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PART-I

LABOUR & HUMAN RESOURCES
DEPARTMENT

No.L-II-2-11/2018

Karachi dated the 31st May, 2021

NO.L-II-2-11/2018:- In exercise of the powers conferred by sub-section (1) of section 27 of the Sindh Payment of Wages Act, 2015 (Sindh Act No.VI of 2017), the Government of Sindh are pleased to make the following rules, namely:-

1. **Short title and commencement.** (1) These rules may be called the Sindh Payment of Wages Rules, 2021.
 - (2) They shall extend to the whole of the Province of Sindh.
 - (3) They shall come into force at once.
2. **Definitions.-** (1) In these rules, unless the context otherwise requires -
 - (a) "Act" means the Sindh Payment of Wages Act, 2015 (Sindh Act No.VI of 2017);
 - (b) "Authority" means the Authority appointed under sub-section (1) of section 15;
 - (c) "Certifying Officer" means the Certifying Officer appointed under section 14 of the Sindh Factories Act, 2015 (Sindh Act No.VIII of 2016);
 - (d) "Chief Inspector of Factories" means the Chief Inspector of Factories appointed under section 12 of the Sindh Factories Act, 2015 (Sindh Act No.VIII of 2016);
 - (e) "Court" means the Court mentioned in sub-section (1) of section 17;
 - (f) "deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to sub-section (2) of section 9;
 - (g) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of section 7;

- (h) "Form" means a Form appended to these rules;
- (i) "Inspector" means an Inspector authorized under section 14;
- (j) "person employed" excludes all persons to the payment of whose wages the Act does not apply;
- (k) "paymaster" means an employer or other person responsible under section 3 for the payment of wages;
- (l) "section" means a section of the Act.

(2) All other words and expressions used but not defined in these rules shall have the same meanings as assigned to them under the Act.

3. **Register of Fines.**— (1) In any factory regarding which 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 in Form-1.

(2) At the beginning of the Register of Fines, there shall be entered serially numbered the approved purpose or purposes for which the fines realized are to be expended.

(3) When any disbursement is made from the fines realized, a debit entry of the amount so expended shall be made in the Register of Fines and a voucher of receipt in respect of the amount shall be affixed to the register. If more than one purposes has been approved, the entry in respect of the disbursement shall also indicate the purposes for which it is made.

4. **Register of deductions for damage or loss.**— In every factory 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 in every factory and may be kept in such form as the paymaster 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 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;
- (d) the date of payment of wages in each case.

6. **Maintenance of Registers.**— The registers required by rule 3, 4, 5 and 17 shall be preserved for twelve months after the date of the last entry made in them.

7. **Notice of dates and mode of payment.**— The paymaster shall display, in a conspicuous place at or near the main entrance of the factory, a notice, in English, Sindh and Urdu and in the language of majority of the persons employed therein, showing for not less than two months in advance, the day on which wages are to be paid.

(2) All wages shall be paid through direct transfer of wages in the bank account of any employee or through cross cheque of any scheduled or commercial bank.

(3) The employer shall facilitate all workers to open their bank accounts wherein wages shall be credited through direct transfer or cross cheque.

8. **Payment in shapes of currency note or coins and kind strictly prohibited.** The payment of wages in shape of currency notes or coins and kind shall strictly be prohibited.

9. **Prescribed Authority.**— In the case of persons employed in an industrial establishment to which the Sindh Terms of Employment (Standing Orders) Act, 2015, applies, the Certifying Officer, and in other cases the Chief Inspector of Factories, 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) the purposes on which the proceeds of fines shall be expended.

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 Chief Inspector of Factories —

- (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 posts in his factory the incumbents whereof may pass orders imposing fines and the class of establishment on which the incumbent of each such post may impose fine.

11. **Approval of list of acts and omissions.**— The authority appointed under rule 9, on receipt of the list prescribed in the preceding rule, 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 and the list in the form in which it has been approved shall be considered to be approved list; 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, why the list as submitted by him should be approved.

12. **Posting of list.**— The employer shall display, at or near the main entrance of the factory, a copy in English, Sindh and Urdu and in a language the majority of the persons employed therein of the list approved under rule 11.

13. **Persons authorized to impose fines.**— No fine may be imposed by any person other than an employer, or a person holding a post shown in the list submitted under rule 10.

14. **Procedure in imposing fines and deductions.**— Any person desiring to impose fine on an employed person or to make 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.

15. **Information to Paymaster.**— The person imposing a fine or directing the making of deduction for damage or loss shall at once inform the paymaster of all particulars required to be entered in the register prescribed under rule 3 or rule 4.

16. **Deduction for breach of contract.**— (1) The deduction for breach of contract shall only be made from the wages of male employed person.

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

- (i) 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;
- (ii) the period of this notice does not exceed fifteen days or the wage-period, whichever is less;
- (iii) 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;
- (iv) this rule has been displayed in English, Sindhi and Urdu 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
- (v) 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 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 (v) of sub-rule (2), no deduction for breach of contract shall be made from any person who has complied with such conditions.

17. **Advances.**— (1) An advance of wage not already earned shall not, without the previous permission of an 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 seven hundred rupees, one-fourth of the wage-period in respect of which the deduction is made.

(3) The amount of all advances sanctioned and the repayment thereof shall be entered in a register in Form-III.

18. **Annual Returns.**— In respect of every factory in which during the calendar year any fines have been imposed or any deductions for breach of contract or for damage or loss have been made from wages, a return shall be sent in Form-IV so as to reach the Chief Inspector of Factories not later than the 12th of February following the calendar year to which it relates.

19. **Costs.**— (1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event, it shall state its 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) the pleader's fees, which shall ordinarily be rupees one thousand; provided that the Authority or the Court, as the case may be, in any proceedings, may reduce the fee to a sum not less than rupees five hundred or increase it to a sum not exceeding rupees one thousand.

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

20. **Copies.**— 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.

21. **Fees.**— The fee payable in respect of proceedings under the Act shall be according to the following scale:—

- (i) For every application to summon in respect of each witness. **Five rupees**
- (ii) For every other application made by or on behalf of an individual person before the Authority. **Five rupees**
- (iii) For every other application made by or on behalf of an unpaid group before the Authority, for each member of the group subject to a maximum of fifty rupees. **Five rupees**
- (iv) For every appeal lodged with the Court; 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 shall be chargeable in respect of an application presented by an Inspector. **Fifteen rupees**

22. **Abstract.**— The abstracts of the Act and of the rules thereunder to be displayed under section 25 shall be in Form-V.

23. **Procedure for recovery of amount under the Act. (1)** Where the amount directed to be paid under section 15 is not paid, the claimant concerned may make an application in Form-VI, to the Authority for its recovery.

(2) The application under sub-rule (1) shall be accompanied by a certified copy of the order or agreement under which the amount is payable and in inventory of the property to be attached or sold with such description thereof as may be sufficient to identify the same.

(3) On receipt of the application, the Authority may issue a notice in Form-VII to the employer requiring him to pay the amount to the claimant within the specified period and if he is not willing to pay the amount, to appear before him and to show cause why the amount should not be recovered by sale or attachment of his property.

(4) Where the employer fails to respond to the notice or the plea advanced by him against the recovery is untenable, the Authority may order the sale of movable property of the employer by issuance of a warrant in Form-VIII.

(5) On being satisfied that the employer has evaded the order issued under sub-rule (4) or the amount is not fully recovered by sale of movable property, the Authority may issue a warrant of sale of the immovable property of the employer in Form-IX.

(6) The Authority shall exercise power of sale or attachment, auction and recovery through the bailiffs and Recovery Inspectors or such other persons as are authorized by him in this behalf.

23. **Penalties.**- Any breach of rules 3, 4, 5, 6, 7, 11, 15 and 18 of these rules shall be punishable with fine which may extend to ten thousand rupees.

24. **Repeal.**- The West Pakistan Payment of Wages Rules, 1960, to the extent of the Province of Sindh, shall, on commencement of these rules, stand repealed.

ABDUL RASHEED SOLANGI
SECRETARY TO GOVT. OF SINDH

FORM I
(See Rule 3)
Register of Fines

Factory

Serial No.	Name	Father's Name	Department	Acts or omissions 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 realized.	Remarks.
1	2	3	4	5	6	7	8	9	10

Form II
(See rule 4)

Register of deduction for damage or loss caused to the employer by the neglect or default of the employed persons

Factory

Serial No.	Name	Father's Name	Department	Damage or loss caused	Whether workman showed cause against deduction or not. If so, enter date.	Date and amount of deduction imposed	Number of installments, if any	Date on which total amount realized	Remarks
1	2	3	4	5	6	7	8	9	10

FORM III

(See Rule 17)

Register of advances to employed persons

Factory

Serial No.	Name	Father's Name	Department	Date and amount of advance made.	Purpose (S) for which advance made.	Number of installment by which advance to be repaid.	Prospromements granted amount repaid.	date on which total.	Remarks.
1	2	3	4	5	6	7	8	9	10

FORM-IV
(See Rule 18)
Deduction from wages

Register for the year ending 31st December 20.....

1. Name of factory and postal address

2. Total number of persons employed

Adults

.....

Children

.....

3. Total wages paid

.....

4. Number of cases amounts realized as:---

	Number of cases	Amount
(a) Fines		
(b) Deductions for damage or loss ...		

5. Disbursements from fine fund

Amount	Purpose

Signature

For Date

Designation

FORM-V
(See Rule 22)

Abstracts of the Payment of Wages Act, 2015 and the rules thereunder
Whom the Act affects

- The Act applies to the payment of wages to persons in a factory receiving minimum wages as notified by Government of Sindh under section 6 of the Sindh Minimum Wages Act, 2015.
- No employed person can give up by contract or agreement his rights under the Act.

Definition of wages

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

It includes bonus and any sum payable for want of a proper notice of discharge. It excludes -

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

Responsibility for and method of payment

- 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. (1) Wages shall be paid on a working day within seven days of the end of the wage-period or within ten 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.
(2) All wages shall be paid through bank transfer or cheque of any scheduled bank or commercial banks.
(3) The employer / contractor shall facilitate all workers to open their bank accounts wherein wages shall be credited through direct transfer or cheque.
7. Payments in shape of currency notes or coins and kind are prohibited.

Fines and Deductions

8. No deductions shall be made from wages except those authorized under the Act (see paragraph 9 to 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 five percent of the gross wages payable;
 - (b) shall not be recovered by installments, or later than sixty days from the date of imposition;
 - (c) shall be recorded in 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 any employed person under the age of fifteen years.
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 wage for eight days in lieu of notice:
Provided that -
 - (1) no deduction for breaking a contract can be made from a person under the age of fifteen year 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 fifteen 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 provisions 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 such 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 falls short of the period for which he is required to give notice under the terms of his contract.
11. Deductions can be made for damage to, or loss of, goods expressly entrusted to an employed person or loss of money for which he is required to account, where such damage or loss is due to his neglect or default. Such deduction is not to 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 that they 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 authorized by order of the Provincial 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 of wages for 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 but must not exceed the amount of two months wages without the permission of the Inspector. Such advances can be recovered by installments, spread over not more than twelve months and the installments must not exceed one-third, or if the wages are not more than rupees twenty, one-fourth of the wage-period.
14. Dedications can be made for subscriptions to, and for payment of advances from, any recognized provident fund.
15. Deductions can be made for payments to co-operative societies approved by the Government or to the postal insurance, subject to any conditions imposed by the Government.
16. An Inspector can enter 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 of wages take place, an employed person can make an application in the prescribed form within six months to the Authority appointed by the Government for the purpose. An application delayed beyond this period may be rejected unless cause for the delay is shown.
- (2) Any legal practitioner, official of a registered trade union, Inspector 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 employed in the same factory the payment of whose wages has been delayed.

Action by the Authority

18. (1) The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.
- (2) 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.
19. An Appeal in the prescribed form against a direction made by the Authority may be preferred within thirty days to the District Court-
- (a) by the paymaster, if the total amount directed to be paid exceeds Rs.2000 (Rupees two thousand);
- (b) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs.500 (Rupees five hundred);
- (c) by a person directed to pay a penalty for a malicious or vexatious application.

Punishments for breaches of the Act

20. Any one delaying the payment of wages beyond the due date, or making any unauthorized deductions from wages, if his prosecution is sanctioned by the Authority or the appellate Court, is liable to a fine up to Rs. 2000 (Rupees two thousand).
21. (1) A paymaster who -
- (a) does not fix a wage-period; or

- (b) makes payment in kind; or
- (c) 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
- (d) commits a breach of the rules framed under the Act, is liable to a fine not exceeding Rs.2000 (Rupees two thousand).

(2) A complaint to this effect can be made only by the Inspector or with his sanction.

FORM-VI
(See rule 23(1))

Application for Execution of Order etc.

I, the claimant in whose favour a direction has been issued to pay an amount of Rs. but the employer has defaulted in payment thereof, hereby apply for execution of the order for recovery of the amount herein below set forth:----

- (1) The number of the claim.
- (2) Name of the parties.
- (3) Date of the direction under which the amount is to be paid.
- (4) Whether any appeal preferred against the order.
- (5) Payment or adjustment made, if any.
- (6) Previous application, if any, with date and result.
- (7) Amount ordered to be paid or other relief granted thereby.
- (8) Amount of cost awarded, if any.
- (9) Against whom to be executed.
- (10) Mode in which Assistant is required.

I pray that the total amount of Rs. be realized by distress and sale of movable property or attachment or sale of immovable property belonging to the employer as per annexed list and paid to me.

Claimant.

Verification.

I, declare that what is stated that what is stated herein is true to the best of my knowledge and belief.

Dated the day of20____.

Claimant.

FORM-VII
(See rule 23(3))

Notice to the employer requiring him to pay the amount to the claimant within the specified period

To,

The Employer

Take notice that on the day of20____.

Claimant in the above case has presented an application for recovery of Rs..... due on account of by distress and sale of the movable property or attachment and sale of the immovable property specified there-under, and that the day of20____, is appointed for the hearing of the said application.

You are at liberty to pay the said amount to the claimant before the said date or appear before me on the said day and to prefer, in writing, any objection to such recovery.

Description of property.

Given under my hand seal thisday of ____20.

Authority.

FORM-VIII
(See rule 23(4))

Authority may order the sale of movable property of the employer by issuance of a warrant in Form-VIII

To,

The Employer.

Whereas you have failed to respond to the notice served on you by me on the day of 20___, in claim No. of 20___, or the objection raised by you against recovery is not valid it is ordered that you are prohibited and restrained until further orders to transfer or dispose of the movable property specified hereunder, and the above mentioned property shall be sold in case you fail to deposit the amount of the claim

In my office within ten days of this warrant.

Given under my hand and seal this day of20___.

Authority.

To,

The Employer.

FORM-IX
(See rule 23(5))

Authority may issue a warrant of sale of the immovable property of the employer

Whereas the amount awarded against you on the day in connection with which the property mentioned in the attachment order dated the day of 20___, was attached is not recovered fully it is proposed to sell the property details of which are given below by public auction on the day of 20___, at hours at (place), for the recovery of the amount in case, however, the amount is paid by you before the commencement of the auction, the sale of the property may be stopped.

Given under my hand and seal this day of20___.

Authority

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