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HIGH COURT, BOMBAY

**THE MAHARASHTRA MOTOR TRANSPORT WORKERS
RULES, 1962**

**G. N., I. & L. D., No. MTW. 1161-Lab-III, dated 30th April 1962
(M. G., Pt. I-L, p. 1927)**

- (i) Amended by G. N., I. & L. D., No. MTW. 1166/149000-LAB-III, dated 12th June 1968 (M. G., Pt. I-L, p. 2319).
- (ii) Amended by G. N., I. & L. D., No. MTW. 1166/149000-LAB-III, dated 24th October 1968 (M. G., Pt. I-L, p. 4747).
- (iii) Amended by G. N., I. & L. D., No. MTW. 1174/195596 Lab-III-A, dated 19th December 1974 (M. G., Pt. I-L, p. 53).
- (iv) Amended by G. N., I. E. & L. D., No. MTW. 1080/6699/Lab-4, dated 23rd January 1981 (M. G., Pt. I-L, p. 2552).

In exercise of the powers conferred by sub-section (1) and clauses (a), (b), (c), (d), (e), (g), (h), (i), (j), (k), (l), (m), (n) and (o) of sub-section (2) of section 40 of the Motor Transport Workers' Act, 1961 (27 of 1961), the Government of Maharashtra hereby makes the following rules :

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) These rules may be cited as the Maharashtra Motor Transport Workers Rules, 1962.

(2) They extend to the whole of the State of Maharashtra.

(3) These rules (other than rules 16 to 22 and rule 24) shall come into force on 31st March 1962, and rules 16 to 22 and rule 24 shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “ Act ” means the Motor Transport Workers Act, 1961 ¹[(27 of 1961)];

(b) “ chief inspector ” means a person appointed under sub-section (1) of section 4 to be the chief inspector for the State ;

(c) “ form ” means a Form appended to these rules ;

(d) “ inspector ” means a person appointed under sub-section (1) of section 4 to be an inspector and includes the chief inspector when exercising the powers of an inspector under sub-section (2) of section 4 ;

(e) “ section ” means a section of the Act ;

(f) “ undertaking ” means a motor transport undertaking.

3. *Interruptions during running time.*—Any interruption of less than five minutes shall be counted towards running time.

CHAPTER II

REGISTRATION OF MOTOR TRANSPORT UNDERTAKING

4. ²[*Application for Registration*].—(1) Every employer shall, within not less than thirty days before the date on which he proposes to operate the undertakings, submit to the Chief Inspector an application in Form I, in duplicate, for the registration of the undertaking and grant of a certificate of registration :

¹Added by G. N. of 12-6-1968.

²Subs. *ibid*.

Provided that in the case of an undertaking existing immediately before the commencement of these rules, such application shall be made within sixty days from such commencement :

Provided further that where an undertaking has units operating in more than one State, the employer of the undertaking shall apply for registration to the Chief Inspector of the State in which its Headquarters Office is located.

5. *Grant of certificate of registration.*—¹[(1)] A certificate of registration for an undertaking shall be granted by the Chief Inspector in Form II on payment of fees specified in the following schedule :—

Schedule

Maximum number of Motor Transport Workers to be employed during the year	Fees
1	2
	Rs.
5	10
25	25
50	50
100	100
250	250
500	500
750	750
1,000	1,000
1,500 and above	1,500

(2) In the case of an undertaking working for a part of the year, and commencing work on or after 1st day of July, the fees to be charged for the first time shall be half of those specified in the Schedule aforesaid.

6. *Validity of the certificate of registration.*—Every certificate of registration granted under rule 5 or renewed under rule 8 shall remain in force upto 31st December of the year for which the certificate is granted or renewed.

7. *Amendment of certificate of registration.* (1) A certificate of registration granted under rule 5 may be amended by the Chief Inspector.

(2) An employer who desires to have his certificate of registration amended shall submit to the Chief Inspector an application stating the nature of amendment and reasons therefore.

(3) The fee for the amendment of the certificate of registration shall be five rupees plus the amount, if any, by which the fee that would have been payable if the licence had been originally issued in the amended form exceeds the fee originally paid for the certificate of registration.

¹Subs. by G. N. of 12-6-1968.

8. *Renewal of certificate of registration.*—(1) No undertaking shall operate unless its registration certificate is renewed by the Chief Inspector before its validity expires.

(2) Every application for the renewal of the certificate of registration shall be in the prescribed Form 1 in duplicate, and shall be made not less than sixty days before the date on which the certificate of registration expires and if the application is so made, the undertaking shall be deemed to be duly registered until such date as certificate of registration is renewed :

Provided that where an undertaking is registered on or after the 1st day of November in any year, application for renewal of the certificate of registration shall be made on or before the 1st day of January next following.

(3) The fee chargeable for the renewal of the certificate of registration shall be the same as for the grant thereof :

Provided that if the application for renewal is not received within the time specified in sub-rule (2), the certificate of registration shall be renewed on payment of fee of 25 per cent in excess of the fee ordinarily payable for the certificate of registration.

9. *Transfer of certificate of registration.*—(1) An employer holding a certificate of registration may at any time, before the period of validity of the certificate of registration expires, apply for permission to transfer his certificate of registration to another person.

(2) Such application shall be made to the Chief Inspector who shall, if he approves of the transfer, enter upon the certificate of registration under his signature, an endorsement to the effect that the certificate of registration has been transferred to the person named.

10. *Procedure on death or disability of employer.*—If an employer holding a certificate of registration dies or becomes insolvent, the person carrying on the business of the undertaking shall not be liable for exercising the powers granted to the holder of the certificate of registration during such time as may reasonably be required, to allow him to make an application for the amendment of the certificate of registration under rule 7 in his name.

11. *Issue of duplicate certificate of registration.*—Where a certificate of registration granted or renewed under rule 5 or rule 8, as the case may be, is lost, defaced or accidentally destroyed, a duplicate may be granted on payment of a fee of five rupees.

12. *Payment of fees.*—(1) All fees to be paid under these Rules shall be paid into the local treasury under the head of account ¹“ XXXII, C- Miscellaneous, Social and Development Organization—Miscellaneous fees realised under the Motor Transport Workers Act, 1961 ”, the figures, letter and words “ 087—Labour and Employment (a) Receipts under Labour Laws Fees realised under the Motor Transport Workers Act, 1961 ”] and receipt obtained which shall be submitted to the Chief Inspector along with the application.

(2) If an application for the grant, renewal, amendment or issue of a duplicate of a certificate of registration is rejected, the fees paid therefore shall be refunded to the applicant.

²[12-A. “ *Marking of registration number on vehicles.*—The registration number of the undertaking shall be marked on the left hand side of every Motor Transport vehicle in lettering 3 inches high and 1/2 inch thick ”.]

¹ Subs. by G. N. of 12-6-1968.

² Added, *ibid*

³ *Vide* the Maharashtra Motor Transport Workers (Amdt.) Rules, 1962 published in *M.G.G.*, Part I-L, dated 2nd January 1975 at page 53.

CHAPTER III

13. *Qualifications of Inspector.*—No person shall be appointed as Inspector including a Chief Inspector for the purposes of the Act, unless he—

(a) holds or has held the office of an Inspector under the—

- (i) Payment of Wages Act, 1936 ;
- (ii) Minimum Wages Act, 1948 ;
- (iii) Factories Act, 1948 ; or

(b) holds or has held the office of an Inspector appointed by the State Government under the Bombay Shops and Establishments Act, 1948 ; or

(c) holds or has held the office of a —

- (i) Deputy Commissioner of Labour ;
- (ii) Assistant Commissioner of Labour ;
- (iii) Government Labour Officer ;
- (iv) District Employment Officer.

14. *Powers of Inspectors.*—An Inspector shall for carrying out the purposes of the Act, have power to do all or any of the following acts, that is to say—

(I) to photograph any motor transport worker, to inspect or sketch as the case may be, any motor transport vehicle, building, room, appliance, apparatus, register or document, which is under use or occupation of any undertaking, or anything provided for the purpose or securing health and welfare of motor transport worker ;

(II) to prosecute, conduct or defend before a court any complaint or other proceeding arising under the Act or these rules or in discharge of his duties as an Inspector ;

(III) to require any employer to supply or send any return or information relating to the provisions of the Act or of these rules ; and

(IV) to have a person residing in a State other than one in which an offence under the Act or these rules has been committed examined through his counterpart in that State and to obtain a record of such examination.

15. *Duties of Certifying Surgeons.*—(1) For the purpose of the examination and certification of adolescents who wish to obtain certificates of fitness, the certifying surgeon shall arrange a suitable time and place for the attendance of such persons and shall give previous notice in writing of such arrangements to the employers concerned situated within the local limits assigned to him.

(2) The certifying surgeon shall issue his certificates in Form III. The foil and counterfoil shall be filled in and the left thumb mark of the person in whose name the certificate is granted shall be taken on them. On being satisfied as to the correctness of the entries made therein and of the fitness of the person examined, he shall sign the foil and initial the counterfoil and shall deliver the foil to the person in whose name the certificate is granted. The foil so delivered shall be the certificate of fitness granted under section 23. All counterfoils shall be kept for a period of at least two years after the issue of the certificates.

(3) The certifying surgeon shall upon request by the Chief Inspector, carry out such examination and furnish him with such report as he may indicate for any motor transport undertakings where—

(a) cases of illness have occurred which it is reasonable to believe are due to the nature of work or other conditions of work prevailing therein, or

(b) adolescents are or are about to be, employed in any work which is likely to cause injury to their health.

(4) If the certifying surgeon finds as a result of his examination that any person employed in any work in any undertaking is no longer fit to work for medical reasons, he shall inform the employer in writing accordingly. On receipt of this information it shall be obligatory, on the employer to suspend such a person from working in that work for the period recommended by the certifying surgeon and no person after such suspension shall be employed in that work unless he is certified fit for the work by the certifying surgeon :

Provided that this suspension shall not impose ¹[on the employer any additional liability or obligation other than that imposed on him by any law or service conditions for the time being in force in relation to the person so suspended from working.]

(5) The employer shall afford to the certifying surgeon facilities to inspect any work in which any person is employed or is likely to be employed.

(6) The employer shall provide for the purpose of any medical examination which the certifying surgeon wishes to conduct at any place of the undertaking (for his exclusive use on the occasion of an examination) a room which shall be properly cleaned and adequately ventilated and lighted and furnished with a screen, a table (with writing material) and chairs.

CHAPTER IV

WELFARE AND HEALTH

16. *Canteens.* (1) At every place wherein one hundred or more motor transport workers employed in a motor transport undertaking ordinarily report for duty during every day, the employer shall provide in or near the place, wherein the undertaking is situated, an adequate canteen for the use of the motor transport workers according to the standards prescribed.

(2) The employer shall submit for the approval of the Chief Inspector plans and site plan in duplicate of the building to be constructed or adopted for use as a canteen.

(3) The canteen building shall be situated not less than 50 feet from any latrine, urinal or any other source or dust, smoke, or obnoxious fumes:

Provided that the Chief Inspector may in any particular case relax the provision of this sub-rule to such extent as may be reasonable in the circumstances and may require measures to be adopted to secure the essential purpose of the sub-rule.

(4) The canteen building shall be constructed in accordance with the plans approved by the Chief Inspector and shall accommodate at least a dining hall, kitchen, store room, pantry and washing places separately for workers and for utensils.

(5) In a canteen, the floor and inside walls up to a height of 4 feet from the floor shall be made of smooth and impervious material ; the remaining portion of the inside walls shall be made smooth by cement plaster or in any other manner approved by the Chief Inspector.

(6) The doors and windows of a canteen building shall be of fly-proof construction and shall allow adequate ventilation.

(7) The canteen shall be sufficiently lighted at all times when any person has access to it.

¹ Subs. by G.N. of 12-6-1968.

(8) (a) In every canteen—

(i) all inside walls of rooms and all ceilings, passages and staircases shall be lime-washed, colour-washed or painted as the case may be. Lime-washing or colour-washing shall be carried out once in every year and painting shall be carried out once in every three years.

(ii) all wood work shall be varnished or painted once in three years ; and

(iii) all internal structural iron or steel work shall be varnished or painted once in every three years :

Provided that inside walls of the kitchen shall be lime-washed once in every four months.

(b) Records of dates on which lime-washing, colour-washing, varnishing or painting as the case may be, is carried out shall be maintained in a register in Form IV.

(9) The precincts of the canteen shall be maintained in a clean and sanitary condition. Waste water shall be carried away in suitably covered drains and shall not be allowed to accumulate so as to cause a nuisance. Suitable arrangements shall be made for the collection and disposal of garbage.

17. *Canteen Hall.*—(1) The canteen hall shall accommodate at least thirty per cent of the motor transport workers likely to come at a time:

Provided that in any particular undertaking or in any particular class of undertaking, the State Government may, by notification in this behalf, alter the percentage of workers to be accommodated.

(2) The floor area of the canteen hall excluding the area occupied by service counter and any furniture, except tables and chairs shall be not less than 10 sq. ft. per diner. to be accommodated under sub-rule (1).

(3) Sufficient tables, chairs or benches shall be available for the number of diners to be accommodated under sub-rule (1).

18. *Equipment.*—(1) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen. Suitable clean clothes for the employees serving the canteen shall also be provided and maintained.

(2) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition. A service counter, if provided, shall have a top of smooth and impervious material. Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and other equipment.

19. *Prices to be charged.*—(1) Food, drink and other items served in the canteen shall be sold on a no profit basis and the prices charged shall be subject to the approval of the canteen managing committee constituted under rule 21.

(2) The charges per portion of food stuff, beverages and any other items served in the canteen shall be conspicuously displayed in the canteen.

20. *Accounts.*—(1) Proper accounts pertaining to the canteen shall be maintained. All books of accounts, registers or any other documents used in connection with the running of a canteen shall be produced on demand to an Inspector.

(2) The accounts pertaining to the canteen shall be audited once in every 12 months by registered accountants and auditors. The balance sheet prepared by the said auditors shall be submitted to the canteen managing committee not later than two months of the closing of the audited accounts :

Provided that the accounts pertaining to the canteen in a public sector undertaking having its own Accounts Department may be audited in that Department.

21. *Canteen Managing Committee.*—(1) The employer shall constitute a canteen managing committee which shall be consulted from time to time as to—

- (a) the quality and quantity of food stuffs to be served in the canteen;
- (b) the arrangement of the menus ;
- (c) times of meals in the canteen; and
- (d) any other matter as may be directed by the committee.

(2) The canteen managing committee shall consist of an equal number of persons nominated by the employer and elected by the motor transport workers. The number of elected workers shall be in the proportion of one for every 500 workers employed in the undertaking :

Provided that in no case shall there be more than five or less than two motor transport workers on the committee.

(3) The employer shall determine the procedure for and supervise the election of the representatives of the motor transport workers to the canteen managing committee.

(4) The members of canteen managing committee shall hold office for a period of two years from the date on which it is constituted :

Provided that such members shall, notwithstanding the expiration of their term, continue to hold their office until the constitution of the next canteen managing committee.

22. *Rest Rooms.*—(1) The rest room shall be provided at the places where five or more workers have to halt for the night.

(2) The rest-rooms shall conform to the following standards and the employer of every undertaking shall submit for the approval of the Chief Inspector plans and site plan in duplicate of the building to be constructed or adapted :—

(a) The building shall be soundly constructed and all the walls and roof shall be of suitable heat resisting materials and shall be waterproof. The floor and walls to a height of 3 feet shall be laid or finished as to provide a smooth, hard and impervious surface.

(b) The height of every room in the building shall be not less than 10 feet from the floor level to the lowest part of the roof and there shall be at least 25 sq. ft. of floor area for every motor transport worker required to halt at night.

(c) Effective and suitable provision shall be made in every room for securing and maintaining adequate ventilation by the circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting.

(d) Every rest room shall be adequately furnished with chairs and cots or bunks, and

(e) Every rest-room building and precincts thereof shall be kept in a clean and tidy condition :

Provided that where the Chief Inspector is satisfied that in respect of any particular place the provision of rest rooms to the above standards is not reasonably practicable, he may by order in writing approve any suitable alternative accommodation subject to such conditions as he may specify.

23. *Uniforms.*—(1) ¹[The drivers, conductors, cleaners, watchmen and the checking staff] shall be provided with uniforms and rain coat free of cost by the employer as specified in the Schedule below :—

Schedule

Category of staff	Particulars of articles	Quantity	Period of supply
1. ¹ [Drivers, conductors, cleaners, watchmen and other line checking staff] drawing basic salary not exceeding Rs. 200 per month.	(a) Cotton shirt or coat ..	2	Every Summer.
	Cotton pant ..	2	
	Cotton cap or turban ..	1	
	(b) Woollen coat ..	1	Every four year.
	Woollen pant ..	1	
	Woollen cap or cotton turban ..	1	
2. Line checking staff and drawing basic salary not exceeding Rs. 200 per month.	Rain coat with cap ..	1	Once in every five year.

Provided that in places where due to climatic conditions woollen clothes are not ordinarily worn a cotton shirt, pant and cap or turban may be supplied every winter instead of woollen clothes as provided in sub-clause (b).

(2) Where washing of uniforms provided under sub-rule (1) is not arranged by the employer, the drivers, conductors and line checking staff shall be entitled to a washing allowance of ²[Rs. 10 per month.]

24. *Medical Facilities.*—(1) At every operating centre and halting station (which in the case of city service, shall include only depots and other offices) wherein five hundred motor transport workers or more ordinarily report for duty during every day, a dispensary shall be provided and maintained with such equipment and drugs, as the State Government may direct.

(2) The dispensary shall be in charge of a qualified medical practitioner assisted by such staff as the State Government may direct.

(3) The dispensary shall have a floor area of at least 250 square feet and smooth hard and impervious walls and floor and shall be adequately ventilated and lighted by both natural and artificial means. An adequate supply of wholesome drinking water shall be provided.

(4) At every operating centre and halting station (which in the case of City Service, shall include only depots and other offices) where, less than two hundred and fifty motor transport workers report for duty every day, first aid boxes or cupboards of the standard set out in the Schedule below shall be provided. Every first aid box or cupboard shall be clearly marked "First Aid" and shall be kept stocked and in good order. These first aid boxes or cupboards shall be readily accessible during all working hours and shall be in charge of an employee of the undertaking, trained in first-aid.

Schedule

(A) **For Operating Centres and Halting Stations wherein 10 and not exceeding 50 motor transport workers ordinarily report for duty during every day.**

Each first aid box or cupboard shall contain the following equipment :—

- (i) 12 small sterilized dressings.
- (ii) 6 medium size sterilized dressings.

¹Subs. by G. N. of 12-6-1968.

²The figure was substituted *vide* Govt. Notification No. MTW. A. 1080/(6699)/LAB-4, dated 23rd January 1981, published in *M.G.G.*, Part I-L, dated 16th April 1981 at page 2552.

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- (iii) 6 large size sterilized dressings.
- (iv) 6 large size sterilized burn dressings.
- (v) 6 (1/2 oz.) packets sterilized cotton wool.
- (vi) 1 (2 oz.) bottle containing at two per cent alcoholic solution of iodine.
- (vii) 1 (2 oz.) bottle containing sal-volatile having the dose and mode of administration indicated on the label.
- (viii) 1 roll of adhesive plaster.
- (ix) A snake bite lancet.
- (x) 1 (1 oz.) bottle of potassium permanganate crystals.
- (xi) 1 pair scissors.
- (xii) 1 copy of the approved first aid leaflet.

(B) For Operating Centres and Halting Stations wherein more than 50 motor transport workers ordinarily report for duty during every day.

Each first-aid box or cupboard shall contain the following equipment :—

- (i) 24 small sterilized dressings.
- (ii) 12 medium size sterilized dressings.
- (iii) 12 large size sterilized dressings.
- (iv) 12 large sizes sterilized burn dressings.
- (v) 12 (1/2 oz.) packets sterilized cotton wool.
- (vi) 1 snake bite lancet.
- (vii) 1 pair scissors.
- (viii) 2 (1 oz.) bottles of potassium permanganate crystals.
- (ix) 1 (4 oz.) bottle containing a two per cent alcoholic solution of iodine.
- (x) 1 (4 oz.) bottle of sal-volatile having the dose and mode of administration indicated on the label.
- (xi) 1 copy of the approved first aid leaflet.
- (xii) 12 roller bandages 4 inches wide.
- (xiii) 12 roller bandages 2 inches wide.
- (xiv) 2 rolls of adhesive plaster.
- (xv) 6 triangular bandages.
- (xvi) 2 packets of safety pins.
- (xvii) A supply of suitable splints.
- (xviii) 1 tournequet.

25. *First-Aid Box.*—Every motor transport vehicle shall carry a dustproof first-aid box which shall be clearly marked 'First-Aid' containing the following articles namely :—

- (1) A leaflet containing first-aid instructions approved by the State Government, from time to time.
- (2) Twenty-four sterilized finger dressings.
- (3) Twelve sterilized hand or foot-dressings.
- (4) Twelve sterilized large or body dressings.
- (5) One extra large, two large and three small sterilized burn dressings.
- (6) Two half-ounce packet of sterilized cotton wool.

- (7) A bottle of 2 per cent tincture of iodine or a tube of antiseptic cream containing 0.5 per cent of Cetrimide B. P. in a non-greasy base.
- (8) A bottle of Sal Volatile.
- (9) Empty bottle fitted with cork and camel hair brush for eye drops.
- (10) Two-ounce medicine glass :

Provided that the State Government may by a general or special order exempt from the provisions of this rule motor transport vehicles plying in such area or areas or on such particular route or routes, and on such conditions, if any, as may be specified in the order if it is satisfied that medical aid is readily available in such area or areas of route or routes.

CHAPTER V

HOURS AND LIMITATIONS OF EMPLOYMENT

26. Hours of Work.—(1) The inspector may on written application from an employer, subject to such conditions and for such period as he may think fit, permit motor transport workers to work for more than eight hours in any day or forty-eight hours in any week but in no case more than ten hours in a day and fifty-four hours in a week :—

(i) on any route of 50 kilometers or more ;

(ii) on such festive occasions as may be notified by the State Government in the *Official Gazette*, and

(iii) on such other occasions as may be notified by the Inspector and published by its being posted on the notice-board of his office and in the office of the transport operator.

(2) In any case referred to in the second proviso to section 13, an employer shall not require or allow any motor transport worker to work for more than sixteen hours a day and seventy-two hours a week with at least 8 consecutive hours of rest between the termination of duty and commencement of the next duty.

27. Notice of hours of work.—(1) The notice of hours of work shall be in Form V.

(2) It shall be written in English and in a language understood by the majority of workers and shall be displayed at conspicuous place where the motor transport workers ordinarily report for duty and shall be maintained in clean and legible condition :

Provided that if the chief inspector is of opinion that the duty schedule or any other record maintained as a part of the routine of the undertaking gives the particulars required under this rule, he may by order in writing, direct that the maintenance of such record shall be sufficient compliance with the provisions of this rule.

28. Weekly Rest.—(1) No motor transport worker shall be required or allowed to work on a day of rest fixed for him (hereinafter referred to as "the said day") unless—

(a) he has or will have a holiday for a whole day (hereinafter called "the substituted day"), on one of the three days immediately before or after the said day, and

(b) the employer has before the said day or substituted day under clause (a) whichever is earlier displayed a notice to the effect at the premises.

(2) Notices given under sub-rule (1) may be cancelled by a notice delivered at the office of the inspector and a notice displayed at the premises of the undertaking not later than the day before the said day or the substituted day to be cancelled, whichever is earlier.

(3) Where in accordance with the provisions of sub-rule (1), any motor transport worker works on the said day and has had a holiday on one of the three days immediately before it, that said day shall, for the purpose of calculating his weekly hours of work, be included in the immediately preceding week.

29. *Compensatory days of weekly rest and paid holidays.*—(1) Every employer shall display on or before the end of the month in which holidays are lost, a notice in respect of workers allowing compensatory holidays during the same month or the immediately following two months and of the dates thereof, at the place at which the notice of hours of work prescribed under section 18 is displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of that holiday.

(2) Any compensatory holiday or holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge or dismissal.

(3) Every employer shall maintain a register in ¹[Form VIII] which shall be preserved for a period of three years after the last entry in it and shall be produced before the inspector on demand:

²[Provided that, if the Chief Inspector is of opinion that any register or similar record maintained as part of the routine of an undertaking gives the particulars required by or under this rule, he may by order in writing direct that such register or record shall be maintained in place of, and treated as the register required to be maintained under this rule].

(4) Where any motor transport worker works on a day of weekly rest, and has been given a compensatory holiday, the day of weekly rest on which he has worked, shall, for purpose of calculating his weekly hours of work, be included in the week, in which he is given the compensatory holiday.

CHAPTER VI

WAGES AND LEAVE

30. *Overtime.*—When any motor transport worker works for more than eight hours on any day in any case referred to in the second proviso to section 13, he shall be entitled to the rate of wages in respect of overtime work at one and half times the rates of his ordinary wages subject to a maximum of one half of his ordinary wages.

Note.—Overtime work means any work in excess of eight hours a day.

31. *Leave with wages.*—(1) Every employer shall maintain a register of leave with wages, in ¹[Form VIII] :

Provided that if the chief inspector is of opinion that any muster-roll or register maintained as part of the routine of any undertaking, or return made by the employer, gives in respect of any or all of the workers, the particulars required for the enforcement of Chapter VII of the Act, he may, by order in writing, direct that such muster-roll or register or return shall, to the corresponding extent, be maintained in place of and be treated as the register required to be maintained under this rule in respect of that undertaking.

(2) The register of leave with wages shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

¹Subs. by G. N. of 12-6-1968.

²Added, *ibid.*

32. *Leave Book.*—Every employer shall provide each worker with a Leave Book in Form VI. The Leave Book shall be the property of the worker and the employer or his agent shall not demand it except to make necessary entries and shall not keep it for more than a week at a time:

Provided that if any leave card or similar record giving full particulars of the leave as shown in the Leave Book is issued by the employer to the motor transport worker such card or record may be accepted by order in writing by the chief inspector.

33. *Register of workers.*—Every employer shall maintain a Register of workers in Form VII:

Provided that if the chief inspector is of opinion that any register of workers or similar record maintained as part of the routine of an undertaking gives the particulars required under this rule, he may by order in writing direct that such register of workers or record shall be maintained in place of and treated as, the register of workers required to be maintained under this rule.

34. *Muster Roll.*—Every employer shall maintain a muster-roll of all workers employed in the undertaking in Form VIII:

Provided that, if the chief inspector is of the opinion that any muster-roll or register maintained as part of the routine of an undertaking gives the particulars required under this rule, he may by order in writing direct that such muster-roll or register be maintained in place of and treated as, the muster-roll required to be maintained under this rule.

35. *Overtime Muster-Roll.*—Every employer shall maintain a muster-roll in Form VIII which shall be correctly entered overtime hours of work and payments therefor. The muster-roll shall always be available for inspection:

Provided that if the chief inspector is of opinion that any overtime muster-roll or register maintained as part of the routine of an undertaking gives the particulars required under this rule, he may by order in writing direct that such overtime muster-roll or register be maintained in place of and treated as the muster-roll required to be maintained under this rule.

36. *Individual Control Book.*—(1) No employer shall allow operation of any motor transport vehicle unless each motor transport worker travelling with the vehicle is provided with and maintains individual Control Book in Form IX. The Book shall be bound with the forms in duplicate and each form shall be numbered consecutively:

Provided that if the chief inspector is of opinion that any individual Control Book or similar record maintained as a part of the routine of an undertaking gives the particulars required under this rule, he may by order in writing direct that such individual Control Book or record be maintained in place of and treated as the individual Control Book required to be maintained under this rule.

(2) Every motor transport worker travelling with vehicle shall make entries daily in the individual Control Book and forward or handover to his employer the original copy of the form not later than the first working day after completion of the week to which the form relates.

(3) Every employer shall maintain the original copies of the individual Control Book mentioned in sub-rule (2) in separate files for each motor transport worker for a period of three years; and shall produce it on demand by an Inspector.

(4) Every motor transport worker travelling with the vehicle shall carry and retain with himself the individual Control Book for at least 6 months after the last entry and produce it for inspection on demand by an Inspector.

CHAPTER VII

MISCELLANEOUS

37. *Returns.*—The employer of every undertaking shall furnish to the chief inspector or other officer appointed by the State Government in this behalf not later than the first March of the year immediately succeeding to that to which it relates an annual return, in duplicate in Form X.

FORM I

(See rules 4 and 8)

Application for registration of the undertaking and grant or renewal of certificate of registration.

1. Name of motor transport undertaking
2. Full postal address
3. Full address to which communications relating to the motor transport undertaking should be sent.
4. Nature of motor transport service, e.g. city service, long distance passenger service, long distance freight service.
5. Details with distances in Kilometers of routes operated in case of long distance passenger/freight service.
6. Number of motor transport vehicles used.
7. Maximum number of motor transport workers proposed to be employed on any one day during the year.
8. Full names and residential addresses of the proprietor and partners of the motor transport undertaking in case of a firm not registered under the Companies Act, 1956.
9. Full name and residential address of the directors in the case of a company registered under the Companies Act, 1956.
10. Amount of Fee Rs. (Rupees)
 paid in Treasury
 on (*vide chalan* No. enclosed).

Signature of the employer.

Date :

Note.— This form should be completed in ink in block letters or typed.

FORM II

(See rule 5)

Certificate of Registration to work a motor transport undertaking

Registration No.

Fee Rs.

Serial No. 1.

Certificate of Registration is hereby granted to.....to operate motor transport services employing not more than persons on any one day during the year subject to provisions of the Motor Transport Workers Act, 1961, and the rules made thereunder.

The certificate of registration shall remain in force till the 31st day of December 19 .

The..... 19 .

Chief Inspector.

Date of renewal	Date of expiry	Signature of the Chief Inspector

FORM III

(See rule 15)

Certificate of fitness

1. Serial No.	Serial No.
Date	Date
2. Name	I certify that I have personally examined
3. Father's name	(name).....
4. Residence	son of
.....
.....	residing at
5. Date of birth if }
available and/or }	who is desirous of being employed in
certified age }	a motor transport undertaking and that
6. Physical fitness	his age, as nearly as can be ascertained
7. Descriptive marks	from my examination is
.....	years, and that he is fit for employment
.....	in motor transport undertaking as an
8. Reason for—	adolescent. His descriptive marks
(1) Refusal of certificate	are
.....
.....
(2) Certificate being revoked
.....
.....
Thumb	Thumb
Impressing.	Impressing.
Initial of Certifying Surgeon	Certifying Surgeon.

Note.—Exact details of cause of physical disability should be clearly stated.

FORM IV

(See rule 16)

Record of Lime Washing, Painting, etc.

Name of room	Part lime-washed, painted, varnished e.g., walls, ceilings, wood work, etc.	Treatment, whether lime-washed, painted or varnished	Date on which lime-washing, painting, varnishing was carried out (according to the English Calendar)			Remarks
			Day	Month	Year	
1	2	3	4	5	6	7

Signature of employer.

FORM V

(See rule 27)

Notice of periods of work for Motor Transport Workers for the year 19 ..

Name Place

Category of workers	Time of signing on	Time of signing off	Code or Serial No. of duty	No. of hours of work
1	2	3	4	5

- 1. Drivers and Conductors ..
- 2. Line checking staff
- 3. Station and other staff ..



FORM VI

¹[(See rule 32)]

Leave Book

Serial No. Adults/Adolescents
 Name of undertaking Address
 Date of entry into service
 Date of discharge
 Date of amount of payment made in lieu of
 leave due

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Calendar year of service.	Wage period fromto.....	Wages earned during the wage period.	Number of days of work performed.	Balance of leave from preceding year.	Leave earned during the year mentioned in column 1.	Total of columns 5 and 6	Whether leave was refused.	Leave enjoyed fromto.....	Balance of leave to credit.	Normal rate of wages.	Cash equivalent of advantages accruing through concessional rate of foodgrains and other articles.	Rate of wages for the leave period (Total of columns 11 and 12).	Remarks.

Note.— The leave book shall be made out for each worker on thick bound sheets.
¹Subs. by G. N. of 24-10-1968.

FORM VII

¹[(See rule 33)]

Register of Workers

PART I—ADULTS

PART II—ADOLESCENTS

Serial No.	Name	Father's name	Address	Designation	No. and date of certificate of fitness if an adolescent	Remarks
1	2	3	4	5	6	7

¹Subs. by G. N., I & L.D. No. MTW. 1166/149000/LAB-III, dated 24th October 1968, Published in *M.G.G.*, part I-L, dated 21st November 1968.

FORM IX

(See rule 36]

Sheet No.

Individual Control Book

Week from Sunday to Saturday 19 .

Name of the Motor Transport Worker

Day	Date	On duty (D) or Rest (Rest)	Time and Place—		Spreadover	Period of interruption of 5 mts. or more referred to in col. (f) of section 2	Time spent in subsidiary work	Hours of work (6-7)	Length of overtime worked	Remarks
			of taking up duty	ending duty						
1	2	3	4	5	6	7	8	9	10	11
Sunday	..									
Monday	..									
Tuesday	..									
Wednesday	..									
Thursday	..									
Friday	..									
Saturday	..									

Note.—A new working week begins at midnight on Saturday. Particulars of hours of work and rest on Saturday should be included in the form for the previous week and those on Sunday should be included in the form for the following week.

Date and Signature of the Motor Transport Worker.

FORM X

(See rule 37)

Annual Return

Year ending 31st December 19

- 1. Name of the Motor Transport Undertaking.
- 2. Postal Address
- 3. *Average number of workers employed daily.
 - Adults
 - Adolescents
- 4. Normal hours worked per day ..
 - Adults
 - Adolescents
- . What rest intervals were given ? ..
 - Adults
 - Adolescents
- 6. Leave with wages—
 - (i) Number of workers who are entitled to annual leave with wages during the calendar year to which this return relates :
 - Adults
 - Adolescents
 - (ii) Number of workers who were granted leave during the year—
 - Adults
 - Adolescents
 - (iii) Number of workers discharged or dismissed from service during the year.....
 - Adults
 - Adolescents
 - (iv) Number of discharged workers paid wages in lieu of leave.
 - Adults
 - Adolescents
 - (v) Total amount of wages paid in lieu of leave.
 -
 -

*The average daily number should be calculated by dividing the aggregate number of attendances on working days by the number of working days during the year. In reckoning attendances, attendances by temporary as well as permanent employees should be counted. Attendances on separate shifts should be counted separately. Days on which the undertaking was not operating, for whatever cause, should be treated as working days.

7. Canteens—

(Number of canteens and situations)

.....
.....
.....
.....

8. Medical Facilities—

- (i) Number of dispensaries and situations
- (ii) Number of doctors
- (iii) Number of nurses

9. Rest Rooms—

- (i) Number of rest rooms
- (ii) Details of accommodation, furniture and other equipment provided.
- (iii) Approximate average daily attendance of workers.

.....
Signature of the employer.

Date