

The Orissa Payment of Wages Rules, 1936

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Rule THE-ORISSA-PAYMENT-OF-WAGES-RULES-1936 of 1936

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The Orissa Payment of Wages Rules, 1936Published vide Notification No. 1321-3-L-15/36-Com., dated 24th February, 1937Notification No. 1321-III-L-15/36-Com., dated 24th February, 1937. - In exercise of the powers conferred by Sub-section (2) of Section 26 of the Payment of Wages Act, 1936 (IV of 1936), read with Section 22 of the General Clauses Act, 1897 (X of 1897), the Government of Orissa are pleased to make the following rules :

1. Title.

- These rules may be called the Orissa Payment of Wages Rules, 1936.

2. Definition.

- In these rules, unless there is anything repugnant in the subject or context -(a)"the Act" means the Payment of Wages Act, 1936 (IV of 1936);(b)"the Authority" means the authority appointed under Sub-section (1) of Section 15 of the Act;(c)"the Labour Commissioner" means the Labour Commissioner, Orissa appointed by the State Government as such;(d)"the Court" means the Court mentioned in Sub-section (1) of Section 17 of the Act;(e)"deduction for breach of contract" means a document made in accordance with the provisions of the proviso to Sub-section (2) of Section 9;(f)"deduction for damage or loss" means a deduction made in accordance with the proviso of Clause (c) of Sub-section (2) of Section 7;(g)"Form" means a Form appended to these rules;(h)"Inspector" means the Inspector authorised by or under Section 14 of the Act;(i)"person employed" excludes all persons to the payment of whose wages the Act does not apply;(j)"section" means a section of the Act;(k)"payment" means an employer or other person responsible under Section 3 of the Act for the payment of wages;(l)words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

3. Register of Fines.

- [Section 26 (3) (a)] - [(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 omission in respect of which fines may be imposed the pay master shall maintain a Combined Register of Fines for deduction of damage or loss and advance in Form-I.(2)At the beginning of the Combined Register of Fines deduction for damage or loss and advances there shall be entered serially numbered and the approved purpose or purposes on which the fines realized are to be extended.(3)When, any disbursements are made from the fines realized, a deducted entry of the amount so expenses shall be made in the Combined Register of Fines deduction for damage or loss and advances, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.] [Substituted vide O.G.E. No. 421 dated 23.3.2009.]

4. Register of deductions for damage or loss.

- [In every factory in which deduction for damage or loss and advances are made the pay master shall maintain a Register required by Sub-section (2) of Section 10 in Form-I] [Substituted vide O.G.E. No. 421 dated 23.3.2009.]

5. Register of Wages.

- A Register of Wages shall be maintained in every factory and may be kept in such form as the paymaster finds convenient but shall include the following particulars :(a)the gross wages earned by each person employed for each wage period;(b)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;(c)the wages actually paid to each person employed for each wage period.

6. Maintenance of registers.

- The registers required by Rules 3, 4, 5 and 17 shall be preserved for twelve months after the date, of the last entry made in them.

7. Weights and measures.

- [Section 26(3)(c)] - (1) All weights, measures or weighing machines which are used in checking, or ascertaining the wages of persons employed in any factory shall be examined at least biennially by an Inspector who may prohibit the use of any weight, measure or weighing machine which he finds to register incorrectly.(2)If the Inspector considers that any action should be taken under the Indian Weights and Measures of Capacity Act (31 of 1871) or the Indian Penal Code (45 of 1860), he may seize the article in question and shall record his opinion and send it to the District Magistrate for such action as he may think fit.

8. Notice of dates of Payment.

- [Section 26(23)(d)] - The paymaster shall display, in a conspicuous place at or near the main entrance of the factory, a notice, in English and in the language of the majority of the persons employed therein, giving for not less than two months in advance, the days on which wages are to be paid.

9. Prescribed authority.

- [Section 26(3)(e), (f) and (h)] - The Labour Commissioner, Orissa 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 in 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 the employed persons shall send to the Labour Commissioner, Orissa-(a) a list, in English, 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 such appointment may impose fine.

11. Approval of list of acts and omissions.

- The authority appointed under Rule 9 on receipt of the list prescribed in Clause (a) of the preceding rule may, after such enquiry, as he considers necessary, pass orders either-(a) disapproving the list, (b) approving the list either in their original form or as amended by him, in which case such list shall be considered to be the 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 why the list as submitted by him should be approved.

12. Posting of list.

- The employer shall display at or near the main entrance of the factory a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list 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.

- Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act of omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

15. Information to paymaster.

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

15A.

All accounts and records required to be maintained by the employer under the Payment of Wages Act, 1936, shall be maintained in English or Oriya in addition to any other language in which such registers and records are or may be maintained.

16. Deduction for breach of contract.

- [Section 26(3)(g)] - (1) No deduction for breach of contract shall be made from the wages of 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 the termination of his employment; and (i) the period of this notice does not exceed fifteen 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 the language of the majority of the employed persons 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 will be remitted: Provided that where the deduction is proposed to be made from all the persons employed in any departments 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.

16A. Manner of recovery of amount of deductions in excess of limits prescribed under Sub-section (3) of Section 7.

- Where the total amount of deductions which have to be made under Sub-section (2) of Section 7 of the Act in any wage period from the wages of any employed person exceeds the limit specified in Clause (i) or, as the case may be, Clause (ii) of Sub-section (3) of that section, the excess shall be carried forward and recovered from the wages for succeeding wage period in such number of instalments, not exceeding six, as may be necessary to enable the deductions to be made in compliance with the said limits. Illustration. - The wages of a monthly rated employed person for January are one hundred rupees and deductions (which include deductions on account of dues of Co-operative Society) amount to ninety rupees. His maximum deduction from the wages for January will be seventy-five rupees. The excess amount of fifteen rupees will be carried forward and recovered in not more than six instalments by limiting other deductions for those months so that the total deduction, does not exceed seventy-five rupees in any month.

17. Advances.

- [Section 26(3)(i)] - (1) An advance of 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, twice 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. (3) The amounts of all advances sanctioned and the repayments thereof shall be entered in a register in [Form I] [Substituted vide O.G.E. No. 421 dated 23.3.2009.].

18. Annual Return.

- [Section 26 (3) (a)] - In respect of every industrial establishment notified under Sub-section (5) of Section (1) of the Act, and every factory in which during the calendar year wages have been paid or, any fines have been imposed or any deduction for breach of contract or damage or loss have been made from wages, a return shall be sent in Form IV so as to reach the [Inspector] [Substituted vide O.G.E. No. 421 dated 23.3.2009.], Orissa not later than the [31st March] [Substituted vide O.G.E. No. 421 dated 23.3.2009.] following the end of calendar year to which it relates.

19. Costs.

- [Section 26 (3) (i)] - (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.

20.

The authority or the Court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the authority or the Court, as the case may be :Provided that the authority or the Court, as the case may be, may, in consideration of the poverty of the applicant, grant copies free of cost.

21. Fees.

- [Section 26 (3) (k)] - The fee payable in respect of proceedings under the Act shall be-

- | | | |
|-------|---|---|
| (i) | For every application to summon a witness | Four annas in respect of each witness. |
| (ii) | For every other application made by or on behalf of an individual person before the authority | Eight annas |
| (iii) | For every other application made by or on behalf of an unpaid group before the authority | Four annas for each member of the group, subject to a 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.

22. Abstracts.

- [Section 26 (3) (1)] - The abstracts of the Act and the rules made thereunder to be displayed under Section 25 shall be in Form V.

23. Penalties.

- [Section 26 (4)] - Any breach of Rules 3,4,5,6,8,12,15 and 18 of these rules shall be punishable with fine which may extend to two hundred rupees.[Form-I] [Substituted vide O.G.E. No. 421 dated 23.3.2009.][See rule 3(1), 4 and 17(3)]Combined Register of Fines, Deductions for Damage or Loss and Advances

In lieu
of

1. Form No.III of Rule 21 (4) of Orissa Minimum Wages Rules,1954.
2. Form No.XVII, XVI, XVIII of Rule 78 (d) (fine), 77(22) (d)(dedu.), m 77(2) (d) (adv.) of Orissa Contract Labour (R & A)Rules, 1975.
- 3.

Form No.I, II, III under Rule 3 (1) (fine), 4 (deductions) and 17 (3) (advances) of Orissa Payment of Wages Rules, 1936.

4. Form XIX, XX, XXI of Rule 52 (2) C of Orissa I.S.M.W (RE & OS) Rules, 1980.

Form XX, XIX and XXI under Rule-239 (1) (b) of Orissa Building and Other Construction Workers (RE & CS) Rules, 2002.

Sl. No.	Name of the Employee/ Father's/ Husband's name	Designation Emp. No./ Sl. No. in register of employees	Nature & date of offence for which fine imposed	Date and particulars of damages/ loss caused	Whether worker showed cause against fine or deductions	Amount of the fine imposed/ deduction made
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Date & purpose for which advance was made	Amount of advance made & purpose thereof	No. of instalments granted for repayment of fines/ deductions/ advances	Wages period and rate of wages payable	Dare of recovery of fine/deduction/ advance	Remarks
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First instalment Last Instalment

Signature of the Employer/Principal Employer/Authorized signatory [Form II [Omitted vide O.G.E. No. 421 dated 23.3.2009.] Form III] [Form IV] [Substituted vide O.G.E. No. 421 dated 23.3.2009.] (See Rule 18) Combined Annual Returns In the lieu of (i) Form-21, Rule -101(1) Orissa Factories Rules, 1950 (ii) Form XX, Rule-81 (I) Form XXI, Rule-81(2) Orissa Contract Labour (R&A) Rule, 1975 (iii) Form-III, Rule-21 (4-A) Orissa Minimum Wages Rules, 1954 (iv) Form-IV, Rule-18, Orissa Payment of Wages Rules, 1936 (v) Form 'D', Rule-5, Payment of Bonus Rules, 1975 (Central) (vi) Form 13, Rule-28, Orissa Shops and Commercial Rules, 1958 (vii) Form XIII, Rule-39, Orissa Motor Transport Workers Rules, 1966 (viii) Form L, Rule-16, Orissa Maternity Benefit Rules, 1966 (ix) Form 'V', Rule-8, O.I.E. (N&A) II Rules, 1972 (x) Form XXV, Rule 240, Orissa Building and Other Construction Workers (RECS), Rules, 2002 (xi) Form XXIV, Rule 56(2) of Orissa Inter State Migration Workers (REGS) Rules, 1980 A. General Particulars-

1. (a) Name and full address of the Factory/Establishment (including Building and Other Construction of Work/Motor Transport undertakings)

Factory/Establishment Regd./Administrative/ Head
Office

Name Address Tel Fax :- E-mail :- Website

:-

(b) Name and Residential address of the Proprietor/Partner/Directors/
Employer/Principal/Employer/Occupier, (tick which ever is applicable).

Sl. No. Name Father's Name Designation Residential Address Tel./Mobile/ E-mail

(c) Name and Residential Address of the Person responsible for the day to day conduct and control of business.

Name Residential Address Tel/Mobile/E-mail

(d) Name and Residential address of the occupier and Mgr. As named under the Factories Act, 1948.

Sl. No. Name Designation Residential Address Tel/Mobile/E-mail

2. Date of commencement of Manufacturing/Business/Estt.? Factories/ Construction of Works.

2.

(A) Nature/Type of Industries/Estts.

2.

(B) Particulars of Products Manufactured/Services Rendered.

Name of the Product/Services	Annual Installed capacity	Quantity Manufactured	Percentage achieved	Value
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3. Registration and License Regn. No. License No.

(a) Factories Act, 1948 (b) Contract Labour (R&A) Act, 1970 (c) O.S. and C.E. Act, 1956 (d) ISMW (R&CE) Act, 1979 (e) M.T.W. Act, 1961 (f) Building and Other Construction Workers (RECS) Act, 1966

4. No. of Workmen/employees/employed.

Sl. No.	Category	Male	Female	Adolescent/ Adult	Child	Total No. of Employees
1	Un-skilled					
2	Semi-skilled					
3	Skilled					
4	Highly skilled					
5	ITI/Diploma					
6	Degree-Engg.					
7	Executive					
8	Probationer/ Trainees					

5. Particulars of Employment/Payment in Factories/Estts./Motor Transport Undertakings/Building Construction of Work.

(a){||-| No. of Person on Roll as on 1st January| No. of Person on Roll as on 31st December| No. of days Factory/ Estt/ Building & OtherConstruction Works/ Carried on| No.of days Factory/ Estt/ Closed| No. of Mandays worked during the year| No. of manhours worked including O.T. during theyear| Total Amount of salary/ wage paid including O.T.wages & allowances|-|||||}(b)Average Number of Employment during the year

Men Women Total

(c)No. of employees discharged/dismissed/terminated/retrenched/resigned or retired during the year

Men Women Total

In respect of Minimum Wages & Payment of Wages etc.

6. Particulars of deduction made from salary (wages) under M.W. and P.W. Act.

No. of Employees involved Total Amount of deduction made

1 Fines

2 Damages/Loss

3 Breach of Contract

4 Others

5 Total

In respect of the Factories Act/ Orissa Shops & Commercial Establishment Act, 1956/Orissa Industrial Establishment (National & Festival) Holidays Act, 1972

7. Particulars of Earned Leave with Wages/National Festival Holidays with Wages.

Total No. of Persons employed	No. of Employees eligible for Earned Leave	No. of employees availed/ granted Earned Leave	No. of employees paid wages/ salary in lieu of Earned Leave	No. of Person who were paid wages for the NFIT(separate figure for each day may be furnished (i) 26th January(ii) 1st May(iii) 15th August(iv) 2nd October(v)(vi)(vii)(viii)
1. Man				
2. Woman				

In respect of Payment of Bonus

8. Payment of Bonus paid during the year

Name of the Accounting year	Total No. of employees	No. of Employees eligible for Bonus	Percentage of Bonus/ Exgratia declared	Total amount of Bonus/ Exgratia paid	Date of Payment
1	2	3	4	5	6

Relating to the Factories Act

9. Does the Factory carry on hazardous process under Section-2(cb) dangerous operation under Section 87 of Factories Act, 1948.

If Yes.....

Yes/No

- | | |
|--|--------|
| (i) Whether Health and Safety Policy prepared and published | Yes/No |
| (ii) Whether occupational Health Centre provided | Yes/No |
| (iii) Whether Medical Officer appointed | Yes/No |
| (iv) Whether Ambulance Van provided | Yes/No |
| (v) Average no. of persons employed daily in hazardous process/dangerous operation | Yes/No |

10. Safety and Welfare Officers

(a) { | - | | No. of Officers required to be appointed | No. of Officer actually appointed | - | (i) Safety Officer as per Section-40(B) of Factories Act. (ii) Welfare Officers as per Section-49 of the Factories Act. | | } (b) Whether the following Welfare measures are provided ?

- | | |
|---|--------|
| (i) Ambulance Room as per Section-45(A) | Yes/No |
| (ii) Canteen as per Section-46(I) | Yes/No |
| (iii) Whether the canteen is run departmentally or through contractor departmentally/Contractor | |
| (iv) Creche as per Section-48(i) | Yes/No |
| (v) Shelters/Rest Rooms and Lunch Room as per Section-47 (I) | Yes/No |

11. Particulars of Accidents, Man's days lost and others :-

- (i) Total no. of accidents that have taken place in the year.
- (ii) Number of employees involved in such accidents :- (a) Male (b) Female
- (iii) Total number of man days lost in such accident
- (iv) No. of employees returned to work within 48 hours of the accident
- (v) No. of employees returned to work after 48 hours of the accident (Reportable accident)
 - (a) Without Permanent/Partial/Total Disablement
 - (b) With Permanent/Partial/Total Disablement

- (vi) Number of employees involved in accidents with either immediately or later within 7 days resulted in death.

12. Maternity Benefit Act.

(a) Rating to Maternity Benefits :

- (i) Total no. of women workers who worked for a period of 160 days in the last 12 months immediately preceding the date of delivery.
- (ii) No. of women workers discharged/dismissed in the last 12 months.
- (iii) No. of women worker for whom pre-natal confinement and postnatal confinement.
- (iv) No. of women workers died.

(a) Before delivery. -

(b) After delivery -

(b) Leave/additional leave details :-

Item	No. of women applied for leave	Leave sanctioned	Leave reject
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- (i) Mis-carriage (ii) Illness (additional leave under section-10)

(c) Maternity Benefit Paid :-

Item	No. of claim received	No. of leave sanctioned	No. of claims rejected	Total benefit paid in rupees
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(i) Confinement

(ii) Mis-carriage

(iii) Illness

(iv) Medical

Bureaus

Rating to Contract Labour (R&A) Act

13.

(a) Contractor Labour

Name & Address of the Contractor/ Contractors	Period of contract From/To	Nature of work/ operation in which contract labour were employed Deptt./ Section	No. of person employed	Maximum no. of contract workman employed on any day during the year	No. of days worked	No. of man days worked
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(i)(ii)(iii)(iv)

Total

(b) Whether contract has provided ?

- (i) Canteen Yes/No.
- (ii) Rest Room Yes/No.
- (iii) Drinking Water Yes/No.
- (iv) Creche Yes/No.
- (v) First Aid Yes/No.
- (vi) Remarks Yes/No.

Relating to Building and Other Construction Workers (RE & CS) Act

14. Particulars of accident that took place during the year :-

- (i) The total No. of accident.
- (ii) The number of accidents resulting in disablement of buildingworkers for less than 48 hours, the number of building workersinvolved and the number of man-days lost.
The number of accidents resulting in disablement of buildingworker beyond 48 hours, but not
- (iii) resulting in any permanentpartial or permanent total disablement, the number of buildingworkers involved and the number of man-days lost on account ofsuch accident.
- (v) The number of accidents resulting on permanent partial ortotal disablement, the number of building workers involved andthe number of man-days lost on account of such accident.
- (v) The number of accident resulting in deaths of building workersand the number of resultant deaths.

15. Inter-State Migrant Workmen (RE & CS) Act,

In respect of Principal Employer :(i)Number of contractors who worked in the establishment during the year with details.

Name & Address of the Contractor	Period of Contract	Nature of work	Maximum number of workers supplied by eachcontractor	No. of days worked	No. of man days worked
From	To				

16. Beedi and Cigar Workers (Condition of Employment) Act, 1966 :-

- (i)Average number of employees employed daily in the Industrial Premises:-MenWomenYoung personMaleFemale(ii)Average monthly number of home workers employed (i.e. who work in their homes)(iii)Number of days worked in the year in the industrial establishment.(iv)No. of employees who were granted leave during the calendar year.

- Young persons
 - (a) employees in the Industries Premises.
 - (b) employees in home.
- Other than young Persons (a) employees in the Industrial Premises

(b) employed in home

(v)Number of female employees who were given maternity benefit during the year(a)employees in the Industrial Premises(b)employed in homeForm VAbstract of the Payment of Wages Act, 1936 and the rules made thereunderWhom the Act effects

1. The Act to the payment of wages to Persons in the factory receiving Rs. 400 a month.

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

Definition of wages

3. "Wages" means all remuneration whether salary, allowances or otherwise payable to an employed person on the fulfilment of his contract of employment.

It 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.It excludes-(i)any bonus 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 Court;(ii)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 an order of the State Government;(iii)any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;(iv)any travelling allowance or the value of any travelling concession;(v)any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment; or(vi)any gratuity payable on the termination of employment in cases other than those specified in Clause (d).Responsibility for and method of payment

4. The manner 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 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 7 days of the end of the wage-period (or within 10 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 Labour commissioner, Orissa 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 Labour Commissioner, Orissa;(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 times 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 of a woman;(2)there must be a provision in writing which forms part of the contract of employment, requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge worker, must be given to the employer and that wages may be deducted in lieu of such notice;(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 he gives

of leaving employment, is less than the notice he should give under his contract.

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. Deduction can be made, equivalent to the value thereof, for house accommodation supplied by the employer or by Government or any housing board set up under any law for time being in force (whether the Government or the board is the employer or not) or any other authority engaged in the business of subsidising house accommodation, which may be specified in this behalf by the State Government by notification in the Official Gazette ; amenities and 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 the State 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 Rs. 20 one-fourth of the wages for any wage-period.

14. Deductions can be made for subscription to and for re-payment of advances from any recognised provident fund.

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

(b) Deductions can also be made with written authorisation of the person employed for payment of any premium on his life insurance policy to the Life Insurance Corporation of India or for the purchase of securities of the Government of India or any State Government or for being deposited in any Post Office Savings Bank in furtherance of any Savings Scheme of any such Government.

15.

-A. Any loss of wages resulting from withholding of increment or promotion, reduction to a lower post or time-scale or to a lower stage in a time-scale or suspension does not constitute deduction from wages within the meaning of the Act. For this purpose the rules framed by an employer in relation to his employees employed in the factories and other establishments for the purpose of any of the aforesaid penalties shall provide that-(i) that penalties aforesaid, except the penalty of suspension, shall not be imposed unless the person concerned-(a) has been informed of the charges in respect of which imposition of such penalty has been proposed; (b) has been given a reasonable opportunity of showing cause why the proposed penalty shall not be imposed; (ii) the person concerned is given a right of appeal against any order imposing such penalty.

16. An Inspector can enter on any premises, 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 State 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 order that it be paid to the employer. Appeal against the Authority

19. An appeal against an order dismissing either wholly or in part an application or against a direction 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)by an employed person or any official of a registered Trade Union authorised in writing to act on his behalf, if the total amount of wages withheld from him or his co-workers exceed Rs. 50;(c)by a person directed to pay a penalty for a malicious or vexatious application.Punishment for breaches of the Act

20. Any one delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine up to Rs. 500, but only if prosecuted with the sanction of the authority or the Appellate Court.

21. The paymaster who-

(1)does not fix a 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.