

# THE BIHAR

## PAYMENT OF WAGES RULES, 1937

No. 481—XL-3-Com the 17th March, 1937.—In exercise of the powers conferred by sub-section (2) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), read with section 22 of the General Clauses Act, 1897 (X of 1897), the Government of Bihar are pleased to make the following rule :—

### RULES UNDER SUB-SECTION (3) AND (4) OF SECTION 26.

1. Title.—These rules may be called the Bihar Payment of Wages Rules, 1937.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context.—

- (a) "the Act" means the Payment of Wages Act (IV of 1936);
- (b) "the Authority" means the authority appointed 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 10 of the Factories Act (XXV of 1934);
- (d) "the Court" means the court mentioned in sub-section (1) of section 17 of the Act;
- (e) "deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to sub-section (2) of section 9 ;
- (f) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section. (2) of section 7 ;
- (g) "form" means a form appended to these rules ;
- (h) "inspector" means the inspector authorised by or under section 14 of the Act ;
- (i) "persons employed" excludes all persons to the payment of whose wages the Act does not apply ;
- (j) "section" means a section of the Act ;
- (k) "payment" means an employer or other person responsible under section 3 of the Act for the payment of wages ;
- (l) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

### Section 26 (3) (a)

3. Register of Fines.—(1) In any factory in respect of which the employer has obtained approval under sub-section (1) of section 8 to a list of acts and



omission in respect of which fines may be imposed, the pay-master shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines there shall be entered serially numbered the approved purpose or purposes on which the fines realised are to be expended.

(3) When any disbursements are made from the fines realised, a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose which for it is made.

**4. Register of deductions for damage or loss.**—In every factory or industrial establishment in which deductions for damage or loss are made to the paymaster shall maintain the Register required by sub-section (2) of Section 10 in Form II.

**5. Register of Wages.**—A register of wages shall be maintained in every factory or industrial establishment in Form VI.]

**6. Maintenance of Registers.**—The register required by rules 3, 4, 5 and 17 shall be preserved for twelve months after the date of the last entry made in them.

#### *Section 26 (3) (c)*

**7. Weights and Measures.**—(1) All weights, measures or weighing machines which are used in checking, or ascertaining the wages of persons employed in any factory or industrial establishment shall be examined at least biennially by an Inspector who may prohibit the use of any weight, measure or weighing machine which he finds to register incorrectly.

(2) If the Inspector considers that any action should be taken under the Indian Weights and Measures of Capacity Act (XXXI of 1871), or 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).*

**8. Notice of dates of payment.**—The paymaster shall display, in a conspicuous place at or near the main entrance of the factory, or industrial establishment a notice, in English and in the language of the majority of the persons employed therein, giving for not less than one month in advance, the days on which wages are to be paid.

#### *Section 26 (3), (f) and (h).*

**9. Prescribed authority.**—The Chief 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 (1) 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 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 fines.

**11. Approval of list of acts and omission.**—The authority appointed under rule 9 on receipt of the list prescribed in clause (a) of the preceding rule may, after such enquiry as he considers necessary, pass orders either—

(a) disapproving the list;

(b) approving the list either in 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 such 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.**—The employer shall display at or near the main entrance of the factory or industrial establishment a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list approved under rule 11.

**13. Persons authorised to impose fines.**—No fine may be imposed by any person other than an employer, or a person holding an appointment named in a list submitted under rule 10.

**14. Procedure in imposing fines and deductions.**—Any person desiring to impose a fine on an employed person or to make 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 hear his explanation in the presence of at least one other person.

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

#### *Section 26 (3) (g).*

**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 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 or industrial establishment 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, or industrial establishment it shall be sufficient, in lieu of giving the names of the persons in such departments or section 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) (i).*

**17. Advances.**—(1) An advance of wages not all ready earned shall not, without the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding two calendar months, or if he has not been employed for that period, twice the wages he is likely to earn during the two subsequent calendar months.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than twelve months. No instalments 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 register in Form III.

#### *Section 26 (3) (a).*

**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.

#### *Section 26 (3) (j).*

**19. Costs.**—(1) The costs which may be awarded in proceeding under



the Act 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.

(2) 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.

*Section 26 (3) (k).*

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

- |                                                                                                     |                                                                                    |
|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| (i) For every application to summon a witness.                                                      | Twentyfive Paise in respect of each witness.                                       |
| (ii) For every other application made by or on behalf of an individual person before the Authority. | Fifty Paise.                                                                       |
| (iii) For every other application made by or on behalf of an unpaid group before the Authority.     | Twentyfive Paise for each member of the group subject to a maximum of five rupees. |
| (iv) For every appeal lodged with the Court.                                                        | Five Rupees.                                                                       |

Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit this fee:

Provide further that no fee shall be chargeable in respect of an application presented by an Inspector.

*Section 26 (3) (l).*

**22. Abstracts.**—The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form V.

*Section 26 (4).*

**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.**  
(Rule 3.)  
**Register of Fines.**

... .. Factory ... ..

Serial no.	Name.	Father's name.	Department.	Act or omission for which fine imposed.	Whether workman showed cause against fine or not, if so, enter date.	Rate of wages.	Date and amount of fine imposed.	Date on which fine realised.	Remarks.
1	2	3	4	5	6	7	8	9	10

**FORM II.**

(Rule 4.)

**Register of Deductions for damage or loss caused to the employer by the neglect or default of the employed persons.**

... .. Factory ... ..

Serial no.	Name.	Father's name.	Department.	Damages or loss caused.	Whether workers showed cause against deduction or not if so, enter date.	Date and amount of deduction imposed.	No. of instalment, if any.	Date on which total amount realised.	Remarks.
1	2	3	4	5	6	7	8	9	10



(Rule 17.)

... ..Factory... ..

[illegible]

<sup>1</sup>[FORM IV

(Rule 18)

Return for the year ending 31st December, 19... regarding wages and deduction from wages.

1. (a) Name of the factory or establishment.

(b) Location ... ..

(c) District ... ..

(d) Postal address ... ..

2. Registration number in case of factory registered under the Factories Act.

3. Industries—

(i) ... ..

(ii) ... ..

(iii) .. ... ..

4. Number of days worked during the year.

5. Details of employment and wages—

In respect of the persons getting—

Less than Rs. 400 per month.	Rs. 400. per month or more.	Total.
1	2	3

(1) Employment—

(a) Average daily number of persons employed—

Adults ... ..

Children... ..

(b) Number of mandays worked—

Adults ... ..

Children ... ..

(2) Wages—

(a) Basic wages excluding overtime wages, bonus, profit-sharing bonus.

(b) Overtime wages... ..

(c) Non-profit sharing bonus



## In respect of the persons getting—

Less than Rs. 400 per month.	Rs. 400 per month or more.	Total.
1	2	3

- (d) Any other bonus other than profit sharing bonus and non-profit sharing bonus.
- (e) Dearness and other allowances paid in cash.
- (f) Money value of concession.
- (g) Profit-sharing bonus.
- (h) Arrears of pay in respect of the previous year (s).
- (i) Total wages paid ...
- (j) Any other amount paid which may form part of wages.

## 3. Deductions—

Number of cases and amount

## (a) Fines—

Number of cases ...

Amount

## (b) Deduction for damage or loss—

Number of cases ...

Amount

## (c) Deduction for breach of contract--

Number of cases ...

Amount

5. Gross-amount paid as remuneration to persons getting less than Rs. 400 including deduction under section 7 (2) of which the amount due to profit sharing bonus is..... and that due to money value of concession is

## 7. Disbursement from the Fines Fund--

Purpose.

Amount.

8. Balance of Fines Fund at the end of the year.

... ..  
Signature of Manager/employer.

Date... ..

**Notes.**—(1) “Man days worked” means aggregate number of full day attendances during the year.

(2) “Children” means all those persons who are not adults, i.e., who have not attained the age of 18 years.

(3) “Average daily number of persons” is obtained by dividing the aggregate number of attendances during the year by the number of working days.

(4) *Money value of concessions.*—(1) Payments in kind should include the cash value or the net cost of the concession as the case may be, in respect of all supplies made and all services rendered individually, free of cost or for **part payments** such as food and food-articles, fuel, housing accommodation, electricity, water, sanitary services, transport facilities, etc. as well as the subsidies involved in the operation of medical facilities such as hospitals, dispensaries and first-aid equipments educational facilities such as schools, adult educational centres, libraries and reading rooms, recreational facilities such as clubs, sports, etc., entertainments facilities such as theatres, cinemas, radio sets, etc., and other welfare projects such as canteens, creches, sanitary arrangements, drinking water facilities and Multi-purpose Welfare Centres.

(2) In the case of the amenities like medical, recreational and educational facilities, where it is not possible to estimate value of the benefit occurring to the individual employees the value of the concessions deemed to accrue to the employee covered in the returns may be estimated on pro rata basis.

### FORM V.

[Rule 22.]

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

#### Whom the Act affects.

<sup>1</sup>[1. The Act applies to the wages payable to persons employed in any factory or industrial establishment in respect of a wage period which over such wage period, average four hundred rupees per month or less.

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

#### Definition of wages.

<sup>1</sup>[3. “Wages” means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes—

(a) any remuneration payable under any award or settlement between



the parties or order of a court ;

- (b) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;
- (c) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name);
- (d) any sum which by reason of the termination of employment of the person employed is payable under any law, contract or instrument which provides for the payment of such sum whether 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; but does not include—
  - (1) any bonus (whether under a scheme of profit-sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of court;
  - (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 a general or special 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 expenses entitled on 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

1[4. Every employer shall be responsible for the payment to persons employed by him of all wages required to be paid under the Act :

Provided that, in the case of persons employed (otherwise than by a contractor)—

- (a) in factories, if person has been named as the manager of the factory under clause (f) of sub-section (1) of section 7 of the Factories Act, 1948;
- (b) in industrial establishments, if there is a person responsible to the employer for the supervision and control of the industrial establishment;
- (c) upon railways (otherwise than in factories), if the employer is the railway administration and the railway administration has nomina-



ted a person in this behalf for the local area concerned;

the person so named, the person so responsible to the employer, or the person so nominated, as the case may be shall be responsible for such payment.

#### **Responsibility for and method of payment.**

5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within 7 days of the end of the wage-period (or within 10 days if 1,000 or more persons are employed).

The wages of a person discharged shall be paid not later than the second working day after his discharge.

7. Payments in kind are prohibited.

#### **Fines and deductions.**

8. No deduction 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 of Factories, specify by a notice displayed at or near the main entrance of the factory and after giving the employed person an opportunity for explanation.

##### **(2) Fines—**

(a) shall not exceed half-an-ana (Now 3 Paise) in the rupee;

(b) shall not be recovered by instalments, or later than sixty days of the date of imposition.

(c) shall be recorded in a register and applied to such purposes beneficial to the employed persons as are approved by the Chief 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 the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.

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

(1) no deduction for breaking a contract can be made from a person under 15 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 cease work not exceeding 15 days of 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 lieu of such notice ;

- (3) the above provision must be displayed at or near the main entrance of the factory ;
- (4) no deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory ;
- (5) no deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.

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

<sup>1</sup>[12. Deductions can be made, equivalent to the value thereof, for house accommodation supplied by the employer or by Government or by 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 by any other authority engaged in the business of subsidising house-accommodation which may be specified in this behalf by the State Government by notification in the Official Gazette, and for amenities or services (other than tools and raw materials required for the purpose of employment) 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, 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 wages-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  $\frac{1}{3}$  rd, or if the wages are not more than Rs. 20,  $\frac{1}{4}$ th 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.



- <sup>1</sup>[(a) Deductions can be made for income-tax payable by the employed person.
- (b) Deductions can be made as required to be made by the order of a Court or other authority competent to make such order.
- (c) Deductions can 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 established under the Life Insurance Corporation Act, 1956 (3 of 1956), 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.

#### Inspections.

16. An Inspector can enter on any premises, and 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 deduction 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 delayed wages or the refund of illegal deduction.

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

<sup>1</sup>[19. An appeal against an order dismissing, either wholly or in part, an application made to the Authority or against a direction made by the said Authority may be preferred, within thirty days of the date on which the order or direction was made, to the District Court.—

(a) by the employer or other person responsible for the payment of wages under section 3, if the total sum directed to be paid by way of wages and compensation exceeds three hundred rupees, or

(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 claimed to have been withheld from the employed person belonged exceeds fifty rupees, or



(c) by a person directed to pay a penalty under sub-section (4) of section 15 on the ground of his application being malicious or vexatious.

### 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 up to Rs. 500 but only if prosecuted with the sanction of the Authority or the appellate Court.

21. The paymaster who—

- (1) does not fix a wage-period; or
- (2) Makes payment in kind; or

(3) fails to display at or near the main entrance of the factory this Abstract in English and in the language of the majority of the employed persons; or

(4) breaks certain rules made under the Act, is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector or with his sanction.

<sup>1</sup>[FORM VI

## [Rule 5]

## Register of wages

Name of the establishment... ..

Name of the employer... .. Wages period ending.....

[illegible]

## IMPORTANT NOTIFICATIONS

## 1

**Imposition of penalties in Indian Railways**

Notification no. 11/W5-1051/58-L—17590, the 15th October, 1958.—In pursuance of Explanation II to section 7 of the Payment of Wages Act, 1936 (4 of 1936), the State Government hereby specifies the following requirements with which any rules framed by an employer in relation to his employee employed in factories under the administrative control of General Managers of Indian Railways for the imposition of any penalties referred to in clause (i), clause (ii) or clause (iii) of that Explanation shall conform, namely :—

All rules shall provide that—

- (i) any such penalty 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 not be imposed ;
- (ii) the person concerned is given a right of appeal against any order imposing the penalty.

## 2

**Deductions for amenities from wages of the employees by the Indian Tube Co. Jamshedpur.**

Notification no. 11/W5-1029/58-L-17396, the 13th October 1958.—In exercise of the powers conferred by clause (e) of sub-sec. (2) of section 7 of the Payment of Wages Act, 1936 (4 of 1936), the Governor of Bihar is pleased to authorise deduction from the wages of the employees of the Indian Tube Company (1958) Limited, in Jamshedpur town, for recovery of the charges for the amenity and service provided by the Company, namely, a school bus for the employee's children from the labour colony at Baridih to different schools in the town, subject to the following conditions, namely :—

- (1) the no such deduction shall be made from the wages of an employee who has not given his consent in writing;
- (2) that the charges shall not be revised without the approval of the State Government or subject of its control, of the Chief Inspector of Factories;
- (3) that a record shall be kept of all such deductions and it shall be open to inspection;
- (4) that a record shall be kept also of expenses incurred by the employer and it shall be open to inspection ; and
- (5) that the charges shall not exceed the value of the amenity and service provided.



3.

**Recovery of medical charges from employees by the Indian Tube Co. Ltd.,  
Jamshedpur,**

**Notification no. 11/W5-1029/58 L-17397 the 13th October, 1958.**—In exercise of the powers conferred by clause (e) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (4 of 1936), the Governor of Bihar is pleased to authorise the deductions from the wages of the employees of the India Tube Company (1958), Ltd, in Jamshedpur, for recovery in respect of the medical charges for special treatments, such as X-ray, tooth, ear, nose and throat arranged by the aforesaid company at the Main Hospital of Messrs Tata Iron & Steel Co., at Jamshedpur, subject to the following conditions, namely :—

- (i) that no such deduction shall be made from the wages of an employee who has not given his consent in writing;
- (ii) that the charges realised from an employee shall not exceed half of the TISCO schedule of charges for associated companies;
- (iii) that the deduction from the wages of an employee on this account shall be made in easy monthly instalments not exceeding 15 per cent of his gross earnings, provided in any month the total deductions from his wages on any account, such as, house rent, electric charges, provident fund contribution, medical charges shall not exceed 25 per cent of his gross earnings ; and
- (iv) that a record shall be kept of all such deductions and it shall be open to inspection.

4.

**Deductions for electric energy from the employees by the  
Indian Aluminium Co. Ltd., Chotamuri.**

**Notification no. 11/W5-1033/65-L. & E-6898 the 3rd September, 1965.**—In exercise of the powers conferred by clause (e) of sub-section (2) of section 7 read with section 11 of the Payment of Wages Act, 1936 (4 of 1936), the Governor of Bihar is pleased to authorise the Indian Aluminium Company Limited, Chotamuri in the district of Ranchi, to deduct at the rate of 0.12 paise per unit from the Wages of the persons employed in, and in occupation of the quarters of, the said Company for the supply of electrical energy to such employed persons for their domestic consumptions exceeding the units noted against each of the different types of quarters in occupation of such employed persons as mentioned in the Schedule hereto annexed, subject to the following conditions, namely :—

- (1) In case State Electricity duty or the rate to be paid to the Electricity Board is reduced, corresponding reduction shall be made in the rate specified above ;
- (2) in case of increase in the duty or rates, corresponding increase shall be made in the rate with the prior approval of the Chief Inspector of Factories.



## SCHEDULE.

Sl. no.	Types of quarters.	Units of electrical energy which may be consumed free of charge.
1.	D and DI quarters ...	1.0 Unit per day.
2.	C and CI quarters ...	2.3 Unit per day.
3.	B2 quarters ...	3.5 Unit per day.
4.	B quarters ...	6.5 Unit per day.

5.

**Deductions for medical facilities from the employees of Heavy Engineering Corporation, Ranchi.**

**Notification G. O. no. W5-1024/66-7511 the 28th July, 1966.**—In exercise of the powers conferred by clause (c) of sub-section (2) of section 7 and section 11 of the Payment of Wages Act, 1936 (4 of 1936), the Governor of Bihar is pleased to authorise deductions to be made from the wages of persons employed in the factories of Heavy Engineering Corporation Ltd., Ranchi in respect of medical facilities and treatment provided to such of the employees and relations of employees who are not entitled to free medical facilities and treatment, subject to the following conditions :—

- (a) The charges for treatment and other medical facilities including charges for diet supplied at the hospital shall not exceed the rate as specified in the schedule attached hereto;
- (b) Deduction may be made in respect of treatment of and medical facilities provided to only such persons as are not entitled to free medical aid under the standing orders, rules of the Corporation or any agreement or award, or otherwise:  
No deduction shall be made for any medical aid given to any employee who is entitled to free medical aid;
- (c) The deductions made shall be correctly entered in the Register of Wages;
- (d) The rates of such charges shall not be increased without previous permission of the Chief Inspector of Factories; and
- (e) No deduction shall be made without the prior consent of the employee concerned given in writing.

## SCHEDULE

**Statement of fees chargeable for medical treatment of non-entitled persons.**

<b>1. Seat rent (per day)—</b>	<b>Rs.</b>
General Ward ...	2
Special Ward (2 or more beds) ...	5
Special Ward (single bed) ...	10

**2. Diet charges—**

Between Rs. 2.50 and Rs. 4.00 per diet depending upon nature of diet supplied. Children's rate will be lower.



**3. Operation charges—**

	Major Rs.	Minor Rs.	Simple. Rs
General Ward ...	80	40	10
Special Ward (2 or more beds) 160		80	20
Special Ward (Single bed) ... 300		150	40

**4. Injection Charges—**

For Subcutaneous injection ...	...	0.50
For Intermuscular injection ...	...	0.75
For Intervenous injection ...	...	1.00

**5. Laboratory Investigations—**

Blood picture complete ...	...	15.00
Castric Analysis ...	...	15.00
Discharge, Smear, etc. ...	...	5
Skin Scraping for M. Lepraex ...	...	5
Swab, nasal for M. Leprax ...	...	5
Swab, throat for C. Diptheria ...	...	5
Sputum Examination for AFB ...	...	5
Stool Examination ...	...	5
Urine Routine Examination ...	...	5

**Note—**Any other investigations, viz., Bio-chemical, Bacteriological and Histopathological, etc., will be charged as decided by the Executive Medical Officer from time to time.

**6. Drugs and Medicines—**

Drugs and medicines will be charged according to the purchase price including incidental charges.

**7. Dental Charges—****(i) Extraction of Teeth—**

(a) Extraction under G. A.—	Rs.
First Extraction ...	10
For subsequent extraction ...	5
(b) Extraction of impacted teeth under L. A. ...	15
Under G. A.— ...	25

**(ii) Pyorrhoea Treatment—**

Gingivectomy and Cautrization ...	3
(iii) Drainage of abcess under Ethyechloride spray	per pett.
Under G. A. ...	5
(iv) Fracture Jaw wiring ...	15
	35

**8. Charges for Maternity Services—**

Rs.

**(i) Normal Delivery—**

General Ward	...	...	25
Special Ward (3-5 beds)	...	...	50
Special Ward (Single bed)	...	...	100

**(ii) Assisted Delivery—**

A. R. M. Equisotomy, etc.	...	...	50
General Ward	...	...	100
Special Ward (Single bed)	...	...	200

**(iii) Operative Delivery—****Forceps Version M. R. P. Section—**

General Ward	...	...	80
Special Ward (3-5 beds)	...	...	160
Special Ward (Single bed)	...	...	320

**9. X'Ray Charges**

10. Mass Miniature X'Ray	...	...	1
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11. E. C. G. Charges	...	...	160
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12. Consultation Charges—Consultation at Plant Hospital/OPD will be free during the construction stage.

6.

**Deduction for medical facilities from the employees of Tata Eng. & Locomotive Co. Ltd. and Indian Tube Co. Ltd., Jamshedpur**

Notification No. S. O. 201 the 26th August, 1967.—In exercise of the powers conferred by clause (e) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (4 of 1936) and in supersession of previous notification no. 2/W5-1027/66-L—8269 of the 11th August 1966, the Governor of Bihar is pleased to authorise,

M/s. Tata Engineering Co., Ltd., and

M/s. Indian Cable Co., Ltd.,

to make deductions from the wages of the persons employed in their factories at Jamshedpur on account of charges in respect of various medical facilities provided by the employer to the employed persons and their family at the main Hospital of M/s. Tata Iron & Steel Co. Ltd., and in respect of certain specialised treatment given at the hospital or dispensary of the employer, subject to the conditions specified below :—

(a) no deduction shall be made from the wages of any employed person in respect of medical aid or treatment given at the hospital or dispensary of the employer, except in case of X'ray examination for which a normal charge at the rate of Rs. 3.00 per X'ray plate may be realised by means of deductions from wages;

(b) the amount deducted in respect of the medical facilities at the Main



Hospital of M/s. Tata Iron & Steel Co., Ltd., shall not exceed the standard charges paid by the employer to M/s Tata Iron & Steel Co., Ltd.;

(c) no deduction shall be made, unless the employed person from whose wages the deduction is proposed to be made gives an authority in writing permitting the deduction to be made;

(d) the charges payable to M/s Tata Iron & Steel Co. Ltd., shall be paid by the employer first and shall subsequently be realised from the employed person concerned in easy instalments by means of deductions from his wages;

(e) no deduction shall be made in respect of medical facilities or aid given to any employed person at the main Hospital of M/s Tata Iron & Steel Co. Ltd., or at any other hospital or dispensary, if the employed person for the time being entitled to such facility or aid under any award or agreement or under any convention or practice in existence;

(f) a schedule of current charges for the medical facilities payable at the Main Hospital of M/s Tata Iron & Steel Co. Ltd., shall be displayed at a conspicuous place in the factory and a copy of the same shall be sent to the office of the Inspector and the Chief Inspector of Factories respectively;

(g) the deductions shall be made in easy instalments so as not to cause any hardship especially to the employees in the middle and lower wages group and the instalment shall be fixed in such a manner that it does not exceed 1/4th of the wages of the employed person in any wage period; and

(h) the deductions made shall be recorded in the register of wages and all documents relating to the deductions shall be produced for inspection before an Inspector whenever required.

## 7.

S. O. 1234, dated the 21st July 1976.—In exercise of the powers conferred by sub-section (3) of section 14 of the Payment of Wages Act, 1936 (4 of 1936) and in supersession of all previous notifications in this regard, the Governor of Bihar is pleased to appoint the officers mentioned in column 2 of the Schedule hereto annexed to be the Inspectors for the purposes of the said Act, so far as it relates to establishments not registerable under the Factories Act, 1948 (63 of 1948) as well as all employments mentioned in Part I of the Schedule to the Minimum Wages Act, 1948 (11 of 1948), and to direct that the said Inspectors shall exercise their functions within the local limits of their respective jurisdictions as mentioned in column 4 of the Schedule with the headquarters as shown in column 3 of the Schedule against the designation of the officer.

## SCHEDULE

Serial no.	Designation of officers.	Headquarters.	Local limits of jurisdiction.
1	2	3	4
1.	Commissioner of Labour, Bihar,	Patna	... Whole of the State of Bihar.
2.	Joint Commissioner of Labour, Bihar.	Patna	... Whole of the State of Bihar.



Serial no.	Designation of officers.	Headquarters.	Local limits of jurisdiction.
1	2	3	4
3.	Deputy Commissioner of Labour, Bihar.	Patna ...	Whole of the State of Bihar.
4.	Deputy Commissioner of Labour, Jamshedpur.	Jamshedpur	Singhbhum, Ranchi and Palamau districts
5.	Deputy Commissioner of Labour, Bokaro Steel City.	Bokaro Steel City	Dhanbad, Hazaribagh, Giridih districts.
6.	Assistant Commissioner of Labour Patna.	Patna ...	Patna Division.
7.	Assistant Commissioner of Labour, Bhagalpur.	Bhagalpur	Bhagalpur Division (except Khagaria subdivision of Monghyr district).
8.	Assistant Commissioner of Labour, Saharsa.	Saharsa ...	Kosi Division.
9.	Assistant Commissioner of Labour, Muzaffarpur.	Muzaffarpur	Tirhut Division and Darbhanga Division including Khagaria subdivision of Monghyr district.
10.	Assistant Commissioner of Labour, Dhanbad.	Dhanbad ...	Dhanbad, Hazaribagh and Giridih districts.
11.	Assistant Commissioner of Labour, Ranchi.	Ranchi ...	Ranchi and Palamau districts.
12.	Assistant Commissioner of Labour, Jamshedpur.	Jamshedpur	Singhbhum district.
13.	Superintendent of Labour, Patna.	Patna ...	Patna District.
14.	Superintendent of Labour, Nalanda.	Biharsharif	Nalanda and Nawadah districts.
15.	Superintendent of Labour, Gaya.	Gaya ...	Gaya and Aurangabad districts.
16.	Superintendent of Labour, Bhojpur, Arrah.	Arrah ...	Bhojpur district.
17.	Superintendent of Labour, Rohtas, Dalmianagar.	Dalmianagar	Rohtas district.
18.	Superintendent of Labour, Muzaffarpur.	Muzaffarpur ..	Muzaffarpur and Vaishali districts.
19.	Superintendent of Labour, Sitamarhi.	Sitamarhi ...	Sitamarhi district.



Serial no.	Designation of officers.	Headquarters.	Local limits of jurisdiction.
1	2	3	4
20.	Superintendent of Labour, Saran.	Chapra	... Saran district.
21.	Superintendent of Labour, Siwan.	Siwan	... Siwan and Gopalganj district.
22.	Superintendent of Labour, West Champaran.	Bettiah	... West Champaran district.
23.	Superintendent of Labour, East Champaran.	Motihari	... East Champaran district.
24.	Superintendent of Labour, Darbhanga.	Darbhanga	... Darbhanga and Madhubani districts.
25.	Superintendent of Labour, Samastipur.	Samastipur	... Samastipur district.
26.	Superintendent of Labour, Bhagalpur.	Bhagalpur	... Bhagalpur district.
27.	Superintendent of Labour, Saharsa.	Saharsa	... Saharsa district.
28.	Superintendent of Labour, Monghyr.	Monghyr	... Monghyr district (except Khagaria subdivision).
29.	Superintendent of Labour, Begusarai.	Begusarai	... Begusarai district and Khagaria subdivision of Monghyr district.
30.	Superintendent of Labour, Purnea.	Purnea	... Purnea district.
31.	Superintendent of Labour, Katihar.	Katihar	... Katihar district.
32.	Superintendent of Labour, Deoghar.	Deoghar	... Deoghar subdivision and Jamtara subdivision of Santhal Parganas district.
33.	Superintendent of Labour, Dumka.	Dumka	... Dumka subdivision and Godda subdivision of Santhal Parganas district.
34.	Superintendent of Labour, Sahebganj.	Sahebganj	... Sahebganj subdivision and Pakur subdivision of Santhal Parganas district.
35.	Superintendent of Labour, Ranchi.	Ranchi	... Ranchi district.
36.	Superintendent of Labour, Hazaribagh.	Hazaribagh	... Hazaribagh district.



37. Superintendent of Labour, Giridih.	Giridih	...	Giridih district.
38. Superintendent of Labour, Bokaro Steel City.	Bokaro Steel City		Bokaro Steel City Project area of Dhanbad district and Chas Bazar area.
39. Superintendent of Labour, Dhanbad.	Dhanbad	...	Dhanbad district (except Bokaro Steel Project and Chas Bazar area.)
40. Superintendent of Labour, Palamau.	Daltonganj	...	Palamau district.
41. Superintendent of Labour, Chaibasa.	Chaibasa	...	Chaibasa Sadar subdivision of Singhbhum district.
42. Superintendent of Labour, Jamshedpur.	Jamshedpur		Dhalbhum and Saraikella Kharsawan subdivision of Singhbhum district.

## 8.

**S. O. 153 dated 8th February, 1978.**—In exercise of the powers conferred by sub-section (3) of section 14 of the Payment of Wages Act, 1936 (IV of 1936), read with section 24 of the Bihar and Orissa General Clauses Act, 1917 (Bihar and Orissa Act 1 of 1917), the Governor of Bihar is pleased to rescind with effect from the date of issue of this notification the Labour and Employment Department's notification no. S. O. 1234 dated the 21st July, 1976 to the extent it relates to those employments specified in Part I of the Schedule of the Minimum Wages Act, 1948 (Act XI of 1948), which are factories.

## 9.

**S. O. 422 dated 12th April, 1978.**—In exercise of the powers conferred by sub-section (3) of section 14 of the Payment of Wages Act, 1936 (4 of 1936) and in partial modification of Labour and Employment Department's notification No. S. O. 1234 dated the 21st July, 1976 the Governor of Bihar is pleased to appoint the officers mentioned in column 2 of the Schedule hereto annexed to be the Inspectors for the purposes of the said Act, so far as it relates to establishments not registerable under the Factories Act, 1948 (63 of 1948), and to direct that the said Inspectors shall in respect of the aforesaid establishments, exercise their functions within the local limits of their respective jurisdiction as mentioned in column 4 of the Schedule with the headquarters as shown in column 3 of the Schedule against the designation of the officers.

## SCHEDULE

Serial no.	Designation of officers	Headquarters	Local limits of jurisdiction
1	2	3	4
1.	Deputy Commissioner of Labour, Bhagalpur	Bhagalpur	Bhagalpur and Kosi divisions (excluding Khagaria subdivision of Monghyr district).
2.	Assistant Commissioner of Labour, Patna	Patna	Patna, Bhojpur, Nalanda and Nawadah districts.



Serial no.	Designation of officers.	Headquarters.	Local limits of jurisdiction.
1	2	3	4
3.	Assistant Commissioner of Labour, Dalmiagar	Dalmianagar	Rohtas, Aurangabad, and Gaya districts.
4.	Assistant Commissioner of Labour, Muzaffarpur	Muzaffarpur	Tirhut division.
5.	Assistant Commissioner of Labour, Barauni	Begusarai	Darbhanga division and Khagaria subdivision of Monghyr district.
6.	Assistant Commissioner of Labour, Katihar	Katihar	Kosi division.
7.	Superintendent of Labour, Nawadah.	Nawadah	Nawadah district.
8.	Superintendent of Labour, Nalanda	Biharsharif	Nalanda district.
9.	Superintendent of Labour, Aurangabad.	Aurangabad	Aurangabad district.
10.	Superintendent of Labour, Muzaffarpur.	Muzaffarpur	Muzaffarpur district.
11.	Superintendent of Labour, Vaishali.	Hajipur	Vaishali district.
12.	Superintendent of Labour, Darbhanga.	Darbhanga	Darbhanga district.
13.	Superintendent of Labour, Madhubani.	Madhubani	Madhubani district.

**S. O. 1611 dated 17th November, 1979.**—In exercise of the powers conferred by sub-section (3) of section 14 of the Payment of Wages Act, 1936 (4 of 1936) and in partial modification of Labour and Employment Department's notification no. S. O. 1234 dated the 21st July, 1976 the Governor of Bihar is pleased to appoint the officers mentioned in column 2 of the Schedule hereto annexed to be the Inspectors for the purposes of the said Act, so far as it relates to establishments not registerable under the Factories Act, 1948 (63 of 1948) and to direct that the said Inspectors shall, in respect of the aforesaid establishments, exercise their functions within the local limits of their respective jurisdictions as mentioned in column 4 of the Schedule with the head-quarter as shown in column 3 of the Schedule against the designation of the officers.

#### SCHEDULE

Serial no.	Name and designation of the officers	Headquarters	Local limits of jurisdiction.
1	2	3	4
1.	Deputy Commissioner of Labour, Jamshedpur.	Jamshedpur	Singbhum district.
2.	Deputy Commissioner of Labour, Ranchi.	Ranchi	Ranchi and Palamau districts.



Serial no.	Designation of officers.	Headquarters.	Local limits of jurisdiction.
1	2	3	4
3.	Superintendent of Labour, Hazaribagh.	Hazaribagh.	Hazaribagh Sadar sub-division.
4.	Superintendent of Labour, Kodarma.	Kodarma	Kodarma and Chatra subdivisions of Hazaribagh district.
5.	Superintendent of Labour, Jamui	Jamui	Jamui Subdivision of Monghyr district.
6.	Superintendent of Labour, Monghyr.	Monghyr	Monghyr district (excluding Khagaria and Jamui subdivisions).

S.O. 1021 dated 8th July, 1982.—In exercise of the powers conferred by sub-section (3) of section 14 of the Payment of Wages Act, 1936 (4 of 1936) and in partial modification of Labour and Employment Department's notification no. S.O. 1234 dated the 21st July, 1976 and notification no. 2/W3-1071/77-1447, dated the 4th April, 1978 and S.O. 1611 dated the 3rd November, 1979, the Governor of Bihar is pleased to appoint the officers mentioned in column 2 of the Schedule hereto annexed to be the Inspectors for the purpose of the said Act, so far as it relates to establishments not registerable under the Factories Act, 1948 (63 of 1948) and to direct that the said Inspectors shall in respect of the aforesaid establishments, exercise their functions within the local limits of their respective jurisdictions as mentioned in column 4 of the Schedule with their headquarters as shown in column 3 of the Schedule against the designation of officers :—

Sl. no.	Designation of officer	Headquarters	Local limits of jurisdiction
1	2	3	4
1.	Deputy Commissioner of Labour, Patna	Patna	Whole of the division of Patna and Magadh.
2.	Asstt. Director, Statistics	Patna	Whole of Bihar.
3.	Joint Commissioner of Labour, Patna division	Patna	Patna division.
4.	Asstt. Commissioner of Labour, Purnea.	Purnea	Kosi division.
5.	Asstt. Commissioner of Labour, Begusarai	Begusarai	Darbhanga division and Khagaria subdivision of Monghyr district.
6.	Asstt. Commissioner of Labour, Dhanbad	Dhanbad	Whole of the district of Dhanbad (including Bokaro Steel City),
7.	Asstt. Commissioner of Labour, Muzaffarpur	Muzaffarpur	Tirhut and Saran divisions.



Serial no.	Designation of officers.	Headquarters	Local limits of jurisdiction.
1	2	3	4
8.	Asstt. Commissioner of Labour, Hazaribagh	Hazaribagh	Hazaribagh and Giridih districts
9.	Superintendent of Labour, Barh	Barh	Whole of the subdivision of Barh.
10.	Superintendent of Labour, Kishanganj	Kishanganj	Kishanganj and Araria subdivisions.
11.	Superintendent of Labour, Purnea	Purnea	Whole of the district of Purnea (except, Kishanganj and Araria subdivisions).
12.	Superintendent of Labour, Patna	Patna	Whole of the district of Patna (except Barh subdivision).
13.	Superintendent of Labour, Hazaribagh	Hazaribagh	Whole of the district of Hazaribagh.
14.	Superintendent of Labour, Saharsa	Saharsa	Whole of the district of Saharsa.
15.	Superintendent of Labour, Bhagalpur	Bhagalpur	Whole of the district of Bhagalpur.
16.	Superintendent of Labour, Dumka	Dumka	Dumka and Godda subdivisions of Santhal Parganas district.
17.	Superintendent of Labour, Dhanbad	Dhanbad	Whole of the district of Dhanbad (except Bokaro Steel City, Chas Bazar and Chandan Kiari P.S.).
18.	Superintendent of Labour, Bokaro Steel City	Bokaro Steel City	Bokaro Steel City, Chas Bazar and Chandankiari P.S. of Dhanbad district.
19.	Superintendent of Labour, Jamshedpur	Jamshedpur	Whole of the district of Singhbhum (except Chaibasa subdivision).
20.	Superintendent of Labour, Chaibasa	Chaibasa	Chaibasa Sadar subdivision of Singhbhum district.



## THE BIHAR PAYMENT OF WAGES (PROCEDURE) RULES, 1965

**Notification No. II/W5-103/65-L & E, the 16th August, 1965.**—In exercise of the powers conferred by sub-section (1) of section 26 of the Payment of Wages Act, 1936 (4 of 1936), the Governor of Bihar is pleased to make the following rules thereunder the same having been previously published as required by sub-section (5) of the said section of the said Act, namely—

**1. Short title and application.**—(1) These rules may be called the Bihar Payment of Wages (Procedure) Rules, 1965.

(2) These rules shall apply to factories as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948) and to the industrial establishments as defined in clause (ii) of section 2 of the Act except railways, mines and oil-fields and shall come into force at once.

**2. Definitions.**—In these rules, unless, there is anything repugnant in the subject to context—

- (a) "The Act" means the Payment of Wages Act, 1936, (4 of 1936);
- (b) "Appeal" means an appeal under section 17 ;
- (c) "The Authority" means the authority appointed under subsection (1) of section 15 ;
- (d) "the Court" means the court mentioned in sub-section (1) of section 17 ;
- (e) "employer" includes the person responsible for the payment of wages under section 3 ;
- (f) "section" means a section of the Act ;
- (g) "Form" means form appended to these rules ;
- (h) "record of order or direction" means the record of an order dismissing either wholly or in part an application made under sub-section (2) of section 15 or of a direction made under subsection (3) or sub-section (4) of that section kept in Form "F" ;
- (i) "establishment" means an "industrial establishment" as defined in clause (ii) of section 2 except Railways, mines and oil fields and includes a factory;
- (j) all words and expressions used in these rules and not defined have the same meaning as are respectively assigned to them in the Act.

**3. Form of application.**—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 the court-fee as prescribed in rule 14 :

Provided that no fees shall be payable in respect of an application presented by an Inspector.

**4. Authorisation.**—(1) The authorisation to act on behalf of an employed person, under sub-section (2) of section 15, shall be given by a certificate in Form D, and shall form a part of the record of the case.

(2) Any employed person may authorise in Form H, a legal practitioner or an official of a registered Trade Union of which he is a member or an Inspector to receive any amount with compensation if any, directed to be paid to him under sub-section (3) of section 15.

(3) On presentation of an authority specified in sub-rule (2) and on being



satisfied the magistrate may order payment of the amount recovered to the authorised person.

(4) (i) The amount received by the person authorised in sub-rule (2) shall be paid to the employed person and a receipt obtained from him in support of payment shall be submitted to the magistrate within 30 days of the date on which the amount was received.

(ii) If on account of the employed persons not being available or for any other reason, the amount remains unpaid the authorised person shall refund the said amount to the magistrate within the period specified in item (i) above.

**5. Permission to appear.**—A person desiring to act on behalf of any employed person or persons shall apply to the Authority for his permission to do so stating his interest in the matter, and the Authority shall record an order on the application which in the case of refusal shall include the reason for such order. The application and the order thereon shall be incorporated in record of the case and a copy of the order shall be given immediately to the applicant without charging any cost in respect thereof.

**6. Presentation of documents.**—(1) Applications, or other documents relevant to an application may be presented in person to the Authority at any time during such hours as may be fixed by the Authority, or may be sent to him by registered post.

(2) The Authority shall endorse, or cause to be endorsed, on each document the date of its presentation or receipt, as the case may be.

**7. Refusal to entertain application.**—(1) The Authority may refuse to entertain an application presented under rule 6, if after giving the applicant an opportunity of being heard, he 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 provisions in the proviso 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 he so refuses shall return it to the applicant pointing out the defects therein. If the application is presented again after the defects have been made good, the date of presentation for previous application shall be deemed to be the date of presentation for the provisos to sub-section (2) of section 15.

**8. Appearance of parties.**—(1) If the application is entertained the Authority shall call upon the employer by a notice in Form 'E' to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application *ex-parte*.

(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 re-heard on good cause being shown within one month of the date of the said order, in which case fresh notice shall be served on the parties specifying the date fixed for re-hearing.

**9. Record of proceedings.**—(1) the Authority shall in all cases enter the particulars indicated in Form 'F' and at the time of passing orders shall sign and date the Form.

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the Authority, shall record the substance of the evidence and shall append it under his signature to the record of order of direction.

**10. Signature on forms.**—Any form other than the record or 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 subordinate to him appointed by him in writing for this purpose.

**11. Exercise of powers.**—In exercising the powers of a Civil Court conferred 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 adopting them to the matter before him, and save where they conflict with the express provisions of the Act or these rules.

**12. Appeals.**—(1) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the prescribed court-fee, setting fourth concisely the grounds of objection to the order dismissing either wholly or in part an application made under sub-section (2) of section 15 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 a certified copy of the said order or direction.

(2) When an appeal is lodged a notice shall be issued to the respondent in Form 'G'.

**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 the payment of such fee as may be prescribed.

**14. Fees.**—The fee payable in respect of proceedings under the Act shall be—

- (i) for every application to summon a witness—Twenty-five paise in respect of each witness;
- (ii) for every other application made by or on behalf of an individual person before the Authority—Fifty paise;
- (iii) for every other application made by or on behalf of an unpaid group before the Authority—Twenty-five paise for each member of the group subject to a maximum of five rupees;
- (iv) for every appeal lodged with the Court—Five rupees;



(v) for obtaining a copy of any document—Five paise per typed page :

Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit the fee :

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

**15. Repeal and Saving.**—(1) The Payment of Wages (Procedure) Rules, 1937, in its application to the State of Bihar are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under the said rules shall be deemed to have been done or taken in exercise of the powers conferred by or under these rules as if these were in force on the day on which such thing or action was done or taken.

### 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 (4 of 1936) for— — — — —area.

Application no. — — — — —of 19.

Between A.B.C. — — — — —applicant

(Through

Legal practitioner— — — — —

an official of— — — — —

which is a registered trade union)

X.Y.Z.— — — — — —opposite party.

The applicant states as follows :—

1. A.B.C. is a person employed in/on the  
factory

\_\_\_\_\_ industrial establishment

and resides at

The address of the applicant for the service of all notices and processes is—

2. X.Y.Z., the opposite party, 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 wage have not been paid for the following wage period (s) (give dates).

Or A sum of Rs.— — — — —has been unlawfully deducted from his wage of— — — — —(amount) for the wage period (s) which ended on [give date (s)].

(2) (Here give any further claim or explanation).

4. The applicant estimates the value of the relief sought by him at the sum of rupees— — — — —

5. The applicant prays that a direction may be issued under sub-section (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.

(b) Compensation amounting to

The applicant certifies that the statement of the facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the  
employed person, or legal practitioner  
or official of a registered trade union  
duly authorised.

### FORM 'B'

#### Form of Group Application.

(See sub-section (2) of section 15 and 16 of Payment of Wages Act.)

In the Court of the Authority appointed under the Payment of Wages Act  
(4 of 1936) for... .. area.

Application no ... .. of 19.

Between A.B.C. and (State the number)... .. others applicants  
a legal practitioner.

(through ... ..  
an official of

which is a registered trade union).

And X.Y.Z. ... .. opposite party,

The applicants state as follows :—

1. The applicants whose names and permanent addresses appear in the attached schedule are persons employed in/on the

factory

industrial establishment

2. The address of the applicants for service of all notices and processes is ...X.Y.Z. the opposite party, is 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 applicants, wages have not been paid for the following wages period (s).

4. The applicants estimate the value of the relief sought by them at the sum of rupees... ..

5. The applicants pray that a direction may be issued under sub-section (3) of section 15 for—



(a) Payment of the applicants delayed wages is 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 facts contained in this application is to the best of their knowledge and belief accurate.

Signature or thumb impression of two  
 of the applicants, or legal practitioner,  
 or an official of a registered trade union  
 duly authorised.

### SCHEDULE.

Serial no.	Name of Applicant.	Permanent Address.
1	2	3

### FORM 'C'

**Form of Application by an Inspector or person permitted by the Authority authorised to act.**

(see sub-section (2) of section 15 and section 16 of the Payment of Wages Act).  
 In the Court of the Authority appointed under the Payment of Wages Act  
 for... .. area.

Application no... .. of 19 .

Between

(designation)

... .. an Inspector under  
 the Payment of Wages Act) (or a person permitted by the Authority authorised  
 to act under sub-section (2) of section 15)... ..  
 ... .. applicant.

And X Y Z. ... .. the opposite party.  
 Applicant states as follow :—

1. X.Y.Z the opposite party is the person responsible under the Act for the  
 payment of wages to the following persons (s) :—

(1)

(2)

(3)

(4)

(5)

2. His address for the service of all notices and processes is—

3. The wages of the said person (s) due in respect of the following wage  
 period (s) have not been paid/have been subject to the following illegal  
 deduction.—

4. The applicant estimates the value of the relief sought  
 for the person (s) employed at the sum of Rs. ... ..

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for :—

(a) Payment of the 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.

(b) 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.

Signature.

### FORM 'D'

#### Certificate of Authorisation.

I/We employed person (s) hereby authorise a ... ..  
 legal practitioner/an official of ... ..  
 ... .. which is a registered trade union to act on my/our behalf  
 under section 15, and section 16 of the Payment of Wages Act (4 of 1936) in  
 respect of the claim against ... .. on account of the delay in  
 payment of/illegal deduction from my/our wages for .....

Witnesses (1)

Signature (1)

(2)

(2)

I accept the authorisation.

Signature  
 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 (4 of 1936) a claim against you has been presented to me in the application of which a 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 able to answer all such question, on the ... .. day of ..... 19 ..  
 at ..... O'clock in the forenoon/afternoon to answer the claim, and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the document 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... .. 19.

Authority



**FORM 'F'****Record of Order or Direction.**

1. Serial number ... ..
2. Date of the application ... ..
3. Name or names, parentage, address or addresses of the applicants, or some, or all of the applicants belonging to the same unpaid group:—
4. Name and address of 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 reasons therefor—
8. Amount awarded ... ..Rs.
  - (a) Delayed wages ... ..
  - (b) Deducted wages... ..
9. Compensation awarded... ..
10. Penalty imposed ... ..
11. Costs awarded to—
  - (i) Court-fee charges ... ..
  - (ii) Pleader's fee ... ..
  - (iii) Witnesses expenses ... ..

Signed ... ..

Date... ..

Note.—In 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 ... ..  
area, dated the ... .. day of ... .. 19 ..

To

*Respondent*

Take notice that an appeal of which a copy is enclosed, from the decision of the Authority for ... .. area has 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 some one by law authorised to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court this... ..  
day of ... .. 19

Seal

Judge

**FORM 'H'**

**Form of authority to receive payment on behalf of employed persons.**

In connection with the application no. ... .. of  
19 ... .. dated ... .. filed under section 15(2) of  
the Payment of Wages Act, 1936 by ... ..  
against ... ..  
on my/our behalf, I/we ... ..  
employed person (s) of ... ..  
(name of factory or establishment) hereby authorise ... ..  
(name of Legal practitioner)  
(name of an official of registered Trade Union)  
(name of the Inspector)

... .. (which is a registered Trade Union), to received payment of dues along with such compensation as awarded under sub-section (3) of section 15 of the Payment of Wages Act, 1936 (4 of 1936) and recovered under sub-section (5) of section 15 of the said Act.

Applicant (1)

Signature (1)

(2)

(2)

(3)

(3)

I accept the authorisation.

Signature

Legal practitioner

Official of a Registered Trade Union

The Inspector.