

**THE HIMACHAL PRADESH PAYMENT OF WAGES RULES,
1979**

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THE HIMACHAL PRADESH PAYMENT OF WAGES RULES, 1979

1. Title

These rules may be called the Himachal Pradesh Payment of Wages Rules, 1979.

2. Definitions

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

- (a) "the Act " means the Payment of Wages Act, 1936 (IV of 1936);
- (b) "the authority" means the authority appointed under sub-section(1) of section 15 of the Act;
- (c) "The Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of section 8 of the Factories Act, 1948(Central Act No. LXIII of 1948);
- (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 authorized. by or under section 14 of the Act ;
- (i) "the Labour Commissioner" means Labour Commissioner; Himachal Pradesh;
- (j) "Person employed" excludes all persons to the payment of whose wages the Act does not apply;
- (k) "Section" means a section of the Act;
- (l) "pay-master" means an employer or other person responsible under section 3 of the Act for the payment of the wages;
- (m) Words and expressions not defined in these rules but are defined in the Act shall be deemed to have been assigned the same meanings as have been assigned to them in the Act.

Section 26 (3) (a):

3. Register of fines

- (1) In any factory/industrial establishment in respect of which 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 pay-master shall maintain a Register of fines ¹[in Form C specified in the Schedule to the Himachal Pradesh Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2020].

- (2) At the beginning of the register of fine there shall be entered serially numbered the approved purpose or purposes on which the fines realized are to be expended.
- (3) When any disbursements are made from the fines realized 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 also indicate the purpose for which it is made.

4. Register of deductions for damage or loss

In every factory/industrial establishment in which deductions for damage or loss are made the pay-master shall maintain the Register required by sub-section (2) of section 10 ²[in Form C specified in the Schedule to the Himachal Pradesh Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2020].

Rules notified vide H.P. Govt. Labour Department notification No. 7-109/76-LEP-Shram, dated the 21st May, 1979 and published in the Extra-ordinary Gazette dt. 16th June, 1979.

5. Register Of Wages

A register of wages shall be maintained in every factory/industrial establishment and shall be kept at the work-spot in such form as the pay-master finds convenient but shall include the following particulars.

- (a) The gross wages earned by each person employed for each wage period;
- (b) All deductions made from those wages, with an indications , in each case of the clauses of sub-section (2) of section 7 under which the deduction is made; and
- (c) The wages actually paid to each person employed for each wage period.

6. 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 provision 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 Inspector of Factories , Himachal Pradesh.

7. Maintenance of registers

The registers required by rules 3, 4, 5 and 18 shall be preserved for twenty-four months after the date of the last entry made in them.

Section 26 (3) (c):

8. Weights and measures

All weights, measures and weighing machines which are used f checking or ascertaining the wages of employed persons shall be made available for examination to the inspector, who may in the event of his not being satisfied with the correctness of the apparatus or the weights, seal and prohibit their future use and report the matter immediately for necessary

action to the appropriate authority, responsible for the administration of the Himachal Pradesh Weights and Measures (Enforcement) Act, 1968.

Section 26 (3) (d):

9. Notice of dates of payment

The pay-master shall display, in conspicuous place at/or near the main entrance of the factory/industrial establishment a notice, in English and Hindi, giving for not less than two months in advance, the days on which wages are to be paid.

Section 26 (3) (e), (f) and (h):

10. Prescribed authority

The Labour Commissioner shall be the authority competent to approve, under sub-section (1) of section 8, of the Act, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of section 8 of the Act, the purposes on which the proceeds of fines shall be expended.

11. 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 Labour Commissioner.

- (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/industrial establishment of which the incumbents may pass orders imposing fines and the class of establishment on which the incumbent of each such appointment may impose fine.

12. Approval of list of acts and omissions

The authority appointed under rule 10 on receipt of the lists prescribed in the preceding rule may, after such enquiry as he considers necessary, pass orders either,

- (a) disapproving the lists ;
- (b) approving the lists either in their original form or as amended by him, in which case such lists shall be considered to be approved lists, provided that no order disapproving or amending any lists shall be passed unless the employer shall have been given an opportunity of showing cause, orally or in writing why the lists as submitted by him should be approved.

13. Posting of list

The employer shall display at or near the main entrance of the factory/industrial establishment a copy In English, together with a literal translation thereof, in Hindi of the list approved under rule 12.

14. 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 11.

15. Procedure in imposing, fines and deductions

Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

16. Information to pay-master

The person imposing a fine or directing the making of a deduction for damage or loss shall at once inform the pay-master of all particulars, so that the register prescribed in rule 3 or 4 may be duly completed.

Section 26 (3) (g):

17. Deduction for breach of contract

- (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.
- (2) No deduction for breach of contract shall be made from the wages of any employed person unless.
 - (a) there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment ; and
 - (i) the period of this notice does not exceed fifteen days or the wage period, whichever is less ; and
 - (ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;
 - (b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;
 - (c) a notice has been displayed at or near the main entrance of the factory giving the names of the persons from whom the deduction is proposed to be made, the number of days wages to be deducted and the conditions (if any) on which the deduction will be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory, it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

- (3) No deduction for breach of contract shall exceed the wages of the persons 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 those conditions,

Section 26 (3) (i):

18. Advance

- (1) An advance of wages not already earned shall not without the previous permission of 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 installments by deductions from wages spread over not more than twelve months. No installment 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 amount of all advances sanctioned and the repayments thereof shall be entered in a register ³[in Form C, specified in the Schedule to the Himachal Pradesh Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2020].

Section 26 (3) (a):

19. Annual return

Every employer of the factory shall send a return in Form IV so as to reach the Labour Commissioner, Himachal Pradesh, Simla not later than the first of February following the end of the year to which it relates endorsing simultaneously a copy thereof to the Inspector having jurisdiction under the Act.

Section 26 (3) (i):

20. Costs

- (1) Where the authority or the Courts, as the case may be, direct that any costs shall not follow the event, he shall state his reasons for so doing in writing.
- (2) The costs which may be awarded shall include
 - (a) The charges necessarily incurred on account of court fees;
 - (b) The charges necessarily incurred on subsistence money to witnesses; and.
 - (c) pleader's fees which shall ordinarily be Rs. 10, provided that the authority or the Court, as the case may be in any proceedings, may reduce the fee to a sum of not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.

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

21.

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):

22. 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:

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

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

23. Abstract

The abstract of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form V.

24. Penalties

Any breach of rules 3,4,5,7,9,13,16 and 19 of these rules shall be punishable with fine which may extend to two hundred rupees.

25. Rescission and savings

The Himachal Pradesh Payment of Wages Rules, 1959 as in force in the areas which comprised in Himachal Pradesh immediately before the 1st November, 1966 and Punjab Payment of Rules, 1937, as applicable in the territories added to Himachal Pradesh under the rules so rescinded shall so far as they are not inconsistent with these rules, be deemed to have been respectively done and issued under these rules.

- 1 Substituted by Notification No. Shram (A)4-8/2019, dated 14-10-2020.
- 2 Substituted by Notification No. Shram (A)4-8/2019, dated 14-10-2020.
- 3 Substituted by Notification No. Shram (A)4-8/2019, dated 14-10-2020.