

## ANNEXURE-4

### OFFICE OF THE COMMISSIONER OF LABOUR ANDHRA PRADESH : HYDERABAD

**Memo No. F2/1342/2017**

**DT: 09.06.2017.**

Sub:- Motor Transport Workers Act, 1961 and A.P. Rules, 1963 - Enforcement of the provisions under the Act and Rules – Instructions – Issued .

Ref: 1.G.O.Ms.No.37 of LET&F (Lab-IV) Department dated 06.06.2008.  
2. Interim orders dated 18.04.2017 of the Hon'ble High Court of AP &Telangana in W.P.No.59 / 2017 (PIL).

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The Motor Transport Workers Act, 1961 was enacted to provide for the welfare and service conditions of the motor transport workers.

All the inspecting officers are aware that officers of the Department have been notified as Inspectors under the Motor Transport Workers Act, 1961 to enforce the provisions of the said Act and A.P. Rules, 1963 framed there under.

The statistics on road accidents occurring in AP for the last few years reveal that they are on the rise involving death or disability of the workers employed on the motor transport vehicles. Generally, the cause of accidents in most of the cases are human errors like rash driving, overtaking of vehicles, consumption of alcohol, non-observance of the traffic and safety rules etc. Technical reasons like fitness of vehicle, roads in bad condition etc. are also responsible for accidents. Further, in certain cases, non-observance of working hours and rest intervals in respect of motor transport workers are also contributing to the accidents.

The Hon'ble High Court of AP & Telangana in the reference 2<sup>nd</sup> cited have issued directions to the official respondent i.e. the Special Chief Secretary to Govt. LET&F Department to submit report on the action taken by the Government to comply with the provisions of the Motor Transport Workers Act, 1961 and State Rules framed there under.

In view of the above, the instructions guidelines already issued on enforcement of the provisions of the Motor Transport Workers Act, 1961 and A.P. Rules 1963 are reiterated for strict compliance by all the inspectors notified under the Act as follows:

- 1. Registration of Motor Transport Undertakings (Section 3 rw.r.4) :** All the inspectors appointed under the Act shall ensure that every employer of a Motor Transport Undertaking engaged in carrying passengers or goods or both by road for

hire or reward and employing 1 or more workers is required to get his undertaking registered under the Act within thirty days from the date of issue of permit by the RTA and secure Certificate of Registration from the registering officer concerned.

As the inspectors are aware that the process of registration now is totally online and hassle free, they are instructed to ensure that all un registered motor transport undertakings are registered online.

2. **Hours of work (sec 13, rule 27, 28):** The inspecting officer while inspecting the motor transport undertaking shall verify whether the employer is observing hours of work normally restricted to 8 in a day and 48 in a week but in any case not more than 10 hours in a day and 50 hours in a week.
3. **Weekly rest (Section 19 r.w.r. 29):** The inspectors while inspecting the motor transport undertaking shall verify whether the employer is allowing weekly rest to every worker as required under Rule 29.
4. **Wages for overtime work (Section 26 r.w.r. 31):** The inspecting officer shall ensure that over time wages at the rate of one and half times the ordinary wages are paid to the workers who work overtime.
5. **Annual leave with Wages (Section 27 r.w.r.33):** The Inspecting officer shall ensure that every employer allows leave with wages @ one day for every 20 days of work to all motor transport workers who worked for 240 days in the previous calendar year.
6. **First Aid Facilities (Section 12 r.w.r. 26):** The inspecting officers during the inspection of the Motor Transport Undertaking shall ensure that a First Aid box containing the equipment specified in the Schedule-III of the Rules is provided in every motor transport vehicle.

In addition to the above, the inspecting officers shall also verify and ensure whether the employer is maintaining the following Registers and Notices. The inspectors are aware that the records maintained under the Act & Rules shall always be made available nearer to the place of employment and shall produce or cause to be produced for inspection at all reasonable hours.

1. **Register of workers (Rule 35):** The inspecting officers shall ensure that every employer maintains Register of Workers in Form IX .
2. **Muster Roll (Rule36):** The inspecting officers shall ensure that every employer maintains Muster Roll in Form X.

3. **Overtime Muster Roll (Rule 37):** The inspecting officer shall ensure that every employer maintains Register of Overtime Muster Roll in Form XI.
4. **Individual Control Book (Rule 38):** The inspecting officer shall ensure that every employer has provided Individual Control Book in Form XII (in duplicate) to every worker travelling with the vehicle.
5. **Leave Book(Rule 43):** The inspecting officer shall ensure that every worker is provided with Leave Book in Form VII by the employer.

In addition to the above, the inspecting officers shall also verify and ensure whether the employer is complying with the following welfare provisions wherever applicable.

**7. Canteens (Section 8, rules 17 to 22 ):**

Every employer of a motor transport undertaking employing 100 or more workers shall establish and maintain a canteen in accordance with the norms.

**8. Rest Rooms (Section 9 rule 23):**

Where motor transport workers are required to halt at night, the employer shall provide and maintain rest rooms of required specification.

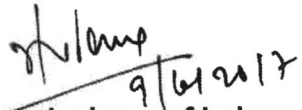
**9. Uniforms (sec 10, rule 24 ):**

Every employer of a motor transport undertaking shall provide to the workers working on the motor vehicles, uniform and rain coats for protection.

**10.Appointment letter (Rule 35-A):**

Every employer shall issue an appointment letter in form XIV to the workers and obtain acknowledgement.

All the inspecting officers are instructed to take up a special drive for a period of two weeks from 14.06.2017 in their respective jurisdiction to inspect all major motor transport undertakings as per G.O.33, dated 27.08.2002 and ensure compliance of the above provisions related to welfare and service conditions of motor transport workers and submit report through the online inspection system implemented by the Department.

  
9/6/2017  
Commissioner of Labour

To  
All the Joint Commissioners of Labour in the State.  
All the Deputy Commissioners of Labour in the State  
All the Asst. Commissioners of Labour in the State