RAJASTHAN PAYMENT OF WAGES RULES,1961

THE RAJASTHAN PAYMENT OF WAGES RULES, 1961 CONSPECTUS Section 1. 2. 3. 4. 5. 6. 7

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26. Section Notice of date of payment Prescribed Authority Application in respect of fines Approval of list of acts and omissions Posting of list Persons authorized to impose fine Procedure in imposing fines and deductions Information to Pay Master Deductions for breach of contract Advances Annual Return Costs Fees for copies Abstract Penalties Supersession Form I to VII The Rajasthan Payment of Wages Rules, 1961 Labour Department Notification Published vide Notification No.F.3 (19)/Lab./59. dated 21-4-1961:- In exercise of the powers conferred by sub-sections (2), (3) and (4) of Section 26 of the Payment of Wages Act, 1936 (Central Act 4 of 1936) the State Government hereby makes the following Rules, the same having been previously published as required by sub- section (5) of the said Section, namely:- 1. Short title and commencement. - (i) These Rules may be called the Rajasthan Payment of Wages Rules, 1961. (ii) These Rules shall come into force upon their publication in the Official Gazette

2. Definition.- In these Rules unless is anything repugnant in the subject or context:- (a) "the Act" means the Payment of Wages Act (4 of 1936); (b) "the authority" means the authority appointed under subsection (1) of Section 15 of the Act; (c) "the Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of Section 8 of the Factories Act, 1948 (63 of 1948); (d) "the Court" means the court, mentioned in sub-section (1) of Section 17 of the Act; (e) "the deduction for breach of contract" means a deduction made in accordance with the provision of the proviso to sub-section (2) of Section 9; (f) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section 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) 'Pay-master" 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 same meaning as in the Act. Section 26 (3) (A) 3. Register of Fines. - (1) In any factory or industrial establishment 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 l. '(2) At the beginning of the Register of Fines, there shall be entered and seriallynumbered the purpose or purposes, as approved under Section 8 (8) of the Act, on which the amount realized as fines is to be expended.] (3) A voucher or receipt in respect of any amount disbursed shall be maintained and produced as and when demanded by the Inspector

4. Register of Deductions for damage or loss.- In every factory or Industrial establishment 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 11. 2[5.Wage register and Wage Slips - (1).- A Register of Wages shall be maintained in every factory or industrial establishment and may be kept in such form as the pay master 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 these wages, with an indication in each 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. 3(2) Wage slip in Form VII shall be issued by every Pay-master to every person employed by him at least a day prior to the disbursement of wages and such wage slip shall not be returnable to the Pay-master. (3) Every Pay-master shall get signature or thumb impression of every employee in the Register of Wages or on the duplicate copy of the Wage Slip kept by him as receipt of the wages paid to the employee. 1 .Substituted by Amendment rule 1968 vide Notification No.F 3 (38)/Lab/61, 23-12-1968, pub in Raj. Gaz. 3 (kha) dt. 26-12- 1968, page 8

2. Substituted for the original Expression 'Register of wages' by Notification ibid

3. Added by notification No.3 (38) Lab/-68 dated 16-10-1970, pub in Raj. Gaz. Extraordinary, part IV(I) dated 16-10-1970, , page 279. (4) Entries in the Register of Wages and Wage Slips shall be authenticated by the Pay- master or any person authorised by him in this behalf. (5) Notwithstanding anything contained in this rule where a combined

form is sought to be used by the Pay-master to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder, an alternative suitable form in lieu of any of the forms prescribed under this rule, may be used after obtaining prior approval of the Chief Inspector of Factories, Rajasthan

6. Maintenance of Register.- The register required by rules 3, 4, 5,and 18 shall be preserved for twelve months after the date of last entry made in them. Section 26 (3) (B) 7. Display of wages rates. - In every factory or industrial establishment a notice in

Form VI in Hindi shall be displayed by the Pay-master in a conspicuous place at or near the entrance of each department or group of departments, specifying the rates or wages payable to all classes of workers other than those holding position of supervision or management as mentioned in the Rajasthan Factories Rules, When the rates of wages are revised or a new class of work introduced the necessary alterations shall be made the Pay-master in the said notice and dated. This notice shall be preserved for a period of six months after the date of its replacement by a new notice and shall be available to an inspector on demand for the purpose of inspection. Section 26 Section 26 (3) (C) 8. Weights and measures - (1) All weights, measures or weighing machine which are use in checking or ascertaining the wages of persons employed in any factory shall be examined at least biannually 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 Penal Code (XLV 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. Section 26(3) (D) 9. Notice of dates of payment. - The paymaster shall display, in a conspicuous place at or near the main entrance of the factory a notice in Hindi giving for not less than one month in advance the days on which wages are to be paid. Provided that an employed person who is absent on any such day shall be paid his wages on any working day before the expiry of the third working day after the day on which a demand is made by him for the same. Section 26(3) (E) & (H) 10. Prescribed authority. - The Chief Inspector of Factories shall be the authority competent to approve, under sub-section (1) of Section 8 acts and omission 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

11. Application in respect of fines.- Every employer requiring the power to impose fines in respect of acts and omissions on the part of employed persons shall send to the Chief Inspector of Factories:- (a) A list 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 establishments on which the incumbent of each such appointment may impose fine

12. Approval of list of acts and omissions.- The authority appointed under rule 10 on receipt of this list prescribed in rule 1 1 (a) may after such inquiry 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

13. Posting of list.- The employer shall display at or near the main entrance of the factory or industrial establishment a copy in Hindi of the list approved under rule 12

14. Persons authorised to impose fines.- No fines may be imposed by any person other than an employer, or a person holding an appointment named in a list submitted under rule 11

15. Procedure in imposing fines and deduction.- 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 or 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 take the explanation, either orally in the presence of at least one other person or in writing as the employed person may prefer

16. Information to Paymaster.- The person imposing a fine or directing the making of a deduction for damage or loss, shall without unnecessary delay, inform the paymaster of all particulars so that the register prescribed in rule 3 or rule 4 may be duly completed. Section 26(3) (G) 17. Deduction for breach of contract. - (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of 15 years or is woman. (2) No deduction for breach of contract shall be made from the wages of any employed unless- (a) there is provision in writing

forming part of the term 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 wages 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 on termination of that employment: (b) this rule has been displayed at or near the main entrance of the factory or industrial establishment 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 are 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 or industrial establishment, 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. Section 26(3) (l) 18. Advances. - (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 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 advances may be recovered in installments by deductions from wages spread over not more than twelve months. No installment 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 wages 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 Ill. Section 19. Annual Return. - In respect of every factory or industrial establishment, 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. Section 26 20. 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 fee which shall ordinarily be Rs. 10/- provided that the authority of 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 to Rs.30/-. (3) When a party engages more pleaders than one to defend a case be shall be allowed one set of cost only. 1[21. Fees for copies. - (1) No copy of any document or record in any proceedings before the authority or the court shall be made except on stamped paper of the value specified in sub-rule(2) provided by the person who has obtained an order for the copy. If necessary stamped paper is not available, judicial water-marked paper with adhesive stamp of• the requisite value may be provided instead: 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.] Section 26 22. Fees. - The court fee payable in respect of proceeding under the Act shall be as follows:- 25 paise in respect of each (i) For every application to summon witness. witness. (ii) For every application made by or on behalf of an individual person before the Authority. (iii) For every other application made by or on behalf of unpaid group before the Authority. the 50 paise. 25 paise for each member of group subject to a maximum of five rupees. (iv) (a) For every appeal lodged with the Court. Two rupees and 50 paise for the first hundred rupees or portion thereof and 50 paise for every additional hundred rupees or portion thereof subject to a maximum of ten rupees. (b) For every other misc. application filed before the Court. 50 paise. Provided that the authority or the court may, in consideration of the poverty of the applicant, reduce or remit these fee: Provided further that no fee shall be chargeable in respect of any application presented by an Inspector. Section 23. Abstract. - The abstract of the Act and of the Rules made thereunder to be displayed under Section 25 shall be in Form 'V'. Section 26(4) 24. Penalties. - Any breach of rules 3,4,5,6,7,9,16 and 19 of these Rules shall be punishable with fine which may extend to two hundred rupees. General 25. Supersession. - These rules supersede the Rajasthan Payment of Wages Rules, 1951 and all other rules corresponding to these rules in force in the Ajmer, Abu and Sunel areas. 1 .Substituted by Amendment rule 1968 vide Notification No.F 3 (38)/Lab/63, 23-11-1968, pub in Raj. Gaz. 3 part 3 (kha) dt. 26-12-1968, page 8. Form I [See rule 3

Register of Fines -Factory/lndustrial Establishment. Serial Nam Father' Departmen ct o hether Rate Numbe 1 Name 3 mission orkman f howed age or hich ause against Ine imposed Ine o ot, o, ente ate Fine imposed Fine realised o remitted Dat moun Dat mount mount realised remitted 10 11 12 otal mount Ines realised 13 mount o isbursed 14 5 D ate o isbursemen 15 bject on mount i Remarks. hich hand (in th isbursed Fund) 16 17 18 Form 11 (See rule 4) Register of deduction for damage or loss caused to the employer by the Neglect or Default of the employed persons.....Factory/ Industrial Establishment. Nam Father' Departmen Damages o hether Deduction No. Remark o mount No 1 Nam 3 loss caused orker imposed installmen realised howed if any Natur moun Dat moun ause gainst eductio n or not, if so, nter ate. 5 From Ill (See rule 18) Dat moun 9 Register of advance made to employed persons, Factory/ Industrial Establishment. Nam Father' Departmen Date Purpose No. o Postponement Date 10 Remark No. 1 Name 3 nd mount dvanc made 5 installment granted or hich by whic dvanc dvance t b be repaid o repaid 8 hich otal moun repaid 10 [Form IV] (See rule 19) Annual Returns Wages and Deduction from Wages Return for the year ending 31st December, 19 1 . (a) Name of the Factory or Establishment with full postal address: (b) Industry: 2. No. of days worked during the year. (a) No. of mandays worked during the year: Persons earning Rs. 400/- p.m. dults Children (b) Average daily No. of persons employed during the year:] dults hildren otal less than 3. Gross amount paid as remuneration to persons getting less than Rs. 400/- including deduction of which the amount due to profit sharing bonus under Section 7 (2) .and that due to money value of [concessions is... Total wages paid including deductions under Section 7 (2) on the following accounts:- Persons receiving less than Rs. 400/- p. m. (a) Basic wages including over time wages and non-profit sharing bonus: (b) Dearness and other allowances in cash: (c) Arrears of pay in respect of previous year paid during the year: 5. Deduction: (a) Fines: (b) Deductions or damage or loss: (c) Deductions for breach of contract: 6, Disbursement from the fines fund Purpose (a) (b) (c) (d) 7. Balance of fines fund in hand at the end of the year.. Persons receiving less than Rs. 400/- p. m. No. ases o mounts mount Signature.. Designation. Form V (See rule 23) Abstract of the Payment of Wages Act, 1936 and the Rules made thereunder. When the Act affects- 1. The Act applies to the Payment of Wages to persons in Factories or Industrial Establishment receiving less than 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 remunerations whether salary, allowances or otherwise payable to a person employed in respect of his employment of work done in such 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 over-time work or holdings or any leave period; (c) any additional remuneration payable under the terms of employment: (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:- (1) 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 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 an 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 expense entailed by 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. The Paymaster is responsible for the payment under the Act of Wages to person employed under him and contractor employing persons is responsible for payment to the persons he employs

5. Wages period 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 to 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 factory or industrial establishment 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 installments or later than sixty days on the date of imposition. (c) shall be recorded in a register and applied to such purposes beneficial to the employed person as are approved by the Chief Inspector of Factories. (d) shall not be imposed on a child. 10. (a) Deduction 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 would have been at work. (b) If ten or more employed persons acting in a concern 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 years of age or 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 case work not exceeding 15 days or the period of notice which the employer has to give to discharge a work 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 or industrial establishment; (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 or industrial establishment; (5) no deduction must exceed the wages of the employed person for the period by which the notice 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 the time being in force (Whether the Government or the board is the employer or not) or any other authority engaged in the business of subsidizing house accommodation which may be specified in this behalf by the State Government amenities or services (other than tools and raw material) supplied by the employer provided these are accepted by the employed person as a part of the term 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 over-payment of wages. (b) Advance 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 installments spread over not more than 12 months and the installments 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 repayment of advances from any recognized provident fund

15. Deductions can be made for payments to co-operative societies approved by the State Government or to the postal insurance subject to any conditions imposed by the State Government. Education can also be made with the written authorization 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 of 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 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 in

factories or Industrial Establishments for purpose of any of the aforesaid penalties shall be provided that:- (i) any such penalty as 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 it is proposed to impose the penalty; (b) has been given a reasonable opportunity of showing cause why the proposed penalty should be imposed; (ii) the person concerned is given a right of appeal against any order imposing the penalty. Inspections 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 of the purposes of the Act. Complaints of deductions or delays 17. (1) Where irregular deductions are made from wages or delays in payment taken place, an employed person can make an application in the prescribed form within six 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 vexation 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 part of an application or against a direction made by the authority may be referred within thirty days to the District Court- (a) by Pay-master, if total amount directed to be paid exceed 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, exceeds Rs.50/-; (c) by a person directed to pay a penalty for a malicious or vexation applications. Punishment for breaches of the Act 20. Anyone delaying the payment of wages beyond the due date or making any unauthorized deductions from is liable to fine upto Rs.500/-. but only if prosecuted with the sanction of the authority or the appellate court

21. The Pay-master who- (1) does not fix a wages period, or (2) makes payment in kind, or (3) fails to display at or near the main entrance of the Factory or Industrial Establishment this abstract in Hindi; or (4) breaks certain rules made under the Act, if liable to a fine not exceeding Rs.200/-

Form VI Name of the Factory or Industrial Establishment.. Name of the Department... Date from which wage rates will be or are in force..... Class of description of work Rate of wages per unit Allowance, if any Name of pay-master... Signature... Date.. Note:- The wages rates in this form shall be shown separately for time workers and piece workers. Name of Establishment/Factory. Name age ctual Days ctual Ilowanc f th perio rate o orke ages ot ayable included orke age (A) Form VII (See Rule 5) Wages Slip Place.. Gross Deductions, Kind o ctual ne Date o Signature ages if any payable (Total o olumn and 6) eduction ages aymen r thum 1 3 2 n th in Colum asis o (B) olumn and 4 5 payable (differen olumns nd 8) 10 11 impressio f th orker i oken o eceipt o ages paid him wit ate (C) 12 Notes:- (A) If the number of days worked is not the same as the number of days for which payment has been made the later should be shown in column 4. (B) If any concessions are payable to a worker as part of wages, they should be included in this column, concessions being expressed in terms of money. (C) Signature or thumb impression of the worker will be obtained in this column at the time of actual payment of wages to the employee only in the duplicate copy of the Wage Slip maintained by the Pay-master. Signature of the Pay-master. Notification 1. Short title 2. Definitions (a) Act (b) Appeal (c) Authority (d) Court (e) Employer (f) Section (g) Form (h) Record THE RAJASTHAN PAYMENT OF WAGES (PROCEDURE) RULES, 1961 CONSPECTUS 4. Authorization 5. Permission to appeal 6. Presentation of documents 7. Refusal to entertain application 8. Appearance of parties 9. Record of proceedings IO. Signature of forms 11. Exercise of powers 12. Appeals 12A. Order of direction —When to be made 13.1nspection of documents 3.Form of application 14.Forms A to G THE RAJASTHAN PAYMENT OF WAGES (PROCEDURE) RULES, 1961 NOTIFICATION No. F. 3 (19) Lab/59, dated 19th October, 1962.—ln exercise of the powers conferred by sub- section (1) of section-26 of the Payment of Wages Act, 1936 (Central Act [V of 1936) the Government of Rajasthan $[hereby makes the following rules, the same having been previously published as required by sub-section (5) of section 26 of the said Act. 1 . Short title.—These rules may be called the Rajasthan Payment of Wages (Procedure) Rules, 1961 2. Definitions.—ln these Rules, unless there is anything repugnant in the subject or context :— (a) 'Act' means the payment of Wages Act (Central Act IV of 1936) • (b) 'Appeal' means an appeal under section 17; (c) 'Authority' means the authority appointed under sub-section (1) of Section 15; (d) 'Court'' means the court mentioned in sub-section (1) of sec. 17; (e) 'Employer' includes the person responsible for the payment of wages under section 3 and in the case of a deceased employer, his legal representative. (f) 'Section' means a section of the Act: (g) 'Form': means a form appended to these rules; (h) 'Record of order on direction' means the record of an order dismissing either wholly or in part and application made wader sub-section (2} of section 15 or of a direction made under sub- section (3) or sub-section (4) that section kept in Form 'E'. (i) Words and expressions used and] defined in the Act shall be deemed to have (the same [meaning] in the-Act

3. Form of applications.—Application under sub-section (2) of section 15 by or on behalf of [an] employed person or group of employed persons shall be made in duplicate in Form A, Form B or Form C, as the case may be, one copy of which shall bear such court fee 4[as prescribed under rule 22 of the Payment of Wages Rules, 1961).

4. Authorization—The authorization to Act on behalf of an employed person or persons under section 15 shall be given by a certificate in

Form -D, and presented to the Authority hearing the application and shall form part of the record

5. 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 Authority shall record an order 5 [on) the Statement, which in, the case of refusal, shall include {reasons} for the order, and shall incorporate in the record

6. Presentation of documents—(l) Applications or other documents relevant to an application may be presented in person to the Authority at any 1 {hours) to be fixed by the Authority or 2 [any] to 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 3for receipt] as the case may be

7. Refusal to entertain application.— The Authority may refuse to entertain an application presented under rule 6, if after giving the application 4{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 contained in the 5 (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] be 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 5[provisos] to sub-section (2) of section 15. 8 Appearance of parties.—(l) If the application is entertained the Authority shall call 7(upon} the employer by a notice in Form E to appear before him on a@ specified date together with al) relevant documents and witnesses, if any, and shall inform the applicant of the date so specified. (2) If the employer or his (duly authorized} representative [fails}] to appear on the specified date, the Authority may proceed to hear and determine the application ex-parte. I (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 reheard on good cause being shown within one month of the date of the said 1 Oforder), notice being served on the opposite party of the date fixed for rehearing

9. Record of proceedings—(l) The Authority shall in all cases center the particulars indicated in Form F, and at the time of Passing orders shall sign and date the Form. (2) In case where no appeal lies, no further record shall be necessary. (3) In a case where no appeal lies, the Authority shall record the substance of the evidence and shall l{append} it under his Signature to the record of order of direction

10. Signature 2 (on) Forms—Any form. other than a record of order or 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 sub-ordinate to: him appointed by him in writing for this purpose. 11.Exercise of powers—ln 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 6 [adapting] them to the matter before him and save —where they conflict with the express provisions of the Act or these rules, 12. Appeals—(l) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the prescribed court fee setting forth concisely the grounds of objection to the order dismissing cither wholly or in part an application made under sub-section (3) of section 1 or a direction made under sub-section (3) or sub-section (4) of that section as the case may be, and shall be {accompanied] by certified copy of the said order or direction." (2) When an appeal is lodged, a notice shall issue to the respondent in Form G. (3) The court after hearing the parties and after such further inquiry if any, as it may deem necessary, may confirm, 8[very] or set aside the [order} or direction from which the appeal is preferred, and Shall make an order accordingly) 12.A Order or direction when to be made.—The authority or the court, as the case. may be, shall, after the case has been heard, make an order or issue a direction either at once or as soon thereafter as may be practicable, on some future day, and when the order or direction is to be made on some future day, it shall fix a date for the purpose, of which due notice shall be given to the parties or their pleaders] 13. 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 such fees as may be prescribed, FORM A Form of individual application {See sub-section (2) of Section 15 of the Payment of Wages Act) In the Court of the Authority appointed under the Payment of Wages Act (Central Act LV of 1936), for Application No.. Between A, B, C (through areas. . of 19 applicant ..A (legal practitioner. an official of which is a registered trade union) and X, Y, Z ..opposite party. The applicant states as follows :- A, B, C, is a person employed in/on the on the Factory Railway entitled Industrial establishment and resides at. The address of the applicant for the service of all notices and process is X, Y, Z, 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 notice and processes is 3. (1) The applicant's wages have not been paid for the following wages period(s). Or a sum of Rs.. . bas been unlawfully deducted from his wages of... for the wage period (s) which ended on (Give date (s). (2) (Here give any further claim or explanation.) . ...(amount) 4. The applicant estimates the value of the relief sought by him at a sum of rupees (5) The-applicant prays that a direction may be issued under sub-sec. (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, and, (b) payment of compensation amounting The applicant (certifies) that the statements of facts contained in this application is to the best of his knowledge and belief accurate. Signature 4[or] thumb impression of the employed person or Legal practitioner or official of a registered Trade Union duly authorized. FORM 'B' Form of group application (See sub-section (2) of section >(15] and section 16 of the payment of Wages Act.) In the Court of Authority appointed under the Payment of Wages Act (Central Act of 1936) or area Application No. of 19 Between A.B.C. and (State the number) other applicant (s). (Through. which is a registered trade union) And X. Y, Z. ..A legal practitioner an official of .opposite party. The applicants state as follows I. The applicants whose names and permanent address is appear in the attached schedule are persons employed in the on entitled Factory Railway. Industrial establishment. The address of the applicant's for service of all notices and processes is 2. X.Y. Z. the opposite party, 13 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. The applicant's wages have not been paid for the following wages period (s) (the) sum of 4. The applicants estimate the value of the relief sought by them at rupees.. The applicants party that a direction may be issued under (sub-section (3) of section 15 for.. (a) Payment of the applicants 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 the facts contained in this application is to the best to their knowledge and belief accurate. S. No. 2. 3. 4. 5

6. Name of applicants Signature or thumb impression of the applicants, or legal practitioner, of an official of registered Trade. Union. duly authorized. SCHEDULE Permanent address.

FORM C 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 ct). In the court of the Authority appointed under the Payment of Wages Act... Application No. of 19 Between A.B.C. Designation..... the payment of wages Act, (for a person permitted by the authority as Inspector under to act under sub-section (2) of section 15) and X.Y.Z The applicant states as follows— authorised applicant the opposite party X.Y Z., the opposite party is the person responsible under the Act for the payment of wages to the following person (a). (2) (3) 2. His address for the service of all notices and processes is 3. The Wages of the said person, whose names and permanent address are given below, due in respect of the following period. (S) have not been paid Have been subjected to the following illegal deductions

4. The applicant estimates the value of the relief sought for the persons employed at the sum of Rs

5.The applicant prays that a direction may be issued under sub-sec. (3) of section 15 for. (a) payment of the delayed wages is estimated or such greater or such lesser amount as the Authority may find to be due or refund of the amount illegally deducted. (b) payment of 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.

FORM D Certificate of Authorization ITvVe employed person (s) hereby authorize . Signature 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 30) in respect of the claim against.. ..on (account) of delay in payment of my/our Witnesses (2) (3) (4) illegal deductions from Wages for Signatures. (1) (2) (3) (4) accept the authorization Signature by Legal Practitioner official of a registered trade union FORM E Notice for the disposal of application To Whereas under the Payment of Wages Act, 1936 (Central Act of 1936) a claim against you has been presented to me in the application of which & 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 ...of on the day able to answer [all] questions ..at O'clock in the fore/after noon to answer the claim and as the day .19.... fixed for your appearance is appointed for the final disposal of the application, you must be Prepared to produce an 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 Seal FORM F Record of order or direction (1) Serial number... (2) Date of the application... 19 Authority. (3) Name or names, parentage, address or addresses of the applicants, or Some, or all of the applicants belonging to the some unpaid grout. (4) Name of address of the employer.... (5) Amount claimed.. (a) as delayed wages Rs.. (b) as deducted from wages Rs.. (6) Plea of the employer and his examination (if any). (7) Finding and a brief statement of the reason there for (8) Amounts awarded — (a) Delayed wages.. (6) Deducted wages.. (9) Compensation awarded.. (10) Penalty imposed... (11) Costs awarded to :— (i) Court fee charges..... (ii) Pleader's fee.. witnesses expenses.

12. Date by which the amount awarded shall be paid Signed.dated.. Note—ln cases where an appeal lies attach on a separate sheet, the substance of the evidence. FORM G Notice to respondent of the day fixed for the hearing of the appeal under section 17 of the Payment of Wages Act, 1936. Appeal from the decision of the Authority for the.. dated the. ..day. ..of.. .19. To Respondent are, Take notice that an appeal of which a copy is enclosed, from the decision of the Authority for ....area bas been presented by X, Y, Z (and others), and registered in this Court, and that the. day.. .of.. .19, has been fixed by this Court for the hearing of this appeal. If no appearance is made on your behalf by yourself or by someone by law authorized to act for you in this appeal, it will be heard and decided in your absence. Given udder my hand and the seal of the Court, this day of Seal of the Court. ..19. Judge Signature Notification The Rajasthan Payment of Wages (Manner for Recovery of Excess Deduction) Rules, 1966 CONSEPECTUS (a) Act (b) Section 1

2. Short title and commencement Definitions 3. Manner of recovery THE RAJASTHAN PAYMENT OF WAGES (MANNER FOR RECOVERY OF EXCESS DENUCTION) RULES, 1966 (Notification No. F. 1 (6) (7) L & E/66, dated 12-12-67, published in Rajasthan Gazette. Part IV-C, Extraordinary. dated 14-12-67) In pursuance of sub-section (3) of section (3) of section 7 and in exercise of the powers conferred by sub-section (2) of section 26. of the Payment of Wages Act, 1936 (Central Act IV of 1936), the State Government hereby makes the following rules the same having been previously published as required by sub-section (6) of the paid section 26 namely :—

1. Short title, and commencement—(l) These rules may be called the Rajasthan Payment of Wages (Manner for Recovery of Excess Deductions) Rules, 1966. (2) These rules shall apply to the persons employed in factories and other industrial establishments. - (3) They shall extend to the whole of the State of Rajasthan

2. Definitions—ln these rules,— (a) 'Act' means the Payment of Wages Act, 1936; (b) 'Section' means a section of the Act

3. 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 (1 1), 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 installments. not exceeding three, 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 a 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 curried forward and recovered in not more than three installments by limiting other deductions tor those months so that the total deduction does not exceed Seventy Five Rupees in any month. THE PAYMENT OF WAGES ACT, 19386 (Central Act No. 4 of 1936) NOTIFICATIONS No. 1490/Lab, dated June 20, 1950.—ln exercise of the powers conferred by Sub-section (1) of section 8 of the Payment of Wages Act, 1936 (LV of 1936) as adapted by the Rajasthan Central! Laws Adaptation Ordinance, 1950, the Government of Rajasthan is Pleased to approve the following list of acts and omissions in respect of which fines may be imposed on Persons employed in factories, mines and Quarries in Rajasthan subject to the Conditions and limitations Prescribed by sub-sections (2) to (7) of section 8 of the said Act.. List of Acts and Omissions I. Late attendance and absence from duty without leave Without sufficient cause

2. Damage to an employer's goods and Properly caused by neglect, careless conduct or willful destructions on the part of an employed Person, 3. Insubordination, malingering, deliberate, delaying of Production and disobedience of orders

4. Failure to wear tight fitting clothing provided by the Management or to observe safety instructions, Unauthorized removal of damage to machinery guards, fencing and other safety devices

5. Conduct on part of an employed person tending to cause a breach of the peace and conduct which endangers the lives or safety of other Persons in the factory.6: Expectorating of otherwise Committing a nuisance on the factory premises

7. Breach of any rules or instructions for the maintenance end.running of any department and maintaining its cleanliness, 8. Theft, fraud; or dishonesty, 9. Sleeping on duty and smoking in: Prohibited places. {Published in Raj. Raj-patra, vol. 1, No. 39 dated 29-7-SO part 1 at Page 295] (2) No. 1490/Lab, dated July 7, 1950—1n exercise of the powers conferred by Clause (s) of sub- section (2) of section 7 read with section It of the Payment of Wages Act, 1936 (IV of 1936), as adopted by the Rajasthan Adaptation of Central Laws Ordinance 1950, the Government of Rajasthan is authorised deductions to be made from the wages 'of Persons employed in factories, mines and quarries situated in Rajasthan, to Cover the cost of stamp duty on receipts for wages leviable under the stamp law if such stamp for the receipt was supplied by the employers. [Pub. in Raj. Raj-Patra Vol. 2, No. 34,dated 15-7-50 Part 1 at Page 253} (3) No, 1514/Lab/{iv) dated August 4, 1950—1n exercise of the . powers conferred by sub-section (1) of the Payment of Wages Act, 1936 of the Central Legislation as adapted by the Rajasthan Adaptation of Central Laws Ordinance 1950 the Government of Rajasthan pleased to appoint the Labour Commissioner for Workmen's Compensation Rajasthan to be the authority to hear and decide all claims arising out of deductions from the Wages, or delay in payment of the Wages of persons employed or paid in Rajasthan. [Published in Raj. Raj-patra; Vol 2 0. 43, dated 12-8-50 Part I at page 345.) (4) No. 1514/Lab. dated November 2, 1951 - In exercise of the powers conferred by sub-section (1) of section 15 of the Payment of Wages Act. 1936 (IV of 1936}, the Government of Rajasthan is pleased to appoint the Labour Commissioner in Rajasthan to be the authority to hear and decide all claims arising out of deductions from the wages, OF delay in payment of the wages, of persons employed or paid in Rajasthan. [Pub. in Raj. Raj-Patra Vol. 3 Part J. at page 700.] (5) No 3423/Lab. dated December 3. 1951 .—la exercise of the powers conferred by clause (e} of sub section (2) of section 7 of the Payment of Wages Act, 1936 (IV of 1936). the Government of Rajasthan is pleased to authorize that deductions may be made from the wages of persos employed loved in factories situated in Rajasthan for such amenities of service as are mentioned in the following Schedule Provided that any such deductions shall be subject to the requirement of section 11 of the said Act being complied with and shall be further subject to such conditions as the Government may hereafter impose. SCHEDULE (1) Payment for stores, provisions, fuel, goods and material! (other than tools or raw materials required for the purpose of employment) voluntarily purchased at concessional rates. (2) Charges for conveyance service to and from 'a factory at reasonable rates approved by the Chief Inspector of Factories and Boilers, Rajasthan, Jaipur, subject to the condition that each individual worker to whom the amenity or. service is supplied authorises in writing the making of such deductions. (3) Cost of sweets and cooked food supplied from Canteens run by the mill management at rates not higher than the prevailing local rates, which must be displayed in the canteen, provided (i) that such deduction does not

exceed the 25 per cent of the total earning for the wage period (ii) that it is made subject to the same condition as mentioned in item (2) above and (iii) that cash value of the coupons !s surrendered to the worker whenever required by him. (4) Premium for Life Assurance from the wages of workers for the wage period provided that the assurance scheme IS managed by the employer, is registered under the Insurance Act, 1938, and has previously been approved by the Chief Inspector of Factories and Boilers, Rajasthan and that the deductions made subject to the same condition as mentioned in item (2) above. (5) Cost of stamp duty on receipts for wages leviable under article 53 of the First Schedule of the Indian Stamp Act, 1899 (11 of 1899) if such stamp for the receipt was supplied by the employer. (6) Cost of the supply of food grain to their employees from a grain shop or store operated by the management of a factory, subject to the condition that the grain is supplied to the employed person at his own wish and that the deductions so made from the monthly wages of any employed person shall not in any one month exceed SO per cent thereof. (6) No. Fac. 61 (60), dated January 10, 1952— In exercise of-the powers conferred by section 24 read with . sub-section (1) of section 15 of the Payment Wages Act 1936 (IV of 1936), the Central Government hereby appoints the officer or officers appointed from time to time by the Government of Rajasthan under sub-section (1) of section 15 of the said Act as the authority or authorities to hear and decide. within any area all claims arising out of deductions from the wages or delay in payment of wages of persons employed. or paid within such area, to be the authority or authorities to hear and decide such claims in respect of persons employed or paid within that area by a Railway administration. [Published in Raj.-Raj-patra, Vol. 3, No. 183, dated 22-7-1952, Part] at page 66] (7) No. F 15(7) Lab/S2-53, dated April 2, 1953—1n exercise of the powers conferred by sub-section (1) of section 15 of the Payment of Wages Act, 1936 (IV of 1936) the Government of Rajasthan is pleased to appoint the District Magistrates, by virtue of their office, to be the authority to hear and decide all claims arising out of deductions from wages or delay in payment of the wages of persons employed or paid in the area within their respective jurisdiction. [Published in Rajasthan Raj-patra, dated April 4, 1953, Pact 1 at page 13.) (8) No. F. 15 (10) Lab/53-54. dated May 23, 1955,—ln exercise of the powers conferred by sub- section (1) of section 15 of the Payment of Wages Act, 1936 (Act No. IV of 1936) and in supersession of Government Notification No. F.15(7) Lab./52-53 dared 2nd April, 1953, the Government of Rajasthan is-pleased to appoint all the District Magistrates, Sub Divisional Magistrates and City Magistrates, by virtue of their office to be the authorities to hear and decide all claims arising out of deductions from wages or delay in payment of wages of persons employed or paid within their respective Jurisdiction, [Published in Raj. Raj-patra, dated June 4, 1953 Part I (a) at Page 59.) (9) No. F. 15(10) Lab/53-54, dated January 18, 1956— In exercise of the powers conferred by sub- section (1) of section 15 of the Payment of Wages Act. 1936 (IV of 1936} and in continuation of Labour Department Notification of even number dated the 23rd May. 1955, the Government of Rajasthan hereby appoints all Railway Magistrates (appointed under Judicial Department Notification No. F 1 (10) Jud/54, dated the 24th March, 1955 and published in the Rajasthan Gazette Part I dated the 23rd April. 1955) by virtue of their Office, also co be the authorities to hear and decide all claims arising out of deductions from wages or delay in payment of wages of persons employed or paid within their respective jurisdiction. [Published in Raj. Raj-patra dated February 4, 1956, Part I (a) at page 298}. (10) No. 1/36/57-Lab, dated July 17. 1957—10 exercise of the powers conferred under sub-section (3) of section 14 of the Payment of Wages Act. 1936 (IV of 1936 the Govt. of Rajasthan is pleased to appoint the officers specified in column (1) of the schedule thereto annexed as Inspectors for the purpose of the said Act for employment in factories and other industrial establishments to which the aforesaid Act is applicable within the local limits specified in the corresponding entries in column (2) thereof. Designation of Officers 1. Labour Commissioner, Rajasthan, Jaipur 2. Assistant Labour Commissioner, (Admn. and Lab. Laws) with headquarters at Jaipur. SCHEDULE Territorial jurisdiction Whole of Rajasthan State

1. Conciliation Officer, Jaipur 5." Bhilwara Bikaner Kota Jodhpur District & Divisional Staff Ajmer Division excluding Ajmer District. Udaipur Division, Bikaner Division. Kota Division Jodhpur Division. Ajmer District {Pub. in Raj. Raj-patra dated August 1, 1957 Part [(b) at page 188) (11) No. F. I (57) Lab/57 dated July 8, 1957—1n exercise of the powers conferred by sub-section (1) of section 15 of the Payment of Wages Act, 1936 (IV of 1936) the Government of Rajasthan is pleased to appoint the Sub-Divisional Magistrates, City Magistrate, Ajmer, Tehsildars (Ex-officio) and District Magistrate of the district of Ajmer in their respective jurisdiction and District Magistrate Sirohi Sub-Divisional Magistrate,

Mount Abu and Tehsildar, Abu Road (Ex-officio) for Abu Road and District Magistrate Shalawar and Naib Tehsildar - (Ex-officio for Sunel Tappa by- virtue of their office, to be the authority to hear and decide all claims arising out of deductions from wages or delay in the payment of wages of persons employed or paid in the area within their respective jurisdiction. [Published in Raj. Raj-patra, dated July 8, 1957, Part IV.(C) at page 47.] (12) No. F. 1/23/LAB/57, dated March 20, 1957—1n exercise of the powers conferred under sub- section (3) of section 14 of (he Payment of Wages Act, 1936 (IV of 1936), the Government of Rajasthan is pleased to appoint the following Minimum Wages Inspectors to act as ex-officio Inspectors under the payment of Wages Act, 1936 for purposes of the said Act for employment in factories and other Industrial establishments to which the aforesaid Act is applicable, within the Local limits mentioned against each :— 1. Minimum Wages Inspector, Bikaner 4. Jaipur Jodhpur Kota Bhilwara Bikaner Division. 0 Ajmer Division except Ajmer District. Jodhpur Division. Kota: Division. Udaipur Division. Ajmer District [Published in Raj. Raj-patra, dated April 11, 1937, Part IV (C) at page 9] (13) Noti No. D. 3134/F.3 (4) Lab/56 dated June 11, 1958.—ln exercise of the powers conferred by sub-section (3) of section 14 of the Payment of Wages Act, 1936 (Central Act No. IV of 1936), the Government of Rajasthan is pleased to appoint the Labour inspector, Beawar, by virtue of his office to be an Inspector for the purposes of the said Act in respect of all classes of factories and industrial establishments in the Ajmer District. {Published in Raj. Raj-patra, dated June 26, 1958, Part IV (C), at page 551) (14) W.3(73) tax 58, 30.01.1959 we, 1936 (4 1936) $1 1 (5) 31q-å fäq--é3[(generation), <24T (distribution) 1 (RTq. 4 (VD, 16.4.1959 41 UAT) (15) Noti. No. F. 3 (27) Lab./60/2076, dated May 22, 1961 .— In supersession to this Department Notification No. F. 3(4)/Lab./58. dated 6th June, 1959 and in pursuance of Explanation l! to section 7? of the Payment of Wages Act, 1936 (Act No. IV of 1936), the Government of Rajasthan hereby specify the following requirements with which the rules framed by the employers in relation to the employees employed in their factories and Industrial Establishments as defined under section 2 (i) & (2) (ii) of the said Act. for the imposition of any of the penalties specified in clauses (i) and (ii) of that Explanation, shall confirm namely All such Rules provide that (i) any such penalty as aforesaid, except the penalty of suspension and penalty of stoppage of increment at an efficiency bar, shall not be imposed unless the person concerned— (a) bas been informed in writing of the charges in respect of which it is proposed to impose the penalty, (b) has been given a reasonable opportunity of showing cause against the action proposed to be taken against him. (ii) the person concerned is given a right of appeal against any order imposing the penalty. [Published in Raj. Raj-patra, Part IV (C), dated June 15, 1961, at page 120.) (16) Noti. No. F. '3 (96) Lab./61, dated December 8, 196!—ln pursuance of Explanation 11 to section 7 of the Payment of Wages Act, 1936) and in supersession to this Department Notification No. F. 3 (27) Lab 60/2076, dated 22.5.61 the State Government hereby specifies the following requirements to which the rules framed to the employees in relation to the employees employed in their factories and Industrial establishments as defined under section (2) (i) and (ii) of that Explanation shall confirm, namely — 1. (a) All such Rules shall .provide that — the penalty of reduction to a lower post or time scale or to a lower stage in a time scale shall be imposed only after an inquiry held as for as may be, in the manner hereinafter provided :— (i) definite charges shall be framed and served in writing. on the person concerned who will be required to submit. within such time as may be specified, a written statement and also state whether he desires to be heard in person; (ii) for the purpose preparation of his defence the person concerned shall be permitted to inspect and to take extracts from such records as he may specify provided that such permission-:may be refused if, for reasons to be recorded in writing such records are relevant for the purposes; (iii) the charges as are not admitted shall be inquired in to and the appeal is heard and disposed of by a higher than the authority which imposed the penalty (iv) the person concerned may present his case with the assistance of any other person approved by the enquiring authority;. (v) such documentary evidence, as may be necessary shall be considered oral evidence as may be relevant or material shall be taken and cross examination shall be permitted; . I (vi) the report of the inquiry and the findings on each of the charges with reasons therefore shall be prepared: (vii) the report of inquiry shall be considered and find.ogs on each charges shall be recorded; (viii) the person concerned shall be supplied with the report and the findings; (ix) the person concerned shall be given a notice stating the action proposed to be taken and calling upon him to submit within a specified time such representation as he may wish to make against the proposed action: (x) appropriate orders shall be passed and communicated to the person concerned in writing. (b) the penalty of withholding of increment or promotion but excluding the penalty of stoppage of

increment at an efficiency bar shall be imposed only after the person concerned has been informed in writing of the proposed action together with the allegations and given an opportunity to make any representation that he may wish to make (c) the person concerned is given a right of appeal against order imposing any of the penalties mentioned in 1 (a) and (b) above, and the appeal is heard and disposed of by any authority higher than the authority which imposed the penalty. (2) All such orders shall also. specify the person or persons empowered to impose any of the penaltics mentioned in clauses (4) and (b) of paragraph 1 and the person or persons empowered to hear and dispose of an appeal under clause (c) of that paragraph. {Published in Raj. Raj-patra Part IV (C), dated January 25, 1962, at page, 589.} (17) Noti. No F. 3 (19)/Lab/59, dated April 20, 1962.—ln exercise of the powers conferred by sub- section (5) of section} of the Payment of Wages Act, 1936 (IV of 1936). as amended by the Payment of Wages (Amendment) Act of 57 (68 of 1957) and in continuation of this Department Notification No F. 3. (73)/Lab./58 dated the 19th January. 1959-published in the Rajasthan Raj- patra, dated the 5th February. 1959, Part I-B the State Government. does hereby extend the provisions of the said Act to persons employed in the following classes of industrial establishments, namely (i) Workshop. or other establishment in which articles are produced, adopted or manufactured with a view to their use transport or sale; and (ii) Establishment in which any work relating to the construction. development or maintenance of Building Roads, bridges or canal. or relating to operations connected with navigation irrigation or the supply of water or relating to the generation, transmission and distribution of electricity or any other form of power is being carried on. (Published in Raj Raj-patra Patra I (b), dated May 3, 1962 at page 9]. (18) LABOUR DEPARTMENT ORDER No. F. 3 (8) Lab/62/3384, dated August 8. 1962 .—'n exercise of the powers conferred by clause (e) of sub-section (2) of section 7 of the Payment of Wages Act. 1936 (Central Act TV of 1936) read with section 11 thereof, the State Government hereby authorises deductions from the wages of an employed person for the transport service amenity supplied by the employer to the employed persons or the members of their families subject to the conditions specified below, namely (1) the authority under this order shall be exercised after obtaining previous approval in writing of the Chief Inspector of Factories and Boilers in respect of the deductions to be made and the maximum rates of deductions so made shall not exceed the rates thus approved; (2) the employer shall maintain a record of such deductions, which shall be open to inspection at all reasonable times by the employed persons or Chief Inspector of Factories; and (3). no deduction shall be made from the wages of an employed person unless he consents in writing thereto. [Published in Raj. Raj--patra, Part I (b). dated September 6. 1962, at page 77.} (19) No. F. 3(8) Lab/62, dated March 6, 1963.—ln pursuance of clause (ii) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (Central Act IV of 1936). as amended by sub- section (3) of section 6 of the Defence of India Act, 1962 (Central Act 51 of 1962), the State Government hereby approves the following — Defence Saving Schemes for making deductions for contributions to such schemes from the wages of the employed persons, namely 1, National Defence Certificates 2. Defence Deposit Certificates

3. Cumulative Time Deposits.4, Premium Prize Bonds, 1963. [Pub. in Raj, Gaz, Part [LV (Ga), dt. 9-6-63, Page 1.) (20) No. F 3 (8) Lab/62.—lo exercise of the powers conferred by clause (e) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (Central Act V of 1936) read with section 11 thereof the State Government hereby authorizes the deduction from the-wages of an employed person for the following amenities and services supplied by the employer, namely :— Supplies of essential commodities from the fair price shops maintained by the employer for the benefit of employees. The deductions from wages are allowed subject to the — following conditions (i) the employed person accepts the aforesaid amenity or service as a term of employment or otherwise , (ii) the approval of the Chief Inspector of Factories and Boilers, Rajasthan, Jaipur shall be obtained in writing to such deductions , (iii) the maximum deductions shall not exceed half of the wages at any period (iv) records shall be kept for such deductions. which shall be open to inspection ; and (v) records shall be reserved for at least 3 years. [Published in Raj. Gaz., Part IV (Gaz), dated 2-7-1964.) - (21) No. F. (6) (2) L&E/67, dated 29-5-67 Published in Rajasthan Gaz, Extra- - ordinary, Part [IV—C, dated 29-5-67. In exercise of the powers conferred by sub-section (1) of section t5 of the Payment of Wages Act, 1936 (Central Act No. IV of (936), the State Government hereby makes the following amendment with effect from the 11th November, 1965, to this Department, Notification No. F. 3 (39) Lab/43, dated the 11th August, 1965, published in the Rajasthan Gazette, Part I(B), dated the 28th October, 1965, namely :- AMENDMENT In the said Notification inserted between the

words "by virtue of their being appointed as Workmen's Compensation Commissioners under the Workmen's Compensation Act, 1923 (Central Act No.Vlll of 1923)" shall be inserted between the words "Officers" and 'to be" occurring in line four. (Corrigendum No. F. 3 (38) Lab/63, dated 10-5-67, published in Raj. Gaz. Part [V-C, Extraordinary, dated 19-5-67). (22) No. F. E (1) (1) L & 367, dated 25-5-67, published in Raj. Gaz 26-5 67. Part IV-C, Extraordinary, dated In exercise of the powers conferred by sub-section (3) of section 14 of the Payment of Wages Act, 1936 (Central Act No. LV of -1936), and in supersession of this Department Notification of even No. dated the 17th November, 1966 the State Government hereby appoints the Officers specified below, as Inspectors for the purposes of the said Act, is respect of the Motor Transport Undertakings governed by the Motor Transport Workers Act, 1961 (Central Act No. 27 of 1961), for the areas specified against each namely Labour Inspector, Sawaimadhopur 2. 3. 4. 5. 6. 8. 9. 10, 11. 12. 13. 14, 15. 16, 18. 19. 20 21. 22. 23. 24, 25. Designation Dy. Labour Commissioner (Administration) with Headquarters, at Jaipur. Labour Inspector, Jaipur I Labour Inspector, Jaipur 11 Labour Inspector, Labour Inspector, Beawar Labour Inspector, I Kota Labour Inspector, 11 Kota Labour Inspector, Bundi Labour Inspector. I Jodhpur Labour Inspector 11, Jodhpur Labour Inspector, Bikaner Labour Inspector. Sriganganagar Labour Inspector, Bhilwara Labour Inspector, Udaipur Labour Inspector, Chittorgarh Labour Inspector. Dungarpur Labour Inspector. Jhalawar Labour Inspector, Took. For Tonk District, Labour Inspector, Bharatpur Labour Inspector, Awar Labour Inspector, Sikar Labour Inspector, Nagaur Labour Inspector. Pal Labour Inspector, Jalore (23) Local areas within which Inspectors shall exercise their powers. For whole of the State of Rajasthan For Jaipur City For Jaipur District (except Jaipur City) For Sawaimadhopur District, For Ajmer City. For Ajmer District (except Ajmer City). For Kota City. For Kota District (excluding Kota City and including Rana Pratap Sagar Project in Chittorgarh District). For Bundi District.- For Jodhpur City. For Jodhpur District (except Jodhpur City) and Jaisalmer District, For Bikaner and Churu Districts. For Sriganganagar District For Bhilwara District. For Udaipur District. For Chittorgarh District (excluding Rana Pratap Sagar Project in Chittorgarh District). ' For Dungarpur and Banswara Districts. For Jhalawar District For Bharatpur District. For Alwar District. For Sikar and Jhunjhunu Districts. For Nagaur District. For Pali and Barmer Distts. For Jalore and Sirohi Distts. No. F. 3 (39) Lab./63. dated 31-5-67, Published in Rajasthan Gazette, Part IV-C, Extraordinary, dated 31-5-67. In exercise of the powers conferred by sub-section (1) of section 15 of the Payment of Wages Act, 1936 (Central Act IV of 1936), and in supersession of the Department Notification No F. 3(39) Lab./63, dated the 11th August, 1965 and F. 3(39) Lab./63, dated 15th July, 1966, the State Government hereby appoint the following officers by virtue of their appointment as Workmen's Compensation Commissioners vide Notification No. F. 3(39) Lab./63, dated the 30th May, 1967 to be the authorities to hear and decide all claims arising out of the deductions from the wages, or delay in the payment of the wages of persons employed or paid in the areas specified against each, namely :— S. No. Designation 1 2. Regional Assistant Labour Com missioner, Jaipur Regional Assistant Labour Commissioner, Kota 3. Regional Assistant Labour Commissioner Jodhpur 4. Regional Assistant Labour Commissioner, Bhilwara 5. Regional Assistant Labour Commissioner, Ajmer

6. Regional Assistant Labour Commissioner, Bikaner. Jurisdiction For Jaipur and Tonk District For Kota, Bundi & Jhalawar Districts and for area of Rana Pratap Sagar Project in Chittorgarh District. For Jodhpur, Jaisalmer. Pali, Barmer, Sirohi, Jalore and Nagaur Districts. For Bhilwara and Chittorgarh Districts excluding the area of Rana Pratap Sagar Project in Chittorgarh District For Ajmer, Sikar & Jhunjhunnu Districts. For Bikaner, Churu and Sriganganagar Districts

7. Regional Assistant Labour Commissioner, Udaipur. For Udaipur, Banswara and Dungarpur Districts

8. Regional Assistant Labour Commissioner Bharatpur For Bharatpur, Alwar and Sawai Madhopur Districts.(24) Noti. No. I (9) (23) L & E/65/B, dated June 2, 1967.—Jn exercise of the powers conferred by sub- section (3) of section 14 of the Payment of Wages Act, 1936 (Central Act No. LV of 1936), the State Government hereby appoints the officers specified below to he Inspectors for the purposes of the said Act, for the local limits specified against each in respect of every factory and other establishments in which 20 or more persons are employed' on any day during an accounting year, governed by the Payment of Bonus Act, 1965 (Central Act, No. 21 of 1965), namely S. No. Designation 1. 2. 3

4. Labour Inspector (Bonus), Bhilwara Labour Inspector (Bonus), Bikaner Labour Inspector (Bonus), Bharatpur Labour Inspector (Bonus), Local limits of jurisdiction For Bhilwara & Chittorgarh Districts excluding the area of Rana Paratap Sagar Project in Chittorgarh District. For Bikaner, Churu, Sriganganagar Districts. For Bharatpur, Alwar and Sawaimadhopur Districts. For Ajmer, Sikar and Jhunjhunnu 5. 6. 7

8. Labour Inspector (Bonus), Jaipur Labour Inspector (Bonus), Jodhpur Labour Inspector (Bonus), Kota Labour Inspector (Bonus), Udaipur Districts. For Jaipur & Tonk Districts. For Jodhpur, Nagaur, Pali, Jalore, Sirohi, Barmer and Jaisalmer Districts.. For Kota, Bundi and Jhalawar Districts and the area of Ranapratap Sagar Project in Chittorgarh District. For Udaipur, Banswara and Dungarpur Districts. [Published in Raj. Gaz Part IV (Ga) det. 29.5.1967, pp 295-296) (25) LABOUR & EMPLOYMENT DEPARTMENT No-S.O. 13, dated April 7, 1969.—ln pursuance of sub-section (5) of section 1 of the Payment of Wages Act, 1936 (Central Act IV of 1936), the State Government hereby gives notice of its intention to extend, after expiry of three months from date of publication of this notification, the Provisions of the said Act, to the payment of wages to any class of Persons employed in the following industrial establishments, namely Motor Transport service engaged in carrying passengers or goods or both by road, for hire or reward. (Pub. in Raj. Gaz. Ex. Part IY (Ga) (IT), dt 7.469.] (26) No. S.O. 135, dated August 28, 1970 —In exercise of the powers conferred by sub-section (5) of section 1 of the Payment of Wages Act, 1936 (Central Act IV of 1936), the State Government hereby extends with effect from 1-9-1970 all the provisions of the said Act to the payment of wages to all classes of persons employed in Motor Transport Services engaged in carrying passengers or goods or both by road for hire or reward, in the State of Rajasthan. (Pub. in Raj. Gaz. Ex., Part EV (Ga) GI), dt. 28 8-70) (27) No. F, | (1) (1) L&E/67 (VI), Dt. 25-7-1970, S.O. 104.—ln exercise of the powers conferred by sub-section (1) Of section 15 of the Payment of Wages Act, 1936 (Central Act IV of 1936), the State Government hereby makes the following amendments in this Department Notification No, F. 3 (39) Lab./63, dated the 31st May, 1967, namely - AMENDMENTS In the table, appended to the said notification in column 2 against serial No. 1, for the words 'Regional Assistant Labour Commissioner, Jaipur" substitute the words *Regional Deputy Labour Commissioner, Jaipur." [Pub. in Rajasthan Gazette Extra-ordinary, Part IV-C (l), dated" 25-7-70, at page 214.) (28) No. F. (1) 1 (1) L&E/67, Jaipur, July 8, 1974.—ln exercise of the powers conferred by sub-section (3) of section 14 of the Payment of Wages Act, 1936 (Central Act IV of 1936), the State Government hereby makes the following amendments: in this Department Notification of even No. dated 21-12-1973 (published in Rajasthan Raj-patra, Extraordinary, dated 21-1-1974 Part I (Kh) at page 144 (2) namely - AMENDMENT 1 . At Sl.No.2, the words 'Ill" after Assistant. Labour Commissioner & 11 are hereby deleted, 2. .At S. No. 4 the words "Labour Welfare Officer, Jaipur" substituted by words "Assistant Labour Commissioner, Reg. Office, Jaipur"

3. At S. No. 11 in column of jurisdiction the words "and Kekri Sub-division" are hereby added. 4 At S. No. 32 in column of jurisdiction the word "Excluding" substituted by word "and' 5. After S. No. 36 the following may be added :- "37 Labour Welfare Officer, Jodhpur, for Jodhpur Jaisalmer, Nagaur pali, Barmer, Sirohi and Jalore, Districts

38. Labour Welfare Officer, Udaipur, for Udaipur, Banswara Dungarpur Districts.(Pub in Raj. Gaz, Extra-ordi, Part 1] B dated 9-7-1974.) (29) THE RAJASTHAN PAYMENT OF WAGES (UNCLAIMED AMOUNTS): RULES, 1972 Notification Rules 1. Short title 2. Definitions 9. Amounts unclalmed for three years to CONSPECTUS be credited to Rajasthan Government

4. List of amounts unclaimed to be posted in the Office of the Authority

5. Refund Form THE RAJASTHAN PAYMENT OF WAGES (UNCLAIMED AMOUNTS) RULES, 1972 .NOTIFICATION Noti. No. F. 1 (9) (2) Shram 72, dated April 26, 1974, G.S R. 68,—ln exercise of the powers conferred by section 26 of the Payment of Wages Act, 1936, the State Government hereby makes the following Rules. the same having been previously published, as required by sub- section (5) of the said section, namely .- RULES 1. 2. 3

4. Short title—These rules may be called the Rajasthan Payment of Wages (Unclaimed Amounts) Rules, 1972. Pub. in Rajasthan Gaz Part [V-C(!).dated 22-8-1974, Page 189-190 Definitions—ln these rules, unless there is anything repugnant in the subject or context,— (a) 'Act* means the Payment of Wages Act, 1936 'Authority' means the officer appointed under sub-section (1) of section 15 of the Act (b) to hear and

decide claims arising out of deductions from the wages, or delay in payment of the wages of persons employed. (c) 'Financial year' means the year commencing on the first day of April "Section" means a section of the Act ; (d} 'Treasury' means a Government Treasury Words and expressions used in-the Act and not defined in these rules shall have the (f) meaning assigned to them in the Act. Amounts unclaimed for three years to be credited to Rajasthan Government- Where any worker to whom an amount is directed to be paid under section 15 or any person entitled to claim it on his behalf fails to draw it from the Authority within period of three years from the date on which the amount is deposited with or received by the Authority for payment to the worker concerned it shall, at the end of the financial year, be paid into the Treasury to the credit of the Rajasthan Government as deposit unclaimed for eventual benefit of any person who may duly establish his claim thereto. List of amounts unclaimed to be Posted in the office of the Authority :— (1) [n the month of January of each year, a list showing the Amounts which at the end of financial year will be due. for being credited to the Rajasthan Government under rule 3 and the names of the Persons to whom the said amounts are payable shall be posted up in the office of the Authority. (2) If the said amounts are not claimed by any persons before the 25th March in that year the Authority shall pay the said amount in to the Treasury to the credit of the Rajasthan Government on the forenoon of 31st March in that year. (3) In the month of April following, the Authority shall furnish to the Accountant General, Rajasthan, a statement of all the amounts credited to the Rajasthan Government showing separately the said amounts in serial order, the names of persons to whom they were payable and the dates on which the said amounts were credited to the Rajasthan Government

5. Refund.—lf any Person proves to the satisfaction of the Authority that he is entitled to any amount credited to the Rajasthan Government under rule 3, the Authority shall make an application in the form annexed hereto the Accountant General, Rajasthan for refund of the said amount and the Accountant General, shall refund the said amount to the Authority after verifying that had been received by him and was credited to the Rajasthan Government under rule 3. FORM (see rule 5) Application for refund From Office of the Authority under the Payment of Wages Act, To

3. The Accountant General, Rajasthan Sir, I have the honour to report that a claim has been preferred by for an amount of Rs.. (Rupees .....) bearing serial No. . .-of19 in the Statement furnished to you under sub-rule (3) of rule 4 of the Rajasthan Payment of Wages (Unclaimed Amounts) Rules, 1972 which was credited to the Rajasthan Government on the .day of the

198. I have satisfied myself of the validity of the claim and request that the Treasury Officer may be authorised to refund the said amount. Yours obediently, Authority under the Payment of Wages Act. (Here insert the name of the-area for which an Authority has been appointed under section 15 (1) of the Act. Signature 27, 1918—ff 18, 1996 (IT) 12, 1996 kJRff.3fr. 79 — 1936 (1936 RiVJT—4) $1 $1 (3) gINT R'kTFT qqqa-T t: 1 2. 3. 4. 5. 6. 7. 8. 9. 11. 12. 13. 2 -qi-e-r 3 fåaT få--éff 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. ff---éTT ff--€fT ff-a-r •ft:r--éff (ff-eyr 3{aaq) *rug, 28, 1938 19, 4 (71) -0 ft--$ffr:j--qi 15, 1916 8TH/ 67/qé—TT:— 1936 (1936 OT-q-å -O 1 1. 2. 3, 4. 5. 6. 7. 8. 9. 10. 2 e,TfÄQ3Tå, 3TfÄ-am-t, 3 ft:.l'--a-r ff--€TT 11. 12. 13. 14. 15. 16. frTFfT fr--€fT 15, 2016 31f*u-q, 1923 (1923 qi. —8) (q:iüF) 2009 zur QRT—20 $1 (1) 29.7.2010 a-ÉF IF) 17.8.2010 t, $1 1 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 2 3 i%l--et-r 3TfÄr-FT-€T, 12. 13. 14. 15. 16. 1923 1 5, 2016 ATIF. 1 (1) "AH/67/ATé—TT:— 1948 (1948 €—11) EllRT—20 •q—ETRT (1) 3TfÄ@5Tftz-å 3Tq-å 1 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 2 Ä5-e:u-rtJT 31få@5TQ, 3 ff---éfT 11. 12. 13. 14. 15. 16. fr--efT (31-#-q LABOUR DEPARTMENT NOTIFICATION Jaipur, May 12, 2017 No.F.13(1)Shram/Vidhi/2017 .-ln exercise of the powers conferred by proviso to section 6 of the Payment of Wages Act, 1936 (Central Act 4 of 1936) and in supersession of the notification No. F.13(1)Shram/Vidhi/2017 dated February 16, 2017, the State Government hereby specifies that in all the factories registered under the Factories Act, 1948 (factories employing 20 or more persons with power and 40 or more persons without power), the employers shall pay to the persons employed therein, other than those engaged on urgent, temporary or casual work for which wages payable up to Rupees five thousand in a month, the wages only by cheque or by crediting the wages in their bank account. Name.. Additional Labour Commissioner and Joint Secretary to the Government.