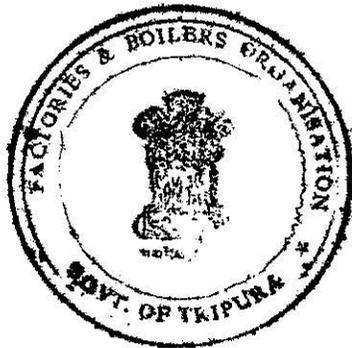


**The Tripura Payment of Wages Rules,
1952.**



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PART I

Government of Tripura
Department of Labour.

NOTIFICATION

No. 586/53/LAB/99.

Dated, Agartala, the 2nd March, 1953.

In exercise of the powers conferred by section 26 of the Payment of Wages Act, 1936 (IV of 1936), the Chief Commissioner is pleased to make the following rules, the same having been previously published as required by-sub section (5) of section 26 of the Payment of Wages Act, 1936 (IV of the 1936), namely :-

RULES

THE TRIPURA PAYMENT OF WAGES RULES, 1952.

1. TITLE.— These rules may be called “The Tripura Payment of Wages Rules, 1952.”
2. DEFINITIONS.— In these rules, unless there is anything repugnant in the subject of 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 ;

8. 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 English and in the language of the majority of the persons employed therein, specifying for not less than one month in advance, the days on which wages are to be paid.

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

10. APPLICATION IN RESPECT OF FINES.—Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the Chief Inspector or Inspector of Factories—

(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 establishment on which the incumbent of each 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 rule 10 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 approved list :

provided that no order disapproving or amending the list shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the list as submitted by him should be approved.

12. POSTING OF LIST OF ACTS AND OMISSIONS.—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 the list submitted under clause (b) of 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 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 if any such employed person has any explanation to offer in this behalf, he shall hear the employed person 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.

16. DEDUCTIONS 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 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.

17. 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 the preceding two calendar months, or if he has not been employed for that period, an amount equivalent to 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 ordinarily 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 III.

18. ANNUAL RETURN.—In respect of every factory in which during the calendar year any fines have been imposed or any deductions for breach of contract or for damage or loss have been made from wages, a return shall be sent in Form IV so as to reach the Chief Inspector of Factories not later than the 15th of February following the end of the calendar year to which it relates.

19. COSTS.—(1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event, he shall state his reasons for so doing in writing.

(2) The costs which may be awarded shall include :—

(a) the charges necessarily incurred on account of court-fees.

(b) the charges necessarily incurred on subsistence money to witnesses ;

and

(c) pleader's fees which shall ordinarily be Rs. 10 provided that the Authority or the Court, as the case may be, in any proceedings may reduce the fee to a sum not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.

(3) When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.

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. The fee payable in respect of proceedings under the Act shall be :—

(i) For every certificate of authorisation—One rupee.

(ii) For every application to summon a witness—

- (a) for the first witness mentioned in the application Eight annas,
- (b) for each subsequent witness in the application—Four annas.
- (iii) For every other application made by or on behalf of an individual person before the Authority--Eight annas.
- (iv) 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.
- (v) 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—The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form V.

23. PENALTIES—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
REGISTER OF FINES

... .. Factory

Sl. No.	Name	Token or ticket number of the worker or father's or husband's name.	Department	Act of omission for which fine imposed.
1	2	3	4	5
Wages payable during the wage period.		Date and amount of fine imposed.	Date on which fine realised.	Remarks.
6	7	8	9	

Note—A tittle page should be attached to each register showing the acts and omissions for which fines may be imposed.

FORM II

REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS CAUSED TO THE EMPLOYER, BY THE NEGLIGENCE OR DEFAULT OF THE EMPLOYED PERSONS.

... .. Factory

Sl. No.	Name	Token or ticket number or father's or husbands name.	Department	Damage or loss caused
1	2	3	4	5
Date and amount of deduction imposed		Numbers of instalments, if any	Date on which total amount realised	Remarks
6	7	8	9	

FORM III

REGISTER OF ADVANCES MADE TO EMPLOYED PERSONS

... .. Factory

Sl. No.	Name	Token or ticket number or father's or husband's name	Department
1	2	3	4
Date and amount of advance made.		Date and amount of each instalment by which the advance is repaid.	Remarks.
5	6	7	

WAGES AND DEDUCTIONS FROM WAGES

Return for the year ending 31st December, 19... ..

1. (a) Name of the factory or establishment and postal address.
- (b) Industry...
2. Number of days worked during the year... ..
3. *(a) Everage daily number of persons employed during the year. } Adults
Children
- (b) Gross wage amount paid as remuneration to those persons including deductions under section 7(2) of which the amount due to bonus is and that due to money value of concession money is... ..
4. Total wages paid including deduction under section 7(2) on the following accounts :—

- (a) Basic wages including overtime.
- (b) Dearness and other allowance in cash.
- (c) Arrear of pay in respect of the previous years paid during the year... ..

5. Number of case and amounts realised as :—

	Number of cases	Amount Rs.
(a) Fines... ..		
(b) Deduction for damage or loss....		
(c) Deductions for breach of contract.		

6. Disbursement from the fine fund—

Purposes.	Amount Rs.
(a)	
(b)	
(c)	
(d)	

7. Balance of fines fund in hand at the end of the year... ..

Date... ..

Signature

Designation... ..

*The everage daily number of persons is obtained by dividing the aggregate number of attendance during the year by the number of working days.

FORM V

Abstract of the Payment of Wages Act, 1936, and the rules made thereunder.

WHOM THE ACT AFFECTS.

1. The Act applies to the payment of wages, to persons in this factory receiving less than Rs. 200/- 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 payable to employed person on the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of a proper notice of discharge.

It excludes :—

- (a) the value of house accommodation, supply of light, water, medical attendance, or other amenity or of any service excluded by the Governor-General in Council or the local Government ;
- (b) the employer's contribution to a pension or provident fund ;
- (c) travelling allowance or concession or other special entailed by the employment ;
- (d) any gratuity payable on discharge.

RESPONSIBILITY FOR AND METHOD OF PAYMENT.

4. The manager of the factory is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment 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 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 on discharge 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 paragraph 9-15 below).

9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Chief Inspector or Inspector of Factories, specify by a notice displayed 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 letter than sixty days of the date of imposition ;
- (c) shall be recorded in a register and applied to such purpose beneficial to the employed persons as are approved by the Chief Minister or Inspector of Factories.
- (d) shall not be imposed on a child.

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

(b) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but :—

(1) no deduction for breaking a contract can be made from a person under 15 or a woman,

(2) there must be provision in writing which forms part of the contract of employment, requiring that a specific period of the notice of intension to cease work not exceeding fifteen days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in the 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 is required to account, where such damage or loss is due to his neglect or default.

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

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

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

(b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage period but no recovery can be made of advances given for travelling expenses before employment began.

(c) Advances of unearned wages can be made at the paymaster's discretion during employment but must not exceed the amount of two months' wages without the permission of an Inspector.

These advances can be recovered by instalments, ordinarily spread over not more than twelve months and the instalments must not exceed 3rd, or if the wages are not more than Rs. 20, 4th of the wages for any wage-period.

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

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

INSPECTION.

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 six months to the Authority appointed by the Local 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 delay 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 in the prescribed form against a direction made by the Authority may be preferred, within thirty days (in Calcutta to the Court of Small Causes) to the District Court :—

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

PUNISHMENTS FOR BREACHES OF THE ACT.

20. Any one delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine upto 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 fine not exceeding Rs. 200/-, A complaint to this effect can be made only by the Inspector or with his sanction.

V. NANJAPPA

Chief Commissioner, Tripura.