

The Payment Of Wages (Air Transport Services) Rules, 1968

UNION OF INDIA

India

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Rule

THE-PAYMENT-OF-WAGES-AIR-TRANSPORT-SERVICES-RULES-1968 of 1968

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19.

/842In 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 (4 of 1936), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (5) of the said section 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 [* * *].

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)"[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 clause (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 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 [(Central)] [Inserted by G.S.R. 91(E), dated 8.2.1983.]" 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.

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 date of opening to the Regional Labour Commissioner [(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 [(Central)] [Inserted by G.S.R. 91(E), dated 8.2.1983.] 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 when the discontinuance exceeds 60 days due to unforeseen circumstances, the notice 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 [(Central)] [Inserted by G.S.R. 91(E), dated 8.2.1983.]concerned.(4)Where it is intended to resume an air transport service after abandonment or after discontinuance for a period exceeding 60 days, the employer shall, not less than 30 days before the resumption of transport operations give to the Regional Labour Commissioner [(Central)] [Inserted by G.S.R. 91(E), dated 8.2.1983.] concerned notice in Form I.(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 [(Central)] [Inserted by G.S.R. 91(E), dated 8.2.1983.] concerned.(6)When a change occurs in the name or 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 [(Central)] [Inserted by G.S.R. 91(E), dated 8.2.1983.] concerned, a notice in Form I:Provided that where the owner of an air transport service is a firm or other association of individuals, a change:--(i)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 also be intimated to the Regional Labour Commissioner [(Central)] [Inserted by G.S.R. 91(E), dated 8.2.1983.] concerned within seven days from the date of such change.

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 [(Central)] concerned to a list of acts and omissions in respect of which fine may be imposed. The Regional Labour Commissioner [(Central)] [Inserted by G.S.R. 91(E), dated 8.2.1983.] 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, serially numbered, the approved purpose or purposes on which the amount of the 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 or 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 [* * *] [Omitted by G.S.R. 91(E), dated 8.2.1983.] maintained up-to-date. Where no fine 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.

5. Register of deductions for damage or loss. - A register of deductions for damage or loss in Form III shall be [* * *] 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.

6. Muster rolls and register of wages. - Every employer shall maintain a muster roll and 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 [* * *]. The attendance of an employed person shall be marked not later than one hour after the employed person commences work for the day.

7. Combined form of registers. - Notwithstanding anything contained in these rules, where mechanised pay rolls 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 with the provisions of any other Act or

rules framed thereunder, an alternative suitable form may be used in lieu of any of the forms prescribed under these rules, with the prior approval of the [Deputy] Chief Labour Commissioner (Central).

8. Preservation and maintenance of register. - [(1) Every register maintained under the Act or these rules shall be maintained up-to-date, kept and preserved for a period of three years after the date of last entry made therein in the establishment:

Provided that the employer may with prior approval of the Regional Labour Commissioner (Central) preserve and keep the register at a place other than the establishment specified by him.](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.

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 rules 11 and 12.

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

(i)[the wage-period for which wages are payable;](ii)[] [Renumbered by G.S.R. 91(E), dated 8.2.1983.] for not less than two weeks in advance, the days on which wages are to be paid; [* * *] [Omitted by G.S.R. 91(E), dated 8.2.1983.](iii)[] [Renumbered by G.S.R. 91(E), dated 8.2.1983.] the rates of wages and scales of allowance payable to persons employed in Form VII;(iv)[] [Renumbered by G.S.R. 91(E), dated 8.2.1983.] 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.[11-A. 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. Lists 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 authorised 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 in one locality, may, with the approval of the Regional Labour Commissioner [(Central)] delegate his powers to impose fine to his representative in that locality.

14. Procedure in imposing fines and deductions. - (1) No fines 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 written 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 order 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 the 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 to impose the fine or to make deduction has explained personally to the said person, the act or omission or 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 person 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 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 exceed the wages of the employed person 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 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, of the majority of the employed persons, outside the office of the establishment and at 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 deduction is made. (4) No such deduction shall be made from the wages of any employed person 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 day's 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.

(1) Every employer shall on or before the 1st day of February in each year upload annual returns in the Form VIII on the web portal of the Ministry of Labour and Employment giving information as to the particulars specified in respect of the preceding year. (2) Every employer on or before the 1st day of February in each year may file annual returns in the Form VIII to the Regional Labour Commissioner (Central) and Inspector giving information as to the particulars specified in respect of the preceding year: Provided that during inspection, the inspector shall require the production of the accounts, books, register and other documents if the same are maintained in manual form or in electronic form, as the case may be. Explanation. - For the purposes of this sub-rule, the expression "electronic form" shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000).]

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 [(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 all 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.

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 and extension of an existing house; or(b)purchase 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 clause (a) of sub-rule (1), other than for the purposes of effecting repairs in an existing house and for the purposes of clauses (b) and (c) of the said sub-rule shall not exceed an amount equal to thirty-six calendar months' wages of the employed person or ten thousand rupees whichever is less.(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 clause (b) 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 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 do 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 who maintains such registers and records, or furnishes the required return

without making the necessary entries therein shall be punishable with fine which may extend to two hundred rupees.

(2)Whoever contravenes the provisions of rules 11 and 12 shall be punishable with fine which may extend to two hundred rupees.FORM I(See rule 3)Notice Or Opening, Abandonment, Discontinuance, Resumption And Change In The Ownership, Addresses, Etc.From.....ToThe Regional Labour Commissioner (Central),.....Sir,I have to furnish the following particulars in respect of*atestablishment of.....(owner).

1. In the case of change of name of establishment-

Old name of establishmentDate of change

2. (a) Situation of the establishment:

VillagePolice StationSub-division (Taluk)DistrictState(b)In the case of New establishment, particulars of situation of establishment:Post OfficeTelegraph OfficeRailway StationRest house(Give distance therefrom)Means of travelling

3. Name and Postal address of Present/Previous

(i)Owner(ii)Managing Agent, if any(iii)Agent, if any(iv)Manager(v)In case of change, date of change

4. Date on which it is intended to open/resume/abandon/discontinue the establishment.

5. Actual date of opening/reopening/abandonment/discontinuance\$of the establishment.

6. No. of persons likely to be affected.

Yours faithfully,SignatureDesignation: Owner/Agent/ManagerDate* Mention the matter to which the notice refers.FORM II[See rule 4(2)]Register Of Fines

Part I

Name of EstablishmentFines

Sl. No.	Name of person employed	Father's or Husband's name	Nature of employment	Rate of wages	Wages during the	Act or omission for which	Whether workman showed	Date and amount	Date on which fine is	Remarks
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					wage period	fine imposed	cause, if so enter date	of fine	realized	
1	2	3	4	5	6	7	8	9	10	11

Part II

Particulars Of Disbursement Of Fines

Date of disbursement	Amount of disbursement	Purpose for which amount disbursed	Remarks
1	2	3	4

FORM III(See rule 5)Register Of Deductions For Damage Or Loss Caused To The Employer By The Neglect Or Default Of The Employed PersonsName of Establishment

Sl. No.	Name of employed person	Father's or Husband's name	Nature of employment	Damage or loss caused and its value	Whether worker showed cause against deduction or not, if so, enter date	The name of the person in whose presence a workman's explanation is heard in respect of an employee engaged by a contractor	Date and amount of deduction imposed	No. of instalments, if any	Date on which total amount realized
1	2	3	4	5	6	7	8	9	10

FORM IV(See rule 6)Muster Roll

Name of Establishment _____

Location _____

Post Office _____

Sl. No.	Name of employed person	Designation	Father's or Husband's name	Daily attendance/No. of units worked																										Total attendance/Total No. of units worked	Remarks
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	

FORM V(See rule 6)Register Of Wages

Name of Establishment_____

Location_____

Post Office_____

Sl. No.	Name of employed person	Designation	Father's or Husband's name	Total attendance/No. of units worked	Rate of wages	Wages earned	Total							
	Basic	D.A.	Other allowances	Basic	D.A.	Overtime	Other allowances							
1	2	3	4	5	6	7	8	9	10	11	12	13		

Deduction from wages on account of

Fines	Damage or loss	Loss caused to the employer by neglect or default of employed person	Amenities/Services/House Rent	Provident Fund/Income Tax/Postal Insurance/Co-operative Societies	Other deductions	Total deductions	Net amount payable
14	15	16	17	18	19	20	21

FORM VI(See rule 6)Muster Roll-Cum-Register Of Wages

Name of Establishment_____

Location_____

Post Office_____

Sl.No.	Name of employed person	Designation	Father's/Husband's Name	Daily attendance/No. of units worked	Rate of Wages									
	Basic	D.A.	Other allowance											
1	2	3	4	5	6	7	8	9						

Wages
Earned

Basic	D.A.	Overtime	Other allowances	Total	Fines	Damage or loss	Loss caused to employer by neglect or default of employed person	Amenities & Services/House Rent	Provident Fund / Postal Insurance / Cooperative Society	Deduction from wages on account of other deduction
10	11	12	13	14	15	16	17	18	19	20

Total deductions	Net amount payable	Acquittance with date	Remarks
21	22	23	24

[FORM VII][See rule 16]Unified Annual ReturnA. General Part:Particulars:(a)Name of the establishmentAddress of the establishment. House no./Flat No. Street/Plot No.Town District State Pin Code(b)Name of the employerAddress of the employer. House no./Flat No. Street/Plot No.Town District State Pin CodeE-mail ID Telephone Number Mobile Number(c)Name of the manager or person responsible for supervision and control of establishmentAddress. House no./Flat No. Street/Plot No.Town District State Pin CodeE-mail ID Telephone Number Mobile NumberB. Employer's Registration/ License number under the Acts mentioned in column (2) of the table below:

S. No.	Name	Registration	If yes (Registration No.)
(1)	(2)	(3)	(4)
01.	The Building and other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996.		
02.	The Contract Labour (Regulation & Abolition) Act, 1970.		
03.	The Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979.		
04.	The Employees Provident Funds and Miscellaneous Provisions Act, 1952.		
05.	The Employees' State Insurance Act, 1948.		
06.	The Mines Act, 1952. Notice of opening under Regulation 3 of Coal Mines Regulation, 1957 or Regulation 3 of Metalliferous Mines Regulation, 1961.		
07.	The Factories Act, 1948.		
08.	The Motor Transport Workers Act, 1961.		
09.	The Shops and Establishments Act (State Act).		

10. Any other Law for the time being in force.

C. Details of Principal Employer, Contractor and Contract Labour:

01. Name of the principal employer in the case of a contractor's establishment.

02. Date of commencement of the establishment.

03. Number of Contractors engaged in the establishment during the year.

04. Total Number of days during the year on which Contract Labour was employed.

05. Total number of man-days worked by Contract Labour during the year.

06. Name of the Manager or Agent (in case of mines).

07. Address House No./Flat No. Street/Plot No. Town District State Pin Code E-mail ID Telephone Number Mobile Number

D. Working hours and weekly rest day:

01. Number of days worked during the year.

02. Number of mandays worked during the year.

03. Daily hours of work.

04. Day of weekly holiday.

E. Maximum number of persons employed in any day during the year:

Sl. No.	Males	Females	Adolescents (between the age of 14 to 18 years.)	Children (below 14 years of age.)	Total
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F. Wage rates (Category Wise):

Category	Rates of Wages	No. of workers
Regular	Contract	
Male	Female	Children Adolescent Male Female Children Adolescent
Highly Skilled		
Skilled		
Semiskilled		
Unskilled		

G. (a) Details of Payments:

Gross wages paid	Deductions	Net wages paid
In cash	In kind Fines	Deductions for damage or loss Others In cash In kind

(b) Number of workers who were granted leave with wages during the year:

Sl. No.	During the year	Number of workers	Granted leave with wages
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H. Details of various welfare amenities provided under the statutory schemes:

Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)
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Declaration It is to certify that the above information is true and correct and also I certify that I have complied with the all provisions of Labour Laws applicable to my establishment. Place Date Sign.
Here FORM IX [See rule 17(3)] Register Of Advances Made To Employed Persons Name of Establishment

Sl. No.	Name of employed person	Father's or Husband's name	Nature of employment	Earnings during a wage period	Date and amount of advance	Purpose(s) for which advance made	Instalments for repayment of advances	Date of instalments repaid
No. of instalments	Amount of each instalment							
1	2	3	4	5	6	7	8	9

FORM X [See rule 18(3)] Register Of Loans Granted To The Employed Persons For House Building Or Other Approved Purposes Name of Establishment

Sl. No.	Name of employed person	Father's or Husband's name	Nature of employment	Amount of loan	Date when granted	Purpose(s) for which granted	Instalments for repayment of loan	Date of instalments repaid
No. of instalments	Amount of each instalment							
1	2	3	4	5	6	7	8	9

FORM XI (See rule 20) Abstract Of The Payment Of Wages Act, 1936 And The Rules Made Thereunder

1. The Act applies to the payment of wages to persons employed in air transport services receiving less than Rs. 1,600 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 (whether by way of salary, allowances, or otherwise expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment and includes---

(a)any remuneration payable under any award or settlement between the parties or order of a Court;(b)any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;(c)any additional remuneration payable under the terms of employment (whether called a bonus or by any other name);(d)any sum which by reason of the termination of employment of the person employed is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions, but does not provide for the time within which the payment is to be made;(e)any sum to which the person employed is entitled under any scheme framed under any law for the time being in force, but does not includes,-----(1)any bonus (whether under a scheme of profit sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a Court;(2)the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the State Government;(3)any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;(4)any travelling allowance or the value of any travelling concession;(5)any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment; or(6)any gratuity payable on the termination of employment in cases other than those specified in sub-clause (d).Responsibility for and method of payment

4. The employer 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 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.

7. Payment in kind is prohibited.

Fines and Deductions

8. No deductions shall be made from wages except those authorised under the Act (See paragraphs 9-18 below).

9.

(1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Regional Labour Commissioner (Central), specify by a notice displayed at or near the entrance of the work-place or places at the establishment and after giving the employed person an opportunity for explanation. (2) Fines, (a) shall not exceed three paise 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 are approved by the Inspector; (d) shall not be imposed on employed persons who are 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 wages for eight days in lieu of notice, but,----(i) No deduction for breaking contract can be made from a person under 15 or a woman; (ii) There must be a provision in writing which forms part of the contract of employment or the certified Standing Orders, 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; (iii) The above provision must be displayed at or near the entrance of the work place or places at the establishment or work-place; (iv) No deduction of this nature can be made until a week's notice that this deduction is to be made has been posted at or near the main entrance of the work-place or places at the establishment or work-place; (v) 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 have given 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 deductions cannot exceed the amount of the damage or loss caused and can be made only after giving the employed persons an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof, for house accommodation supplied by the employer or by Government or any housing board setup under any law for time being in force (whether the Government

or the board is the employer or not) or any other authority engaged in the business of subsidising house accommodation which may be specified in this behalf by the Central Government, amenities and services (other than tools and raw materials) 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 the Central Government.

13.

, (a) Deductions can be made for the recovery of advance 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 a complete wage-period.(c)Advances of whatever nature can be made at the employer's discretion during the 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 Central Government or to the Postal Insurance, subject to any conditions imposed by the State Government.

16. Deductions can be made for repayment of loans granted to the employed persons from funds constitute) for welfare of labour.

17. Deductions can also be made for repayment of loans granted for house building and other purposes.

18. Deductions can also be made with the written authorisation of the person employed for payment of any premium on his life insurance policy to the Life Insurance Corporation of India or for the purchase of securities of the Government of India or of any State Government or for being deposited in any Post Office Savings Bank in furtherance of any savings scheme of any such Government.

19. Any loss of wages resulting from withholding of increment or promotion, reduction to a lower post or time-scale or to a lower stage in a time scale or suspension does not constitute deduction from wages within the meaning of the Act. For this purpose the rules framed by an employer in relation to his

employees in the establishment for the purpose of any of the aforesaid penalties shall provide that---

(i) any such penalty as aforesaid, except the penalty of suspension, shall not be imposed unless the person concerned (a) has been informed of the charges in respect of which it is proposed to impose the penalty; (b) has been given a reasonable opportunity of showing cause why the proposed penalty should not be imposed. (ii) the person concerned is given a right of appeal against any order imposing the penalty. Inspections

20. An Inspector can enter on any premises and can exercise the 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

21. (a) 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 12 months to the Authority appointed by the Central Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for delay is shown.

(b) Any legal practitioner, official of a registered trade union, Inspector under the Act or other person acting with the authority can make the complaint on behalf of an employed person. (c) A single application may be presented by or on behalf of any number of persons belonging to the same establishment the payment of whose wages has been delayed. Action by the Authority

22. 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. In a case in which compensation is directed to be paid under section 15(3) the authority may direct that a penalty not exceeding fifty rupees be paid to the State Government by the employer or any other person responsible for the payment of wages.

Appeal against the Authority

23. An appeal against an order dismissing either wholly or in part an application or against a direction may be preferred within thirty days in Calcutta to the Chief Judge, Court of Small Causes and elsewhere to the

District Court,--

(a)by the employer if the total amount directed to be paid exceeds Rs. 300;(b)by an employed person or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf, or any Inspector under the Act or any other person permitted by the Authority to make an application, if the total amount of wages withheld from him exceeds Rs. 20 from unpaid group to which he belongs or belonged exceeds fifty rupees;(C)by a person directed to pay a penalty for a malicious or vexatious application.Punishments for breaches of the Act

24. Anyone tried for 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.

25. The employer 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 work-place or places at the establishment or work-place 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 fine not exceeding Rs. 200.A complaint to this effect can be made only by the Inspector, or with his sanction.