hours to be fixed by the Authority, or may be sent to him by registered post. (2) The Authority shall at once endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be.

## **31. Refusal to entertain application.**

(1) The Authority may refuse to entertain an application presented under Rule 30, if after giving the applicant an opportunity of being heard the Authority is satisfied for reasons to be recorded in writing that—(a) the applicant is not entitled to present an application; or (b) the application is barred by reason of the provisions in the provisos to sub-section (2) of Section 15; or (c) the applicant shows no sufficient cause for making a direction under Section 15. (2) The Authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete and, if it so refuses, shall return it at once with an indication of the defects. If the application is presented again after the

defects have been made good; the date of representation shall be deemed to be the date of presentation for the purposes of the provisos to sub-section (2) of Section 15. The period intervening the date of first presentation of an application and the date of returning of such application by the "Authority" (both days inclusive) shall be excluded.

### **32. Appearance of parties.**

(1) If the application is entertained, the Authority shall call upon the employer by a notice in Form XI to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified. (2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application ex parte. (3) If the applicant fails to appear on the specified date, the Authority may dismiss the application : Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the application re-heard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for re-hearing.

### **33. Record of proceedings.**

(1) The Authority shall in all cases enter the particulars indicated in Form XII and at the time of passing orders shall sign and date the Form. (2) In a case where no appeal lies, no further record shall be necessary. (3) In a case where an appeal lies, the authority shall record the substance of the evidence and shall append it under his signature to the record of direction in Form XII.

### **34. Signature on Forms.**

- Any form, other than a Record of Direction, which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

### **35. Exercise of powers.**

- In exercising the powers of a Civil Court conferred by Section 18 the Authority shall be guided in respect of procedure by the relevant orders of the First Schedule of the Code of Civil Procedure, 1908 with such alterations as the Authority may find necessary not affecting their substance, for adapting them to the matter before him and save where the conflict with the express provisions of the Act or these rules.

### **36. Appeals.**

(1) An appeal shall be preferred in duplicate in the form of a memorandum one copy of which shall bear the court-fee stamp of Rupee one, setting forth concisely the grounds of objection to the direction and shall be accompanied by a certified copy of that direction. (2) When an appeal is preferred a notice shall be issued to the respondent in Form XIII. (3) The Court after hearing the



parties and alter such further enquiry, if any, as it may deem necessary may confirm, vary or set aside the direction from which the appeal is preferred, and shall make an order accordingly.

### 37. Inspection of documents.

- Any employed person, or any employer or his representative, or any person permitted under sub-section (2) of Section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the authority or the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on payment of court-fee payable for inspection of similar documents in a District Court :Provided that an Inspector may inspect such documents without payment of any fee :Provided further that the Authority for the Court, as the case may be, may, in consideration of the poverty of the applicant, allow inspection of documents free of cost.

### 37A. [ Powers of Inspector. [Inserted by Notification No. 6727-XVI, dated 23-10-1971]

- In addition to the powers specified in Section 14 of the Act, an Inspector shall, for the purposes of the enforcement of the Act, have powers, subject to the provisions of the Act, to prosecute, conduct, or defend, before a Court any complaint or other proceedings arising under the Act, or in discharge of his duties as an Inspector and secure such evidence as may be necessary for the purpose.]

### 38. Repeal.

- The Central Provinces and Berar Payment of Wages Rules, 1936, the Payment of Wages (Procedure) Rules, 1937 in their application to Mahakoshal Region, the Madhya Bharat Payment of Wages (Procedure) Rules, 1952, the Bhopal Payment of Wages Rules, 1954 and the Rajasthan Payment of Wages Rules, in their application to Sironj Region are hereby repealed :Provided that any order made or notification issued or thing done or action taken under the rules so repealed shall be deemed to have been made, issued, done or taken under the corresponding provisions of these rules. Form I[See Rule 3 (1)]Register of FinesName of the factory.....Locality.....District.....

Serial No. Name Father's name Department or Ticket No. Occupation

(1)	(2)	(3)	(4)	(5)
Actor omission for which fine imposed	Designation of officer imposing fine	Whether workmen showed cause against fine or not.If so, enter date of investigation		
(6)	(7)	(8)		

Wages* payable	Date and amount of fine imposed	Date on which fine realised	Remarks
Amount	**Wages period	Date and Amount	
(9)	(10)	(11)	(12) (13)

\* By "Wages payable" is meant the gross wages earned by a workman, for time-workers the wages due for the pay period less deductions for absence from duty, for piece workers the wages due on production in both cases without deductions for fine or for service rendered by employer.\*\* Here enter month if payment is made by the English calendar month. In the case of other pay periods enter "Week", "fortnight" or "hafta" as the case may be, giving dates covered by pay period. Form II[See Rule 4]Register of Deductions for Damage or loss caused to the Employer by the Neglect or default of the Employed Persons in respect of goods Expressly Entrusted to them for custodyName of the factory.....Locality.....District.....

Serial No. Name Father's name Department or Ticket No. Occupation

(1) (2) (3) (4) (5)

Damage or loss Whether worker showed cause against deduction Date and amount of caused or not if so enter date of investigation deduction imposed

Date Amount  
(6) (7) (8) (9)

No. of instalments, if any Date on which total amount realised Remarks  
Date and Amount

(10) (11) (12)

Form III[See Rule 17 (3)]Register of advances made to employed personsName of the factory.....Locality.....District.....

Serial No. Name Father's name Department or Ticket No.

(1) (2) (3) (4)

Date and amount of advance made Purpose(s) for which advance made Number of instalments by which advances to be repaid

(5) (6) (7)

Postponements granted Dates and amount of instalments repaid Remarks  
Date and Amount

(8) (9) (10)

[Form IV] [Substituted by Notification No. 6330-2653-XVI, dated 20-8-1968.][See Rule 18]Annual ReturnWages and Deductions From WagesReturn for the year ending 31st December, 19....

**1. (a) Name of the factory or establishment and postal address.....**

(b)Industry.....

**2. No. of days worked during the year.....**

**3. \*(a) No. of man days worked during the year.....**

(b)Persons earning less than Rs. 400 per monthAdults.....Children.....Total(c)Average daily number of persons

employed during the year Adults.....Children.....Total\*\* 4. Gross amount paid as remuneration to person getting less than Rs. 400 including deduction under Section 7 (2) of which the amount due to profit sharing bonus is..... and that due to money value of concession

## 5. Total wages paid including deductions under Section 7 (2) on the following accounts :

Persons receiving less than Rs. 400 per month (a) Basic wages including overtime wages and non-profit sharing bonus Rs. 400 per month (b) Dearness and other allowances in cash Rs. (c) Arrears of pay in respect of previous year paid during the year Total

## 6. Deductions

Persons receiving less than Rs. 400 per month No. of cases Amount (a) Fines ..... (b) Deduction for damage or loss ..... (c) Deduction for breach of contract .....

## 7. Disbursement from the fund :

Purpose Amount (a) Purpose ..... Purpose ..... (b) Purpose ..... Purpose ..... (c) Purpose ..... Purpose ..... (d) Purpose ..... Purpose .....

## 8. Balance of fines funds in hand at the end of the year .....

Signature ..... Designation..... \* This is the aggregate number of attendance during the year. \*\* The average daily number of persons employed during the year is obtained by dividing aggregate number of attendance during the year by the number of working days. \*\*\* Money value of concessions should be obtained by taking the difference of the cost price paid by the employer and the actual price by the employees for supplies of essential commodities given free or at concessional rate. Form V [See Rule 20] Name of the Factory..... Location..... Industry

Serial No.	Name of the dismissed worker and his full postal address	Date of dismissal
(1)	(2)	(3)

Wages due when dismissed	Other dues when dismissed	Reasons, if any, for non-acceptance of Payment
(4)	(5)	(6)

The information be sent forthwith if the dismissed employee fails to accept payment on the next day of his dismissal. A brief of the circumstances be narrated overleaf. Signature of the Pay-master Form VI [See Rule 24] Abstract of the Payment of Wages Act, 1936, and the Rules made Thereunder Whom

the Act affects

**1. The Act applies to the payment of wages to persons in the factory receiving less than Rs. 400 a month.**

**2. No employed person can give up by contract or agreement, his rights under the Act.**

**3. "Wages" means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes :-**

(a)any remuneration payable under any award or settlement between the parties or order of a Court;(b)any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;(c)any additional remuneration payable under the terms of employment (whether called a bonus or by any other name);(d)any sum which by reason of the termination of employment of the person employed is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions, but does not provide for the time within which the payment is to be made;(e)any sum to which the person employed is entitled under any scheme framed under any law for the time being in force; but does not include :- (1)any bonus (whether under a scheme of profit sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a Court;(2)the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the State Government;(3)any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;(4)any travelling allowance or the value of any travelling concession;(5)any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment; or (6)any gratuity payable on the termination of employment in cases other than those specified in sub-clause (d). Responsibility for and method of payment

**4. Every employer including his agent or the person named as manager of the factory is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment of wages to the persons he employs.**

**5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.**

**6. Wages shall be paid on a working day within seven days of the end of the wage-period (or within ten days if 1,000 or more persons are employed).**

The wages of a person discharged shall be paid not later than the second working day after his discharge.

**7. Payments in kind are prohibited.**

Fines and deductions

**8. No deductions shall be made from wages except those authorised under the Act (see paragraphs 9-15 below).**

**9.**

(1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Chief Inspector of Factories, specify by a notice displayed at or near the main entrance of the factory and after giving the employed person an opportunity for explanation. (2) Fines—(a) shall not exceed half-an-anna in the rupee; (b) shall not be recovered by instalments, or later than sixty days of the date of imposition; (c) shall be recorded in a register and applied to such purposes beneficial to the employed persons as are approved by the Chief Inspector of Factories; (d) shall not be imposed on a child.

**10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at time when he should be working, and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.**

(b) If ten or more employed persons, acting in concert absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but,—(1) no deduction for breaking a contract can be made from a person under 15 or a woman; (2) no deduction for breaking a contract shall be made from the wages of any employed person unless—(a) there is a provision in writing forming part of terms of the contract of employment requiring him to give notice of the termination of his employment, and; (b) the period of this notice does not exceed eight days or the wage period whichever is less, and; (c) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment; (3) the above provision must be displayed at or near the main entrance of the factory; (4) no deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory; (5) no deduction must exceed the wages of the employed person for the period by which the notice of termination of service given fall short of the period of such notice required by the contract of employment.

**11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.**

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

**12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or services (other than tools and raw materials) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of Government.**

**13. (a) Deductions can be made for the recovery of advances, or for adjustment of overpayment of wages.**

(b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances-given for travelling expenses before employment began. (c) Advances of unearned wages can be made at the paymaster's discretion during employment but must not exceed the amount of two months' wages without the permission of an Inspector. These advances can be recovered by instalments, spread over not more than 12 months and the instalments must not exceed one-third, or if the wages are not more than rupees 20, one-fourth of the wages for any wage-period.

**14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.**

**15. Deductions can be made for payments to co-operative societies approved by the Provincial Government or to the postal insurance, subject to any conditions imposed by the Provincial Government.**

Inspections

**16. An Inspector can enter on any premises, at all reasonable hours, and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.**

Complaints of deductions or delays

## **17.**

(1)Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within 6 months to the Authority appointed by the Provincial Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.(2)Any legal practitioner, official of a registered trade union, Inspector under the Act, or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.(3)A single application may be presented by or on behalf of any number of persons belonging to the same factory the payment of whose wages has been delayed.Action by the Authority

## **18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.**

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and other that it be paid to the employer.Appeal against the Authority

## **19. An appeal in the prescribed form against a direction made by the Authority may be preferred, within 30 days to the District Court**

(a)by the paymaster, if the total amount directed to be paid exceeds Rs. 300;(b)be any employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs. 50;(c)by a person directed to pay a penalty for a malicious or vexatious application.Punishments for breaches of the Act

## **20. Any one delaying the payment of wages beyond the due date, or making any unauthorized deduction from wages is liable to a fine up to Rs. 5(H) but only if prosecuted with the sanction of the Authority or the Appellate Court.**

## **21. The paymaster who,-**

(1)docs not fix wage-period, or(2)makes payment in kind, or(3)fails to display at or near the main entrance of the factory this Abstract in English and in the language of the majority of the employed persons, or(4)breaks certain rules made under the Act, is liable to a fine not exceeding Rs. 200.A complaint to this effect can be made only by the Inspector, or with his sanction.Form VII[See Rule 27]Form of Individual Application[See Section 15 of the Payment of Wages Act]In the Court of the Authority Appointed under the Payment of Wages Act (IV of 1936) for AreaApplication No of 19.....BetweenABC.....ApplicantThrough ..... a legal practitioner/an official of which is a registered trade union.AndX Y Z.....Opposite party.The applicant states as follows ;-

**1. ABC is a person employed in/on the factory/industrial establishment entitled and resides at.....**

**2. XYZ, the Opposite party, is the person responsible for the payment of his wages under Section 3 of the Act and his address for the service of all notices and processes, is.....**

**3. The applicant's wages have not been paid for the following wage periods (give dates), or**

**4. The applicant estimates the value of the relief sought by him at the wages of Rs.....(amount) for the wage period(s) which ended on..... (give dates).**

(Here give any further claim for expenses).

**5. The applicant estimates the value of the relief sought by him at the sum of Rs.....**

**6. The applicant prays that a direction may be issued under sub-section (3) of Section 15 for-**

(a)Payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find to be due. OR Refund of the amount illegally deducted. (b) Compensation amounting to..... The applicant certifies that the statement of facts contained in the application is to the best of his knowledge and belief accurate. The applicant begs to amend or add to make alterations in the application if and when necessary. Date..... Place..... Signature or thumb impression of the employed person or legal practitioner or official of a registered Trade Union duly authorised. Form VIII [See Rule 27] Form of Group Application [See sub-section (2) of Section 15, and Section 16 of the Payment of Wages Act] In the Court of the Authority Appointed Under the Payment of Wages Act (IV of 1936) for Area Application No of 19..... Between ABC and (state the number) other..... Applicants (Through ..... a legal practitioner/an official of..... which is a registered trade Union ..... And XYZ ..... Opposite Party. The applicants State as follows :-

**1. The applicants whose names appear in the attached schedule are persons employed in/on the factory/industrial establishment entitled.**

The address of the applicants for service of all notices and processes is.....



**2. X, Y, Z, the opposite party, is the person responsible for the payment of wages, under Section 3 of the Act, and his address for the service of all notices and processes is.....**

**3.**

(1)(a)The applicant's wages have not been paid for the following wage period(s) (give dates).(b)A sum of Rs has been unlawfully deducted from his wages of ..... (amount) for the wage period(s) which ended on .....(give date).(2)(Here give any further claim or expenses).

**4. The applicants estimate the value of the relief sought by them at the sum of rupees.....**

**5. The applicants pray that a direction may be issued under sub-section (3) of Section 15 for-**

(a)Payment of applicant's delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.(b)Compensation amounting to.....The applicants certify that the statement of facts contained in this application is to the best of their knowledge and belief accurate.Signature or thumb impression of the applicants or official of a registered trade union duly authorised.

## **Schedule**

Names of applicantsForm IX[See Rule 27]Form of Application by an Inspector or Person Permitted by the Authority or Authorized to Act[See sub-section (2) of Section 15 and Section 16 of the Payment of Wages Act]In the Court or the Authority appointed under the Payment of Wages Act, for.....Area.Application No. .... of 19.....BetweenABC (Designation)..... an (Inspector under the Payment of Wages Act) [or a person permitted by the authority authorised to act under sub-section (2) of Section 15],ApplicantAndXYZ.....Opposite PartyThe applicant states as follows :-

**1. XYZ, the opposite party, is the person responsible under the Act, (or the payment of wages to the following person(s) :-**

(1)(2)(3)

**2. His address for the service of all notices and processes is-**

**3. (i) The wages of the said person(s) due in respect of the following wage period(s) have not been paid/have been subjected to the following illegal deductions :-**

(ii) Here give any further claim or expenses.

**4. The applicant estimates the value of the relief sought for the person(s) employed at the sum of Rs. ....**

**5. The applicant prays that a direction may be issued under sub-section (3) of Section 15 for-**

(a) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due. OR Refund of the amount illegally deducted. (b) Compensation amounting to ..... The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate. Signature Form X [See Rule 28] Certificate of Authorization I/We employed person(s) hereby authorise ..... a legal practitioner/an official of ..... which is a registered trade union to act on my/our behalf under Section 15 and Section 17 of the Payment of Wages Act (IV of 1936), in respect of the claim against ..... On account of the delay in payment of/illegal deductions from my/our wages for .....

Witness	Signature
(1)	(1)
(2)	(2)
(3)	(3)
(4)	(4)

I accept the  
authorisation.

Signature ..... Legal practitioner, / Official of a registered trade union.

Form XI [See Rule 32] Notice for The Disposal of Application To, ..... Whereas under the Payment of Wages Act, 1936 (IV of 1936), a claim against you has been presented to me in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person, or by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the day of 19 ..., at ..... O'clock in the forenoon/afternoon to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the application you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your defence. Take notice that, in default of your appearance on the day before mentioned, the application will be heard and determined in your absence. Given under my hand and seal this day of 19 .... Authority. Form XII [See Rule 33] Record of Direction (1) Serial

number.(2)Date of the application.(3)Name or names, parentage, address or addresses of the applicants or some or all of the applicants belonging to the same unpaid group.(4)Name and address of the employer.(5)Amount claimed-Rs.(a)as delayed wages Rs.(b)as deducted from wages Rs.(6)Plea of the employer anti his examination (if any).(7)Finding, and, in the case of a direction under sub-section (3) or (4) of Section 15, a brief statement of the reasons therefor.(8)Amounts awarded-(a)Delayed wages(b)Deducted wages(9)Compensation awarded(10)Penalty imposed(11)Costs awarded to-(i)court-fee charges(ii)Pleader's fee(iii)Witnesses expensesDated.....(Signed).Note. - In cases where an appeal lies attach on a separate sheet the substance of the evidence.