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Director of Industries and Supplies, Rajasthan, Jaipur" of this Department Order of number dated 13-10-60 (published in the Rajasthan Raj-Patra No. 33 (Part IV C) dated 17-11-60.

By Order, P. N. SETH,

Deputy Secretary to the Government.

INDUSTRIES (B) DEPARTMENT NOTIFICATION

Jaipur, May 19, 1961.

No. F. 3 (4) (8) Ind. (B)/61:—In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) the State Government hereby makes the following dendum to the Rajasthan Minor Mineral Concession tules, 1959, namely:—

ADDENDUM

In the said rules, in rule 3 after item (XI), the following new item shall be added, namely:—

"(XII) 'Deadrent' means the minimum guaranteed amount of Royalty per year payable as per rules or agreement under a mining lease".

By Order of the Governor,
A. K. ROY,

Secretary to Government.

LABOUR DEPARTMENT NOTIFICATION

Jaipur, April 21, 1961

No. F. 3 (19)/Lab:/59:—In exercise of the powers tonferred by sub-section (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 require sub-rection (5) of the said section, namely:

THE RAJASTHAN PAYMENT OF WAGES RULES

- 1. Short title and Commencement:—(i) These rules in be called the Rajasthan Payment of Wages Rules, 19
 - (ii) These rules shall come into force upon the Publication in the official Gazette.
- 2. Definition:-In these rules unless there is anything repugnant in the subject or context:-
 - (a) "the act" means the Payment of Wages (4 of 1936);
 - (b) "the Authority" means the authority appoint under sub-section (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 1948);
 - (d) "the Court" means the Court mentioned in si section (1) of section 17 of the Act;
 - (e) "the deduction for breach of contract" mean 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 clause (c) of sub section (2) of section 7;
 - (g) "Form" means a form appended to these rules;
 - (h) "Inspector" means the Inspector authorised by ounder section 14 of the Act;
 - (i) "Person employed" excludes all persons to the pay ment of whose wages the Act does not apply;
 - (j) "Section" means a section of the Act,

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- (2) "Paymaster" means an employer or other person responsible under section 3 of the Act for the payment of wages;
- (1) Words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

SECTION 26 (3) (a)

Register of Fines:—(1) In any factory or industrial approval under sub-section (1) of section 8 to a list of and omissions in respect of which fines may be imposed, the paymaster shall maintain a register of fines. Form L.

- (2) At the beginning of the register of Fines there had be entered serially numbered the approved purposes or which the fines realised are to be expended.
- (3) A voucher or receipt in respect of any amount isbursed shall be maintained and produced as and when smanded by the Inspector.
- Register of deductions for damage or loss:—In every actory or industrial establishment in which deductions for smages or loss are made, the paymaster shall maintain the register required by sub-section (2) of section 10, in form II.
- Register of Wages:—A Register of Wages shall be slatined in every factory or Industrial Establishment may be kept in such form as the paymaster finds avenient 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 and for each wage period.

6. Maintenance of Register:—The register required 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 the displayed by the paymaster in a conspicuous place at a near the entrance of each department or group of departments, specifying the rates of wages payable to all classe 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 of a new class of work introduced the necessary alteration shall be made by the paymaster in the said notice and dated.

This notice shall be preserved for a period of six month after the date of its replacement by a new notice and shall be available to an Inspector on demand for the purposes of inspection.

at of noting ... Section 26 (3) (c)

- 8. Weights and measures:—(1) All weights, measure or weighing machine which are used in checking or ascertaining the wages of persons employed in any factor shall be examined atleast biannually by an Inspecto who may prohibit the use of any weight, measure weighing machine which he finds to register incorrects
- (2) If the Inspector considers that any action show be taken under the Indian Penal Code (XLV of 1860), may seize the article in question and shall record his on and send it to the District Magistrate for such actions he may think fit,

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SECTION 26 (3) (D)

ster require r twelve n Notice of dates of payment:—The paymaster shall display, in a conspicuous place at or near the main entrance the factory a notice in Hindi giving for not less one month in advance the days on which wages are the paid:

otory or in Hindi shous place group of de ble to all continuous the Raja are revisuary alternaid notice

Provided that an employed person who is absent on by such day shall be paid his wages on any working day efter the expiry of the third working day after the day on thich a demand is made by him for the same.

SECTION 26 (3) (E), (F) & (H)

Prescribed authority:—The Chief Inspector of Factoshall be the authority competent to approve, under
shection (1) of section 8 acts and ommissions in respect
which fines may be imposed and under sub-section (8)
section 8 the purposes on which the proceeds of fines
all be expended.

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Application in respect of fines:—Every employer quiring the power to impose fines in respect of any acts of omissions on the part of employed persons shall send 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 establishment on which the incumbent of each such appointment may impose fine.

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Approval of list of acts and omissions:-The hority appointed under rule 10 on receipt of the list

prescribed in Rule 11 (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 tist 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 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 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. Deductions for breach of contract.—(1) No deduction for breach of contract shall be made from the wages of significant shall be wage

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employed person who is under the age of 15 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 a 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 deductions 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 w ges 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 not displayed under clause (c) of sub-rule (2), no deduction for breach of contract shall be made from any person who complied with these conditions.

SECTION 26 (3) (1)

- 18. Advances.—(1) An advance of wages not already earns 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.
- deductions from wages spread over not more than twelve months. No instalment shall exceed one-third or when 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 III.

SECTION 26 (3) (A)

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 (3) (J)

20. Costs.—(1) Where the authority or the Court as the case may be directs that any cost shall not follow the event as the shall state his reasons for so doing in writing.

The costs which the charges court fees; the charges money to with pleaders fee provided that may be in any a sum not less not exceeding. When a party case he shall l

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The costs which may be awarded shall include -

- the charges necessarily incurred on account of court fees:
- (h) the charges necessarily incurred on subsistance money to witnesses, and;
- pleaders 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 ad a case he shall be allowed one set of costs only.

Fee for copies .- The authority or the Court as the case be may fix fees on the payment of which any person led to do so may obtain copies of any documents filed the authority or the Courts, as the case may-

Provided that the authority or the Court as the case be, may in consideration of the poverty of the applicant t copies, free of cost.

lade (3) (K) Section 26 (3) (K)

Fees:- The Court fee payable in respect of proces under the Act shall be:-

- (1) For every application to Four annas in respect summon a witness. of each witnesses.
- (ii) For every application made by Eight annas. or on behalf of an individual person before the Authority.
- (ii) For every other application made by or on behalf of member of the group unpaid group before the Authority.

Four annas for each subject to a maximum of five rupees.

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(iv) (a) For every appeal lodged with the Court.

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(b) For every other miscel- Eight annas: laneous application filed grathe thay a new Will before the Court:

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Provided that the authority or the Court may consideration of the poverty of the applicant reduce remit this fee:

Provided further that no fee shall be chargeable respect of any application presented by an Inspector.

SECTION 26 (3) (L)

Abstract:—The abstract of the Act and of the hu made thereunder to be displayed under section 25 shall in Form V.

SECTION 26 (4) LIDA 641 10000

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Penalties:—Any breach of rules 3, 4, 5, 6, 7, 9, 16al 19 of these Rules shall be punishable with fine which m extend to two hundred rupees.

GENERAL

Supersession:-These rules supersede the Rajasti 25.Payment of Wages Rules, 1951 and all other rules responding to these rules in force in the Ajmer, Abul Sunel areas. a Licensia

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FORM IV

(See Rule 19)

Wages and Deductions from Wages.

- 1. (a) Name of the Factory or establishment and postal address.
 - (b) Industry.

(a) Average daily

2. Number of days worked during the year.

	(a) Average daily number of persons employed during the year.		Persons receiving Rs. 200 and more but less than Rs. 400
	Adults		× X
(b)	Gross amount pair ting less than R Section 7 (2)	d as remunerations. 200 including	of which the
(0)	Gross amount p ting Rs. 200 and ing deductions, profit sharing b	paid as remunerated more but less the under Sectionof which the	ion to persons get- nangRs. 400 includ- 7 (2)
4.	Total wages paid 7 (2) on the follow		ions under Section
			Persons receiving Rs. 200 and more out less than Rs. 400

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Basic Wages including overtime

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OT NOTE: - The average daily number of persons is obtained by dividing the aggregate number of attendance during the year the number of working days.

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Wages' m nces in respect employment It includes:

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(2) Money value of concessions should be obtained by taking the difference of the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities given free or at concessional rate.

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 person 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: -- Development it is the second of

- (a) any remuneration payable under any award or settlement between the parties or order of a court;
- is entitled in respect of over-time work or holidays 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

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persons egate num 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 of the value of any travelling concession;
- (5) any sum paid to the employed person to defray special expenses 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 any contractor employing persons is responsible for payment to the persons he employs. intervals no ages shall less of the en 1,000 or more the wages of a secon the secon the wages in ki

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ient under ir him and insible for Wages period shall be fixed for the payment of wages at intervals not exceeding one month.

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.

Payments in kind are prohibited.

Fines and Deductions

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

- (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 instalments 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.
- (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 conabsent themselves without reasonable cause without due notice the deduction for absence include wages for eight days in lieu of notice but
 - (1) no deduction for breaking a contract can made from a person under 15 years of age a woman;
 - (2) there must be a provision in writing who forms part of the contract of employment requiring that a specific period of notice intention to cease work not exceeding 15 do or the period of notice which the employer has to give to discharge a work must be give to the employer and that wages may deducted in lieu of such notice:
 - (3) the above provision must be displayed at a near the main entrance of the factory industrial establishment;
 - (4) no duduction of this nature can be made un a notice that this deduction is to be made h been posted at or near the main entrance of the factory or industrial establishment;
 - (5) no duduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is let than the notice he should give under his contract.
- 11. Deductions can be made for damage to or loss of good expressly entrusted to an employed person or for los of money for which he is required to account, when such damge or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the dames or loss caused and can be made only after giving the employ ed person an opportunity for explanation. beduction c or house ac by Gove oder any be Governn any oth ibsidising h d in this be services applied by the emp as employm d services overnment

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ount of the day giving the em 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 subsidising 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.

- (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 instalments spread over not more than 12 months and the instalments must not exceed one third or if the wages are not more than Rs. 20/- one-fourth of the wages for any wage period.

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

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- 15. Deductions can be made for payments to co-operate societies approved by the State Government or to postal insurance subject to any conditions imposed the State Government. Education can also be made with the written authorisation of the person employed for payment of any premium on his life insurance policy to the Life Insurance Corporation of India of for the purchase of securities of the Government India or of any State Government or for being deposited in any Post Office Savings Bank in further ance 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 of 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 rule framed by an employer in relation to his employer in factories or Industrial Establishments for purpose of any of the aforesaid penalties shall provide that:

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

An Inspector can enter on any premises and continuous 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.

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Complaints of Deductions or delays

- (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 Governments 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 an application or against a direction made by the authority may be referred within thirty days to the District Court.
 - (a) by paymaster if total amount directed to be paid exceed Rs. 300/-

- (b) by an employed person or any official of a regularized trade union authorised in writing to accommon 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 male cious or vexation applications.

Punishments for breaches of the act

20. Anyone delaying the payment of wages beyond the due date or making any unauthorised 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 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 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/-
- 22. A complaint to this effect can be made only by the Inspector or with the sanction.

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T Y (T) FORM VI al of a Name of the Factory or Industrial Establishments. citing to Name of the Department ages with Rs. 50/-Date from which wage rates will be or are in force...... y for a Allowance, Class of description Rate of wages per unit if any of work nP. Rs.act s beyond luctions fr Name of paymaster if prosecut Signature..... : the appel Date..... Note-The wages rates in this form shell be shown separately for time workers and piece workers. By Order of the Governor, GULAB SINGH, Secretary to the Government. entrance of CO-OPERATIVE AND ANIMAL HUSBANDRY it this abst. (Group I) DEPARTMENT NOTIFICATION he Act, if I

de only by

Jaipur, April 12, 1961

No. F. 9 (102) CA/60:-In exercise of the powers conferred by Section 88 of the Rajasthan Co-operative Societion Act, 1953 (Act 4 of 1953), the State Government, after previous publication, hereby makes the following