Uttar Pradesh Industrial Peace (Timely Payment of Wages) Rules, 1981

In exercise of the powers under Section 8 of the Uttar Pradesh Industrial Peace (Timely Payment of Wages) Act, 1978 (U.P. Act No. V of 1978), the Governor is pleased to make the following Rules : **1. Short title, extent and commencement.—** (i) These rules may be called the Uttar Pradesh Industrial Peace (Timely Payment of Wages) Rules, 1981.

(i) They shall extend to whole of Uttar Pradesh.

2. Definitions.—In these rules, unless the context otherwise requires :

(a) 'Act' means the Uttar Pradesh Industrial Peace (Timely Payment of Wages) Act, 1978 ;

(b) 'Section' means a section of the Act ;

(c) 'Form' means a form appended to these Rules ;

(d) Other words and expressions used in these rules and not defined shall have the meanings assigned to them in the Act.

3. Nomination of occupier.—Every industrial establishment to which the Act applies shall intimate to the Labour Commissioner the name of its occupier in

Form I by January 15th every year. In case, there is a change in the name of the occupier of the industrial establishment, the employer shall intimate within a week to the Labour Commissioner the name of the new occupier in place of the out-going occupier.

4. Ascertainment of wage bill.—(1) On receipt of information about the default of payment of wages exceeding fifty thousand rupees in an indus-trial establishment, the Labour Commissioner shall serve a notice on its occupier in

Form II for for the purpose of ascertaining the wage bill in respect of which default in payment has been committed. The Labour Commissioner may also require the occupier to furnish to him the information in Form III and to produce such other information and material he may consider necessary for the above purpose.

Form IV under his signature specifying the amount of wages due from the industrial establishment concerned.

(3) The amount realised by the Collector and placed at the disposal of the Labour Commissioner shall be disbursed by the Labour Commissioner himself or he may cause it to be disbursed through the occupier of the con-cerned industrial establishment among the workmen entitled thereto. The account of the amount, so disbursed among the workmen, shall be maintained in

Form V by the Labour Commissioner or the occupier of the concerned industrial establishment, as the case may be, and, where the amount is disbursed by the Labour Commissioner, himself, a copy of the same shall be forwarded to the occupier of the industrial establishment concerned.

FORM I [See SECTION 2(c) AND RULE 3]

NOMINATION FORM OF OCCUPIER OF AN INDUSTRIAL ESTABLISHMENT From,

(Particulars of the employer
of the industrial establishment)

To

The ……..

……..

No. Date

Sir,

I hereby intimate that Sri

(State here the name, address and designation of the occupier), is the occupier of the industrial establishment

(State here the name and full address of the industrial establishment), and his consent has been taken in this behalf.

Yours faithfully, Signature Name Place : Designation Date : Seal

FORM II [See

RULE 4(1)] **NOTICE** To

……

…….. Occupier

Whereas information has been received that you are in default of pay-ment of wages for the period …… to …… and that the wage bill in respect thereof exceeds fifty thousand rupees,

And, whereas, it is necessary in the interest of maintenance of industrial peace to ensure timely payment of wages to the workmen of your establish-ment …….. (here state the name of the industrial establishment) ;

Now, therefore, you are hereby required to appear before the under-signed in person or through a duly authorised representative and to show cause on …….. (date) why a certificate of recovery for the wages exceeding fifty thousand rupees may not be issued against you in accordance with Section 3 of the U.P. Industrial Peace (Timely Payment of Wages) Act, 1978 (U.P. Act No. 5 of 1978).

Form III as appended to the U.P. Industrial Peace (Timely Payment of Wages) Rules, 1981 on the aforesaid date.

Labour Commissioner.

FORM III

[See RULE 4(1)]

1. Name of the industrial establishment
2. Period for which the wages are in default
3. Total no. of workmen who have not been paid wages, which they are entitled to
4. Total amount of wages which are in default of payment to the workmen 5.

Details of wages in default :

Sl	Name of the worker	Department	Ticket No	Amount of wages not paid to him	Remarks
1	2	3	4	5	6

FORM IV

[See SECTION 3 (1) AND RULE 4 (2)]

RECOVERY CERTIFICATE To,

The Collector,

……..

Whereas the occupier of the industrial establishment (name with full address) ……. is in default of payment of wages for the months of ……. and the wagebill in respect of which the occupier is in default amounts to Rs……

And, whereas, I have satisfied myself about the amount of wages in default ;

And, whereas, the amount mentioned herein is recoverable under Sec-tion 3 of the Uttar Pradesh Industrial Peace (Timely Payment of Wages) Act, 1978 (U.P. Act No. 5 of 1978), as arrears of land revenue ;

I, therefore, in exercise of the powers conferred upon me under sub-section (1) of Section 3 of the said Act, issue this certificate under my signature for recovery of this amount from the occupier of the industrial establishment named above as arrears of land revenue besides recovery charges at rate 10 per cent as per provisions of sub-section (2) of Section 3 of the Act. The amount, so realised, shall be placed at my disposal for being disbursed among the workmen entitled thereto after deducting the recovery charges as per provisions of sub-section (3) of Section 3 of the Act.

Place ……..

Date …….

Signature …….. Name ……..

Designation ……..

FORM V

[See RULE 4(3)]

Details of disbursements made to the workmen who are entitled thereto— (1) Name of the industrial establishment with full address

(2) Total amount of the money realised and placed at the disposal

(3) Total number of workmen entitled thereto

(4) Period to which the amount realised relates

(5) Details of disbursement :

Sl no	Name of the worker	Department	Ticket no	Total no of wages worker is entitled to	Anount disbursed to him	remarks