THE MOTOR TRANSPORT WORKERS ACT - 1961

I. OBJECT: To provide for the welfare of motor transport workers and to regulate the conditions of their work.

II. APPLICABILITY: It extends to the whole of India and applies to every motor transport undertaking employing one or more motor transport workers.

III. MOTOR TRANSPORT UNDERTAKINGS: A motor transport undertaking engaged in carrying passengers or goods or both by road for hire or reward and includes a private career.

IV. REGISTRATION OF MOTOR TRANSPORT UNDERTAKING: Every employer of an undertaking shall not less than 30 days before the date on which he proposes to operate the undertaking submit to the Chief Inspector or Inspector an application in duplicate in Form No. I along with a treasury chalan for the prescribed fee for the registration of the undertaking. The Inspector shall grant a registration certificate in Form No.:II subject to the provisions. (Rule 4)

V. FEES FOR REGISTRATION

<table>
<thead>
<tr>
<th>Maximum No. of Motor Transport workers to be Employed on any one day during the year</th>
<th>Fee (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upto 5</td>
<td>250</td>
</tr>
<tr>
<td>From 6</td>
<td>upto 10</td>
</tr>
<tr>
<td>“ 11</td>
<td>upto 20</td>
</tr>
<tr>
<td>“ 21</td>
<td>upto 30</td>
</tr>
<tr>
<td>“ 31</td>
<td>upto 40</td>
</tr>
<tr>
<td>“ 41</td>
<td>upto 50</td>
</tr>
<tr>
<td>“ 51</td>
<td>upto 75</td>
</tr>
<tr>
<td>“ 76</td>
<td>upto 100</td>
</tr>
<tr>
<td>“ 101</td>
<td>upto 200</td>
</tr>
<tr>
<td>“ 201</td>
<td>upto 500</td>
</tr>
<tr>
<td>“ 501</td>
<td>upto 750</td>
</tr>
</tbody>
</table>
V  RENEWAL OF REGISTRATION:
Every employer shall make an application in Form No.I in duplicate with required fee not less than sixty days before the expiry of the registration certificate to the inspector for the renewal of the registration certificate. Fees chargeable for registration and renewal are the same. If the renewal application is not given within the time, a fee of 25% in excess of the fee ordinarily payable, shall be paid by the employer. (Rule 8)

VI  AMENDMENT OF CERTIFICATE:
For any amendment in the registration certificate, the employer may apply to the inspector with Rs.50/- as amendment fee.

VII  DUPLICATE CERTIFICATE:
A duplicate certificate may be granted on payment of Rs.5/-

VIII  WELFARE AND HEALTH:
The provisions relating to canteens, rest rooms, uniforms, medical facilities and first aid facilities are specified in Section 8 to 12. The detailed specifications are stipulated by the state govt. in the rule 17 to 26A of Kerala Motor Transport Workers Rules-1961.

IX  HOURS OF WORK:
No adult worker shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week, subject to the provisions and Rule 27. This working hours may be extended with the prior approval of the Chief Inspector.

X  NOTICE OF HOURS OF WORK:
Every employer shall display a notice of hours of work in Form. V
The working hours of an adolescent worker is six hours in a day including rest interval of half an hour. They shall not be employed between 10.00 p.m. and 6.00 a.m.

XI  DAILY INTERVALS FOR REST:
The hours of work in relation to an adult worker shall be fixed that no period of work shall exceed 5 hours and no sub worker shall work for more than five hours, before he
had an interval for rest at least half an hour. This is no necessary in case of worker who is no required to work for more than 6 hours on that day.

XII  SPREAD - OVER:
The spread over of an adult worker shall not exceed twelve hours in any day except in any case referred to 2nd proviso to section-13. For the adolescent workers it is 9 hours.

XIII  WEEKLY REST:
Every worker shall be allowed a day of rest in every period of seven days, subject to Section 19 and Rule 29.

XIV  COMPENSATORY DAY OF REST:
Every employer shall provide compensatory holidays to the workers in which a motor transport worker is deprived of any of the days of rest. (Section 20)

XV  PROHIBITION OF EMPLOYMENT OF CHILDREN:
Children are prohibited from work in any capacity in any motor transport undertaking. (section 21)

XVI  OVERTIME:
Every worker is entitled to get one and half times the rates of his ordinary wages for the rates of his ordinary wages for the excess of eight hours on any day or forty eight hours in any week, subject to a maximum of 1½ times the rate of his ordinary wages (Section 26 read with Rule 31) Overtime wages of an adolescent worker is twice his ordinary rate of wages.

XVII  ANNUAL LEAVE WITH WAGES:
Every worker who has worked for a period of 240 days or more in an undertaking during the calendar year shall be allowed annual leave with wages at the rate of one day for every twenty days, in the subsequent calendar year. It is one day for every fifteen days in the case of adolescent workers. (Section 27)

XVIII  REGISTERS AND RECORDS:
1. Every employer shall maintain the following registers:
   a. A muster roll of all workers in Form No.10.
   b. A register of workers in Form No.9
   c. An overtime muster roll in Form No.11
   d. A register of leave with wages in Form No.7
2. Every employer shall provide a leave book in Form No.8 to every worker and an individual control book in Form 12 to each worker traveling with the vehicle.

XIX  **RETURNS:**

Every employer shall furnish an annual return in duplicate in Form No.13 to the Inspectors (ALO Gr. II) not later than the first February of every year.

XX  **PENALTY:**

Obstruction of inspectors and refusal to produce registers or other documents shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to Rs.500/- or with both. Use of false certificate of fitness shall be punishable with imprisonment which may extend to one month or with fine which may extend to Rs.50/- or with both.

Contravention of any of the provisions of the Act or Rules for which no other penalty elsewhere provided by or under this Act shall be punishable with imprisonment which may extend to 3 months or with fine which may extend to Rs.500/- or with both.

Enhanced penalty for the subsequent conviction shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs.1000/- or with both.

XXI  **COGNIZANCE OF OFFENCES:**

The inspector or with the previous sanction in writing of the inspector, a complaint can be filed to a court not inferior to that of a presidency Magistrate or a Magistrate of a First Class. Complaint shall be filed within 3 months from the date on which the alleged commission of the offence came to the knowledge of the inspector.

XXII  **AUTHORITIES APPOINTED UNDER THE ACT:**

1. **Chief Inspectors under Section-4(1)**
   a. Labour Commissioner

2. **Inspectors under Section-4(1)**
   a. Additional Labour Commissioners (IR and E)
   b. Joint Labour Commissioner (P)
   c. Deputy Labour Commissioner (HQ)
   d. Regional Joint Labour Commissioners
   e. District Labour Officers (E)
   f. Asst. Labour officers – Grade II
3. **Appointed Officer (under Rule - 39)**
   *(for submission of Annual returns by employers)*
   a. Assistant Labour Officers-Grade-II

4. **Registering authority authorized by Chief Inspector**
   *(for registration of motor Transport undertakings)*