

Motor Transport Workers (Tamil Nadu Amendment) Act, 2008

TAMILNADU

India

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Act 35 of 2009

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Motor Transport Workers (Tamil Nadu Amendment) Act, 2008(Tamil Nadu Act 35 of 2009)Statement of Objects and Reasons - Motor Transport Workers (Tamil Nadu Amendment) Act, 2008 (Central Act 35 of 2008). - As per sub-section (4) of section 1 of the Motor Transport Workers Act, 1961 (Central Act 27 of 1961), the said Act applies to motor transport undertakings employing five or more transport workers, but the State Government may, by notification in the Official Gazette, apply all or any of the provisions of the said Act to any motor transport undertaking employing less than five motor transport workers. There are large number of motor transport workers in motor transport undertakings employing less than five motor transport workers and such workers are deprived of the benefits under the said Act. Therefore, it has been decided to amend the said sub-section (4) of section 1 of the said Act, so as to make the said Act applicable to all the motor transport undertakings in this State irrespective of the number of motor transport workers employed therein.2. A large number of cases filed against motor transport undertakings under the said Act and the Rules made thereunder pending in Courts for a quite long time which leads to delay in dispensation of justice. It also hampers further inspection and follow-up action to enforce the provisions of the law to benefit the workers. By making certain offences compoundable, the cases relating to such offences can be disposed of expeditiously and justice rendered. Such composition of offences will also pave way for the effective enforcement of the provisions of the Act. Therefore, the Government have decided to amend the said Act to make a provision providing for compounding of the offences punishable under sections 29 and 32 of the said Act.3. The Bill seeks to give effect to the above decisions.Published in Part IV - Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 6th May 2008.Received the assent of the President on the 18th October 2009 and published in Part IV - Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated 26th October 2009.An Act further to amend the Motor Transport Workers Act, 1961 in its application to the State of Tamil Nadu.Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows : -

1. Short title, extent and commencement.

(1) This Act may be called the Motor Transport Workers (Tamil Nadu Amendment) Act, 2008. (2) It extends to the whole of the State of Tamil Nadu. (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment of section 1.

- In section 1 of the Motor Transport Workers Act, 1961 (Central Act 27 of 1961) (hereinafter referred to as the principal Act), for sub-section (4), the following sub-section shall be substituted, namely :
-"(4) It applies to every motor transport undertaking employing motor transport worker."

3. Insertion of new section 32-A.

- After section 32 of the principal Act, the following section shall be inserted, namely : - "32A. Compounding of offences. - (1) Any offence punishable under section 29 or section 32 may, either before or after the institution of the prosecution, be compounded by the Commissioner of Labour or any other officer as may be authorised in this behalf by the Commissioner of Labour, on payment, for credit to Government, of such sum as the Commissioner of Labour or the officer authorised by him may specify: Provided that the sum payable under this sub-section shall not exceed the maximum amount of fine which may be imposed for the offence so compounded. (2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceeding shall be taken against him, in respect of such offence."