BIHAR MOTORS TRANSPORT WORKERS RULES, 1962

The Bihar Motor Transport Workers Rules, 196211 CHAPTER l. Preliminary

1. Short title and commencement.— (1) These rules may be called the Bihar Motor Transport Workers Rules, 1962. (2) The whole of these rules except rules 17 to 23 and rule 25 shall come into force on 1st March 1962, 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 1 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 Transpon undertaking, (g) "State Government" means the State Government of Bihar. (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. 2 [Interruptions during running time.- Any interruption of less than fifteen minutes shall be counted towards running time.] CHAPTER il Registration of Motor Transport Undertaking

4. Application of Regi$tretion.— 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 immediateiy 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 the I. Framed vide notification No. VI/M. T.I. 102/61; L, E-i459 published in Bihar Gazette Extra-ordinary dated 1st March, 1962

2. Subs.by S.O. 336 dated 29.4.1969. u grz reg an am aut mel five pay the app Aules 5-8 | The Bihar Motor Transport Workers Rules, 1962 [17 State of Bihar as also in one or more other States, 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, and in case, such Head quarters Office is located outside the State of Bihar, he shall, within thirty då}é of registration, furnish a copy of the certificate of registration to the Chief Inspector of the State of Bihar

5. Grant of certificate Of registration.— On filing a proper application under rule 4, 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 to m o e te

Form No.ll on payment of fees as specified below • [Number of Motor Transport Workers to be employed on any day during the year 2 or more but not exceeding 10 Exceeding IO but not excéeding 25 Exceeding 25 but not exceeding 50 Exceeding 50 but not exceeding 100 Exceeding 100 but not exceeding 250 Exceeding 250 but not exceeding 500 Exceeding 500 but not exceeding 750 Exceeding 750 but not exceeding 1,000 Exceeding 1 ,OOO but not exceeding 2000 over 2,000 Fees (in rupees) 25.00 50.00 100.00 150.00 300.00 500.00 750.00 4000.00 1,500.00 2,000.001 6. Validity of certificate of registration.— Every certificate of registration granted under rule 5 or renewed under rule 8 shall remain in force up to 31st December of the year for which the certificate is granted or renewed

7. Amendment of certificate of registration.— (1) The Certificate of registration granted under rule 5 may be amended by the Chief Inspector or an Inspector duly authorised by him in this behalf. (2) An employer shall, within thirty days of the day when the cause of amendment arose, submit to the Chief Inspector or -an Inspector duly authorised by him in thii behalf an application stating the nature of amendment and reasons therefor. (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 thé 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 1. Subs. by S.O. 975, dated 29.7.1978. 18 | The Bihar Motor Transport Workers Rules, 1962 [Rules 8A-10 behalf for renewal of the certificate of registration before its validity expires. (2) Every such application shall be in

Form No.l, 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 I [payable] for renewal of a certificate of registration shall be the same as for the grant thereof • xxxx x x]. 3 [8.A. Late application for registration, renewal or amendment.— If the application for registration of an undertaking or for the renewal or the amendment of its registration certificate is not received by the Chief Inspector duly authorised by him in this behalf within the time specified in the foregoing rules, the undertaking shall be registered or registration certificate shall be renewed or amended, as the case may be on payment of a fee which shall be calculated at the rate of fifty percent for the first 6 months plus fifty percent for each subsequent 3 months or part thereof, in excess of the fee prescribed for the purpose • Provided that the amount of late fee shall not exceed Rs.250 in case of an undertaking employing upto five employees, Rs. 1000 in case of an under- taking employing six to ten employees, Rs. 1500 in case of an undertaking employing eleven to twenty employees, and Rs.2,000 in case of an undertak- ing employing more than twenty employees • Provided further that in cases where the Chief Inspector is satisfied that delay in submission of the application is due to unavoidable circumstances beyond the control of the employers, he may reduce or remit, as he thinks fit, the payment of such late fee— 9. Transfer of certificate of registration.— (1) An employer holding a certificate of 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 Inspec- tor duly authorised by him in this behalf who shall, if he approves of the transfer, and the transferee pays the fee payable under sub-rule (2) of rule 7, 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. therein.] 4110. Procedure on death or disability of employer.— (1) If an empLQyer 1. Subs. for 'chargeable' by S.O. 388 dated 21.3.1975

2. Proviso omitted by ibid and subS.by S. O. 975, dated 297.1978

3. Ins.by ibid

4. Subs.by S.O. 336 dated 29.4.1969. Rules 11-14] The Bihar Motor Transport Workers Rules, 1962 [19 If lg nt of k- at it, a ty c- nt 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 if heyfiles an application for the amendment of the certificate of registration under rule 7 in his name within sixty days.] 1 [11. Issue of dupliööåte 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 certificate 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. Misc. Depart- ment- Labour and Employment — Fees from the Bihar Motor Transport Workers Rules" up to 31st March 1962, and thereafter under the head of account Departments- Social and Development Organisation- Labour and Employment -Fees from the Bihar Motor Transport Workers Rules" and receipt obtained which shall be submitted alongwith the application. 1 [(2) If an application for the grant, renewal, amendment or issue of a duplicate certificate of registration is rejected, the fee paid shall be refunded to the applicant.] 13. Marking of the registratiön number on the vehicles. The registra- tion number of the undertaking shall be marked on the left hand side of every. vehicle in lettering 7.5 Centimeters (3 inch) high and ISCentimeters (1/2 inch) thick

CHAPTER Ill. Inspecting Staff

14. Qualifications of an Inspector.— No person shall be appointed as an Inspector unless he - (1) (a) posseses a University degree; (b) has thorough knowledge of Hindi; (c) has obtained a degree in Labour and Social Welfare, Personnel- management or any aliied course of study from any institution recognised by the State Government; (d) is not belovP21 years and not above 45 years of age; (e) has worked for at least two years as Labour or Welfare Officer in an-irrdustiial establishment or State Government department; or (2) is a Labour Officer, Labour Superintendent, Assistant Labbur Com- missioner or Deputy Labour Commissioner appointed as such by the State 1. Subs. by S.O. 336 dated 29.4.1969

2. For changed head of account see New classification of Budget (087- Labours & Employment- Receipt from .....) 20 | The Bihar Motor Transport Workers Rules, 1962 [Rules 15-16 Government. Explanation.— For purposes of this rule the expression "Labour Officer" includes an Inspecting Officer as

defined in clause (9) of section 2 of Bihar Shops and Establishments Act, 1953 (Bihar Act VIII of 1954); "Labour Superintendent" includes Additional Labour Superintendent and "Deputy Labour Commissioner" includes Additional Deputy Labour Commissioner

15. Powers of Inspectors.— An Inspector Shaif 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, building, room ap- pliance, 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 wor«ers; (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 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 an Inspector in that State and to obtain a record of such examination

16. Dutiés 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 or class of undertakings assigned to him. (2) The certifying surgeon shall issue his certificates in

Form No.lll. 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 ratified 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. 1 [(3) The certifying surgeon shall upon request by the Chief Inspectoc_pr an Inspector, carry out such examination and furnish him with such report as he may indicate in respect of any undertaking or class of transport undertak- 1. Subs. by S. O. 336 dated 29.4.1969. Rul ing pel me rec suc cet tha an tio tak his prc the mc ad ac plz for 50 0b prt cir es .16 Ity he as or or ge on an ed ch on he Its he in all oil All of pr k- Rule 1 7 | The Bihar Motor Transport Workers Rules, 1962 ings where — (21 (a) a case of illness has occurred, or is reported to have occurred, which it is reasonable to-believe is due to the nature of work dr other conditions of work prevailing therein, or (b) an adolescent is, or is about to be, employed in any work which is likely to cause injury to his 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 examina- tion which the certifying surgeon wishes to conduct at a place of the under- taking to be fixed in consultation with the representatives of the workers (for his exclusive use on the occasions 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 tv Welfare and Health f7. Canteens.— (1) The employer of every undertaking shali provide for the use of the motor transport workers at 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 where the undertaking is situated according to the standard presch)ed in this rule. (2) The employer shall submit for the approval of the Chief Inspector plans and site plan induplicate of the building to be constructed or adopted for use as a canteen. The canteen building shall be situated at a distance not less than 1 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 retax the provisions of this sub-rule to such extent as may be reasonable in the circumstances and may require measures to be adopted to secure the essentiat purpose of this sub-rule

1. Subs.by S: O. 336 dated 29.4.1969. 22 | The Bthar Motor Transport Workers Rules, 1962 [Rule 18 (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, service counter 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 inede walls of rooms and all ceilings, passages and staircases Shall be lime-washed, colour-washed or painted as the case may be. 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) Record of 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.lV. (9) The canteen and the precincts thereof 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 gar- bage. NOTIFICATION [S. O. 824, the 3rd August 1972, Publishedin the Bihar Gazette, Extraordinary, dated 8th August, 1972.— In pursuance of sub-rule (2) of rule I of the Bihar Motor Transport Workers Rules, 1962, the Governor of Bihar is pleased to direct that rules 17 to 23 and rule 25 of the said Rules shall come into force on the date of publication of this notification in the Bihar Gazette.] 18. Canteen hall.— (1) The canteen hall shall accommodate at least thirty per cent ofthe motor transport wprkers likely to call on duty every day : Provided that in any particular Undertaking or in any particular class of ur of th of ut th hc ur se m; cc ar 12 by nc un a 18 he a ng ny on jay in or in ing ;ter red ce. jar- Ited the ihar irty of Rules 19-22 The Bihår Motor Transport Workers Rules, 1962 (23 undehakings, the State Government may, by notification in this behalf in Rhe official Gazette, alter the percentage of workers to be accommodated. (2) The floor area-of canteen hall excluding the area occ&pied 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.— There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen. Suitable clean clothes for the employees serving the canteen shall also be provided and maintained. (2) The furniture, utensils and other equipment shall be maintained in ä clean and hygienic condition. The service counter 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 be charge.— (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 foodstuff, 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 before an Inspector. (2) The accounts pertaining to the canteen shall be audited once in every 12 months registered by accounts and auditors. The balance sheet prepared by the said auditors shall be su4mitted to the Canteen Managing Committee not later than 2 months of the closing of the audited accounts • Provided that the accounts pertaining to the canteen in a public sector undertaking having its own Accounts Departments may be audited in that Department

22. Canteen Managing Committee.— (1) The employer shall constitute a Canteen Managing Committee which shall meet at•least once in three months and shall advise the employer 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 Comn•üttee shall consist ofan equal number 24 | The Bihar Motor Transport Workers Rules, 1962 [Rule 23 of persons nominated by the employer and by the motor transport workers' representatives on the Work Committee constituted under Sub-section (1) of Section 3 of Industrial Disputes Act, 1947 (Act XIV of 1947) respectively. In absence of a Works Committee in the undertaking the representatives of motor transport workers on the Canteen Managing Committee shall be elected py motor transport workers. The number of elected workers shall be in the proportion of one for every 500 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, in consultation with the duly registered trade union or unions determine the procedure for and supervise the election of the representative of the motor transport workers to the Canteen Managing Committee. (4) The merober of the Canteen Managing Committee shall hold office for a period of two years from the date on which it is constituted Provided that, members Shal! 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 stand- ards 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 constituted or adapted.— (a) the building shall be soundly constructed and all the walls and roof shall be of suitable heat resisting materials and shall be waterproof. The floor and walls to a height of 90 Centimeters (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 370 Centimetres (12 ft.) from the floor level to the lowest part of the roof and there shall be at least 15 sq. metres (50 sq. ft.) of floor area for evety motor transport workers required to halt at night • (c) effective and suitable provisions 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 €hatl be kept in a clean and tidy condition. Prot..ud that Where the Chief Inspector is satisfiéd that in respect of any particular place the prov$ion of re$trooms .to the above standardsis not t [25 Rules 24-27] The Bihar Motor Transport Workers Rules, 1962 reasonably practicable, he may by order in writing approve any suitable alternative accommodation subject to such condition as he may specify. 24. I [Uniforms.— (1) The drivers, conductors and line-checking staff employed in an undertaking shall be provided, free of cost by the employer with uniforms and raincoats as specified in Schedule I and it shall be compul- sory for the motor transport workers concerned to be in uniform while on duty.] (2) Where washing of uniforms provided under Sub-rule (1) is not ar- ranged by the eniployer, the employer shall pay the staff concerned a washing allowance at the rate of Rs.2 per month

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 every day a dispensary shall be provided and maintained with such equipment and drugs as the State Government may direct. (2) The dispensary shall bb 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 venti- lated and lighted by both A@tural 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 11 shall be provided. Every first-aid box or cup-board shall be clearly marked "First Aid" 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 men- tioned in Schedule Ill 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 Limitations of Employment

27. Hours of works.— (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 and 54 hours in a week.— 1. Subs. by S. O. 336 dated 29.4.1969. The Bihar Motor Transport Workers Rules, 1962 26 | (i) on any route of 199 kilometers or more, and [Rules 28-29 (ii) on such festive I [or other occasions as may be notified by the State Government in the Official Gazettee. (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

Form V. (2) It shall be written in English and in a language understood by the majority of 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 this 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 chance ih 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) Every motor transport worker shall be allowed a day of rest for a whole day once in every week and an entry to that effect shall be made in the appropriate column in

Form V. (2) No motor transport worker shall be required or allowed to work on 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 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. (3) Notices given under sub-rules (1) and (2) may be cancelled by a notice delivered at the undertaking not later than the day before the said day or the substituted day to be cancelled, whichever is earlier

1. See notification printed in the end.tt c, b w in w di 01 re or in la: 81 to in su ho ho rul Bit mc Rules 30-32 J The Bihar Motor Transport Workers Rules, 1962 (27 (4) Where in accordance with the provisions of Sub-rule (2) any motor •transport worker works on the said day and has had a holiday on one of the three days immediately before it, that said day shall, for the purpose of . calculating his wekly hours of work, be included in the immediately preceding week

30. Compensatory holiday.— (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 tow months and of the dätes 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 compen- satory hoiiday 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 ohotice 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 1 3, he shall be entitled tothe rate of wages in respect of overtime work at 1 1/2 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 aday or 48 hours a week

32. Holiday.— The State Government may notify in the official Gazette the holidays which shqll be granted to the motor transport workers. 'NOTIFICATION [S. O. 115 dated 5th July 1967. Published in the Bihar Gazette Extraordinary dated Aug. 3, 1967.— In exercise of the powers conferred by rule 32 of the Bihar Motor Transport Workers' Rules, 1962, the Governor of Bihar is please to notify that the following holidays shall be granted to the motor transport workers . (l) Compulsory Holidays — (1) Republic Day on the 26th January (1 day); (2) Independence Day on the 15th August•(l day) and 28 | The Bihar Motor Transport Workers Rules, 1962 [Rule 33 (3) Birth Day of Mahatma Gandhi on the 2nd October (1 day). (11) Optional Holidays : — I (Fivel days' optional holidays on any 1 (five) of the following occasions in a year, subject to the condition that a motor transport worker willing to•avail of the holidays makes an application to that effect to his employer at least seven days in advance : — (1) New Year's day on the 1st January (1 day) (2) Holi (1 day) (3) Ram Navmi (1 day) (4) Shibratri (1 day) (5) May day on the 1st May (1 day) (6) Budh Purnima (1 day) (7) Ganga Dashahara (1 day) (8) Mahalaya (1 day) (9) Dashahara (1 day) (10) Diwali (1 day) (11)Dawat Puja (1 day) (12) Chhatt (1 day) (13) ld-ul-fitr (1 day) (14) ld-uz-zoha (1 day) (15) Muharramm (1 day) (16) Chehlum (1 day) (17) Fatiha Dwas Dahum (1 day) (18) Shab-e-barat (1 day) (19) Birthday of Guru Nanak (1 day) (20) Birthday of Guru Gobind Singh (1 day) (21) Good Friday (1 day) (22) X'mas Eve on the 24th December (1 day) (23) X'mas Day on the 25th December (1 day); and (24) Sarhul (1 day)) 33. Leäve with wages.— (1) Every employer shall maintain a Register of Leave with wages, in

Form No.Vll. 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 cor- 1. Subs. for "four" by S. O. 810 dated 29.7.1972. rest req thre in the exc at a the trar the WOI wor give that trea wor regi ticu mus reqt in F pay mus the sucl the any the No. sha Rules 34-38 | The Bihar Motor Transport Workers Rules, 1962 [29 responding 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.— Every employer shall provide each worker with a book in form No. VII (hereinafter called the Leave Books). 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 by accepted by order in writing by the Chief Inspector

35. Register of Workers.— Every employer shall maintain a Register of Workers in Form No.lX. Provided that if the Chief Inspector is of opinion that any register of workers or similar record maintained as 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 par- ticulars required under this 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. Xl in which shall be correctly entered overtime hours of work and payments therefor. The muster-roll shall always be available for inspection. Provided that if the Chief Inspector is of opinion that any overtime muster-roll orregister maintained as part of the routine of an undertaking gives the particulars required under this 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 30 | The Bihar Motor Transport Workers Rules, 1962 [Rules 39-40 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 jn 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. I Every motor transport worker travelling with the vehicle shall make entries daily in the Individual Control Book and forward or handover 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 relates.] (2) Every employer shall maintain the original copies of the Individual Control Book maintained 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 a Inspector. 1 [(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 made therein 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. 2[40. Carrying of Loads.— No man, woman or yound person shall unaided by another person life, move or carry by hand or on head any load exceeding the maximum limit of weight set out in the following Schedule : Persons (a) (b) (c) (d) Adult male Adult female Adolescent male Adolescent female Male child Female child SCHEDULE Maximum weight of the material article, tool or appliances. 75 Kg. 30 Kg. 30 Kg. 20 Kg. 16 Kg. 13 Kg.] 1. Subs. by S. O. 336 dated 29.4.1969

2. Ins.by S. O. 1723, dated 22.12.1979. Form I I The Bihar Motor Transport Workers Rules, 1962 FORM No-a (See Rules 4 and 8.) [31. Agplication for Registration and grant or Renewal of Certificate of Registra- 1. 2. 3. 4. 5. 6. 7. 8. 9. IO. 11. 12. tion. Name of motor transport under taking. Full address to which commun- ications relating to the motor transport undertaking should be sent. Nature of motor transport service, e.g. City Service, vlong distance freight service. Total number of routes Total Route mileage Total number of motor transport vehicles on the last date of the preceding year. Maximum number of motor trans- port workers employed on any day during the preceding year. Full names and residential addr- esses 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. Full name and residential addresses of the Directors in the case of a com- pany registered under the Companies Act, 1956. Registration N. and date of first regis- tration. Serial No. of current certificate of regis- tration. Amount of fee Rs. ... paid in ... (vide challan No ... . . (Rupees ... Treasury on ... ... enclosed). 32 | The Bihar Motor Transport Workers Rules, 1962 [Form 11 Note '1 Note 2 Signature of the employer. Date. — This$orm should be completed in ink in block letters or typed. — Columns IO and 11 are for applications of renewal only. 1 [FORM No. 11. (See Rule 5.) Certificate of Registration to work a motor transport undertaking. Registration No. . Serial No. .... of 19 Fee Rs ..... Certificate of Registration is hereby granted to ... ... to operate motor transport service employing not more than ... ... persons on any one day during the year subject to the provisions of the Motor Transport Workers Act, 1961 and the Rules made thereunder. .Thé Certificate of Registration shall remain in force till the 31st day of DeCember 19 the ..... . (Place) 19 ..... Chief Inspector Inspector For 2. 5. 6

8. Thun Initia 1. Subs. by S. O. 336 dated 29.4.1969. Form Ill) The Bihar Motor Transport Workers Rules, -1962 FORM No. Ill (See Rule 16.) Certificate of Fitness. [33 e •s 2. 5

6. Serial No.... Date ... Name ... Residence ... Date of birth, if available ... and/or certified age ... . Physical fitness ... ..

7. Descriptive marks ..

8. Reason for —(1) (2) Refusal of certificate ... Certificate-being revoked Thumb impression ... ... Initials of certifying Surgeon ... ... Serial No. ... Date ... I certify that I have personally examined (name) ... . son of ... residing at ... who is desirous of being employed in a motor transport undertaking and that his age, as nearly as can be ascertained from my examination is .... years, and that he is fit for employment in motor transport undertaking as an adolescent. His descriptive marks are ... . Thumb impression ... ... Certifying Surgeon. Note.— Exact details of cause of physical disability should be clearly stated. FORM No. IV. (See Rule 17.) Record of Line Washing, Painting etc. Name of Room. Parts Lime-washed painted, varnished, e.g., walls, ceilings, wood work, etc. 2 Treatment whether lime-washed, paint- ed, varnished. 3 FORM No. V. (See Rule 28.) Date on which lime-washing, painting varnishing was carried out (according to the English calendar). Day. 4 Month. 5 Year. 6 Remarks. 7 o o o o o c: Notice of Periods of Work for Motor Transnort Workers Signature of employer. . for the YAA r I q 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 Period of Work Total number of men employed. Total nurnber of adolescents emp- loyed. Place Description of groups. Groups. Nature Day on which Remarks. of weekly hol- work. day allowed Groups Relays 123 123 1 231 23 12 3 12 1 2 3 12 3 23 4567891011 213 14 151617181 2021 222324 25 HOURS WORKS ON WO- FAKING DAYS

1. From To 26 27 28 29 Form V] 36 The Pihar Motor Transport Workers Rules, 1962 Date on which this notice is first exhibited.FORM No. VI. (See Rule 30.) Register of Compensatory Holidays. Weekly rest däy lost due to the exempting order in Serial Seral No. Name. No. and Year. January April July October iiiiiliiiiii Signature of employer. Date of Compensatory holidays given in in the Re- No. gister of worker. 1 date of exempting order. to to to to March. June. Sept- Decem- ember. ber. January April' June to to to March. June. Sept- ember. Octo- ber to Dec. Last rest days carried to the next yera. Rema- rks 15 o

o o o 38 j 1 2 3 4 5 6 7 8 9 10 11 12 13 14 The Bihar Motor Transport Workers Rules, 1962 FORM No. Vil. (See Rule 33.) Register of Leave with Wages. ADULTS/ADOLESCENTS. [Form VII Serial No. Name of the Undertaking ... Calendar year of service. Wä' e, petid from to ..... Name ... Father's name ... Address ... Date of entry into service ... Date of discharge ... .. Date and amount of payment made in lieu of leave due. Leave to credit. Forr z Wages earned during the wage period. No. of days of work performed. Balance of leave from preceding year. Leave earned during the year mentioned in Col

1. 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 wages for the leave period (Total of Cols. 11 and 12). Remarks. NOTE 1 — Separate page will be alloted to each worker. NOTE 2 — This serial No. will correspond with the serial no. in Register of workers" in

Form IX and will be entered in Form VIII in the ap- propriate space providedltherefor. FORM No. Vill. (See Rule 34.) Leave Book. Serial No• Name of undertaking ... . Adults/Adolescents ... ... Name & Address ... Date of entry into service Date of discharge ... Date and amount of payment made in lieu of leave due. Calendar Wages period year from... of Wages earned during the wage period. 3 No. of days of work perfo- rmed. 4 Leave to credit. eave a ance of leave earned service 1 .. to 2 from" prece- ding year. 5 during the year, mentio- ned in col. 1. 6 Total of Cols. 5 and 6. 7 Whether leave was refused. 8 Leave enjo- yed from. to 9 Balance of I ave to credit. 10 Norm- al rate of wages 11 Cash equ- ivalent of advantage accruing through concess- ional rate of foodg- rains and other articles. 12 Raie of Re- wages ma- rks. for the leave period (Total of Cols 11 and 12). 13 14 o o o 3 o o (0 Note : — The leave book shall be made out for each worker on thick bound sheets. 401 Serial No. The Bihar Motor Tratspon Workers Rules, 1962 FORM No. tx. (See Rule 35.Å 1 - ADULTS. Pan - ADOLESCENTS. Form IX Name. Father's - Address. 4 Letter of Nature group as of in notice work. of period .2 name 3 5 of work. 6 No. and date of certificate of fitn- ess if an adol- escent. 7 Rem-. arks 8 Forr z o Form X] . •coo The Bihar Motor Transport Workers Rules, 1962 (41 Part I Part 11 Dates on which FORM No. Xl. (See Rule 37). Overtime Muster Roll. — Overtime under first proviso to Section 13. — Overtime under second proviso to Section 13. Month ending ... ... 19 Serial No. iiiii"iii 1 Serial No. in the Re- gister of wor- kers. Name. Nature of work. Extent of overtime pn each occasion Total over- time worked. Normal hours. Normal rate of pay and dearness allowance. Overtime rate of pay. overtime has been worked. over- time earning. Nn Date on which overtime payments made. 12 o o o o c: FORM No. xn. Time and place. Day Date OR duty of tak- ending Spread Period ing up duty. over. (l) or FORM No. X". Sheet No. (See Rule 38). Individual Control Book. .. . . 19 ... ... to Saturday. .. .. Week from Sunday ... . NAME OF THE MOTOR TRANSPORT WORKER. of vehi- of inter- iiliiiiliiiiii duty Rest (R) cle on road. Preiods Runn- Time Preiods Hours Inte- spent of more of rval ing ruption time in attend- work of (7+8) subsi- ance at (9+10 rest of 10 Length of over- time worked. Cirum- Re- rks. under which worked. mts. or more re- ferred to in cl. (1) of Sect- ion (2) diary termin- +11). work. nals of ess than 15 min- utes. 16 1 Sun Mon Tues Wéd Thu Fri Sat o. o o o o cn (0 0) Note:A new working week begins at midnight on Saturday. Particulars of hours of work and rest on Saturday should be in- cluded in the form for the previous week and those on Sunday should be included in the form for the followina week. Date and signature of the Motor Transport Worker. 44] 1. 2. 3.t 4. 5. 6

FORM No.XIII. (See Rule 39.) Annual Return [Form XIII Year ending 31st December 19 Name and registration of the Motor Transport undertaking. Postal Address. Average number of workers Adults employed daily. Adolescents . Normal house worked per day. Adults Adolescents ... What rest intervals were given ? Adults The number of worker exem- pted from the provisions of Section : Leave with wages — (i) No. of workers who are entitled to annual leave with wages during the calendar year to which this return relates. (ii) No. of workers who were granted leave during the year. (iii) No. of workers dischar- ged or dismissed from service during the year. (iv) No. of discharged work- ers paid wages in lieu of leave. (v) Total amount of wages paid in lieu of leave. Adolescents ... 13 ... 19 ... Adults. Adolescents ... Adults Adolescents ... Adults Adolescents ... Adults Adolescents ... Fo 8. 9. 1 t 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 by tem- porary as well as permanent employees should be counted. At dances on separate shifts should be counted separately. Days on which the undertaking wasnotoperating, for whatever cause, should be treated as Working days. (lil the Aber tem- tten- s on ould Form XIII The Bihar Motor Transport Workers Rules, 1962 [45 8. 9. 10

11. Date Compensatory holidays —(i) No. of workers exempted from Section 19. (ii) No. of workers who received holidays in the — (a) same month (b) following month (c) third month Canteens — "Adults ... Adolesents (Number of canteens and situations) Medical Facilities — (i) No. of dispensaries and situations. (ii) No. of doctors (iii) No. of nurses Rest Rooms — (i) No. of rests rooms (ii) Details of accommodation, furniture and other equipment provided. (iii) Approximate average daily attendance of workers. Signature of employer 46 The Bihar Motor Transport Workers Rules, 1962 Category of staff. SCHEDULE l. (See Rule 24.) Particulars of .Quantity. 1

2. Drivers, Condu- ctors, Traffic Ins- pectors and Ticket examiners. Traffic Inspectors and Ticket exami- ners. articles. (a) Cotton shirt or coat. Cotton pant Cotton cap or turban. (b) Woollen coat Woollen pant cotton turban. (c) Semi-closed chappals (Pathani type). 2. 2 2 1 1 1 2 pairs. [Schedule I Period of supply. Every summer. Once in every three years. Every year. ex dé m/ mc Provided that in places due to climatic conditions woolen cloths are not ordinarily worn, a cot- ton shirt, pant and cap or turban may be supplied every winter instead of woollen clothes as provided in sub- clause (b). Rain Coat with Cap. 1 Once in every five years. NOTE — "Inspectors" shall include "Ticket Inspectors" Travelling Ticket Inspectors and "Road Inspectors and also ' 'Control- lers" 'Assistant Traffic Inspectors' and "Checkers as Traffic Incharge" if required to go with the vehicle. Schedule 11 The Bihar Motor Transport Workers Rules, 1962 SCHEDULE 11. (See Rule 25.) [47 ner. lue len nay I of ub- and :rol- ors' if [A] For operating centres and halting stations wherein 10 and not exceeding 50 motor transport workers ordinarily call on duty during every day. Each first-aid box or cup-board shall contain the following equip- ment (i) 12 small sterilized dressings. (ii) 6 medium size steriiized 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 atwo per cent alcoholic solution of iodine. (vii) 1 (2 oz.) bottle containing Spt. Ammon- Aromate (sal- volatile) having the dose and mode of administratiqn 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 cup-board 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) 1 (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 sat-volatile having the dose and mode of administra- tion indicated on the label. (xi) 1 copy of the approved first-aid leaflet. (xii) 12 roller bandages 4 inches wide. (xiii) 12 roller bandges 2 inches wide. (xiv) 2 rolls of adhesive plaster. the Bihar Motör Transport Workers Rules, 1962 48 (xv) 6 triangular bandages. (xvi) 2 packets of safety pins. (xvii) A supply of suitable splinte. (xviii) I tournaquet. [Schedule Ill (ii) (iii) (iv) (v) (vi) (vii) SCHEDULE Ill. (See Rule 26.) 6 small sterilized dressings. 3 medium size sterilized dressings. 3 large size sterilized dressings. 3 large size sterilized burn dressings. 1 (1 oz.) bottle containing a two per cent solution of iodine. 1 (1 oz.) bottle containing sal-volatile having does of admi- nistration indicated on the label. 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. Notif Part conft 1961 1962 Bihar Part sub-s of 19 Gove Patne Labo Labo the at Sectil local issue datea of the theret Work(Inspe 27 ofl 8 hou has b Serial 1 2 3 4 5 6 7 8 9 10. 11.