

U. P. PAYMENT OF WAGES (PROCEDURE) APPLICABLE TO SCHEDULED EMPLOYMENTS RULES, 1963

English translation of Shram Vibhag, Noti. No. 11844 (HI)/XXXVI-C-1202 (SM)-60 dated January 30, 1965, published in U. P. Government Gazette, Part I-A, dated February 13, 1965, page 332

In exercise of the powers conferred by sub-section (1) of Section 26 of the Payment of Wages Act, 1936 (Act No. IV of 1936), read with Government Notification No. 3688 (LL)/XXXVI-B—450 (LL)-54, dated July 25, 1962, the Governor of Uttar Pradesh, is pleased to make the following rules, the same having been previously published with Notification No. 1551 (SM)/XXXVI-A—1202 (SM)-60, dated June 22, 1963, as required by sub-section (5) of the said section namely :

Rules

(1) These rules may be called the U. P. Payment of Wages (Procedure) Application to Scheduled Employments Rules, 1963.

(2) The U. P. Payment of Wages (Procedure) Rules, 1958, shall apply in relation to claim arising out of deduction from or delay in payment of the wages payable to employees in schedule employments mentioned in the schedules to the Minimum Wages Act, 1948 (11 of 1948), for which the State Government is the appropriate Government under that Act, as they apply in relation to claims arising out of deductions from, or delay in pay-

ment of wages payable under the Payment of Wages Act, 1936 (Act No. IV of 1936).

No. 2458-W/C—III, dated Kanpur the 22nd April, 1937.—In exercise of the powers conferred by sub-section (8) of Section 8 of the Payment of Wages Act, 1936, read with Rule 9 of the U. P. Payment of Wages Rules, 1936, the following purposes to which the proceeds realized from fines may be applied are approved, subject to the same being supplied free :

- (1) Medicines.
- (2) Medical attention.
- (3) House accommodation.
- (4) Education facilities.
- (5) Recreational facilities.
- (6) Any other welfare work that may be approved in writing by the Chief Inspector of Factories, Uttar Pradesh.

Provided that the proceeds from fines shall not be used for the purposes of providing any of the requirement specified by the Factories Act or rules made thereunder, including first-aid appliances of and tight fitting clothing prescribed by Rules 23 and 73 respectively, of the U. P. Factories Rules.

No. 2459.W/C—III, dated Kanpur April 22, 1937.—In exercise of the powers conferred by sub-section (1) of Section 8 of the Payment of Wages Act, 1936, read with Rule 9 of the U. P. Payment of Wages Rules, 1936, the following list of acts and omissions in respect of which fines may be imposed on persons employed in factories in U. P. is approved, subject to the conditions and limitations prescribed by sub-sections (2) to (7) of Section 8 of the said Act :

List of acts and omissions

- (1) Late attendance and absence from duty without leave without sufficient cause.
- (2) Damages to an employer's goods and property caused by neglect, careless conduct or wilful destructions on the part of an employed person.
- (3) Insubordination, malingering, deliberate delaying of production and disobedience of orders.
- (4) Failure to wear tight-fitting clothing provided by the management or to observe safety instructions, unauthorized removal or damage to machinery guards, fencing and other safety devices.
- (5) Conduct on the part of an employed person tending to cause a breach of the peace and conduct which endangers the lives or safety of other persons in the factory.
- (6) Expectoring otherwise committing a nuisance on the factory premises.
- (7) Breach of any rules or instructions for the maintenance and running of any department and maintaining its cleanliness.

(8) Theft, fraud or dishonesty.

(9) Sleeping on duty and smoking in prohibited places.

No. 2070 (2)/VXIII—411 (L) dated 15th August, 1939.—In exercise of the powers conferred by sub-section (5) of Section 14 of the Payment of Wages Act (IV of 1936) the Governor is pleased to appoint the Labour Commissioner, U. P. to be the Inspector for the purpose of the said Act for the whole State.

No. U-654 (L)/XVIII—292 (L)-42, dated 22nd September, 1942.—In exercise of powers conferred by clause (e) of sub-section 2 of Section 7 and Section 11 of the Payment of Wages Act (IV of 1936), the Governor is pleased to declare that the supply of food grains to their employees from a grainshop or store operated by the management of a factory is an amenity for which a deduction may be made from the wages of an employed person under the provisions of that Act, subject to the condition that the grain is supplied to the employed person at his own wish, and that the deduction so made from the monthly wages of any employed person shall not in any one month exceed 50 per cent thereof.

No. 3836 (L)/XVIII—305 (L)-45, dated 9th November, 1946.—In exercise of the powers conferred by sub-section (3) of Section 14 of the Payment of Wages Act, 1936 (IV of 1936), the Governor is pleased to appoint all Conciliation Officers of the State Labour Department to be Inspectors for the purposes of the Act, throughout the State.

No. 722 (L)/XVIII—465 (L)-46, dated 3rd April, 1947.—In exercise of the powers conferred by sub-section (5) of Section 1 of the Payment of Wages Act, 1936 (IV of 1936), the State Government having given previous notice of their intention so to do, are pleased to extend the provisions of the Payment of Wages Act to all classes of employed persons in all such classes of establishments in Uttar Pradesh as are registered as factories under Section 5 of Factories Act, 1934 (XXV of 1934).

No. 3148 (LL)/XXXVI (B)—113 (LL)-51, dated 18th February, 1954. In supersession of Government Notification No. 3844/XVI—625, dated December 22, 1936, and in exercise of powers conferred by sub-section (1) of Section 15 of the Payment of Wages Act, 1936 (Act No. IV of 1936), the Governor of Uttar Pradesh is pleased to appoint all District Magistrates, Sub-divisional Magistrates, and City Magistrates to be the authorities to hear and decide all claims arising out of deductions from the wages or delay in Payment of the wages, of persons employed or paid within their jurisdiction.