

REPORT ON THE WORKING OF THE MOTOR TRANSPORT WORKERS ACT, 1961 FOR THE YEAR 2009

1. Scope, Objective and Main Provisions

The Motor Transport Workers' Act, 1961 which came into force in 1962 March, is intended to take care of the welfare of the motor transport workers and to regulate the conditions of their work. It applies to every motor transport undertaking employing five or more workers in all the States / Union Territories in the country. The State Governments are, however, empowered to apply all or any of the provisions of this Act to any motor transport undertaking employing less than five workers. In Delhi, the Motor Transport Undertakings are covered under the Shops and Commercial Establishments Act.

The main provisions of the Act, *inter-alia*, relate to (i) welfare and health; (ii) hours of work; (iii) employment of young persons; and (iv) wages, over-time payment and leave.

2. Administration of the Act

The Act, which makes it obligatory for every employer of a motor transport undertaking, to which the Act is applicable, to have the undertaking registered under the Act, is administered by the State Governments.

It also makes obligatory for the employers to provide every reasonable facility to the Inspectorate Staff for making any inspection, examination or inquiry, as it deemed fit, so as to ensure the scrupulous implementation of the provisions of the Act or the Rules made there-under.

Besides, the Act also provides for appointment of qualified medical practitioners as "Certifying Surgeons" by the State Governments for the examination and certification of motor transport workers and to exercise medical supervision on the employment of adolescents.

3. Distribution of Motor Transport Undertakings

The details of the number of registered motor transport undertakings during the year 2009 are presented in **Table-1**. The Table shows that a total of 92,251 Motor Transport Undertakings were registered as on 31st December, 2009, of which 11,561 were registered during 2009. Of the total registered motor transport undertakings, Assam has the highest share of 33.46 per cent (30,867), followed by Andhra Pradesh 14.74 per cent, Meghalaya 14.45 per cent, Bihar 10.52 per cent, Kerala 6.38 per cent, Rajasthan 5.79 per cent and in Chhattisgarh 4.22 per cent.

Table – 1 Number of Registered Motor Transport Undertakings during 2009

| State / Union Territory | Number of undertakings | | | |
|-------------------------|------------------------------------------|----------------------------------|-------------------------------------------|------------------------------------|
| | On Register at the beginning of the year | Newly Registered during the year | Removed from the Register during the year | On Register at the end of the year |
| 1 | 2 | 3 | 4 | 5 |
| 1. Andhra Pradesh | 13198 | 2609 | 2212 | 13,595(14.74) |
| 2. Assam | 27268 | 5223 | 1624 | 30,867(33.46) |
| 3. Bihar | 8957 | 802 | 54 | 9,705(10.52) |
| 4. Chhattisgarh | 3866 | 50 | 20 | 3,896(4.22) |
| 5. Goa | 1334 | 7 | - | 1,341(1.45) |
| 6. Gujarat | 172 | 2 | - | 174(0.19) |
| 7. Haryana | 59 | - | - | 59(0.06) |
| 8. Himachal Pradesh | 112 | - | - | 112(0.12) |
| 9. Kerala | 5977 | 857 | 950 | 5,884(6.38) |
| 10. Meghalaya | 11906 | 1425 | - | 13,331(14.45) |
| 11. Orissa | 2142 | 109 | 20 | 2,231(2.42) |
| 12. Punjab | 164 | - | - | 164(0.18) |
| 13. Rajasthan | 5327 | 48 | 35 | 5,340(5.79) |
| 14. Tamil Nadu | 2047 | 44 | 5 | 2,086(2.26) |
| 15. Tripura | 2015 | 370 | - | 2,385(2.59) |
| 16. Uttarakhand | 1093 | 15 | 36 | 1,072(1.16) |
| 17. Chandigarh | 9 | - | - | 9(0.01) |
| Total | 85,646 | 11,561 | 4,956 | 92,251 |

- = Nil

Note: 1. Figures of Registered Transport Undertakings may not tally over the years because of difference in updation of the Register of Establishments by the States/Union Territories at different times.

2. Figures in the brackets indicate state-wise percentage share to the total.

4. Employment

As per the Act a motor transport worker is one who is employed in a motor transport undertaking directly or through any agency, whether for wages or not, to work in a professional capacity on a transport vehicle or to attend to duties in connection with the arrival, departure, loading or unloading of such transport vehicle and includes a driver, conductor, cleaner, station staff, line checking staff, booking clerk, cash clerk, depot clerk, time-keeper, watchman or attendant. It does not include (a) any such person who is employed in a factory as defined in the Factories Act, 1948 and (b) any such person to whom the provisions of any law for the time being in force regulating the conditions of service of persons employed in Shops or Commercial Establishments apply.

The Act prohibits the employment of a person who has not completed his fifteenth year. Adolescents (i.e., those who have completed their fifteenth year but have not

completed their eighteenth year) are also not allowed to work as motor transport workers unless a certificate of fitness is granted by a Certifying Surgeon and the same is kept in the custody of the employer. The concerned adolescent is also required to carry a token to this effect while at work. The certificate of fitness so granted is valid only for a period of 12 months and can be renewed again.

State-wise information on the number of registered motor transport undertakings and average daily employment therein during 2009 is presented in **Table-2**. The Table shows that out of the 88,192 registered working undertakings, only 26.65 per cent units submitted their annual returns. The employment figures for the units not submitting returns have however been estimated by the concerned agencies from the following sources in order of their preference:

- i) Recent inspection report,
- ii) Previous year's employment data and
- iii) Employment figures indicated in the application for registration or grant or renewal of license.

The total average daily employment in the motor transport industry in a state has been derived by adding up the estimated average daily employment in the units not submitting returns with the employment figures of undertakings submitting returns. Of the total number of 4, 20,779 motor transport workers during 2009, Tamil Nadu accounted for the highest number of workers i.e., 1,07,125 (25.46 per cent) followed by Andhra Pradesh 69,541 (16.53 per cent), Assam 65,404 (15.54 per cent) and Rajasthan 44,376 (10.54 per cent). These four states taken together accounted for 68 per cent of the total average daily employment in motor transport undertakings. Though the all-India average daily employment per undertaking was 4.77, it varied from state to state. Haryana was on the top with an average daily employment per undertaking of 216.95 workers in 59 Motor Transport Undertaking whereas Bihar was at the bottom with 1.78 workers employed on an average in 7331 Motor Transport Undertakings.

TABLE – 2 Number of Motor Transport Undertakings and Workers Employed therein during 2009

| State / Union Territory | Employment Strength | | | |
|----------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| | Number of Motor Transport Undertakings submitting returns | Average daily employment in the Undertakings submitting returns | Number of Motor Transport Undertakings not submitting returns | Estimated average daily employment in the Undertakings not submitting returns |
| 1 | 2 | 3 | 4 | 5 |
| 1. Andhra Pradesh | 1520 | 9087 | 12075 | 60454 |
| 2. Assam | 13384 | 24331 | 17483 | 41073 |
| 3. Bihar | 167 | 409 | 7164 | 12626 |
| 4. Chhattisgarh | 218 | 2824 | 2246 | 12726 |
| 5. Goa | 10 | 2054 | 1331 | .. |
| 6. Gujarat | 28 | 1387 | 146 | .. |
| 7. Haryana | 26 | 5641 | 33 | 7159 |
| 8. Himachal Pradesh | 62 | 5466 | 50 | 1971 |
| 9. Kerala | 55 | 239 | 5829 | 12127 |
| 10. Meghalaya | 4310 | 8620 | 9021 | 18042 |
| 11. Orissa | 19 | 272 | 2212 | 21619 |
| 12. Punjab | 43 | 5591 | 121 | 3191 |
| 13. Rajasthan | 38 | 567 | 5302 | 43809 |
| 14. Tamil Nadu | 1720 | 103497 | 366 | 3628 |
| 15. Tripura | 1730 | 4929 | 402 | 1791 |
| 16. Uttarakhand | 163 | 1111 | 909 | 2523 |
| 17. Chandigarh | 6 | 411 | 3 | 1604 |
| Total | 23,499(26.65) | 1,76,436 | 64,693(73.35) | 2,44,343 |

Contd...

Table 2 Concl'd.

| State / Union Territory | Employment Strength | | |
|----------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| | Total Number of Motor Transport Undertakings (col.2+col.4) | Average daily Employment in the Registered Motor Transport Undertakings (col.3+col.5) | Average employment size of Motor Transport Undertakings (col.7 ÷ col.6) |
| 1 | 6 | 7 | 8 |
| 1. Andhra Pradesh | 13595 | 69541(16.53) | 5.12 |
| 2. Assam | 30867 | 65404(15.54) | 2.12 |
| 3. Bihar | 7331* | 13035 (3.10) | 1.78 |
| 4. Chhattisgarh | 2464* | 15550 (3.69) | 6.31 |
| 5. Goa | 1341 | 2054 (0.49) | 1.53 |
| 6. Gujarat | 174 | 1387 (0.33) | 7.97 |
| 7. Haryana | 59 | 12800 (3.04) | 216.95 |
| 8. Himachal Pradesh | 112 | 7437 (1.77) | 66.40 |
| 9. Kerala | 5884 | 12366(2.94) | 2.10 |
| 10. Meghalaya | 13331 | 26662(6.34) | 2.00 |
| 11. Orissa | 2231 | 21891(5.20) | 9.81 |
| 12. Punjab | 164 | 8782(2.09) | 53.55 |
| 13. Rajasthan | 5340 | 44376(10.54) | 8.31 |
| 14. Tamil Nadu | 2086 | 107125(25.46) | 51.35 |
| 15. Tripura | 2132* | 6720(1.60) | 3.15 |
| 16. Uttarakhand | 1072 | 3634(0.86) | 3.39 |
| 17. Chandigarh | 9 | 2015(0.48) | 223.89 |
| Total | 88,192 | 4,20,779 | 4.77 |

- = Nil

.. = Not available

Notes 1. Figures in the brackets in total indicate percentage share of Motor Transport Undertakings submitting and not submitting returns to the total number of Motor Transport Undertakings.

2. Figures in brackets in col.7 indicate state-wise percentage share to the total average daily employment in all Motor Transport Undertakings.

* In Bihar, Chhattisgarh and Tripura of the total 9,705, 3,896 and 2,385 undertakings registered at the end of 2009 only 7,331, 2,464 and 2,132 respectively were working.

5. Distribution of undertakings which submitted returns by Size of Employment

Data on state-wise distribution of motor transport undertakings (submitting returns) by employment size during the year 2009 has been presented in **Table-3**. It reveals that bulk of the motor transport undertakings (94.20 per cent) employ less than 10 workers whereas bigger units employing 1,000 or more workers constitutes only 0.05 per cent.

TABLE – 3 Distribution of Registered Motor Transport Undertakings which submitted Returns by Employment Strength during 2009

| State/Union Territory | Employment Strength | | | | | | | | | |
|-----------------------|----------------------|----------------|-------------------------------------|---------------|-------------------------------------|---------------|--------------------------------------|---------------|---------------------------------------|---------------|
| | Less than 10 workers | | 10 or more but less than 20 workers | | 20 or more but less than 50 workers | | 50 or more but less than 100 workers | | 100 or more but less than 250 workers | |
| | A | B | A | B | A | B | A | B | A | B |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1. Andhra Pradesh | 1109 | 2127 | 394 | 6200 | 10 | 322 | 7 | 438 | - | - |
| 2. Assam | 13384 | 24331 | - | - | - | - | - | - | - | - |
| 3. Bihar | 167 | 409 | - | - | - | - | - | - | - | - |
| 4. Chhattisgarh | - | - | 218 | 2824 | - | - | - | - | - | - |
| 5. Goa | 7 | 17 | 2 | 20 | - | - | - | - | - | - |
| 6. Gujarat | 9 | 78 | 7 | 108 | 3 | 106 | 3 | 186 | 4 | 406 |
| 7. Haryana | 11 | 64 | 2 | 28 | 2 | 56 | 1 | 52 | 3 | 493 |
| 8. Himachal Pradesh | 24 | 176 | 8 | 97 | 7 | 268 | 6 | 363 | 3 | 409 |
| 9. Kerala | 55 | 239 | - | - | - | - | - | - | - | - |
| 10. Meghalaya | 4310 | 8620 | - | - | - | - | - | - | - | - |
| 11. Orissa | 12 | 32 | 4 | 52 | 1 | 35 | 2 | 153 | - | - |
| 12. Punjab | 2 | 11 | 6 | 84 | 9 | 258 | 10 | 735 | 7 | 1083 |
| 13. Rajasthan | 33 | 54 | - | - | 3 | 83 | - | - | 1 | 175 |
| 14. Tamil Nadu | 1163 | 8024 | 389 | 5138 | 141 | 5373 | - | - | 8 | 1266 |
| 15. Tripura | 1730 | 4929 | - | - | - | - | - | - | - | - |
| 16. Uttarakhand | 118 | 388 | 44 | 515 | - | - | - | - | 1 | 208 |
| 17. Chandigarh | 3 | 17 | 2 | 28 | - | - | - | - | - | - |
| Total | 22,137 | 49,516 | 1,076 | 15,094 | 176 | 6,501 | 29 | 1,927 | 27 | 4,040 |
| | (94.20) | (28.06) | (4.58) | (8.56) | (0.75) | (3.69) | (0.12) | (1.09) | (0.11) | (2.29) |

Contd...

Table-3 conclud.

| State/Union Territory | Employment Strength | | | | | | | |
|-----------------------|---------------------------------------|---------------|----------------------------------------|---------------|----------------------|----------------|---------------------------|-----------------|
| | 250 or more but less than 500 workers | | 500 or more but less than 1000 workers | | 1000 or more workers | | All workers (i.e., Total) | |
| | A | B | A | B | A | B | A | B |
| 1 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 1. Andhra Pradesh | - | - | - | - | - | - | 1520 | 9087 |
| 2. Assam | - | - | - | - | - | - | 13384 | 24331 |
| 3. Bihar | - | - | - | - | - | - | 167 | 409 |
| 4. Chhattisgarh | - | - | - | - | - | - | 218 | 2824 |
| 5. Goa | - | - | - | - | 1 | 2017 | 10 | 2054 |
| 6. Gujarat | 2 | 503 | - | - | - | - | 28 | 1387 |
| 7. Haryana | 1 | 468 | 6 | 4480 | - | - | 26 | 5641 |
| 8. Himachal Pradesh | 14 | 4153 | - | - | - | - | 62 | 5466 |
| 9. Kerala | - | - | - | - | - | - | 55 | 239 |
| 10. Meghalaya | - | - | - | - | - | - | 4310 | 8620 |
| 11. Orissa | - | - | - | - | - | - | 19 | 272 |
| 12. Punjab | 8 | 2862 | 1 | 558 | - | - | 43 | 5591 |
| 13. Rajasthan | 1 | 255 | - | - | - | - | 38 | 567 |
| 14. Tamil Nadu | 5 | 1802 | 4 | 3044 | 10 | 78850 | 1720 | 103497 |
| 15. Tripura | - | - | - | - | - | - | 1730 | 4929 |
| 16. Uttarakhand | - | - | - | - | - | - | 163 | 1111 |
| 17. Chandigarh | 1 | 366 | - | - | - | - | 6 | 411 |
| Total | 32 | 10,409 | 11 | 8,082 | 11 | 80,867 | 23,499 | 1,76,436 |
| | (0.14) | (5.90) | (0.05) | (4.58) | (0.05) | (45.83) | | |

- = Nil.

A = Number of Motor Transport Undertakings.

B = Average daily Employment.

Note:-Figures in brackets indicate size-wise percentage share to the total.

Table 3A given below presents the number of motor transport undertakings submitting returns and average daily employment therein by various size groups during 2009.

TABLE 3A: Average Daily Employment in Motor Transport Undertakings by Employment Size-Groups

| Employment Size | Number of Motor Transport Undertakings Submitting Returns | | Average Daily Number of Workers Employed | |
|-------------------|-----------------------------------------------------------|---------------------|------------------------------------------|---------------------|
| | Number | Percentage to Total | Number | Percentage to Total |
| 1 | 2 | 3 | 4 | 5 |
| Below 50 | 23,389 | 99.53 | 71,111 | 40.30 |
| 50-99 | 29 | 0.12 | 1,927 | 1.10 |
| 100-249 | 27 | 0.11 | 4,040 | 2.29 |
| 250-499 | 32 | 0.13 | 10,409 | 5.90 |
| 500-999 | 11 | 0.05 | 8,082 | 4.58 |
| 1000 & above | 11 | 0.05 | 80,867 | 45.83 |
| All Groups | 23,499 | 100.00 | 1,76,436 | 100.00 |

The above Table reveals that the number of Motor Transport Undertakings employing less than 50 workers account for 99.53 per cent of the total undertakings submitting returns but only 40.30 per cent of the total employment. On the other hand, the number of undertakings employing 1,000 or more workers constitutes only 0.05 per cent of the total undertakings but they account for 45.83 per cent of the total employment.

6. Hours of work

The Act forbids the employment of any adult worker for more than 8 hours per day and 48 hours per week. However, workers engaged in the running of any motor transport service on long distance routes or on festive and other occasions have been permitted to work for more than 8 hours in a day and 48 hours in any week but not exceeding 10 hours in a day and 54 hours in a week. Workers can also be allowed to work beyond the prescribed limits of work in the event of breakdown or dislocation of transport service or interruption of traffic etc. Adolescents are not permitted to be employed or required to work (a) for more than 6 hours a day including rest interval of half-an-hour, and (b) between 10 p.m. and 6 a.m. In case of adults, the period of work should not exceed five hours before a rest interval of at least half-an-hour is given. The spread-over of the hours of work inclusive of interval of rest, is not to exceed 12 hours on any day in the case of adult workers and 9 hours in the case of adolescent workers. The hours of work of workers cannot be split into more than two spells on any day.

It is obligatory for the grant of a day of rest to every worker in every period of seven days of work under this Act. If a worker is required to attend duty on any day of rest in order to prevent any dislocation of a motor transport service, in such cases it is to be ensured that he does not work consecutively for more than ten days without a day of rest. If an employer is granted exemption under the Act and is not able to grant any of the

prescribed days of rest to workers, the worker is entitled to avail compensatory days of rest equal to the number of days of rest lost by him within the month in which the days of rest are due to him or within two months immediately following that month.

Table-4 shows the number of motor transport undertakings and employment therein according to normal daily hours of work and rest interval enjoyed by the workers. It can be seen from this Table that 88.17 per cent of the workers worked for 8 hours a day. So far as the rest intervals are concerned, 84.83 per cent workers enjoyed rest interval ranging from half-an-hour to one hour.

Table-4 Number of Registered Motor Transport Undertakings submitting returns and Employment therein according to the Normal Daily Hours of Work and Rest Interval during 2009

| State/Union Territory | Normal daily hours of work | | | | | | | |
|-----------------------|----------------------------|---------------|----------------|-----------------|-------------------|---------------|---------------|-----------------|
| | Less than 8 hours | | 8 hours | | More than 8 hours | | Total | |
| | A | B | A | B | A | B | A | B |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 1. Andhra Pradesh | 371 | 1527 | 957 | 6248 | 192 | 1312 | 1520 | 9087 |
| 2. Assam | 1790 | 4202 | 9311 | 12931 | 2283 | 7198 | 13384 | 24331 |
| 3. Bihar | - | - | 167 | 409 | - | - | 167 | 409 |
| 4. Chhattisgarh | 76 | 988 | 98 | 1271 | 44 | 565 | 218 | 2824 |
| 5. Goa | 2 | 9 | 8 | 2045 | - | - | 10 | 2054 |
| 6. Gujarat | - | - | 28 | 1387 | - | - | 28 | 1387 |
| 7. Haryana | - | - | 26 | 5641 | - | - | 26 | 5641 |
| 8. Himachal Pradesh | 7 | 279 | 53 | 5061 | 2 | 126 | 62 | 5466 |
| 9. Kerala | - | - | 55 | 239 | - | - | 55 | 239 |
| 10. Meghalaya | - | - | 4310 | 8620 | - | - | 4310 | 8620 |
| 11. Orissa | - | - | 19 | 272 | - | - | 19 | 272 |
| 12. Punjab | 2 | 271 | 41 | 5320 | - | - | 43 | 5591 |
| 13. Rajasthan | - | - | 38 | 567 | - | - | 38 | 567 |
| 14. Tamil Nadu | 59 | 334 | 1554 | 101830 | 107 | 1333 | 1720 | 103497 |
| 15. Tripura | 515 | 867 | 645 | 2197 | 570 | 1865 | 1730 | 4929 |
| 16. Uttarakhand | - | - | 163 | 1111 | - | - | 163 | 1111 |
| 17. Chandigarh | - | - | 6 | 411 | - | - | 6 | 411 |
| Total | 2,822 | 8,477 | 17,479 | 1,55,560 | 3,198 | 12,399 | 23,499 | 1,76,436 |
| | (12.01) | (4.80) | (74.38) | (88.17) | (13.61) | (7.03) | | |

Contd.....

Table 4-concl'd.

| State/Union Territory | Rest Intervals | | | | | | | |
|-----------------------|---------------------|---------------|---------------------|-----------------|----------------------|---------------|---------------|-----------------|
| | Less than ½ hour | | ½ hour to 1 hour | | More than 1 hours | | Total | |
| | A | B | A | B | A | B | A | B |
| 1 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 1. Andhra Pradesh | 62 | 496 | 963 | 6566 | 495 | 2025 | 1520 | 9087 |
| 2. Assam | 2627 | 9220 | 5980 | 8401 | 4777 | 6710 | 13384 | 24331 |
| 3. Bihar | - | - | 167 | 409 | - | - | 167 | 409 |
| 4. Chhattisgarh | 98 | 1412 | 109 | 847 | 11 | 565 | 218 | 2824 |
| 5. Goa | - | - | 5 | 2041 | 5 | 13 | 10 | 2054 |
| 6. Gujarat | 18 | 1081 | 9 | 302 | 1 | 4 | 28 | 1387 |
| 7. Haryana | - | - | 26 | 5641 | - | - | 26 | 5641 |
| 8. Himachal Pradesh | - | - | 60 | 5444 | 2 | 22 | 62 | 5466 |
| 9. Kerala | - | - | 55 | 239 | - | - | 55 | 239 |
| 10. Meghalaya | - | - | 4310 | 8620 | - | - | 4310 | 8620 |
| 11. Orissa | - | - | 19 | 272 | - | - | 19 | 272 |
| 12. Punjab | - | - | 42 | 5571 | 1 | 20 | 43 | 5591 |
| 13. Rajasthan | - | - | 38 | 567 | - | - | 38 | 567 |
| 14. Tamil Nadu | - | - | 1668 | 101464 | 52 | 2033 | 1720 | 103497 |
| 15. Tripura | 389 | 513 | 547 | 1772 | 794 | 2644 | 1730 | 4929 |
| 16. Uttarakhand | - | - | 163 | 1111 | - | - | 163 | 1111 |
| 17. Chandigarh | - | - | 6 | 411 | - | - | 6 | 411 |
| Total | 3,194 | 12,722 | 14,167 | 1,49,678 | 6,138 | 14,036 | 23,499 | 1,76,436 |
| | (13.59) | (7.21) | (60.29) | (84.83) | (26.12) | (7.96) | | |

- = Nil.

A = Number of Motor Transport Undertakings submitting returns.

B = Average daily Employment.

Note:- Figures in brackets indicate percentage share of ranges of Normal daily hours of work and rest intervals to their totals in respect of Number of Motor Transport Undertakings submitting returns and Average daily employment.

7. Wages, Overtime Payment and Leave

All workers engaged in motor transport undertakings are covered under the Payment of Wages Act, 1936, where an adult worker works for more than eight hours on any day or where he is required to work on any day of rest, he is entitled to the wages at the rate of twice his ordinary rate of wages in respect of the overtime work or the work done on the day of rest, as the case may be. Similarly, an adolescent required to work on rest days is also entitled to wages at the rate of twice his ordinary rate of wages (basic wage plus dearness allowance).

Under Section 27 of the Motor Transport Workers Act, every adult motor transport worker who works for a period of 240 days or more during a calendar year is entitled to leave with wages during the subsequent years at the rate of one day for every 20 days of

work performed. In the case of adolescent worker, leave is to be calculated at the rate of one day for every 14 days of work performed by him during the pervious calendar year. The Act also provides that if a motor transport worker is not granted leave to which he was entitled under sub-section (3) of Section 27 of the Act, he should be paid wages in lieu thereof at the rate prescribed in sub-section (1) of Section 28 of the Act. A worker whose service commences otherwise than on the first day of January, is entitled to leave with wages at the prescribed rate, provided he works for two third of the total number of days in the remainder of the calendar year. If a worker is discharged or dismissed from service during the course of the year, he is entitled to leave with wages at the prescribed rate even if he has not worked for the entire period as specified above. The leave admissible as above will exclude weekly holidays or closed holidays falling during or at either end of the period of leave. It can be accumulated to the extent of 30 days in the case of an adult and 40 days in the case of an adolescent. Wages for the days of leave are to be paid on the basis of average daily full-time wages for the days the workers worked during the month immediately preceding the leave including dearness allowance and cash equivalent of concessional supply of food-grains but excluding over-time earnings and bonus. A worker who is granted leave for more than four days is entitled to receive, in advance, the wages payable for the period of his leave. The data relating to the entitlement of leave, leave granted and the amount paid to workers as wages in lieu of leave etc. are presented in **Table-5**. During the year 2009, out of the 1,96,814 workers who were entitled to leave with wages, 1,05,420 (53.56 per cent) were provided leave with wages and an amount of Rs.3,20,69,888 was paid as leave wages. During the year 86 workers, who were discharged, had also been paid leave wages.

The highest number of workers (74,408) who were granted leave was in Tamil Nadu followed by Assam (13,439) and Himachal Pradesh (5,466). The highest amount of wages in lieu of leave was paid in Tamil Nadu (Rs.2,45,58,666) followed by Gujarat (Rs.29,21,801) and Haryana (Rs.29,07,812).

Table -5 Leave with wages during 2009

| State/Union Territory | No. of workers entitled to annual leave with wages during the year | No. of workers who were granted leave during the year | No. of workers who were discharged or dismissed during the year | No. of discharged workers who were paid wages in lieu of leave during the year | Total amount paid to workers as wages in lieu of leave during the year (in Rs.) |
|-----------------------|--------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. Andhra Pradesh | 9087 | 1507 | - | - | - |
| 2. Assam | 24331 | 13439 | 62 | 28 | 8,76,514 |
| 3. Bihar | 409 | - | - | - | - |
| 4. Chhattisgarh | - | - | - | - | - |
| 5. Goa | 1788 | 27 | 53 | 38 | - |
| 6. Gujarat | 695 | 690 | 60 | .. | 29,21,801 |
| 7. Haryana | 4326 | 2105 | 12 | 12 | 29,07,812 |
| 8. Himachal Pradesh | 5466 | 5466 | - | - | - |
| 9. Kerala | 24 | 24 | - | - | - |
| 10. Meghalaya | 26662 | - | - | - | - |
| 11. Orissa | 272 | 272 | - | - | - |
| 12. Punjab | 2130 | 989 | 10 | .. | 6,40,145 |
| 13. Rajasthan | 4013 | 532 | - | - | - |
| 14. Tamil Nadu | 111160 | 74408 | .. | .. | 2,45,58,666 |
| 15. Tripura | 4929 | 4929 | - | - | - |
| 16. Uttarakhand | 1111 | 709 | 8 | 8 | 1,64,950 |
| 17. Chandigarh | 411 | 323 | - | - | - |
| Total | 1,96,814 | 1,05,420 (53.56) | 205 | 86 | 3,20,69,888 |

- = Nil. .. = Not Reported

Note:- Figure in bracket indicates percentage of workers granted leave to total number of workers entitled to annual leave.

8. Welfare and Health

The State Governments are empowered to frame Rules requiring the employers of motor transport undertakings employing 100 or more workers to provide and maintain canteens of the prescribed standards. Such Rules may provide for the constitution of Managing Committees for the canteens and the representation of the workers in the management of the canteens. The Act provides for clean, comfortable, well-lighted and ventilated rest rooms or such other alternative accommodation at every place wherein the workers are required to halt at night. The State Governments may prescribe the standard of construction, accommodation, furniture and other equipment for restrooms or the alternative accommodation to be provided. The employers are also required to provide uniforms, raincoats or other such amenities to the drivers, conductors and line-checking

staff for their protection from rain and cold. The employers, who do not have arrangements for the washing of uniforms at their cost, have to pay washing allowance to such staff at the prescribed rate.

It is obligatory for the employers to provide and maintain such medical facilities as may be readily available for the workers at such operating centres and the halting stations as may be prescribed by the concerned State Governments. In addition, a first-aid box equipped with the prescribed contents is required to be maintained by the employer in every transport vehicle so that first-aid facilities are readily available during all working hours. The first-aid box shall be kept under the charge of the driver or the conductor of the vehicle who shall be provided facilities for training in the use thereof. **Table 6** presents the State-wise information regarding the number of undertakings providing canteens and rest rooms. All the States/Union Territories covered under the Act have not supplied the information in respect of these welfare activities. However, the available information shows that 324 units have provided canteen facilities and 1,088 units have provided rest rooms. From the table it is evident that the welfare facilities provided by the units located in different states are quite satisfactory as most of the undertakings are providing better facilities than the prescribe norms. More over there are units which are also providing these facilities though they are not bonded by the Act to provide such facilities.

Table-6 Canteens and Rest Rooms Facilities provided by Motor Transport Undertakings during 2009

| State /Union Territory | Canteens | | | Rest Rooms | | |
|------------------------|--------------------------------------------------|---------------------------------|-------------------------|----------------------------------------------------|-----------------------------------|----------------------------|
| | No. of Undertakings required to provide Canteens | No. of Units providing Canteens | No. of Canteen provided | No. of Undertakings required to provide Rest Rooms | No. of Units providing Rest Rooms | No. of Rest Rooms Provided |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. Andhra Pradesh | 55 | 55 | 52 | 56 | 58 | 67 |
| 2. Assam | 71 | 40 | 40 | 50 | 54 | 27 |
| 3. Bihar | - | - | - | - | - | - |
| 4. Chhattisgarh | - | 4 | 2 | - | 2 | 2 |
| 5. Goa | 1 | 1 | 3 | - | 5 | 7 |
| 6. Gujarat | 2 | 2 | 2 | 1 | 1 | 1 |
| 7. Haryana | 10 | 23 | 26 | - | 26 | 38 |
| 8. Himachal Pradesh | 17 | 24 | 31 | 62 | 37 | 62 |
| 9. Kerala | - | - | - | 8 | 8 | 8 |
| 10. Meghalaya | - | - | - | - | - | - |
| 11. Orissa | - | 6 | 6 | - | 16 | 29 |
| 12. Punjab | 43 | 43 | 43 | 43 | 43 | 43 |
| 13. Rajasthan | 6 | 6 | 6 | 6 | 6 | 6 |
| 14. Tamil Nadu | 27 | 102 | 106 | - | 820 | 849 |
| 15. Tripura | - | - | - | - | - | - |
| 16. Uttarakhand | 12 | 12 | 6 | 6 | 6 | 6 |
| 17. Chandigarh | 1 | 6 | 1 | - | 6 | 6 |
| Total | 245 | 324 | 324 | 232 | 1,088 | 1,151 |

- = Nil

Table 7 presents the State-wise information regarding the number of undertakings providing dispensaries, doctors and nurses. While the table shows that the medical facilities provided to motor transport workers is quite satisfactory as the number of units providing these facilities, except in the states of Himachal Pradesh and Punjab, are more or less in tune with the prescribed norms, it also shows that Kerala is the only state which has not provided any medical facilities to the motor transport workers.

Table-7 Medical Facilities provided by Motor Transport Undertakings during 2009

| State /Union Territory | Medical Facilities | | | | |
|------------------------|------------------------------------------------------------|-------------------------------------------|------------------------------|-------------------------|------------------------------------|
| | No. of Undertakings required to provide Medical facilities | No. of Units providing Medical facilities | No. of Dispensaries provided | No. of Doctors provided | No. of Nurses/Compounders provided |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. Andhra Pradesh | 51 | 129 | 37 | 58 | 89 |
| 2. Assam | 56 | 51 | .. | .. | .. |
| 3. Bihar | - | - | - | - | - |
| 4. Chhattisgarh | - | 2 | 2 | 2 | 2 |
| 5. Goa | - | 4 | 2 | - | - |
| 6. Gujarat | 8 | 8 | 1 | 4 | 8 |
| 7. Haryana | - | 11 | 13 | 14 | 7 |
| 8. Himachal Pradesh | 62 | 13 | 7 | 9 | 9 |
| 9. Kerala | 8 | - | - | - | - |
| 10. Meghalaya | - | - | - | - | - |
| 11. Orissa | - | - | - | - | - |
| 12. Punjab | 43 | 4 | 5 | 3 | 2 |
| 13. Rajasthan | 6 | 6 | - | - | - |
| 14. Tamil Nadu | - | 51 | 54 | 83 | 95 |
| 15. Tripura | - | - | - | - | - |
| 16. Uttarakhand | 6 | 6 | 6 | 6 | 8 |
| 17. Chandigarh | - | 6 | - | - | - |
| Total | 240 | 291 | 127 | 179 | 220 |

- = Nil. ..= Not Reported

9. Enforcement

The Inspectorate Staff in the States / Union Territories are required to ensure proper implementation of the provisions of the Motor Transport Workers Act, 1961 relating to hours of work, daily interval for rest, spread over of working hours, weekly rest, etc. The Inspectorates in various States / Union Territories carry out inspections of the undertakings to check infringement of the provisions of the Motor Transport Workers Act, 1961.

Table-8 presents information relating to number of inspections made, prosecutions launched, convictions obtained and fines realized during the year under reference. The number of inspections carried out are highest in Assam (25,668) whereas, prosecutions launched are maximum in Tamil Nadu(209) and the amount of fine realized in Chhattisgarh i.e. Rs.1,23,700.

Table –8 Inspections Made, Prosecutions Launched, Convictions Obtained and Amount of Fine Realized during 2009

| State/Union Territory | No. of Inspections made | Prosecutions | | | | | | Total amount realized towards fines (Rs.) |
|-----------------------|-------------------------|------------------------------------------------------|------------------------------------------|-------------------------------------------|------------------------|------------------------|---------------------------------------------|-------------------------------------------|
| | | No. of cases pending at the commencement of the year | No. of fresh cases filed during the year | No. of cases in which conviction obtained | No. of cases acquitted | No. of cases withdrawn | No. of cases pending at the end of the year | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 1. Andhra Pradesh | 6837 | 495 | 136 | 136 | - | - | 495 | 46,060 |
| 2. Assam | 25668 | - | - | - | - | - | - | - |
| 3. Bihar | 947 | 382 | 21 | - | - | - | 403 | - |
| 4. Chhattisgarh | 572 | 2952 | 210 | 252 | 205 | - | 2705 | 1,23,700 |
| 5. Goa | 6 | 43 | - | - | - | - | 43 | - |
| 6. Gujarat | 17 | 261 | 8 | - | - | - | 269 | - |
| 7. Haryana | 378 | - | - | - | - | - | - | - |
| 8. Himachal Pradesh | 24 | 23 | 6 | 2 | - | - | 27 | 800 |
| 9. Kerala | 2187 | 78 | 109 | 109 | 2 | - | 76 | 1,19,450 |
| 10. Meghalaya | - | - | - | - | - | - | - | - |
| 11. Orissa | 256 | 311 | - | 3 | - | - | 308 | 1,025 |
| 12. Punjab | 11 | 1 | 3 | 2 | 1 | - | 1 | 5,000 |
| 13. Rajasthan | 58 | 106 | - | - | - | 2 | 104 | - |
| 14. Tamil Nadu | 3702 | 1075 | 209 | 178 | - | - | 1106 | 64,500 |
| 15. Tripura | 1385 | - | - | - | - | - | - | - |
| 16. Uttarakhand | 167 | 150 | - | 16 | - | - | 134 | 2,175 |
| 17. Chandigarh | - | - | - | - | - | - | - | - |
| Total | 42,215 | 5,877 | 702 | 698 | 208 | 2 | 5,671 | 3,62,710 |

- = Nil.

10. Limitations

This Act extends to the whole of India and applies to every motor transport undertaking employing five or more workers in all the States / Union Territories in the country. As such all the States / Union Territories in the country are under obligation to submit the returns by stipulated date to the Labour Bureau. However, there are number of States/Union Territories which have not submitted the returns by stipulated time despite repeated reminders thereby resulting into delay in bringing out the report.

The present report is based on the information received from 16 states and 1 union territories. The other States / Union Territories have either not submitted the returns or have submitted defective/inconsistent figures. Arunachal Pradesh, Maharashtra, Manipur, Uttar Pradesh, A&N Islands and Puducherry (not submitted), Jammu & Kashmir, Jharkhand, Karnataka, Madhya Pradesh and West Bengal (submitted but defective) were among them. Similarly, the review does not include information pertaining to Mizoram, Nagaland, Sikkim, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep as the Act has not been implemented in these States / Union Territories.