

## **PAYMENT OF WAGES (AIR TRANSPORT SERVICES) RULES, 1968.**

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## **PAYMENT OF WAGES (AIR TRANSPORT SERVICES) RULES, 1968.**

S.O. 3036, dated the 5th August, 1968.1 Service Rules/68.-In exercise of the powers conferred by sub-sections (2), (3) and (4) of Sec. 26, read with Sec. 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules, the same having been previously published as required by subjection (5) of the said Sec. 26, namely:

### **1. Short title, application and extent :-**

(1) These rules may be called the Payment of Wages (Air Transport Services) Rules, 1968.

(2) They shall apply in respect of payment of wages to persons employed in an air transport service either directly by the owner or through a contractor engaged by such owner.

(3) They shall extend to the whole of India. <sup>1</sup> [\* \* \* \*]

1. The words "except the State of Jammu and Kashmir" omitted by G.S.R. 10, dated 27th December, 1974. published in the Gazette of India, Pt. II, Sec. 3 (II), dated 4th January, 1975.

## **2. Definitions :-**

In these rules, unless the context otherwise requires-

(a) "Act" means the Payment of Wages Act, 1936 (4 of 1936);

(b) "authority" means an authority appointed under sub-section (1) of Section 15 ;

(c) <sup>1</sup>["Deputy Chief Labour Commissioner (Central)"] means an officer appointed as such by the Central Government;

(d) "contractor" means a person engaged under a contract, by the owner of an air transport service, to perform certain functions in relation to the air transport service, and includes a sub-contractor;

(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 proviso to sub-section (2) of Section 9 ;

(g) "deduction for damage or loss" means a deduction made In accordance with Cl (c) of sub-section (2) of Section 7 ;

(h) "employed person" means a person employed in an air transport service to whom the Act applies;

(i) "employer" means the owner of an air transport service and includes a contractor, agent manager or any other person responsible under Section 3 for the payment of wages;

(j) "Form" means a form appended to these rules;

(k) "Inspector" means an Inspector appointed under Section 14 ;

(l) "Regional Labour Commissioner <sup>2</sup> [Central]" means an officer appointed as such by the Central Government;

(m) "section" means a section of the Act;

(n) words and expressions used in these rules and not defined herein shall have the same meanings respectively assigned to them In the Act.

1. Subs by G.S.R. 91 (E), dated 8th February, 1983, for the words 'Chief Labour Commissioner'.

2. Ins. by G.S.R. 91(E), dated 8th February, 1983.

**3. Notice of opening, abandonment, discontinuance, resumption and change in the ownership, addresses, etc :-**

(1) When an air transport service has been opened, the employer shall forthwith communicate the actual Central] concerned notice in Form I.

(2) Where it is intended to abandon an air transport service or to discontinue It for a period exceeding 60 days, the employer shall, not less than 40 days before such abandonment or discontinuance, give to the Regional Labour Commissioner concerned, a notice in Form I stating the reasons for the proposed abandonment or discontinuance and the number of persons likely to be affected thereby : Provided that when an air transport service Is abandoned or discontinued before the said notice was given, or where the discontinuance exceeds 60 days due to unforeseen circumstances, the notice shall be given forthwith.

(3) When an air transport service has been abandoned or discontinued for a period exceeding 60 days, the employer shall forthwith communicate the actual date of abandonment or discontinuance, to the Regional Labour Commissioner <sup>1</sup>[Central] concerned.

(4) Where it is Intended to resume an air transport service after abandonment or after discontinuance fora period exceeding 60 days, the employer shall, not less than 30 days before the resumption of transport operations, give to the Regional Labour Commissioner <sup>1</sup>[Central] concerned notice In Form 1.

(5) Where an air transport service has been resumed the employer of the air transport service shall forthwith communicate the actual date of resumption to the Regional Labour Commissioner <sup>1</sup>[Central] concerned.

(6) When a change occurs in the name of ownership of an air transport service or in the address of the owner, the employer shall, within seven days from the date of such change, give to the

Regional Labour Commissioner <sup>1</sup> [Central] concerned, a notice In Form 1: Provided that where the owner of an air transport service is a firm or other association of individuals, a change-

- (1) of any partner. In the case of a firm;
- (ii) of any member, in the case of an association;
- (iii) of any director, in the case of a public company; or
- (iv) of any shareholder in the case of a private company; shall be also intimated to the Regional Labour Commissioner concerned within seven days from the date of such change.

1. Ins. by G.S.R. 91 (E). dated 8th February, 1983.

#### **4. Register of fines :-**

(1) Every employer who desires to impose fine on the employed persons shall obtain the approval of the Regional Labour Commissioner concerned to a list of acts and omissions in respect of which. fines may be imposed. The Regional Labour Commissioner <sup>1</sup>[Central)] concerned shall be the authority competent to approve, under Sub-section (8) of Section 8 , the purposes for which the amount of fines realised may be expended.

(2) Every employer who has obtained approval to the list of acts and omissions under sub-rule (1) shall maintain a register of fines in Form II.

(3) The list of acts and omissions in respect of which fines may be imposed, shall be entered in the register of fines at the beginning.

(4) At the beginning of the register of fines, there shall also be entered, seriously numbered, the approved purpose or purposes on which the amount of fines realised is to be expended.

(5) At the end of every month, the amounts realised as fines shall be totalled and carried forward after deduction of disbursement, if any, as per Part II of Form II.

(6) When any disbursements are made from the amounts of the fines realised, 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.

(7) The register of fines shall be <sup>2</sup> [ \* \* \* ] maintained up-to-date. Where no fines has been imposed on any employee in a wage-period, a nil entry shall be made across the body of the register at the end of the wage period indicating also in precise terms the wage period to which the nil entry relates.

1. Ins. by G.S.R. 91 (E). dated 8th February, 1983.
2. The words kept at the establishment or as near to It as possible' omitted by G.S.R. 91 (E), dated 8th February, 1983.

**5. Register of deductions for damage or loss :-**

A register of deductions for damage or loss in Form III shall be <sup>1</sup> [\* \* \*] maintained up-to- date. Where no deduction has been made from the wages of any employed person In a wage period, a nil entry shall be made across the body of the register at the end of the wage period, Indicating also in precise terms the wage period to which the nil entry relates.

1. The words kept at the establishment or as near to It as possible' omitted by G.S.R. 91 (E), dated 8th February, 1983.

**6. Muster roll and register of wages :-**

Every employer shall maintain a muster roll and a register, of wages in Forms IV and V, respectively or a muster Roll-cum-Register of wages in Form VI. These records shall be maintained up-to-date and <sup>1</sup> [\* \* \*] the attendance of an employed person shall be marked not later than one hour after the employed person commences work for the day.

1. The words kept at the establishment or as near to It as possible' omitted by G.S.R. 91 (E), dated 8th February, 1983.

**7. Combined form of registers :-**

Notwithstanding anything contained In these rules, where mechanised pay roll are Introduced for better administration or a combined (alternative) form is sought to be used by an employer to avoid duplication of work for compliance the provisions of any other Act or rules framed thereunder, and alternative suitable form any be used in lieu of any of the forms prescribed under these rules, with the prior approval of the <sup>1</sup> [Deputy] Chief Labour Commissioner (Central).

1. Ins. by The words kept at the establishment or as near to It as possible' omitted by G.S.R. 91 (E), dated 8th February, 1983.

**8. Preservation and maintenance of register :-**

(1) Every register maintained under the Act or these rules shall be maintained upto date kept and preserved for a period of three years after the date of the last entry made therein in the establishment :

(2) The registers maintained under the Act or these rules shall be maintained in English or in Hindi, but where a register is maintained in Hindi, a true translation thereof in English shall also be maintained.

1. Subs by The words kept at the establishment or as near to it as possible' omitted by G.S.R. 91 (E), dated 8th February, 1983.

**9. Production of registers and records :-**

All registers and records required to be maintained under these rules, shall be produced by the employer on demand before the Inspector : , Provided that where an establishment has been closed, the Inspector may demand the production of registers and records in his office or such other public place as may be nearer to the employer.

**10. Places for displaying notices :-**

The Inspector shall specify such place or places in the establishment as he thinks fit (hereinafter referred to as the specified place or places) for the display of notices and lists under rule 11 and Section 12 .

**11. Notice of dates of payment :-**

(1) Employer shall display at a conspicuous place outside his office and at the specified places, notices in English or Hindi and in the language, if that be not Hindi, of the majority of the persons employed at such place or places showing-

<sup>1</sup>[(i) the wage-period for which wages are payable;]

<sup>2</sup>[(ii) for not less than two weeks in advance, the days on which wages are to be paid; <sup>3</sup>[\* \*]

<sup>1</sup>[(iii) the rates of wages and scales of allowance payable to persons employed in Form VII.

<sup>1</sup> [(iv) the day or date on which unpaid wages are to be paid indicating the relevant wage period to which the unpaid wages pertain. The employer may, however, disburse such unpaid wages on any day in addition to the prescribed day or date.] Copies of all such notices and alterations therein shall be sent to the Inspector.

(2) the employer shall display outside his office and at the specified place or places, a notice showing the name and complete address of the inspector having Jurisdiction over the establishment.

1. Ins. by G.S.R. 91 (E), dated 8th February, 1983

2. Clauses (i) and (ii) remembered as CIs. (ii) and (iii) by 8th February, 1983

3. The word "and" omitted by 8th February, 1983

**11A. Supervision of payment :-**

Whenever an Inspector so desires, the employer or his representative of the establishment shall pay wages to the employed persons on the notified date of payment in his presence]

**12. List of acts and omissions :-**

The employer shall display outside his office and at the specified place or places, a copy in English, or Hindi or In the language, if that be not Hindi, of the majority of persons employed, the list of acts and omissions approved under rule 4.

**13. Persons authorized to impose fines :-**

(1) No fine shall be imposed by any person other than the employer or a member of his staff authorised by him in writing in this behalf. A copy of such authorisation shall be duly sent to the Inspector concerned.

(2) In the case of persons employed by a contractor, no fine shall be imposed by any person other than the contractor : Provided that a contractor who runs more than one establishment in two or more localities, and who employs not less than fifty persons to locality, may, with the approval of the Regional Labour Commissioner <sup>1</sup> [(Central)] delegate his power to impose fine to his representative in that locality.

1. Ins. by G.S.R. 91(E), dated 8th February, 1983.

**14. Procedure in imposing fines and deductions :-**

(1) No fine shall be imposed, except in accordance with the procedure laid down in any rules regulations or certified standing orders in force in the establishment and until the employed person has been given an opportunity in writing to show cause against such imposition and it has also been established that he was guilty of the act of omission or commission alleged against him.

(2) No deduction for damage or loss shall be made from the wages

of an employed person except in accordance with the rules or regulations of the establishment or certified standing orders in force in the establishment and until he has been given an opportunity to show cause against such deduction and it has also been established that the damage or loss sustained by the employer is directly attributable to the neglect or default of employed person.

(3) No fine shall be imposed on, and no deduction for damage or loss shall be made from the wages of a person employed by a contractor until the person competent impose the fine or to make deduction has explained personally to the said person, the act or omission or the damage or loss, in respect of which the fine or deduction is imposed or made and the amount of fine or deduction which it is proposed to impose or make and the employed has been given a reasonable opportunity of being heard in the presence of at least one more person.

**15. Deduction under the proviso to sub-section (2) of Sec. 9**

:-

(1) No deduction under the proviso to sub-section (2) of Section 9 shall from 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 exceed the wages of the employed person for the period by which the notice of termination of service given falls short for the period of such notice required by the contract of employment or certified Standing Orders.

(3) No such deduction shall be made from the wages of any employed person unless this rule has been displayed in English or Hindi and In the language, if that be not Hindi, or the majority of the employed persons, outside the office of the establishment and the specified place or places concerned, and has been so displayed for not less than one month before the commencement of the absence In respect of which the dedications is made.

(4) No such deduction shall be made from the wages of any employed persons unless a notice has been displayed outside the office of the establishment and at the specified place or places, at least one week before such deduction Is made., 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 department or section of the establishment it shall be sufficient, in lieu of giving the names of such persons in the department or section, to specify the department or section affected.

(5) If any conditions have been specified in the notice displayed under sub- rule (4), no such deduction shall be made from any person who has complied with such conditions.

**16. Annual return :-**

Every employer shall send a return Form VII so as to reach the Regional Labour Commissioner<sup>1</sup> [(Central)] concerned not later than the 1st of February following the end of the year to which it relates endorsing simultaneously a copy thereof to the Inspector having jurisdiction over the establishment.

1. Ins. by G.S.R. 91 (E), dated 8th February, 1983.

**17. Advances to employed persons :-**

(1) An advance of any nature (including advances for travelling allowance or conveyance allowance) shall not ordinarily exceed two calendar months' wages of the employed person. In exceptional circumstances, the amount of such advance, may, with the previous sanction of the Regional Labour Commissioner<sup>1</sup> [(Central)] concerned, be made to the extent of ten calendar months' wages.

(2) The advance may be recovered in instalments by deduction from wages of the employed person spread over not more than twelve months in the case of an ordinary advance and sixty months in the case of an advance granted in exceptional circumstances. In no case shall the amount of an instalment exceed one-fourth of the wages earned in a wage period.

(3) The amount of advances sanctioned and repayments thereof shall be entered in a register in Form IX which shall be maintained up to date and kept at the establishment or as near to it as possible.

1. Ins. by G.S.R. 91 (E), dated 8th February, 1983.

**18. Loans for house building and other purposes :-**

(1) A loan may be granted by the employer to an employed person for the purpose of :

(a) building a house or for effecting repairs in extension of an

existing house; or

(b) purchases of a built house or of a plot for building a house, or

(c) the marriage of the employed person, his son or daughter; or

(d) treatment of prolonged illness of the employed person or of a member of his family.

(2)

(i) A loan for the purposes specified in a. (a) of sub-rule (1), other than for the purposes of effecting repairs in an existing house and for the purposes

(ii) For the purpose of effecting repairs to an existing house, the amount of loan shall not exceed three thousand rupees.

(iii) The amount of loan for the purposes specified in Cl. (d) of sub-rule (1) shall not exceed a sum equivalent to four calendar months' wages of the employed person or one thousand rupees whichever is less.

(iv) Interest on all such loans shall not exceed 6 per cent. per annum.

(3) The amount of loans sanctioned under sub-rule (1) and repayments thereof together with Interest thereon shall be entered in a register in Form X which shall be maintained up-to-date and kept at the establishment or as near to it as possible.

**19. Procedure, costs and court-fees :-**

The procedure to be followed by the authority and the Court, the scales of the costs which may be allowed in, and the amount of court-fees payable in respect of the proceedings before such authority or Court, shall be such as may from time to time be determined by rules as made by the State Government under the Act in respect of the authority or the Court concerned.

**20. Abstracts :-**

The abstracts of the Act and the rules to be displayed under Section 25 shall be as specified in Form XI and shall be in Hindi and in the language if that be not Hindi, of the majority of the employed persons.

**21. Penalties :-**

(1) Whoever being required under these rules to maintain any

register or record or to furnish any information or return, fails to (to so, or makes a false entry therein shall, for each such offence be punishable with fine which may extend to five hundred rupees; provided that an employer without making the necessary entries therein shall be punishable with fine which may extend to two hundred rupees.

(2) Whoever contravenes the provisions of rule 11 and Section 12 shall be punishable with fine which may extend to two hundred rupees.