

THE DADRA AND NAGARHAVELI PAYMENT OF WAGES RULES, 1977

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THE DADRA AND NAGAR HAVELI PAYMENT OF WAGES RULES, 1977

1. Short Title and Commencement

- (1) These Rules may Be Called the Dadra and Nagar Haveli Payment of Wages Rules, 1977.
- (2) They shall extend to the whole Territory of Dadra Nagar Haveli.
- (3) They shall come into force from the date of its Publication in the Government of India gazette.

2. Definition

In these rules unless there is any thing repugnant in the Subject or context:

- "The Act" means the Payment of Wages Act. 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 2 sub-section (2) of section 9.
- (e) "Deduction for damage or loss" means deduction made in accordance with the Provisions of clause (c) of sub-section (2) of section 7.
- (f) "Establishment" means a factory or an industry establishment as defined in section 2(II) of the Act:
- (g) "Form" means a form appended to these rules.
- (h) "inspector" means an inspector, authorised by or under section 14 of the Act:
- (i) "Labour Commissioner" means the officer appointed as such by the Administrator of Dadra and Nagar Haveli.
- (j) "Section" means a section of the Act:
- (k) "Pay Master" means an employer or any other Persons responsible under section 3 of the Act for the payment of wages

3. Register of Fines

- 1 (1) In any establishment in respect of which the employer has obtained approval under Subsection 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 in form-I.
- 2 (2) At the beginning of the Register of fines there shall be entered serially numbered the approved or proposed or proposed on which the fines realised are to be explained.
- 3 (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 voucher or receipt in respect of the amount shall be affixed to the Register. Vouchers and Receipts in connection with any expenditure from the fines fund shall be produced for the scrutiny of the Inspector when required by him.

4. Register of deductions for damage or loss

In every 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 in Form-II.

5. In every establishment to which this Act applies or is made applicable the Pay Master shall maintain the Register of Wages in Form-III

Provided that if in the case of any establishment the Labour Commissioner is of the opinion that existing wages sheets or registers maintained by that establishment or at the Head Office thereof, give all the particulars necessary for the enforcement of the Act he may, by order in writing exempt such establishments from maintaining a register of wages required under this rule.

6. Maintenance of Registers

The registers required by rules 3, 4, 5, and 16 shall always be made available for inspection by Inspector and be preserved by the employer for three years after the date of the last entry made in them.

7. Places for Displaying Notices

The Pay Master shall display in a conspicuous place at or near the main entrance of the establishment a notice in English and in the language of the majority of the persons employed therein showing the days on which the wages are to be paid.

8. Prescribed Authority

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

9. 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 person shall send to the Labour Commissioner.

- (a) A list in English in duplicate clearly defining such acts and omissions; and,
- (b) In case where the employer himself does not intend to be the sole person empowered to impose fines, a list in duplicate showing those appointments of which the incumbents may pass orders imposing fines.

10. Approval of List

The Labour Commissioner on receipt of the list referred to in rule 9, may, after such enquiry as he considers necessary, pass orders either:

- (a) disapproving the list or
- (b) approving the list either in its original form or as amended by him in which case such list as amended by him shall be considered to be the approved list.

Provided that no order disapproving or amending any list shall be passed unless the employer is given an opportunity of showing cause in writing why the list as submitted by him should be approved.

11. Posting of List

The employer shall display at or near the main entrance of his establishment a copy in English together with a translation thereof in the language of the majority of the persons employed therein, of the list of acts and omissions approved under rule 10.

12. Persons Authorised to impose Fines

No fine may be imposed by any person other than the employer or a person holding an appointment named in the list submitted under rule 9.

13. 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 employed person.

14. Information to Pay Master

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

15. Deductions for breach of contract

1 (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of 15 years or is a woman.

2 (2) No deduction for breach of contract shall be made from the wages of any employed person unless:

3 (a) There is a 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

4 (i) The period of this notice does not exceed 15 days or the wage period, whichever is less and

5 (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.

6 (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 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.

7 (c) A notice has been displayed at or near the main entrance of the establishment showing name 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 shall be remitted.

Provided that where the deduction is proposed to be made from all the persons employed in any department or section of the establishment it shall



be sufficient, in lieu of giving the names of persons in such departments or sections, to specify the department or section affected.

1 (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 services given falls short of the period of such notice required by the contract of employment.

2 (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.

16. Advances

1 (1) An advance of wages not already earned shall not, without the previous permission of an inspector, exceed an amount equivalent to the wages earned by a person during the preceding 4 calendar months or if he has not been employed for that period the wages he is likely to earn during the four subsequent calendar months.

2 (2) The advance may be recovered in instalments by deductions from wages spread over not more than 18 months. No instalment shall exceed 1/4 of the wages for the wage period in respect of which the deduction is made.

3 (3) The amounts of all advances sanctioned and the repayments thereof, shall be entered in a register in form IV.

17. Annual Return

The paymaster shall send a return in form-V In respect of his establishment so as to reach the Labour Commissioner not later than 15th February following the end of the calendar year to which the return relates.

18.

In every establishment notice shall be displayed by the paymaster specifying the rates of wages payable to all the persons employed in that establishment other than those who are employed in position of supervision or management.

19.

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

2 (2) The Cost which may be awarded shall include:

3 (a) The charges necessarily incurred on account of court fees;

4 (b) The charges necessarily incurred on subsistence money to witnesses; and

5 (c) Pleader's fees which shall ordinarily be Rs. 10/- provided that the Authority or the Court, as the case may be, in any proceeding, may reduce the fee to a sum not less than Rs.5/- or increase it to a sum not exceeding Rs. 30/.

6 (3) 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 costs.

21. Fees

The fees payable in respect of proceedings under the Act specified in column 1 of the Table below shall be at the rates specified against each of them in column 2 thereof:

TABLE		
1	2	
(i)	An application to summon a witness.	Twenty-five paise in respect of each witness.
(ii)	An application made to the authority under section 15 of the Act.	One percent of the amount of claim or 1/-, which is less.
(iii)	An appeal preferred before the district court under section 17 of the Act.	The same rate of fees as chargeable in respect of memorandum of appeal if filed in accordance with the provision of the civil law in force.

22. Abstracts

The abstract of the Act and of the rules made thereunder to be displayed under section 25 shall, be in form-VI.

23. Penalties

Any breach of any of these rules shall be punishable with fine which may extend to two hundred rupees.