

## **REPORT ON THE WORKING OF THE MOTOR TRANSPORT WORKERS ACT, 1961 FOR THE YEAR 2018**

### **1. Scope, Objective and Main Provisions**

The Motor Transport Workers Act, 1961 which came into force in March, 1962 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 2018 are presented in **Table-1**. The Table shows that a total of 2,01,994 Motor Transport Undertakings were registered as on 31<sup>st</sup> December, 2018, of which 25,046 were registered during 2018. Of the total registered motor transport undertakings Assam has the highest share of 31.14% (62,902) followed by Meghalaya 15.36% (31,028) and Jharkhand 13.49% (27,257).

**Table – 1****Number of Registered Motor Transport Undertakings during 2018**

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	11,762	5391	520	16,633 (8.23)
2 Assam	60,102	4,309	1,509	62,902 (31.14)
3 Bihar	13,634	462	-	14,096 (6.98)
4 Goa	1,747	-	-	1,747 (0.86)
5 Gujarat	225	21	-	246 (0.12)
6 Haryana	128	37	-	165 (0.08)
7 Himachal Pradesh	126	-	-	126 (0.06)
8 Jammu & Kashmir	2,752	158	3	2,907 (1.44)
9 Jharkhand	27,209	48	-	27,257 (13.49)
10 Karnataka	1175	19	4	1,190 (0.59)
11 Kerala	8317	296	1617	6,996 (3.46)
12 Madhya Pradesh	4,629	81	-	4,710 (2.33)
13 Meghalaya	29,556	1472	-	31,028 (15.36)
14 Odisha	2,974	65	43	2,996 (1.48)
15 Punjab	164	-	-	164 (0.08)
16 Rajasthan	4213	5	88	4,130 (2.04)
17 Tamil Nadu	3275	208	11	3,472 (1.72)
18 Telangana	2672	12194	207	14,659 (7.26)
19 Tripura	3006	119	8	3,117 (1.54)
20 Uttar Pradesh	3416	159	134	3,441 (1.70)
21 Andaman & Nicobar Islands	1	-	-	1 (0.00)
22 Chandigarh	9	2	-	11 (0.01)
<b>Total</b>	<b>181,092</b>	<b>25,046</b>	<b>4,144</b>	<b>201,994 (100.00)</b>

Note-I: - = Nil,

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

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.

#### 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 2018 is presented in **Table-2**. The Table shows that out of the 167,890 registered working undertakings, only 10.26 per cent i.e. 17,228 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 859,556 motor transport workers during 2018, Assam accounted for the highest number of workers i.e., 157,991 (18.38%) followed by Tamil Nadu 148,717 (17.30%), Karnataka 98,023 (11.40%) and Andhra Pradesh 94,079 (10.94%). These four states taken together accounted for 58 per cent of the total average daily employment in motor transport undertakings. Though the all-India average daily employment per undertaking was 5.12, it varied from state to state. Goa was on the top with daily employment per undertaking of 1,566 workers in 1 Motor Transport Undertaking whereas Tripura and Bihar were at the bottom with 2 worker employed on an average in 3,117 and 7,553 Motor Transport Undertakings respectively after Meghalaya where average daily employment accounts for only 1.48.

**Table – 2****Motor Transport Undertakings and Workers Employed therein during 2018**

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	7	177	16,626	93,902
2 Assam	10,463	28,843	44,697	129,148
3 Bihar	170	3,699	7,383	13,143
4 Goa <sup>@</sup>	1	1,566	1,746 <sup>^</sup>	..
5 Gujarat <sup>@</sup>	7	386	239 <sup>^</sup>	..
6 Haryana	11	1,990	154	23,256
7 Himachal Pradesh	33	5,648	93	1,697
8 Jammu & Kashmir	510	5,863	2,397	4,576
9 Jharkhand	80	392	21,537	51,399
10 Karnataka	122	82,486	1,068	15,537
11 Kerala	-	-	6,996	36,151
12 Madhya Pradesh	695	3,470	4,015	33,450
13 Meghalaya	396	586	30,632	45,379
14 Odisha	70	913	2,926	34,972
15 Punjab	-	-	164	9,185
16 Rajasthan	26	63	4,104	45,308
17 Tamil Nadu	3,092	143,881	380	4,836
18 Telangana	1,033	12,388	1,432	590
19 Tripura	370	925	2,747	5,494
20 Uttar Pradesh	134	592	3,307	14,882
21 Andaman & Nicobar Islands	1	1,258	-	-
22 Chandigarh	7	992	4	533
<b>Total</b>	<b>17,228</b>	<b>296,118</b>	<b>150,662</b>	<b>563,438</b>
	(10.26)	(34.45)	(89.74)	(65.55)

Notes - I: - = Nil , .. = Not reported.

Figures under column no.8 have been rounded.

<sup>^</sup>= The data/figures have not be included in the total as the corresponding data for the estimated average daily employment in the respective undertaking has not been reported.

<sup>@</sup>- In case of missing data in the column 2-5, the paired entries in the number of Motor Transport Undertaking and average daily employment in all Motor Transport Undertakings have been adjusted.

Notes - II: 1) Figures in brackets in col.7 indicate state-wise percentage share to the total average daily employment in all Motor Transport Undertakings.

2) 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.

**Contd...**

**Table - 2**

Contd..

State / Union Territory	Employment Strength		
	Total Number of working Motor Transport Undertakings (col.2+col.4)	Average daily Employment in the Registered Motor Transport Undertakings (col.3+col.5)	Average daily employment per Undertakings@ (col.7/col.6)
1	6	7	8
1 Andhra Pradesh	16,633	94,079 (10.95)	5.66
2 Assam	55,160	157,991 (18.38)	2.86
3 Bihar	7,553	16,842 (1.96)	2.23
4 Goa <sup>@</sup>	1	1,566 (0.18)	1566.00
5 Gujarat <sup>@</sup>	7	386 (0.04)	55.14
6 Haryana	165	25,246 (2.94)	153.01
7 Himachal Pradesh	126	7,345 (0.85)	58.29
8 Jammu & Kashmir	2,907	10,439 (1.21)	3.59
9 Jharkhand	21,617	51,791 (6.03)	2.40
10 Karnataka	1,190	98,023 (11.40)	82.37
11 Kerala	6,996	36,151 (4.21)	5.17
12 Madhya Pradesh	4,710	36,920 (4.30)	7.84
13 Meghalaya	31,028	45,965 (5.35)	1.48
14 Odisha	2,996	35,885 (4.17)	11.98
15 Punjab	164	9,185 (1.07)	56.01
16 Rajasthan	4,130	45,371 (5.28)	10.99
17 Tamil Nadu	3,472	148,717 (17.30)	42.83
18 Telangana	2,465	12,978 (1.51)	5.26
19 Tripura	3,117	6,419 (0.75)	2.06
20 Uttar Pradesh	3,441	15,474 (1.80)	4.50
21 Andaman & Nicobar Islands	1	1,258 (0.15)	1,258.00
22 Chandigarh	11	1,525 (0.18)	138.64
<b>Total</b>	<b>167,890</b>	<b>859,556 (100.00)</b>	<b>5.12</b>

Notes - I: - = Nil , .. = Not reported.

Figures under column no.8 have been rounded.

^= The data/figures have not be included in the total as the corresponding data for the estimated average daily employment in the respective undertaking has not been reported.

@- In case of missing data in the column 2-5, the paired entries in the Number of Motor Transport Undertaking and average daily employment in all Motor Transport Undertakings have been adjusted.

Notes - II: 1) Figures in brackets in col.7 indicate state-wise percentage share to the total average daily employment in all Motor Transport Undertakings.

2) 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.

## 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 2018 has been presented in **Table-3**. It reveals that bulk of the motor transport undertakings (46.37%) employ less than 10 workers whereas bigger units employing 1,000 or more workers constitutes only 0.78 percent.

**Table – 3**

### Distribution of Registered Motor Transport Undertakings which submitted returns by Employment Strength during 2018

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	-	-	2	25	5	152	-	-	-	-
2.Assam	3,923	12,644	3,997	8,889	2,024	6,272	519	1,038	-	-
3.Bihar	-	-	167	798	-	-	-	-	-	-
4.Goa	-	-	-	-	-	-	-	-	-	-
5.Gujarat			2	27	2	42	1	62	2	255
6.Haryana	2	11	3	50	2	78	-	-	2	259
7. Himachal Pradesh	8	54	6	83	5	168	1	84	1	240
8.Jammu & Kashmir	382	3,119	73	502	41	433	5	144	-	-
9.Jharkhand	80	392	-	-	-	-	-	-	-	-
10.Karnataka	-	-	15	285	5	225	-	-	8	1,600
11.Kerala	*	*	*	*	*	*	*	*	*	*
12.Madhya Pradesh	630	3,215	40	104	18	116	7	35	-	-
13.Meghalaya	396	586	-	-	-	-	-	-	-	-
14.Odisha	33	107	17	185	13	264	5	256	2	101
15.Punjab	*	*	*	*	*	*	*	*	*	*
16.Rajasthan	3	12	1	7	22	44	-	-	-	-
17.Tamil Nadu	1,871	14,429	667	9,950	361	8,037	93	6,973	1,871	14,429
18.Telangana	162	760	705	7,698	158	3,318	4	204	162	760
19.Tripura	370	925	-	-	-	-	-	-	370	925
20.Uttar Pradesh	126	493	8	99	-	-	-	-	126	493
21.Andaman & Nicobar Islands	-	-	-	-	-	-	-	-	-	-
22.Chandigarh	3	20	2	20	-	-	-	-	3	20
<b>Total</b>	<b>7,989</b>	<b>36,767</b>	<b>5,705</b>	<b>28,722</b>	<b>2,656</b>	<b>19,149</b>	<b>635</b>	<b>8,796</b>	<b>50</b>	<b>8,001</b>
	<b>(46.37)</b>	<b>(12.42)</b>	<b>(33.11)</b>	<b>(9.70)</b>	<b>(15.42)</b>	<b>(6.47)</b>	<b>(3.69)</b>	<b>(2.97)</b>	<b>(0.29)</b>	<b>(2.70)</b>

Notes-I : - = Nil, \*= Not applicable as no Motor Transport Undertaking (MTW) submitted return  
A = Number of Motor Transport Undertakings,  
B =Average daily Employment.

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

**Table-3 Contd.**

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 Transport Undertakings/Workers (i.e., Total)	
	A	B	A	B	A	B	A	B
1	12	13	14	15	16	17	18	19
1.Andhra Pradesh	-	-	-	-	-	-	7	177
2.Assam	-	-	-	-	-	-	10,463	28,843
3.Bihar	-	-	-	-	3	2,901	170	3,699
4.Goa	-	-	-	-	1	1,566	1	1,566
5.Gujarat	-	-	-	-	-	-	7	386
6.Haryana	-	-	2	1,592	-	-	11	1,990
7. Himachal Pradesh	11	4,514	1	505	-	-	33	5,648
8.Jammu & Kashmir	-	-	-	-	9	1,665	510	5,863
9.Jharkhand	-	-	-	-	-	-	80	392
10.Karnataka	1	480	-	-	93	79,896	122	82,486
11.Kerala	*	*	*	*	*	*	*	*
12.Madhya Pradesh	-	-	-	-	-	-	695	3,470
13.Meghalaya	-	-	-	-	-	-	396	586
14.Odisha	-	-	-	-	-	-	70	913
15.Punjab	*	*	*	*	*	*	*	*
16.Rajasthan	-	-	-	-	-	-	26	63
17.Tamil Nadu	33	5,444	9	5,300	27	88,610	3,092	143,881
18.Telangana	-	-	-	-	-	-	1,033	12,388
19.Tripura	-	-	-	-	-	-	370	925
20.Uttar Pradesh	-	-	-	-	-	-	134	592
21.Andaman & Nicobar Islands	-	-	-	-	1	1,258	1	1,258
22.Chandigarh	1	382	1	570	-	-	7	992
<b>Total</b>	<b>46</b>	<b>10,820</b>	<b>13</b>	<b>7,967</b>	<b>134</b>	<b>175,896</b>	<b>17,228</b>	<b>296,118</b>
	<b>(0.27)</b>	<b>(3.65)</b>	<b>(0.08)</b>	<b>(2.69)</b>	<b>(0.78)</b>	<b>(59.40)</b>	<b>(100.00)</b>	<b>(100.00)</b>

Notes-I : - = Nil, \*= Not applicable as no Motor Transport Undertaking (MTW) submitted return

A = Number of Motor Transport Undertakings,

B =Average daily Employment.

Notes - II: 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 2018.

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

Employment Size-Groups	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	16,350	94.90	84,638	28.58
50 - 99	635	3.69	8,796	2.97
100 - 249	50	0.29	8,001	2.70
250 - 499	46	0.27	10,820	3.65
500 - 999	13	0.08	7,967	2.69
1000 & above	134	0.78	175,896	59.40
<b>All Groups</b>	<b>17,228</b>	<b>100.00</b>	<b>296,118</b>	<b>100.00</b>

The above Table reveals that the number of Motor Transport Undertakings employing less than 50 workers account for 94.90% of the total undertakings submitting returns but only 28.58% of the total employment. On the other hand, the number of undertakings employing 1,000 or more workers constitutes only 0.78% of the total undertakings but they account for 59.40% 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 91.44% of the workers worked for 8 hours a day. So far as the rest intervals are concerned 72.20% 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 2018**

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	-	-	7	177	-	-	7	177
2.Assam	1,545	3,580	2460	13,765	6,458	11,498	10,463	28,843
3.Bihar	-	-	170	3699	-	-	170	3,699
4.Goa	-	-	1	1,566	-	-	1	1,566
5.Gujarat	-	-	7	386	-	-	7	386
6.Haryana	3	37	8	1,953	-	-	11	1,990
7. Himachal Pradesh	4	804	27	4,812	2	32	33	5,648
8.Jammu & Kashmir	-	-	510	5,863	-	-	510	5,863
9.Jharkhand	-	-	80	392	-	-	80	392
10.Karnataka	-	-	105	75,480	17	7,006	122	82,486
11.Kerala	*	*	*	*	*	*	*	*
12.Madhya Pradesh	-	-	695	3,470	-	-	695	3,470
13.Meghalaya	-	-	396	586	-	-	396	586
14.Odisha	-	-	70	913	-	-	70	913
15.Punjab	*	*	*	*	*	*	*	*
16.Rajasthan	-	-	26	63	-	-	26	63
17.Tamil Nadu	125	627	2,919	141,657	48	1,597	3,092	143,881
18.Telangana	-	-	1,033	12,388	-	-	1,033	12,388
19.Tripura	-	-	370	925	-	-	370	925
20.Uttar Pradesh	-	-	134	592	-	-	134	592
21.Andaman & Nicobar Islands	-	-	1	1,258	-	-	1	1,258
22.Chandigarh	-	-	7	992	-	-	7	992
<b>Total</b>	<b>1,677</b>	<b>5,048</b>	<b>9,019</b>	<b>270,760</b>	<b>6,525</b>	<b>20,133</b>	<b>17,228</b>	<b>296,118</b>
	<b>(9.73)</b>	<b>(1.70)</b>	<b>(52.35)</b>	<b>(91.44)</b>	<b>(37.87)</b>	<b>(6.80)</b>	<b>(100.00)</b>	<b>(100.00)</b>

Note:

- = Nil

\* = Not Applicable as no Motor Transport Undertaking submitted return.

Contd..

**Table - 4 contd.**

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	-	-	7	177	-	-	7	177
2.Assam	2,260	3,795	6,450	11,608	1,753	13,440	10,463	28,843
3.Bihar	-	-	170	3,699	-	-	170	3,699
4.Goa	-	-	1	1,566	-	-	1	1,566
5.Gujarat	-	-	7	386	-	-	7	386
6.Haryana	-	-	11	1,990	-	-	11	1,990
7. Himachal Pradesh	1	376	32	5,272	-	-	33	5,648
8.Jammu & Kashmir	-	-	510	5,863	-	-	510	5,863
9.Jharkhand	-	-	80	392	-	-	80	392
10.Karnataka	105	64,136	17	18,350			122	82,486
11.Kerala	*	*	*	*	*	*	*	*
12.Madhya Pradesh	-	-	695	3470	-	-	695	3,470
13.Meghalaya	-	-	-	-	396	586	396	586
14.Odisha	-	-	70	913	-	-	70	913
15.Punjab	*	*	*	*	*	*	*	*
16.Rajasthan	-	-	26	63	-	-	26	63
17.Tamil Nadu	-	-	3,092	143,881	-	-	3,092	143,881
18.Telangana	-	-	1,033	12,388	-	-	1,033	12,388
19.Tripura	-	-	370	925	-	-	370	925
20.Uttar Pradesh	-	-	134	592	-	-	134	592
21.Andaman & Nicobar Islands	-	-	1	1258	-	-	-	-
22.Chandigarh	-	-	7	992	-	-	7	992
<b>Total</b>	<b>2,366</b>	<b>68,307</b>	<b>12,713</b>	<b>213,785</b>	<b>2,149</b>	<b>14,026</b>	<b>17,228</b>	<b>296,118</b>
	<b>(13.73)</b>	<b>(23.70)</b>	<b>(73.79)</b>	<b>(72.20)</b>	<b>(12.47)</b>	<b>(4.74)</b>	<b>(100.00)</b>	<b>(100.00)</b>

Notes - I: - = Nil,

A = Number of Motor Transport Undertakings submitting returns.

B = Average daily Employment.

\* = Not Applicable as no Motor Transport Undertaking(MTW) submitted return.

Note - II: 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 previous 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 2018, out of the 2,73,415 workers who were entitled to leave with wages 203,112 (74.29%) were provided leave with wages and an amount of Rs.11,57,99,339 was paid as leave wages. During the year, out of 360 workers who were discharged or dismissed, 142 workers had also been paid leave wages.

The highest number of workers (122,494) who were granted leave was in Tamil Nadu followed by Karnataka (38,780). The highest amount of wages in lieu of leave was paid in Tamil Nadu (Rs. 103,574,837) followed by Assam (Rs. 5,233,457) and Karnataka (Rs. 47,28,169).

**Table – 5**  
**Leave with wages during 2018**

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	177	-	-	-	-
2 Assam	21,578	14,061	..	..	5,233,457
3 Bihar	3,699	-	..	..	..
4 Goa	1,629	844	119	100	-
5 Gujarat	337	334	23	-	..
6 Haryana	1,221	1,200	19	19	220,500
7 Himachal Pradesh	5,557	5,557	-	-	-
8 Jammu & Kashmir	3,635	3,096	..	..	1,327,000
9 Jharkhand	..	-	-	-	-
10 Karnataka	81,650	38,780	176	..	4,728,169
11 Kerala	*	*	*	*	*
12 Madhya Pradesh	2,690	1,016	-	-	-
13 Meghalaya	..	..	..	..	..
14 Odisha	913	913	-	-	-
15 Punjab	*	*	*	*	*
16 Rajasthan	..	..	..	..	..
17 Tamil Nadu	134,766	122,494	23	23	103,574,837
18 Telangana	12,388	12,388	-	-	-
19 Tripura	925	925	-	-	715,376
20 Uttar Pradesh	..	..	..	..	..
21 Andaman & Nicobar Islands	1,258	512	-	-	-
22 Chandigarh	992	992	-	-	-
<b>Total</b>	<b>273,415</b>	<b>203,112</b>	<b>360</b>	<b>142</b>	<b>115,799,339</b>
		<b>(74.29)</b>			

Note – I: - = Nil, .. = Not Reported.

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

\*=Not Applicable as no Motor Transport Undertaking Submitted return.

## 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 centers 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 283 units have provided canteen facilities and 2,535 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. There are units which are also providing these facilities though they are not bounded by the Act to provide such facilities.

**Table – 6****Canteens and Rest Rooms Facilities provided by Motor Transport Undertakings during 2018**

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	61	45	46	41	42	75
2 Assam	76	38	38	96	38	38
3 Bihar	..	..	..	..	..	..
4 Goa	..	3	3	..	4	4
5 Gujarat	..	..	..	..	..	..
6 Haryana	8	8	11	11	11	20
7 Himachal Pradesh	11	14	14	13	13	23
8 Jammu & Kashmir	20	17	17	14	13	32
9 Jharkhand	..	..	..	..	..	..
10 Karnataka	..	28	26	..	10	8
11 Kerala	*	*	*	*	*	*
12 Madhya Pradesh	..	..	..	690	37	43
13 Meghalaya	..	..	..	..	..	..
14 Odisha	..	16	16	..	41	47
15 Punjab	*	*	*	*	*	*
16 Rajasthan	8	8	8	8	8	8
17 Tamil Nadu	100	100	174	2,262	2,299	2,303
18 Telangana	4	4	4	4	4	4
19 Tripura	-	-	-	-	-	-
20 Uttar Pradesh	..	..	..	..	..	..
21 Andaman & Nicobar Islands	-	-	-	1	8	8
22 Chandigarh	3	2	2	11	7	7
<b>Total</b>	<b>291</b>	<b>283</b>	<b>359</b>	<b>3,151</b>	<b>2,535</b>	<b>2,620</b>

Notes: - = Nil, .. = Not reported,

\* = Not Applicable as no Motor Transport Undertaking Submitted return.

**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 Assam, Madhya Pradesh, Himachal Pradesh, and Chandigarh are more or less in tune with the prescribed norms, it also shows that Bihar, Jharkhand, Kerala, Meghalaya, Odisha, Tripura and A&N Islands are the only States which has not provided any medical facilities to the Motor transport workers.

**Table-7**  
**Medical Facilities provided by Motor Transport Undertakings during 2018**

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	29	17	9	19	30
2 Assam	67	18	-	-	-
3 Bihar	..	..	..	..	..
4 Goa	..	..	..	..	..
5 Gujarat	2	2	-	-	-
6 Haryana	..	7	8	5	8
7 Himachal Pradesh	2	2	2	1	1
8 Jammu & Kashmir	21	21	8	7	25
9 Jharkhand	..	..	..	..	..
10 Karnataka	..	22	10	6	12
11 Kerala	-	-	-	-	-
12 Madhya Pradesh	690	110	..	..	..
13 Meghalaya	..	..	..	..	..
14 Odisha	-	-	-	-	-
15 Punjab	..	..	..	..	..
16 Rajasthan	8	8	-	-	-
17 Tamil Nadu	3,092	3,092	69	85	138
18 Telangana	4	4	-	-	-
19 Tripura	-	-	-	-	-
20 Uttar Pradesh	..	..	..	..	..
21 Andaman & Nicobar Islands	-	-	-	-	-
22 Chandigarh	11	7	-	-	-
<b>Total</b>	<b>3,926</b>	<b>3,310</b>	<b>106</b>	<b>123</b>	<b>214</b>

Notes: - = 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 (18,330) whereas, maximum conviction obtained and the highest amount of fine realized was in Andhra Pradesh was 612 and Rs. 453,250 respectively.

**Table –8**  
**Inspections Made, Prosecutions Launched, Convictions Obtained and Amount of Fine Realized during 2018**

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	933	1,399	234	612	143	76	802	453,250
2 Assam	18,330	..	..	..	..	..	..	..
3 Bihar	-	-	-	-	-	-	-	-
4 Goa	1	..	..	..	..	..	..	..
5 Gujarat	98	239	1	1	3	-	236	-
6 Haryana	8	2	..	..	..	..	2	..
7 Himachal Pradesh	93	40	4	4	-	-	40	2,500
8 Jammu & Kashmir	1,073	94	18	8	-	-	104	5,000
9 Jharkhand	..	..	..	..	..	..	..	..
10 Karnataka	..	..	..	..	..	..	..	..
11 Kerala	3,662	571	170	104	8	-	629	406,950
12 Madhya Pradesh	16	..	..	..	..	..	..	..
13 Meghalaya	108	-	-	-	-	-	-	-
14 Odisha	168	360	22	-	-	-	382	-
15 Punjab								
16 Rajasthan	1	..	..	..	..	..	..	..
17 Tamil Nadu	3,472	32	50	46	-	33	3	9,500
18 Telangana	642	25	14	-	-	-	39	-
19 Tripura	3,117	-	-	-	-	-	-	-
20 Uttar Pradesh	48	56	8	46	15	3	-	11,000
21 Andaman & Nicobar Islands	-	-	-	-	-	-	-	-
22 Chandigarh	-	..	..	..	..	..	..	..
<b>Total</b>	<b>31,770</b>	<b>2,818</b>	<b>521</b>	<b>821</b>	<b>169</b>	<b>112</b>	<b>2,301</b>	<b>888,200</b>

Notes: - = Nil, .. = Not Reported.



## **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 this report.

The present report is based on the information received from 20 States and 2 Union Territories. The other States / Union Territories have either not submitted the returns or have submitted defective/inconsistent figures. Chhattisgarh, Maharashtra, Uttrakhand and West Bengal (not submitted) were among them. Similarly, the review does not include information pertaining to Mizoram, Nagaland, Sikkim, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep and NCT Delhi as the Act has not been implemented or administered in these States/Union Territories. The States of Arunachal Pradesh and Manipur submitted NIL (-) data for all the prescribed tables under the Act.