

THE ASSAM MOTOR TRANSPORT WORKERS RULES, 1962¹

[Dated the 18th April, 1962]

No.GLR.216/60/64— *In exercise of the powers conferred by sub-section (1) of Section 40 of the Motor Transport Workers, Act, 1961 (Act 27 of 1961), the Governor of Assam is pleased to make the following rules, the same having been previously published in Government Notification No.GLR.216/60, dated 17th April, 1962.*

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LIST OF AMENDING RULES WHICH WAS INCORPORATED IN ITS DUE PLACES AND THEREFORE NOT PRINTED SEPARATELY

1. The Assam Motor Transport Workers (Amendment) Rules, 1990, *vide* Notification No. GLR(RC) 106/89/17, dated the 14th May, 1990, *See* Assam Extraordinary *Gazette* No. 85, dated 18th May, 1990.

Note : The Assam Motor Transport Workers (DRAFT) (Amendment) Rules, 2003, is not incorporated in its due places. Printed separately at the end of the Rules.

1. Published in the Assam *Gazette*, Part-IIA, dated 24th April, 1963, pp.1197-1225.

CHAPTER I

Preliminary

1. Short title and commencement- (1) These Rules may be called the Assam Motor Transport Workers Rules, 1962.

(2) The whole of these rules, except Rules 17 to 23 and Rule 25, shall come into force at once and the State Government may, by notification in the Official *Gazette*, direct that Rules 17 to 23 and Rule 25 shall come into force on such date or dates as may be specified in the notification.

2. Definitions- (1) In these rules, unless the context otherwise requires,-

- (a) "Act" means the Motor Transport Workers, Act, 1961 (27 of 1961);
- (b) "Form" means a Form appended to these rules;
- (c) "Inspector" means an officer appointed under Section 4 of the Act and includes a Chief Inspector;
- (d) "Schedule" means a Schedule annexed to these rules;
- (e) "Section" means a section of the Act;
- (f) "Undertaking" means a motor transport undertaking.

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

3. Interruptions during running time- Any interruption of less than ten minutes shall be counted towards running time.

CHAPTER II

Registration of Motor Transport Undertaking

4. Application for registration- Every employer of an undertaking shall, within not less than thirty days before the date on which he proposes to operate the undertaking, submit to the Chief Inspector or an Inspector duly authorised by him in this behalf an application in Form No.I, in duplicate, for the registration of the undertaking and grant of a certificate of registration :

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 or the Inspector, as the case may be, of the State in which its Headquarters Office is located.

5. Grant of Certificate of registration- A certificate of registration for an undertaking shall be granted by the Chief Inspector or an Inspector duly authorised by him in this behalf in Form No.II on payment of fees as specified below:-

Maximum number of motor transport workers to be employed during the year	Fees Rs.
5	10
25	25
50	50
100	100
250	250
500	500
750	750
1000	1000
1500 and above ...	1500

6. Validity of certificate of registration- Every certificate of registration granted under Rule 5 or renewed under Rule 8 shall remain in force for a period of three years only from the date on which the certificate is granted or renewed.

7. Amendment of certificate of registration- (1) The certificate of registration under Rule 5 may be amended by the Chief Inspector or an Inspector duly authorised by him in this behalf.

(2) An employer who desires to have his certificate of registration amended shall submit to the Chief Inspector or an Inspector duly authorised by him in this behalf an application stating the nature of amendment and reasons thereof.

(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.

8. Renewal of certificate of registration- (1) Every employer shall apply to the Chief Inspector or an Inspector duly authorised by him in this behalf for renewal of the certificate of registration before its validity expires.

(2) Every such application shall be in Form No.I, 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 the certificate of registration is renewed.

(3) The fees chargeable for renewal of a 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), a fee of twenty-five per cent in excess of the fee ordinarily payable for the certificate of registration shall be payable for such renewal :

Provided further that in cases where the Chief Inspector or the Inspector is satisfied that delay in submission of the application is due to unavoidable circumstances beyond the control of the employer, he may reduce or remit, as he thinks fit, the payment of such excess fee.

9. Transfer of certificate of registration- (1) An employer holding a certificate or registration may, at any time, before the expiration of its validity apply for permission to transfer the certificate to another person.

(2) Such application shall be made to the Chief Inspector or an Inspector duly authorised by him in this behalf 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 under the Act 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 "XXXVI-Miscellaneous Departments-Miscellaneous-Fees

under the Assam Motor Transport Workers Rules, 1962", and receipt obtained which shall be submitted along with the application.

[Note- As regards payment of fees into Treasury, attention is invited to Treasury Rule (Assam) 10 and the subsidiary orders made thereunder.]

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

13. Marking of the registration number on the vehicles- (1) The registration number of the undertaking shall be marked on the left hand side of every vehicle in lettering 3" high and 1/2" thick.

(2) Unless the Chief Inspector, by Notification in the official *Gazette*, otherwise directs, marking under sub-rule (1) shall be in English letters.

CHAPTER III Inspecting Staff

14. Qualification of an Inspector- (1) No person shall be appointed as an Inspector unless he possesses the following qualifications-

(i) he must not be less than 21 years;

¹[(ii) (a) he must have adequate knowledge of Assamese or Bengali or one of the Tribal languages in Assam and also working knowledge of Hindi]; and

(iii) must have good back ground in labour matters with knowledge in labour laws and rules.

15. Power of Inspectors- An Inspector shall for carrying out the purposes of the Act, have power to do all or any of the following acts-

(i) to photograph any motor transport worker, to inspect/or sketch, as the case may be, any motor transport vehicle,

1. Deleted sub-clause "(a)" of clause (ii) in sub-rule (1) of Rule, 14 and existing sub-clause (b), renumbered as sub-clause "(a)", vide Notification No.GLR(RC)106/89/17, dated 14th May, 1990, published in the Assam *Gazette* Extraordinary, dated 18th May, 1990, pp-525-526.

Note: Before deleted sub-clause (a) originally read as follows—

"(a) he must possess a degree of a recognised University in Arts, Science or Commerce, preferably with economics, commerce, statistics or mathematics as one of the subjects.

building, room, appliance, apparatus, register or document, which is under use or occupation of any undertaking, or anything provided for the purpose of securing health and welfare of motor transport workers;

- (ii) to prosecute, conduct or defend before any 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 opposite number in that State and to obtain a record of such examination.

16. Duties of certifying Surgeons- (1) For the purpose of 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 of undertakings concerned within the local limits of his jurisdiction or undertakings or class of undertakings assigned to him.

(2) The Certifying Surgeon shall issue his certificates in Form No.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 certificate.

(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 in respect of any undertaking or class of 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.

(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 a place of the undertaking to be fixed in consultation with the representative of the workers (for his exclusive use on the occasion of the 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

17. Canteens- (1) The employer of every undertaking shall provide, for the use of the motor transport workers every place wherein one hundred motor transport workers or more ordinarily call on duty during every day, an adequate canteen in or near the place wherein the undertaking is situated according to the standards prescribed in this rule.

(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 adapted 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 of 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 this 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.

(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 every 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 on 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 No.IV.

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

18. 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 undertakings, the State Government may, by notification

in this behalf in the Official *Gazette*, 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 dinner to be accommodated under sub-rule (1).

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

19. 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 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.

20. Prices to charged— (1) Food, drink and other items served in the canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of the Canteen Managing Committee constituted under Rule 22.

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

21. 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 2 months after the closing of 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.

22. 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 100 workers employed in the undertaking :

Provided that in no case shall there be more than 5 or less than 2 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.

23. Rest Rooms- 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 material and shall be water-proof. The floor and walls to a height of 3 ft. shall be so 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 12 ft. from the floor level to the lowest part of the roof and there shall be at least 50 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; 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-room to the above standards is not reasonably practicable, he may by order in writing approve any suitable alternative accommodation subject to such condition as he may specify.

24. Uniforms- (1) The drivers, conductors and line-checking staff employed in an undertaking shall be provided, free, by the employer with uniform and rain-coats as specified in Schedule I.

(2) Where washing of uniforms provided under sub-rule (1) is not arranged by the employer, the staff concerned shall be entitled to a washing allowance at the rate of Rs. 2 per mensem.

25. 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 250 motor transport workers or more ordinarily call on 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 where less than 250 motor transport workers call on duty every day, first-aid boxes or cup-boards of the standard set out in Schedule II shall be provided. Every first-aid-box or cup-board shall be clearly marked "First-Aid" and shall be kept stocked and in good order. These first-aid boxes or cup-boards shall be readily accessible during all working hours and shall be in-charge of an employee of the undertaking trained in first-aid.

26. First-aid Facilities- First-aid box containing the equipment mentioned in Schedule III shall be provided in every motor transport vehicle. Every first-aid box shall be clearly marked "First-aid" and shall be kept stocked and in good order.

CHAPTER V

Hours and Limitation of Employment

27. Hours of work- (1) The Chief 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 8 hours in any day or 48 hours in any week but in no case more than 10 hours in a day and 54 hours in a week-

- (i) on any route of 100 kilometers or more, and
- (ii) on such festive or other occasions as may be notified by the State Government in official *Gazette*.

(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 16 hours in a day and 72 hours in a week with at least 8 consecutive hours of rest between the termination of duty and commencement of the next duty.

28. Notice of hours of work- (1) The notice of hours of work shall be Form V.

(2) It shall be written in English and in a language understood by the majority workers and shall be displayed at a conspicuous place where the motor transport workers ordinarily call 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 the Rule, he may by order in writing direct that the maintenance of such record shall be sufficient compliance with the provisions of this rule.

(3) No change in the notice of hours of work shall be allowed unless a three days' clear notice is given to the Inspector indicating the contemplated change in the notice of hours of work.

29. 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 whichever is earlier-
 - (i) delivered a notice at the office of the Inspector of his intention to require the worker to work on the said day and the day which is to be substituted; and
 - (ii) displayed a notice to that 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 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.

30. Compensatory 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 of the Act 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 of compensatory holidays in Form No.VI, 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.

CHAPTER VI

Wages and Leave

31. Overtime- When any motor transport worker works for more than 8 hours on any day or more than 48 hours in any week 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 1½ 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 8 hours a day or 48 hours a week.

32. Holidays- The State Government may notify in the official *Gazette* the holidays which shall be granted to the motor transport workers.

33. Leave with wages- (1) Every employer shall maintain a Register of Leave with wages, in Form No. VII :

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.

34. Leave Book- (1) Every employer shall provide each worker with a book in Form No. VIII (hereinafter called the Leave Book). 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.

35. Register of workers- Every employer shall maintain a Register of Workers in Form No. IX :

Provided that if the Chief Inspector is of opinion that any register of workers 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 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.

36. Muster-roll- Every employer shall maintain a muster-roll of all workers employed in the undertaking in Form No. X :

Provided that, if the Chief Inspector is of opinion that any muster-roll or register maintained as part of the routine of an undertaking gives the particulars required under the 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.

37. Overtime Muster-Roll- Every employer shall maintain a muster-roll in Form No. XI in which shall be correctly entered overtime hours of work and payments thereof. 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 the 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.

38. 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 No. XII. 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 under this rule.

(2) Every motor transport worker travelling with the vehicle shall make entries daily in the individual Control Book and forward or hand over 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 related.

(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 for inspection on demand by an Inspector.

CHAPTER VII Miscellaneous

39. Returns- The employer of every undertaking shall furnish to the Inspector or other officer appointed by the State Government in this behalf not later than the first February of the year immediately succeeding to that to which it relates, an annual return, in duplicate, in Form No. XIII.

FORM NO. I

(See Rules 4 and 8)

Application for Registration and grant or Renewal of certificate of registration

1. Name of motor transport undertaking.
2. Full address to which communications relating to the motor transport undertaking should be sent.
3. Nature of motor transport service, *e.g.*, City Service, long distance passenger service, long distance freight service.
4. Total number of routes.
5. Total route mileage.
6. Total number of motor transport vehicles on the last date of the preceding year.
7. Maximum number of motor transport workers employed on any day during the preceding year.
8. Full names and residential address of the—
 - (i) proprietor and partners of the motor transport undertaking in case of a firm not registered under the Companies Act, 1956; or
 - (ii) General manager in case of a public sector undertaking.
9. Full name and residential addresses 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* Challan No. enclosed).

Signature of the employer

Date :

Note-1. This form should be completed in ink in block letters or typed.

FORM NO. II

(See Rule 5)

Certificate of Registration to work a Motor Transport undertaking

Registration No..... Fee Rs.

Serial No.

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 the registration shall remain in force till the of 19

The19..

Chief Inspector

Inspector

Date of renewal	Date of expiry	Signature of the Chief Inspector

FORM NO. III

[See Rule (16)]

Certificate of fitness

- | | |
|--|---|
| <p>1. Serial No
Date</p> <p>2. Name</p> <p>3. Father's name</p> <p>4. Residence</p> <p>5. Date of birth, if available and/ or certified age</p> <p>6. Physical fitness</p> <p>7. Descriptive marks</p> | <p>1. Serial No
Date</p> <p>I certify that I have personally examined (names)
.....
son of
.....
residing at</p> <p>.....</p> <p>who is desirous of being employed in a Motor Transport undertaking and that his age, as nearly as can be ascertained from any examination is year,</p> <p>and that he is fit for employment in Motor Transport undertaking as an adolescent.
His descriptive marks are
.....
.....</p> <p>(2) Certificate being revoked
.....
.....</p> |
|--|---|

Thumb impression.

Thumb impression.

Initials of certifying Surgeon.

Certifying Surgeon.

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

FORM NO. IV

(See Rule 17)

Record of Lime washing, painting, etc.

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

Signature of employer

FORM NO. V

(See Rule 28)

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

Name of undertaking

Place

Periods of works	Total number of men employed																		Total Number of adolescents employed						Description of groups			Remarks
	A			B			C			D			E			F			G			H			Groups	Nature of work	Day on which weekly holiday is allowed	
Relay	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3				1
Hours of work on working days--																												
1. From																												
To																												
2. From																												
To																												
3. From																												
To																												
4. From																												
To																												
5. From																												
To																												
6. From																												
To																												
On Partial Working days--																												
7. From																												
To																												
8. From																												
To																												

Date on which this notice is first exhibited.

Signature of employers

FORM NO.VI
[See Rule 30]
REGISTER OF COMPENSATORY HOLIDAYS

1	Serial No.	2	S.No. in the Register of workers	3	Name	4	No. and date of exempting order	5	Year	Weekly rest days lost due to the exempting order in				10	January to March	11	April to June	12	July to September	13	October to December	Date of compensatory holidays given in	14	Lost rest days carried to the next year	15	Remarks
										6	January to March	7	April to June													

FORM NO.VII
[See Rule 33]

REGISTER OF LEAVE WITH WAGES

Sl.No.....
Name of the undertaking

Adults/Adolescents

Name
Father's Name (s).....
Address
Date of entry into service.....
Date of discharge
Date and amount of payment made in lieu of leave due

1	Calendar year of service	2	Wage period From-To	3	Wages earned during the wage period	4	No. of days of work Performed	Leave to Credit		7	Total of Cols. 5 and 6	8	Whether leave was refused	9	Leave enjoyed From - to	10	Balance of leave to credit	11	Normal rate of wages	12	Cash equivalent of advantage accruing through concessional rate of food grains and other articles.	13	Rate of wages for the leave period (Total of Cols. 11 and 12)	14	Remarks
								5	Balance of leave from preceding year																

NOTE - Separate page will be allowed to each worker.

FORM NO.VIII
[See Rule 34]
LEAVE BOOK

Sl.No.....
Name of Undertaking

Adult/Adolescents
Address
Date of entry into service.....
Date of discharge
Date and amount of payment
made in lieu of leave due.....

Calendar year of service	Wage period From-To	Wages earned during the wage period	No. of days of work performed	Leave to Credit		Total of Cols. 5 and 6	Whether leave was refused	Leave enjoyed From - To	Balance of leave to credit	Normal rate of wages	Cash equivalent of advantage accruing through concessional rate of food grains and other articles	Rate of wage for the leave period [Total of cols. 11 and 12]	Remarks
				Balance of leave from preceding year	Leave earned during the year, mentioned in Col.1.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14

NOTE- The leave book shall be made out for each worker on thick bound sheets.

FORM NO. IX
(See Rule 35)
REGISTER OF WORKERS

Part I - Adults
Part II- Adolescents

Serial No.	Name	Father's Name	Address	Nature of work	Letter of group as in notice of period of work	No. and date of certificate of fitness if an adolescent	Remarks
1							

FORM NO. X
[See Rule 36]
MUSTER ROLL

for the month of.....

Name of the Undertaking Place

.....
.....

Name	Father's name	Nature of work	For the period ending												Remarks		
			1	2	3	4	5	7	6	8	9	10	30	31			

FORM NO. XI
[See Rule 37]

OVERTIME MUSTER ROLL

Part I.- Overtime under first proviso to Section 13

Part II.- Overtime under second proviso to Section 13

Month ending19..

Serial No.	Name	Serial No. in the Register of workers	Nature of work	Date on which overtime has been worked	Extent of overtime on each occasion	Total overtime worked	Normal hours	Normal rate of pay	Overtime rate of pay	Overtime earning	Date on which overtime paymentsmade

FORM NO. XII

[See Rule 38]

Individual Control Book

Sheet No.

Week from Sunday..... to Saturday 19...

NAME OF THE MOTOR TRANSPORT WORKER

Day	Date	On Duty (D) or Rest (Rest)	Time and Place		Spread over	Period interruption of 10mts. or more referred to in cl. (f) of Section 2	Running time (7-8)	Time spent in subsidiary work	Periods of mere attendance at criminals of less than 15 minutes	Hours of work(9+10+11)	Interval of rest	Length of overtime worked	Circumstances under which over time worked	Remarks	
			of taking up duty	ending duty											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Saturday Monday Tuesday Wednesday Thursday Friday Saturday.....															

NOTE- A new working week begin 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 & Signature of the Motor Transport Worker.

FORM NO. XIII

(See Rule 39)

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.....
5. What rest intervals were given? Adults..... Adolescents.....
6. The number of workers exempted from the provisions of Sections. 13..... 19.....
7. Leave with wages-
 - (i) No. of workers who are entitled to annual leave with wages during the calendar year to which this return relates. Adults..... Adolescents.....
 - (ii) No. of workers who were granted leave during the year. Adults Adolescents.....
 - (iii) No. of workers discharged or dismissed from service during the year. Adults Adolescents.....
 - (iv) No. 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.

8. Compensatory holidays—

- (i) No. of workers exempted from Section 19.....
 - Adults
 - Adolescents.....

(ii) No. of workers who received holidays in the—

- (a) Same month
- (b) following month
- (c) third month

9. Canteens

(Number of canteens and situations)

.....

10. Medical Facilities—

- (i) No. of dispensaries and situations
- (ii) No. of doctors
- (iii) No. of nurses

11. Rest Rooms-

- (i) No. of rest rooms
- (ii) Details of accommodation, furniture and other equipment provided.
- (iii) Approximate average daily attendance of workers

Signature of the employer.

Date

SCHEDULE I

(See Rule 24)

Category of staff	Particulars of articles	Quantity	Period of supply	
1. (i) Drivers, Conductors, Traffic Inspectors, and Ticket examiners.	(a) Cotton shirt or coat	2	Every summer.	
	Cotton pant	2		
	Cotton cap or turban	1		
(ii) Cleaners, watchmen and other line checking staff if required to go with the vehicle.	(b) Woollen coat ...	1	Once in every three years.	
	Woollen pant	1		
	Woollen cap or cotton turban	1		
	(c) Semi-closed chapals (Pathani type)	2 Pairs	Every Year.	
2. (i) Traffic Inspectors and Ticket examiners.	(ii) Cleaners, watchmen and other line checking staff if required to go out in rains for their normal work.	Rain Coat with cap	1	Once in every five years.

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).

Note- "Inspector" shall include "Ticket Inspector," "Travelling Ticket Inspectors" and "Road Inspector" and also "Controllers," "Assistant Traffic Inspectors," and "Checkers as Traffic In-charge if required to go with the vehicle.

SCHEDULE II

[See Rule 25]

**(A) FOR OPERATING CENTRES AND HALTING STATION
WHEREIN 10 AND NOT EXCEEDING 50 MOTOR
TRANSPORT WORKERS ORDINARILY
CALL ON 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.
- (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 a 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 CALL ON 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 size 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 safty pins.
- (xvii) A supply of suitable splints.
- (xviii) 1 tourniquet.

SCHEDULE III

(See Rule 26)

- (i) 6 small sterilized dressings.
- (ii) 3 medium size sterilized dressings.
- (iii) 3 large size sterilized dressings.
- (iv) 3 large size sterilized burn dressings.
- (v) 1(1 oz.) bottle containing a two per cent alcoholic solution of iodine.
- (vi) 1(1 oz.) bottle containing sal-volatile having the dose and mode of administration indicated on the label.
- (vii) A snake bite lancet.
- (viii) 1 (1 oz.) bottle of potassium permanganate crystals.
- (ix) 1 pair scissors.
- (x) 1 copy of approved first-aid leaflet.

DRAFT
THE ASSAM MOTOR TRANSPORT WORKERS'
(AMENDMENT) RULES, 2003¹

NOTIFICATION

[Dated the 8th August, 2003]

No. GLR(C)106/89/56- *The following draft of the Assam Motor Transport Workers' (Amendment) Rules, 2003 which the Governor of Assam proposes to make in exercise of the powers conferred by Section 40 of the Motor Transport Workers' Act, 1961 (Act 27 of 1961) for amendment of the Assam Motor Transport Workers' Rules, 1961 (hereinafter referred to as the principal Rules) is hereby published as required under sub-section (1) of the said Section for information of persons likely to be affected thereby and notice is hereby given that the draft Rules shall be taken into consideration after expiry of six weeks from the date of publication of the notification in the Official Gazette.*

Any objection or suggestion which may be received from any person with respect to the said draft Rules before the expiry of the period specified above shall be considered by the Governor of Assam.

1. Short title and Commencement- (1) These rules may be called the "**Assam Motor Transport Workers' (Amendment) Rules, 2003.**"

(2) These rules shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint.

2. Amendment of rule 2- (1) In the principal Rules, in rule 2, in clause (f), for the punctuation mark "." appearing at the end, sub-punctuation mark "." shall be substituted and after clause (f), the following new clause shall be inserted, namely-

"(g) 'Unit' means the branch office of the motor transport undertaking and includes the place or premises where a motor transport vehicle halts."

3. Amendment of Rule 2- (1) In the Principal Rules, for the existing provisions of Rule 4, the following shall be substituted namely-

4. Registration- Every employer of a motor transport undertaking shall, within one month from the date of receipt by him of the permit from the Road Transport Authority submit to the Chief Inspector or the concerned Inspector of the local Area appointed under Section 4 of the Act, an application Form No. 1 in duplicate for registration of the motor transport undertaking and grant of a Certificate of Registration."

4. Insertion of new Rule 4-A.- In the Principal Rules, after Rule 4, the following new rule shall be inserted, namely-

4A. Fee for late registration- An Additional fee for every year of default

at the rate of sixty percent shall be levied if application is not made within one month from the date of receipt of the permit from the Road Transport Authority".

5. Amendment of Rule 5- In the Principal Rules, for the existing provisions of Rule 5, the following shall be substituted, namely-

5. (1) Grant of Certificate of Registration- A Certificate of Registration for an undertaking shall be granted by the Chief Inspector or an Inspector duly authorised by him in this behalf for a local area in Form No. II on payment of fees as specified in the table below-

THE TABLE			
Sl. No.	Maximum number of motor transport workers to be employed on any one day during the year		Fee for Registration (in Rs.)
(1)	(2)	(3)	(4)
1.	1	to 5	Rs. 200.00
2.	6	to 25	Rs. 400.00
3.	26	to 50	Rs. 700.00
4.	51	to 100	Rs.1100.00
5.	101	to 250	Rs.1500.00
6.	251	to 500	Rs.2500.00
7.	501	to 750	Rs.3000.00
8.	751	to 1000	Rs.4000.00
9.	1001	to above	Rs.5000.00

Explanation I- For the purpose of the above table of fees, the maximum of motor transport workers to be employed on any day shall be the maximum total number of workers employed in all the unit of the undertaking within the limits of the State of Assam irrespective of whether the headquarter office of the undertaking is situated within or outside the State of Assam.

Explanation II- A worker shall be deemed to be employed within the State of Assam if his headquarter is within the State of Assam that is, if he resides within the State of Assam.

(2) No motor transport undertaking shall function without a valid Certificate of Registration."

6. Amendment of Rule 7- In the Principal Rules, in Rule 7, in sub-rule (3), for the words "five rupees", occurring in the second line, the words "ten rupees" shall be substituted.

7. Amendment of Rule 8- In the Principal Rules, in Rule 8, in sub-rule (3), in the proviso, the second line, in between the words, "percent" and "in excess" the words "per year of default" shall be inserted.

8. Amendment of Rule 9-

(i) in sub-rule (1), after the words "another person", appearing at the end, the words and figure, "in Form No. IIA" shall be inserted.

1. Published in the Assam Gazette (E.O.) No. 293, dated 31st December; 2003.

(ii) in sub-rule (2), in the first line, in between the words "such application" and "shall be made", the words "together with a treasury receipt showing that a fee of rupee fifty has been paid in the local treasury" shall be inserted.

9. Amendment of Rule 10- In the Principal Rules, in Rule 10, in the fifth line, in between the words, "make an application" and "for the amendment", the words "in Form No. IIA to the Chief Inspector of the Inspector duly authorised by him in this behalf together with the Certificate of Registration in original and a treasury receipt showing that a fee of rupees ten has been paid to the local treasury" shall be inserted.

10. Amendment of Rule 11- In the Principal Rules, in Rule 11, for the words "a fee of five rupees" occurring in the fourth line the words "a fee of fifty rupees" shall be substituted.

11. Amendment of Rule 12- In the Principal Rules, in rule 12, for the existing Head of Account "XXXVI-Miscellaneous Department Miscellaneous Fees under the Motor Transport Workers Rules, 1962" the Head of Accounts "0230 Labour and Employment-101(a)" shall be substituted.

12. Insertion of a new Rule 12-A- In the Principal Rules, after Rule 12, the following new rule shall be inserted, namely-

"**12-A. Register of Motor Transport Undertaking-** The Chief Inspector or an Inspector duly authorised by him in this behalf shall be maintain a Register of Motor Transport Undertaking in Form No. IIIA (B)."

13. Amendment of Rule 24- In the Principal Rules, in Rule 24, in sub-rule (2), for the words "at the rate of Rs. 2 per mensem", occurring in the third line, the words "at the rate of Rs.20.00 per mensum" shall be substituted.

14. Insertion of a new Rule 31-A in Chapter VI- In the Principal Rules, after Rule 31, the following new Rule shall be inserted, namely-

"**31-A. Issue of appointment letters to motor transport workers-** Every employer of a motor transport undertaking shall furnish every motor transport worker with a letter of appointment in Form No. XIIA with a copy to the Chief Inspector or an Inspector duly authorised by him in this behalf by a registered post with acknowledgement due and it shall be effective from the actual date of employment in the case of a motor transport worker who is :

(i) already in the employ of the undertaking within thirty days from the date of which these Rules come into force, and

(ii) employed in the undertaking after these Rules come into force and before the motor transport worker so employed commences work."

15. Insertion of a new Rule 38-A- In the Principal Rules, after Rule 38, the following new Rule shall be inserted namely-

"**38-A. Service Certificate-** Every motor transport worker shall be entitled to a service certificate in Form No. XII B at the time of leaving the

service, dismissal or discharge."

16. Insertion of new Forms- In the Principal Rules, after Form Nos. II, III, and Form No. XII, the following new "Form Nos. II-A, III(B), XII-A and XII-B" respectively shall be inserted, namely."

"FORM NO. II-A

(See Rule 9 and 10)

APPLICATION FOR AMENDMENT/TRANSFER OF THE CERTIFICATE OF REGISTRATION

1. Name of the motor transport undertaking-
2. Full postal address and situation of the motor transport undertaking including its various units-
3. Registration Certificate No.-
4. Name of the persons in whose name the certificate of Registration has been issued-
5. (1) Name and address of the person to whom the certificate of Registration is to be transferred-
(2) The reason is brief for the proposed transfer/amendment:
(e.g, in the case of death or insolvency of an employer, the date of death or insolvency may be mentioned):
6. Whether the transfer of the permit under the Motor Vehicles Act, 1988 has been ordered by the Regional Transport Authority concerned:
7. Amount of fee of Rs. (Rupees) only paid in Treasury *vide* Challan No.
Dated..... 200....

I agree that I will accept all liabilities of the transfer in respect of motor transport workers.

Date : _____ Signature of the Transferee

I agree that the Certificate of Registration No. dated may be transferred in the name of

Date : _____ Signature of the Transferee

FORM No. III(B)
[See Rule 12-A]
REGISTER OF MOTOR TRANSPORT UNDERTAKING

Sl.No. and Date	Name and postal address of the motor transport undertaking and of the applicant employer	Registration No. and date of Registration of the motor transport vehicles under the Motor Vehicles Act, 1988	No. of motor transport workers employed	Amount of fees received on account of				Initial of CIMTU or his authorised Inspector
				Registration	Late Registration	Renewal of Registration	Late renewal of Registration	
1	2	3	4	5	6	7	8	
Amendment of the Certificate of registration	Amount of fees received on account of			Treasury receipt No. & date	Registration No. granted under the Motor Transport Workers Act, 1961	Total amount of fees received (in Rs.)	Initial of CIMTU or his authorised Inspector	
	Transfer of the Certificate of registration	Duplicate copy of the Certificate of Registration						
9	10	11	12	13	14	15		

NAME AND ADDRESS OF MOTOR TRANSPORT UNDERTAKING

FORM NO. XII A

(See Rule 31-A)

LETTER OF APPOINTMENT

1. Name father's name and address of the motor transport worker: _____
2. Date of appointment _____ :
3. Appointment as _____ :
4. Monthly rate of
 - (a) Wages Rs.
 - (b) Allowances Rs.
 - (c) Washing allowance Rs.
 - (d) House rent Rs.
 - (e) Other allowance, if any specify Rs.
5. Concessions, if any specify _____ :

Signature of employer

Disignation-

Date-

NAME OF THE MOTOR TRANSPORT UNDERTAKING, AND THE ADDRESS

FORM NO. XII B

(See Rule 38-A)

SERVICE CERTIFICATE

1. Name and address of the employer _____ :
2. Name and designation of the motor transport worker _____ :
3. Period of service : From :
To :
4. Monthly rates of wages last drawn
 - (a) Wages Rs.
 - (b) Dearness allowance Rs.
 - (c) House rent allowance Rs.
 - (d) Uniform washing allowance Rs.
 - (e) Other such allowance, if any Rs.
5. Concession :
 - (a) Rent Free quarter if provided :
 - (b) Ration/Meals free of cost if provided :

Date :

Signature of the employer