

The Payment of Wages (Railways) Rules, 1938

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The Payment of Wages (Railways) Rules, 1938¹

Notification No. L. 3070 (1), dated 5th May, 1938

In exercise of the powers conferred by sub-sections (2), (3) and (4) of Section 26, read with Section 24 of the Payment of Wages Act, 1936 (IV of 1936), and in supersession of the Payment of Wages (Railways) Rules, 1937 in so far as they relate to Railways within the meaning of the Government of India Act, 1935, the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (5) of Section 26 of the first-named Act, namely:—

1. Title and application.—(1) These rules may be called the Payment of Wages (³[* * *] Railways) Rules, 1938.

⁴[(1-A) They extend to the whole of India [* * *]⁵.]

(2) These rules apply in respect of the payment of wages to persons employed upon any ⁶[* * *] railway (including factories) by or under a Railway Administration ⁷[or by a contractor [* * *]⁸].

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

(a) “the Act” means the Payment of Wages Act (4 of 1936);

(b) “the Authority” means the authority appointed under sub-section (1) of Section 15 of the Act;

(c) “the Court” means the court mentioned in sub-section (1) of Section 17 of the Act;

(d) “deduction for breach of contract” means a deduction made in accordance with the provisions of the proviso to sub-section (2) of Section 9;

(e) “deduction for damage or loss” means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of Section 7;

(f) ⁹[* * *]

¹⁰[(ff) ‘Family’ means—

(i) (a) spouse, and

1. The word “Federal” was *deleted* by the Ministry of Labour S.R.O. 429, dt. the 4th March, 1952.
2. The Payment of Wages (Federal Railways) Rules, 1938, were published under the Department of Labour Noti. No. L-3070(1), dt. 5th May, 1938 in the Gazette of India, 1938, Pt. I, pp. 943-948. The word “Federal” was *deleted* by the Ministry of Labour S.R. O. 429, dt. the 4th March, 1952. The Payment of Wages (Railways) Rules, 1937, published under the Department of Labour, Noti. No. L-3070, dated the 10th March, 1937, was rescinded by the Ministry of Labour, Noti. No. S.R.O. 428, dt. the 4th March, 1952.
3. The word “Federal” was *deleted* by the Ministry of Labour S.R.O. 429, dt. the 4th March, 1952.
4. *Ins.* by the Ministry of Labour S.R.O. 429, dt. the 4th March, 1952.
5. *Deleted* by G.S.R. 443, dt. 25-5-1983.
6. The word “Federal” was *deleted* by the Ministry of Labour S.R.O. 429, dt. the 4th March, 1952.
7. *Subs.* by S.O. 359, dt. 6th Feb., 1961.
8. *Deleted* by G.S.R. 443, dt. 25-5-1983.
9. *Deleted* by Noti. No. 429, dated 4th March, 1952.
10. *Ins.* by G.S.R. 1159(E), dt. 9-12-1988.

- (b) children whether married or unmarried of railway servant in that order of precedence.
- (ii) 'Dependent relative' means—
- (a) dependent parents;
 - (b) his/her deceased sons' widows and children;
 - (c) unmarried or widowed sister/brother/stepbrother provided residing with and wholly dependent on the railway servant.]
- (g) "Form" means a form appended to these rules;
- (h) "Inspector" means an Inspector authorised by or under Section 14 of the Act;
- (i) "person employed" does not include any person to the payment of whose wages the Act does not apply;
- (j) "Section" means a section of the Act;
- (k) "paymaster" means the Railway Administration or other person or persons who may be nominated as such by the Railway Administration under clause (c) of Section 3; and in the case of a person employed by a contractor, the contractor;
- ¹¹[(l) "Chief Labour Commissioner (Central)" means officer appointed as such by the Central Government;
- (ll) "Regional Labour Commissioner (Central)" means an officer appointed as such by the Central Government;]
- (m) "contractor" means a person fulfilling, either directly or through a sub-contractor, a contract with a Railway Administration;
- (n) "employer" means a Railway Administration, and in the case of persons employed by a contractor, the contractor;
- (o) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

¹²[2-A. **Nominations.**—The nomination form given by a railway servant in respect of payment of provident fund deposit shall be treated as the nomination form for the purpose of disbursement of unpaid wages.]

3. Register of fines.—(1) On any railway where the employer has obtained approval under sub-section (1) of Section 8 to a list of acts and omissions in respect of which fines may be imposed, the paymaster shall maintain a Register of Fines ¹³[in Form C specified in the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017].

(2) At the beginning of the Register of Fines there shall be serially entered and 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

11. Subs. by G.S.R. 443, dt. 25-5-1983.

12. Ins. by G.S.R. 1159(E), dt. 9-12-1988.

13. Subs. for "in Form I" by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).

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 for which it is made. [R. 4

¹⁴[(4) Where no fine has been imposed on any employee in a wage-period, a "nil" entry shall be made across the body of the register at the end of the wage-period indicating also in precise terms the wage-period to which the "nil" entry relates.]

4. Register of deduction for damage or loss.—(1) On every railway in which deductions for damage or loss are made, the paymaster shall maintain the Register required by sub-section (2) of Section 10 ¹⁵[in Form C specified in the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017].

¹⁶[(2) Where no deduction has been made from the wages of any employee in a wage-period, a "nil" entry shall be made across the body of the register at the end of the wage-period, indicating also in precise terms the wage-period to which the "nil" entry relates.]

5. Register of wages.—A Register of Wages shall be maintained by every employer [* * *]¹⁷ in such form as the paymaster finds convenient. The said Register shall include the following particulars—

- (a) the gross wages of each person employed for each wage-period;
- (b) all deductions made from those wages, with an indication, in each case, of the clause of sub-section (2) of Section 7 under which the deduction is made;
- (c) the wages actually paid to each person employed for each wage-period and the date of payment.

¹⁸**5-A. Combined form of Register.**—Notwithstanding anything contained in these rules, where a combined (alternative) form is sought to be used by the employer to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder, an alternative suitable form in lieu of any of the forms prescribed under these rules may be used with the previous approval of the Chief Labour Commissioner [(Central)]¹⁹.]

6. Maintenance of Registers.—The register required by Rules 3, 4 ²⁰[, 5 and 8(3)] ²¹[including registers maintained in lieu thereof in accordance with the provisions of Rule 5-A] shall be ²²[maintained up to date, kept and preserved for

14. *Ins.* by G.S.R. 443, dt. 25-5-1983.

15. *Subs.* for "in Form II" by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).

16. *Ins.* by G.S.R. 443, dt. 25-5-1983.

17. *Deleted* by G.S.R. 443, dt. 25-5-1983.

18. *Ins.* by S.O. 3513-PWA/Rly/Rules/Am., dt. 4-11-1965.

19. *Ins.* by G.S.R. 443, dt. 25-5-1983.

20. *Subs.* for the word and figure "and 5" by the Ministry of Labour S.R.O. 711, dt. 24-3-1955.

21. *Ins.* by S.O. 3513-PWA/Rly/Rules/Am., dt. 4-11-1965.

22. *Subs.* by G.S.R. 443, dt. 25-5-1983.

three years after the date of the last entry made in them, at the workspot and be produced before the Inspector on demand at the workspot]:

²³[Provided that the paymaster may with prior approval of the Regional Labour Commissioner (Central) preserve and keep the registers at a place other than the workspot.]

²⁴[Provided further that in the event of closure of any establishment of a Railway Administration or contractor, as the case may be, the paymaster shall produce the registers before the Inspectors on demand in the office of the Inspector or any other place specified by him.]

The registers shall normally be maintained in English, but where they are maintained in any other language than English, a true translation thereof in English shall be available.

7. Places for displaying notices.—The [Regional Labour Commissioner (Central)]²⁵ shall specify such place or places on the railway, other than factories, as he thinks fit (hereinafter referred to as “specified place” or “specified places”) for the display of notices, lists and rules under Rules 8, 12 and 16.

8. Notice of wage-period, and dates of payment and the names and addresses of Inspectors.—(1) The paymaster shall display in a conspicuous place at every station of establishment, within his jurisdiction, a notice in English and Hindi or in the language (if that be not Hindi) of the majority of the persons employed at such stations or establishments, as the case may be, showing—

(i) the wage-period for which wages are payable; [* * *]²⁶

(ii) the days or dates on which wages are to be paid;

²⁷[(iii) the days or dates on which unpaid wages are to be paid; and

(iv) names and addresses of Inspectors having jurisdiction.]

(2) Every such notice shall be maintained in a clean and legible condition.

(3) A copy of every such notice and of any alteration therein shall be sent to the Inspector not less than two weeks in advance of the day or date on which wages are to be paid.

²⁸[**8-A. Supervision of payment.**—On direction of the Inspector, the paymaster or his representative at the workspot shall pay wages to the employed person under his supervision.]

9. Prescribed authority.—(1) The ²⁹[Regional Labour Commissioner (Central)] 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

23. *Ins.* by G.S.R. 443, dt. 25-5-1983.

24. *Ins.* by G.S.R. 443, dt. 25-5-1983.

25. *Subs.* by G.S.R. 443, dt. 25-5-1983.

26. *Deleted* by G.S.R. 443, dt. 25-5-1983.

27. *Ins.* by G.S.R. 443, dt. 25-5-1983.

28. *Ins.* by G.S.R. 443, dt. 25-5-1983 (w.e.f. 11-6-1983).

29. *Subs.* by G.S.R. 443, dt. 25-5-1983.

sub-section (8) of Section 8, the purposes to which the proceeds of fines shall be applied.

³⁰[(2) The Chairman of the Staff Benefit Fund Committee functioning in each zonal railway, production units of the railways and other railway organisations, independent of a zonal railway, shall be the prescribed authority with whom the amount required to be deposited under clause (b) of sub-section (1) of Section 25-A of the Act shall be deposited and who shall deal with the amount so deposited in the manner prescribed in Rule 18-B.]

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 ³¹[Regional Labour Commissioner (Central)]—

- (a) a list, in English in duplicate, clearly defining such acts and omissions;
- (b) in cases where the Railway Administration itself does not intend to be the sole authority empowered to impose fines, a list in duplicate, showing, by virtue of office, such of its officers as may pass orders imposing fines and the class of establishment on which any such officers may impose fine.

11. Approval of list of acts and omissions.—The ³²[Regional Labour Commissioner (Central)] may, on receipt of the list prescribed in sub-rule (a) of Rule 10, and after such inquiry as he considers necessary, pass orders in respect of the list referred to in clause (a) of Rule 10 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 deemed to have been approved under sub-section (1) of Section 8:

Provided that no order disapproving or amending the list shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing against such order.

12. Posting of list.—The employer shall display at or near the main entrance of every factory, and at the specified place or specified places, a copy in English, together with a literal translation thereof in the language of the majority of the persons employed at such factory or place, of the list of acts and omissions approved by the authority prescribed under Rule 9.

13. Persons authorised to impose fines.—(1) No fine may be imposed upon a person employed by a Railway Administration, by any person other than the Railway Administration, or by a person holding an appointment named in the list referred to in clause (b) of Rule 10.

(2) In the case of persons employed by a contractor, no fines may be imposed by any person other than the contractor:

30. Original R. 9 renumbered as sub-rule (1) and sub-rule (2) *ins.* by G.S.R. 1159(E), dt. 9-12-1988.
 31. *Subs.* by G.S.R. 443, dt. 25-5-1983.
 32. *Subs.* by G.S.R. 443, dt. 25-5-1983.

Provided that a contractor who runs more than one establishment in two or more localities, and who employs not less than 50 persons in one locality, may, with the approval of the Supervisor, delegate his power to fine to his representative in that locality.

14. ³³[**Procedure for imposing fines and deductions for loss or damage.**

—(1) No fine shall be imposed and no deduction for damages or loss under sub-section (1) of Section 10 of the Act, shall be made from a person employed by a Railway Administration except in accordance with the procedure laid down in the rule in force on the Railway and until the employed person has been given an opportunity of showing cause against such imposition or deduction.]

(2) No fine shall be imposed on and no deduction for damage or loss shall be made from the wages of a person employed by a contractor until the person authorised to impose the fine or make the deduction has explained 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 has heard 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 (unless such person is a paymaster) at once inform the paymaster of all particulars necessary for the completion of the register prescribed in Rule 3 or Rule 4, as the case may be.

16. Deductions under the proviso to sub-section (2) of Section 9.—(1) No deduction under the proviso to sub-section (2) of Section 9 shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No such deduction shall be made from the wages of any employed person unless—

- (a) there is provision in writing in the terms of contract of employment requiring him to give notice of the termination of his employment; and
- (i) the period of this notice does not exceed fifteen days or the wage-period, whichever is less; and
- (ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;
- (b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory, and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made; and
- (c) a notice has been displayed at or near the main entrance of the factory and at the specified place or specified places concerned 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 condition (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 or factories of the Railway, it shall be sufficient, in lieu of giving the names of the persons in such departments, sections or factories, to specify the departments, sections or factories affected.

(3) No such deduction 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 such deduction shall be made from any person who has complied with such conditions.

³⁴[**17. Annual Returns.**—Every employer shall, on or before the 1st day of February in each year, upload unified annual return in Form III on the web portal of the Central Government in the Ministry of Labour and Employment giving information as to the particulars specified in respect of the preceding year:

Provided that during inspection, the inspector may require the production of accounts, books, registers and other documents maintained in electronic form or otherwise.

Explanation.—For the purposes of this rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of Section 2 of the Information Technology Act, 2000 (21 of 2000).]

18. Advances to person employed by a contractor.—(1) An advance of wages not already earned shall not ordinarily exceed the amount equal to two calendar months’ wages of the employed person. In exceptional cases, the amount of such advance may, with the previous sanction of the ³⁵[Regional Labour Commissioner (Central)], be made to the extent of four calendar months’ wages.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than 12 months in the case of ordinary advance and 20 months in the case of special advance. In no case shall the amount of instalment exceed 1/4 of the wages earned in one month.

34. Subs. by G.S.R. 54(E), dt. 29-1-2019 (w.e.f. 29-1-2019). Prior to substitution it read as:

“17. *Annual Returns.*—(1) Every employer shall on or before the 1st day of February in each year upload annual returns in the Form III on the web portal of the Ministry of Labour and Employment giving information as to the particulars specified in respect of the preceding year.

(2) Every employer on or before the 1st day of February in each year may file annual returns in the Form III to the Regional Labour Commissioner (Central) giving information as to the particulars specified in respect of the preceding year:

Provided that during inspection, the inspector shall require the production of the accounts, books, register and other documents if the same are maintained in manual form or in electronic form, as the case may be.

Explanation.—For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of Section 2 of the Information Technology Act, 2000 (21 of 2000).”

35. Subs. by G.S.R. 443, dt. 25-5-1983.

(3) The amounts of all advances sanctioned and the payment thereof shall be entered in a register ³⁶[in Form C specified in the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017].

37[18-A. Deposit of amount of undisbursed wages.]—(1) In respect of the staff on Indian Railways including Production Units and their subordinate establishments, all amounts of undisbursed wages remaining with the paymaster on account of death of an employee or on account of his whereabouts not being known, shall be transferred to the Staff Benefit Fund by the Accounts Officer after the expiry of three years.

(2) The amount referred to in sub-rule (1) shall be deposited by the paymaster together with relevant details in Form VI to the Chairman, Staff Benefit Fund.

18-B. Manner of dealing with amounts.—(1) The amounts deposited with the Chairman, Staff Benefit Fund under Rule 18-A shall remain with the Chairman of the Fund for four years.

(2) As soon as possible the Railway Administration will publish in any two newspapers circulated in the language commonly understood in the area in which the factory or the establishment in which the undisbursed wages were earned, is situated and will exhibit them on the notice-board of the factory or establishment.

(3) The prescribed authority shall release the money to the nominee or to that person who has claim to this money and which has been decided by the competent Authority/Court.

18-C. The amount deposited under Rule 18-A shall be applied by the Chairman of the Staff Benefit Fund to meet the expenditure for the purpose prescribed for Staff Benefit Fund.

18-D. The family member/dependent relative of employed person to make claims.—The spouse or children and where the employed person does not have spouse or children, the dependent relative in the order of precedence given in clause (ff)(ii) of Rule 2 can make claims of the amount at any time within seven years during which time the wages remains with the paymaster for a period of first three years, as specified in Rule 18-A(1) and then credited to the Staff Benefit Fund. In such case, only the principal amount as remaining with the paymaster deposited by the paymaster with the Chairman, Staff Benefit Fund Committee shall be payable to the claimant.]

19. Procedure, costs and court-fees.—The procedure to be followed by the authorities appointed under sub-section (1) of Section 15 and the courts mentioned in sub-section (1) of Section 17 of the Act, the scales of costs which may be allowed in, and the amount of court-fees payable in respect of, proceedings under the Act to which these rules apply shall be such procedure, scales and amount as are from time to time prescribed by the State Government in the exercise of its powers under the Act in that behalf for the Authority or Court concerned.

36. Subs. for "in Form V" by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).
37. New Rules 18-A to 18-D ins. by G.S.R. 1159(E), dt. 9-12-1988.

20. Abstracts.—The abstracts of the Act and of the rules made thereunder to be displayed under Section 25 shall be in Form IV.

21. Penalties.—Any breach of Rules 3, 4, 5, ³⁸[5-A], 6, 8, 12, 15, ³⁹[17 and 18(3)] of these rules shall be punishable with fine which may extend to two hundred rupees.

FORMS

Editorial Note: Drastic amendments to the Forms under this Rule have been made by **Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017**, Rule 1 and 2 of which provide as follows:

“1. Short title and commencement.—(1) These rules may be called the **Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017**.

(2) They shall come into force on the date of their publication in the Official Gazette.

[These Rules came into force on 21-2-2017, *vide* G.S.R. No. 154(E), dated 21-2-2017]

2. Maintenance of registers under certain labour related laws.—(1) Notwithstanding anything contained in any rules made under the,—

- (i) Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996);
- (ii) Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970);
- (iii) Equal Remuneration Act, 1976 (25 of 1976);
- (iv) Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979);
- (v) Mines Act, 1952 (35 of 1952);
- (vi) Minimum Wages Act, 1948 (11 of 1948);
- (vii) Payment of Wages Act, 1936 (4 of 1936);
- (viii) Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976); and
- (ix) Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955);

the combined registers in the Forms specified in the Schedule* to these rules shall be maintained either electronically or otherwise and used for the purposes, of the aforesaid enactments and the rules made thereunder, as specified therein.

(2) If the combined register referred to in sub-rule (1) is required for inspection by the concerned Inspector appointed under any of the enactments referred to in the said sub-rule, the concerned persons shall make available the combined registers or provide the necessary particulars for the purposes of accessing the information, as the case may be.

(3) Where any register referred to in sub-rule (1) is maintained in electronic form, then, layout and presentation of the register may be adjusted without changing the integrity, serial number and contents of the columns of the register, but not otherwise.”

Full text of the **Schedule of Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017** containing Forms A to Forms E is printed at page 144.

FORM I

⁴⁰[* * *]

38. *Ins.* by S.O. 3513/PWA/Rly/Rules/Am., dt. 4-11-1965.

39. *Subs.* by S.R.O. 711, dt. 24-3-1955.

* *Vide* G.S.R. 154(E), dated 21-2-2017, published in the Gazette of India, Extra., Part II, Section 3(i), dated 21-2-2017, No. 126.

40. Form I omitted by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).

FORM II⁴¹[* * *]⁴²[**FORM III**

[See Rule 17]

*Unified Annual Return***A. General Part:****Particulars:**

(a) Name of the establishment

Address of the establishment. House No./Flat No. Street/Plot No.

Town District State Pin Code

(b) Name of the employer

Address of the employer. House No./Flat No. Street/Plot No.

Town District State Pin Code

E-mail ID Telephone Number Mobile Number

(c) Name of the manager or person responsible for supervision and control of establishment

Address House No./Flat No. Street/Plot No.

Town District State Pin Code

E-mail ID Telephone Number Mobile Number

B. Employer's Registration/License number under the Act mentioned in column (2) of the table below:

Sl. No.	Name	Registration	If yes (Registration No.)
(1)	(2)	(3)	(4)
1.	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996		
2.	The Contract Labour (Regulation and Abolition) Act, 1970		

41. Form II omitted by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).
 42. Subs. by G.S.R. 353(E), dt. 1-5-2015 (w.e.f. 1-5-2015).

3.	The Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979		
4.	The Employees' Provident Funds and Miscellaneous Provisions Act, 1952		
5.	The Employees' State Insurance Act, 1948		
6.	The Mines Act, 1952 Notice of opening under Regulation 3 of Coal Mines Regulation, 1957 or Regulation 3 of Metalliferous Mines Regulation, 1961		
7.	The Factories Act, 1948		
8.	The Motor Transport Workers Act, 1961		
9.	The Shops and Establishments Act (State Act)		
10.	Any other Law for the time being in force		

C. Details of Principal Employer, Contractor and Contract Labour:

1.	Name of the principal employer in the case of a contractor's establishment	
2.	Date of commencement of the establishment	
3.	Number of Contractors engaged in the establishment during the year	
4.	Total Number of days during the year on which Contract Labour was employed	
5.	Total number of man-days worked by Contract Labour during the year	
6.	Name of the Manager or Agent (in case of mines)	
7.	Address House No./Flat No. <input type="text"/> Street/Plot No. <input type="text"/> Town <input type="text"/> District <input type="text"/> State <input type="text"/> Pin Code <input type="text"/> E-mail ID <input type="text"/> Telephone Number <input type="text"/> Mobile No. <input type="text"/>	

D. Working hours and weekly rest day:

1.	Number of working days worked during the year
2.	Number of man-days worked during the year
3.	Daily hours of work
4.	Day of weekly holiday

E. Maximum number of persons employed in any day during the year:

Sl. No.	Males	Females	Adolescents (between the age of 14 to 18 years)	Children (below 14 years of age)	Total

F. Wage rates (Category Wise):

Category	Rates of Wages	No. of workers							
		Regular				Contract			
		Male	Female	Children	Adole- scent	Male	Female	Children	Adole- scent
Highly Skilled									
Skilled									
Semi-skilled									
Un-skilled									

G. (a) Details of Payments:

Gross wages paid		Deductions			Net wages paid	
In cash	In kind	Fines	Deductions for damage or loss	Others	In cash	In kind

(b) Number of workers who were granted leave with wages during the year:

Sl. No.	During the year	Number of workers	Granted leave with wages

H. Details of various welfare amenities provided under the statutory schemes:

Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)

DECLARATION

It is to certify that the above information is true and correct and also I certify that I have complied with the all provisions of Labour Laws applicable to my establishment.

Place

Date

Sign here

FORM IV

Abstract of the Payment of Wages Act, 1936, and the Rules Made Thereunder
Whom the Act affects

1. The Act applies to the payment of wages to persons in this factory receiving less than Rs ⁴³[1600] a month.
2. No employed person can give up by contract or agreement his rights under the Act.

43. Subs. by G.S.R. 1159(E), dt. 9-12-1988.

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment.

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

It excludes—

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

Responsibility for and Method of Payment:

4. The manager of the factory is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs.

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

6. Wages shall be paid on 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 deductions shall be made from wages except those authorised under the Act (see Paragraphs 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 Supervisor, 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 ⁴⁴[three per cent of the wages payable to him in respect of that wage-period in which fine is imposed];
- (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 approved by the Supervisor.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period at 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 or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in 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 which 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.

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

13. (a) Deductions can be made for the recovery of advances or for adjustment of over-payment of wages.

(b) Advances made before the employment began can only be recovered from the first payment or 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.

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 cooperative societies approved by the Central Government or to the postal insurance, subject to any conditions imposed by the Central Government.

Inspections

16. An Inspector can enter in any premises, and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.

Complaints of Deductions or Delays

17. (a) 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 6 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.

(b) 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.

(c) A single application may be presented by, or on behalf of 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 vexatious complaint is made, the Authority may impose a penalty not exceeding Rs 50 on the applicant and order that it be paid to the employer.

Appeal against the Authority

19. An appeal in the prescribed form against a direction made by the Authority may be preferred within 39 days in Madras, Bombay, Calcutta, to the Court of Small Causes and elsewhere to the District Court—

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

19-A. *Payment of undisbursed wages.*—(1) If all amounts payable to an employed person as wages could not or cannot be paid on account of his death before payment or on account of his whereabouts not being known, shall be paid to the person nominated by him in this behalf.

(2) Where wages remain undisbursed because no nomination had been made by the employed person or for any reason such amounts could not be paid to the nominee of the employed person until the expiry of three years from the date the same had become payable all amounts of such undisbursed wages shall be transferred by the accounts officer to the Staff Benefit Fund before the expiry of the fifteenth day after the last day of the said period of three years.

19-B. *Manner of dealing with deposited amounts.*—The amounts of undisbursed wages deposited with the Chairman Staff Benefit Fund shall be applied by him to meet the expenditure for the purpose prescribed for the Staff Benefit Fund.]

Punishments for Breaches of this Act

20. Anyone 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, 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.

FORM V

⁴⁵[* * *]

⁴⁶[**FORM VI**

[See sub-rule (2) of Rule 18-A]

Form to deposit the Undisbursed Wages

From

(Give here name and complete address of the paymaster)

To

The Chairman,
Staff Benefit Fund

Subject: Transfer of amount of undisbursed wages.

45. Form V omitted by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).

46. Ins. by G.S.R. 1159(E), dt. 9-12-1988.

Sir,
As required under sub-rule (1) read with sub-rule (2) of Rule 18-A of the Payment of Wages (Railways) Rules, 1938, I transfer the amount of Rs.....

(Amount in figures)

(Rupees.....) from Suspense Head "Deposit" (Amount in words)

unpaid wages" to the Staff Benefit Fund.

The above-mentioned amount represent all amounts payable as wages to person(s) enlisted in Annexures I & II employed in..... (mention the name and address of the establishment) which remained undisbursed because either no nomination had been made by the employed person(s) or for any reason such amounts could not be paid to the respective nominee(s) of the employed person(s). The relevant details are furnished hereunder:—

1. Particulars of the relevant wage-period
(Mention the detail of the wage-period)
2. Number of cases in which all amounts payable to an employed person as wages, remained undisbursed for want of nomination (details as per Annexure I)
(Mention the number of such cases)
3. Number of cases in which all amounts payable to an employed person as wages could not be paid to person(s) nominated by employed person(s)
(Mention the number of such cases)

Signature of the paymaster/officer authorised

Designation

Name and address of the establishment or rubber stamp thereof

Place.....

Date.....

ANNEXURE I

Sl. No.	Name and address of the employee	Wage-period	Amount payable
1	2	3	4
1.			
2.			
3.			
			Total

ANNEXURE II

Sl. No.	Name and address of the employee	Name and address of nominee(s)	Wage-period	Amount payable
1	2	3	4	5
1.				
2.				
3.				
				Total]