



# The Orissa Gazette

PUBLISHED BY AUTHORITY.

No. 17. CUTTACK, FRIDAY, APRIL 23, 1937.

*Separate paging is given to this Part, in order that it may be filed as a separate compilation.*

## PART IV.

Regulations, Orders, Notifications and Rules, of the Government of India, of the Government of Bihar, and of the High Court. Papers extracted from the *Gazette of India* and Provincial Gazettes. Orders of Commandants of Volunteers Corps.

### HOME, REVENUE AND FINANCE DEPARTMENTS.

#### NOTIFICATIONS.

*The 15th April 1937.*

No. 901-C.—The following notification by the Government of the Punjab is republished for general information.

By order of the Governor,  
P. T. MANSFIELD,  
*Chief Secretary to Government.*

#### HOME DEPARTMENT.

##### GENERAL.

*Lahore, 27th March 1937.*

No. 1249/79-P. B.—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, XXIII of

1931, the Governor in Council hereby declares to be forfeited to His Majesty all copies, wherever found, of the Shahid number (Volume no. 8, issue no. 11-12), dated the 15th March 1937, of the *Arya Musafir* (Lahore), edited by Mahasha Charanji Lal Prem, printed by him at the Hindu Art Press, Paise Akhbar Street, Lahore, and published by him from Guru Datt Bhawan, Lahore, and all other documents containing copies of translations of or extracts from the said issue inasmuch as the said issue contains matter of the nature described in clause (h) of sub-section (1) of section 4 of the said Act as amended by section 16 of the Criminal Law Amendment Act, XXIII of 1932.

By order of the Governor in Council,

F. H. PUCKLE,  
*Chief Secretary to Government, Punjab.*

*The 20th April 1937.*

**No. 5051-P.**—The following corrigendum, issued by the Government of India in the Legislative Department, is republished for general information.

By order of the Governor,  
P. T. MANSFIELD,  
*Chief Secretary to Government.*

CORRIGENDUM.

*The 1st April 1937.*

In section 6 of the Angul Laws (Amendment) Regulation, 1937 (X of 1937),

published with the notification of the Government of India in the Legislative Department, no. 49/37-P., dated the 11th March 1937, and printed at pages 479-483 of the *Gazette of India*, Part I, dated the 13th March 1937—

(a) in clause (i) for "Parts II and IV" read "Parts III and IV"; and

(b) in clause (k) for "1920 VII" read "1920 VIII".

G. H. SPENCE,

*Secy. to the Govt. of India.*

## LAW AND COMMERCE DEPARTMENT.

### NOTIFICATIONS.

*The 19th April 1937.*

**No. 3728—III-9/37-Com.**—The following notification, issued by the Government of India in the Department of Industries and Labour, is republished for general information.

By order of the Governor,

C. G. NAIR,

*Secretary to Government.*

*New Delhi, 10th March 1937.*

No. L-3070.—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), read with section 22 of the General Clauses Act, 1897 (X of 1897), the Governor General in Council 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:—

### RULES.

1. *Title and application.*—(1) These rules may be called the Payment of Wages (Railways) Rules, 1936.

(2) These rules apply in respect of the payment of wages to persons employed upon any railway (including factories) by or under a Railway Administration.

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 an inspector authorized 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;

- (l) "the Supervisor" means the supervisor of Railway Labour appointed under sub-section (1) of section 71G of the Indian Railways Act (IX of 1890);
- (m) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

3. *Register of Fines.*—(1) On any railway of which the Railway Administration 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 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 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 shall also indicate the purpose for which it is made.

4. *Register of deductions for damage or loss.*—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 in Form II.

5. *Register of Wages.*—A Register of Wages shall be maintained by every Railway Administration and may be kept in such form as the paymaster finds convenient but 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.

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

7. *Places for displaying notices.*—The Supervisor 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 dates of payment.*—The paymaster shall display, in a conspicuous place at or near the main entrance of every factory in his jurisdiction, and at the specified place or specified places, a notice, in English and in the language of the majority of the persons employed at such factories or places showing for not less than two months in advance, the days on which wages are to be paid.

9. *Prescribed authority.*—The Chief Inspector of Factories, in respect of factories in his jurisdiction, and the Supervisor, in other cases, 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 (8) of section 8, the purposes to which the proceeds of fines shall be applied.

10. *Application in respect of fines.*—Every Railway Administration requiring the power to impose fines in respect of any acts and omissions on the part of employed person shall send to the Chief Inspector of Factories or the Supervisor, as the case may be—

- (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 officer may impose fine.

11. *Approval of list of acts and omissions.*—The authority prescribed under rule 9 may, on receipt of the list prescribed in sub-rule (a) of rule 10, and after such enquiry 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 Railway Administration shall have been given an opportunity of showing cause orally or in writing against such order.

12. *Posting of list.*—The Railway Administration 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 approved under rule 11.

13. *Persons authorized to impose fines.*—No fine may be imposed by any person other than the Railway Administration, or a person holding an appointment named in the list referred to in sub-rule (b) of rule 10.

14. *Procedure in imposing fines and deductions.*—No fine shall be imposed on and no deductions made from a person employed upon a railway except in accordance with the procedure laid down in the rules and regulations in force on the Railway Administration, and no fine shall be imposed or deduction made until the employed person has been given an opportunity of showing cause against such imposition or deduction.

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 necessary for the completion of the register prescribed in rules 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 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 at the specified place or specified places, concerned, 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, 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 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 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.

17. *Annual Return.*—Every Railway Administration in which during the year ending the 31st March any fines have been imposed or any deductions for breach of contract or for damage or loss have been made from wages, shall send a return in Form III so as to reach the Chief Inspector of Factories or the Supervisor, as the case may be, not later than the 15th of May following the end of the year to which it relates.

18. *Costs and Court Fees.*—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 scales and such amount as are prescribed by the Local Government in that behalf for the Authority or Court concerned.

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

20. *Penalties.*—Any breach of rules 3, 4, 5, 6, 8, 12, 15 and 17 of these rules shall be punishable with fine which may extend to two hundred rupees.

## FORM I.

## REGISTER OF FINES.

Railway Department.  
Division.  
District.  
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.

## REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS CAUSED TO THE EMPLOYER, BY THE NEGLIGENCE OR DEFAULT OF THE EMPLOYED PERSONS.

Railway Department.  
Division.  
District.  
Factory.

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

## FORM III.

## DEDUCTIONS FROM WAGES.

Return for the year ending 31st March 19 .

- Name of railway factory and postal address of headquarters
- Total number of persons employed  $\left\{ \begin{array}{l} \text{Adults} \\ \text{Children} \end{array} \right.$
- Total wages paid
- Number of cases and amounts realized as—

	No. of cases.	Amounts.
(a) Fines ... ..	...	...
(b) Deductions for damage or loss ... ..	...	...
(c) Deduction for breach of contract ... ..	...	...

## 5. Disbursements from fine fund—

	Amount.	Purpose.
	Rs.	

Signature

Designation

Dated 19 .

## 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. 200 a month.
2. No employed person can give up by contract or agreement his rights under the Act.

*Definition of wages.*

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

It includes 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 Governor General in Council or the Local 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 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-anna 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 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 in 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 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 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 Government.

13. (a) Deductions can be made for the recovery of advances, or 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 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 co-operative societies approved by the Local Government or to the postal insurance, subject to any conditions imposed by the Local Government.

*Inspections.*

16. An Inspector can enter on 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. (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 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.

(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 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 30 days in Madras, Bombay, Calcutta, Rangoon 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.

*Punishments for breaches of the Act.*

20. Anyone delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine upto 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.

A. G. CLOW,

*Secy. to the Govt. of India.*

*The 20th April 1937.*

**No. 3735—HE-9/37-Com.**—The following notifications of the Government of India in the Department of Industries and Labour are republished for general information.

By order of the Governor,

C. G. NAIR,

*Secretary to Government.*

*New Delhi, 31st March 1937.*

No. M.-826 (1).—*Corrigendum.*—In notification no. M.-826 (6), dated the 23rd March 1937, promulgating the Petroleum Rules, 1937, published on pages 720-775 of the *Gazette of India*, Part I, dated the 27th March, 1937:—

- (1) on page 721, for "CHAPTER I" above the heading "Importation of Petroleum" read "CHAPTER II";

(2) on page 726,—

(a) in sub-rule (1) of rule 34, omit the full-stop after the word "flat";

(b) in sub-rule (4) of rule 37, after the word and comma "bulk," insert the word "if";

(3) on page 738, in sub-rule (5) of rule 115, omit comma after "applied for";

(4) in Schedule III, on page 772,—

(i) in the 28th line for "29.22" read "29.92";

(ii) in the 30th line for "below 29.22" read "above 29.92"; and

(iii) in the 38th line omit full-stop after the word "degrees".



*New Delhi, 31st March 1937.*

No. M.-826 (2).—The Governor General in Council is pleased to appoint the officers specified in the annexed Schedule as the officers to certify under rule 30 of the Petroleum Rules, 1937, ships or other vessels as suitable for the carriage of petroleum in bulk by water.

THE SCHEDULE.

1. The Principal Engineer and Ship Surveyor, Mercantile Marine Department, Bombay District.
2. The Second Engineer and Ship Surveyor, Mercantile Marine Department, Bombay District.
3. The Third Engineer and Ship Surveyor, Mercantile Marine Department, Bombay District.
4. The Fourth Engineer and Ship Surveyor, Mercantile Marine Department, Bombay District.
5. The Ship Surveyor, Mercantile Marine Department, Bombay District.
6. The Principal Engineer and Ship Surveyor, Mercantile Marine Department, Calcutta District.
7. The Second Engineer and Ship Surveyor, Mercantile Marine Department, Calcutta District.
8. The Third Engineer and Ship Surveyor, Mercantile Marine Department, Calcutta District.
9. The Fourth Engineer and Ship Surveyor, Mercantile Marine Department, Calcutta District.
10. The Fifth Engineer and Ship Surveyor, Mercantile Marine Department, Calcutta District.
11. The Ship Surveyor, Mercantile Marine Department, Calcutta District.
12. The Engineer and Ship Surveyor, Mercantile Marine Department, Chittagong.
13. The Principal Officer, Mercantile Marine Department, Karachi District.
14. The Engineer and Ship Surveyor, Mercantile Marine Department, Madras District.

A. G. CLOW,

*Secy. to Govt. of India.*

*The 20th April 1937.*

**No. 3736-Com.**—The following notification of the Government of India in the Department of Commerce is republished for general information.

By order of the Governor,

C. G. NAIR,

*Secretary to Government.*

*New Delhi, 20th March 1937.*

No. 55-T. (1)/37.—In exercise of the powers conferred by sub-section (2) of section

3 of the Indian Tariff Act, 1934 (XXXII of 1934), the Governor-General in Council is pleased to direct that the following further amendments shall be made in the Ottawa Trade Agreement Rules, 1932, namely:—

In Forms A, AA and B of the Forms appended to the Fourth Schedule to the said Rules for the words "Right Honourable the Secretary of State for India in Council" and "said Secretary of State in Council" the words and brackets "Governor-General in Council (or after the establishment of the Federation of India the Governor-General of India)" shall be substituted.

M. SLADE,

*Offg. Joint Secy. to Govt. of India.*

*The 20th April 1937.*

**No. 3737-Com.**—The following notification of the Government of India in the Department of Industries and Labour is republished for general information.

By order of the Governor,

C. G. NAIR,

*Secretary to Government.*

*New Delhi, 27th March 1937.*

No. L-3002—In exercise of the powers conferred by sub-section (3) of section 2 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Governor General in Council, having given previous notice of his intention so to do, is pleased to add to Schedule II to the said Act the persons employed, otherwise than in a clerical capacity or as agricultural labourers, in the handling or transport of goods in, or within the precincts of:—

- (a) any warehouse or other place in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed; or
- (b) any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed.

A. G. CLOW,

*Secy. to the Govt. of India.*

*The 21st April 1937.*

**No. 3762-Com.**—The following notification of the Government of India in the Department of Commerce is republished for general information.

By order of the Governor,

C. G. NAIR,

*Secretary to Government.*

*New Delhi, 17th February 1937.*

No. 476 (1)-Tr. (I. E. R.).—In exercise of the power conferred by sub section (1) of

section 3 of the Indian Tea Cess Act, 1903 (IX of 1903), the Governor General in Council, on the recommendation of the Indian Tea Market Expansion Board, is pleased to prescribe that the rate of the customs duty to be levied and collected on tea produced in India and exported from any customs-port, other than a customs-port in Burma, to any port beyond the limits of British India or to Aden shall be Rupee one and annas four per hundred pounds.

H. DOW,

*Offg. Secy. to the Govt. of India.*