

GOVERNMENT OF WEST BENGAL

LABOUR DEPARTMENT

NOTIFICATION

No. 735-L.W.—21st March 1963.—In exercise of the power conferred by subsection (1) of section 40 of the Motor Transport Workers Act, 1961 (27 of 1961), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of section 40 of the said Act, the following rules, namely.—

WEST BENGAL MOTOR TRANSPORT WORKERS RULES, 1963

CHAPTER-I

Preliminary

1. Short title and application.—(1) These rules may be called the West Bengal Motor Transport Workers Rules, 1963.

(2) These shall come into force as soon as they are published in the *Official Gazette*.

(3) They shall apply to every undertaking as defined in clause (f) rule 2, within the State of West Bengal.

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 4 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 transport undertaking employing five or more motor transport workers and also every other motor transport undertaking to which the provisions of the Act have been made applicable under the proviso to sub-section (4) of section 1.

(2) All other words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Interruptions during running time.—Any interruptions of more than ten minutes shall be excluded from the running time.

CHAPTER-II

Registration of motor transport undertaking

4. Application for registration.—The employer of an undertaking shall 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 induplicate in Form No. 1 for the registration of the undertaking and grant of a certificate of registration :

Provided that in the case on an undertaking which is in operation immediately before the commencement of these rules, such application shall be made within sixty days of such commencement :

Provided further that where an undertaking has units operating in more than one State, 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 the headquarters of the undertaking is located.

5. Grant of certificate of registration.—Certificate of registration in respect of undertakings employing motor transport workers not exceeding the number specified in column 1 of the table below may be granted by the Chief Inspector or an Inspector duly authorised by him in this behalf in Form No. II on payment of the fees as specified in the corresponding entries in column 2 of the said table.

TABLE

<i>Column 1</i>	<i>Column 2</i>
Mamimum number of motor transport workers to be employed during the year	Fees Rupees
5	10.00
25	25.00
50	50.00
100	100.00
250	250.00
500	500.00
750	750.00
1,000 and above	1,000.00

6. Validity of certificate of registration.—Every Certificate granted under rule 5 or renewed under rule 8 shall remain in force up to 31 st December of the year inrespect of which it is granted or renewed

7. Amendment of certificate of registration.—(1) A Certificate of registration granted under rule 5 or renewed under rule 8 may be amended by the Chief Inspector or an Inspector duly authorised by him in this behalf.

(2) An employer who desires to have his certificate of registration so amended shall submit to the Chief Inspector or an inspector duly authorised by him in this behalf an application stating the nature of amendment desired and reasons therefor.

(3) The fee to be paid by the employer for such amendment shall be five rupees *plus* the amount, if any, by which the fee that would have been payable if the certificate had been originally issued in the amended form exceeds the fee actually paid for obtaining the same.

8. Renewal of certificate of registration.—(1) An application for renewal of the certificate of registration shall be made in the manner laid down in sub-rule (2) to the Chief Inspector or an Inspector duly authorised by him in this behalf.

(2) Every such application shall be made in duplicate in Form No. 1, not less than sixty days before the date of expiry of the certificate of registration and if the application is so made, the undertaking shall be deemed to be duly registered until the certificate of registration is renewed or the application of renewal of the certificate is rejected, as the case may be.

(3) The fees chargeable for renewal of a certificate of registration shall be the same as for the grant thereof :

Provided that where such application is not made within the time specified in sub-rule (2), the fee for renewal of the certificate of registration shall be increased by 25 percent, of the fee payable for a timely renewal of the certificate of registration :

Provided further that in cases where the Chief inspector or an inspector duly authorised by him in this behalf is satisfied that the delay in making the application was due to circumstances over which the employer had no control, he may reduce or remit, as he thinks fit, such excess 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 same to another person.

(2) Such application shall be made to the Chief Inspector or an Inspector duly authorised by him in this behalf who shall if he approves of the transfer, make 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.

10. Procedure on death or disability of employer— If an employer holding a certificate of registration dies or becomes insolvent, the person carrying on the business of the undertaking in his place may make application for amendment of the certificate of registration in his name within such time as may reasonably be required to allow him so to do.

11. Issue of duplicate 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 thereof may be issued by the Chief Inspector or by an Inspector duly authorised by him in his behalf 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 appropriate head of account and the receipt obtained shall be submitted along with the application.

(2) If an application for grant, renewal or amendment of a certificate of registration or issue of a duplicate certificate of registration is rejected, the fee paid by the application for such grant, renewal, amendment or issue shall be refunded to him.

13. Marking of the registration number on the vehicles.—The registration number of the undertaking shall be marked on the left hand side of every vehicle owned by the undertaking in lettering 3" high and $\frac{1}{2}$ " thick.

13A. Qualification of Chief Inspector and Inspectors.—

(1) Members of the West Bengal higher Labour Service holding the post of Additional Labour Commissioner may be appointed as Chief Inspector.

(2) Member of the West Bengal Labour Service and the West Bengal Subordinate Labor service and the Inspectors appointed under the Minimum Wages Act, 1948(11 of 1948) may be appointed as "Inspectors".

CHAPTER—III

Inspecting staff

14. Powers of Inspectors.—the Chief Inspector or an Inspector shall, for carrying out the purposes of the Act, have power to do all or any of the following acts, namely:—

- (i) to photograph any motor transport worker, to inspect or sketch, as the case may be, any motor transport vehicle, building, room, appliance, apparatus, register or document, under use or in occupation of or owned by any undertaking, or anything provided for the purpose of securing health and welfare of motor transport workers;
- (ii) to prosecute, conduct or defend in any court of law any complaint or other proceeding arising under the Act or these rules or in connection with the discharge of his duties as such;

1. Inserted by notification No. 1430-L.W.dated 2nd August 1979.

- (iii) to require any employer to supply or send any return or information required under the Act or these rules; and
- (iv) to have a person residing in a State other than the one in which an offence under the Act or these rules has been committed examined through his opposite number in that State and to obtain a record of such examination.

15. Duties of certifying Surgeons.—(1) An adolescent motor transport worker who wishes to obtain a certificate of fitness may apply under section 23 to the Certifying Surgeon within the local limits of whose jurisdiction the undertaking is situated or to whom it has been assigned under section 7. The Certifying Surgeon, shall, on receipt of such application, arrange a suitable time and place for the attendance and medical examination of such person after giving previous notice in writing of such time and place to the employer of the undertaking concerned.

(2) The Certifying Surgeon shall issue the certificate in Form No. III. 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 satisfied as to the correctness of the entries made therein and of the fitness of the persons 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 preserved for a period of at least two years after the issue of the certificate.

(3) The Certifying Surgeon shall, upon request by the Chief Inspector, carry out such examination of the motor transport workers and furnish him with such report as he may require in respect of any undertakings or class of undertakings where—

- (a) cases of illness have occurred which are reasonably attributable to the nature of work or other conditions of work prevailing therein; or
- (b) adolescents are or are about to be employed in any work which is likely to cause injury to their health.

(4) If the Certifying Surgeon is satisfied upon such examination that any person employed in any work in any undertaking is, for medical reasons, no longer fit to work, he shall inform the employer in writing accordingly. On receipt of such information the employer shall suspend such worker from his work for the period recommended by Certifying Surgeon and no person shall after such suspension be employed in that work unless he is certified to be fit for 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 the Certifying Surgeon for his exclusive use for the purpose of any medical examination which he wishes to conduct a properly cleaned, ventilated and lighted room furnished with a screen, a table (with writing material) and four chairs :

Provided that the place of examination shall be selected by the Certifying Surgeon after consultation with the workers' representatives.

CHAPTER-IV

Uniforms and first-aid facilities

16. Uniforms.—(1) The drivers, conductors and line-checking staff employed in any undertaking shall be provided, free of cost, by the employer with uniforms and rain-coats as specified in Schedule I :

Provided that if in the opinion of the Chief Inspector the number and types of uniforms supplied by the employer of any undertaking substantially conform to the requirements of this sub-rule he may, by order in writing, declare that the provisions of this sub-rule as regards supply of uniform by the employer have been duly complied with.

(2) Where washing of uniforms provided under sub-rule(1) is not arranged by the employer, the staff concerned shall be entitled to washing allowance at the rate of Rs. 2 per month.

17. First-aid facilities.—First-aid box containing the equipments mentioned in Schedule II shall be provided by the employer in every motor transport vehicle of his undertaking. Every first-aid box shall be clearly marked "First-Aid" and shall be kept in good order.

CHAPTER-V

Hours and limitations of employment

18. Hours of work.—(1) The Chief Inspector may on written application from an employer, subject to such conditions and for such period as he may think fit, allow him to engage the motor transport workers of his undertaking for more than eight hours in any day or 48 hours in any week, but in no case more than 10 hours in a day and 54 hours in a week, as the case may be—

(i) on any route of 100 kilometres or more, and

(ii) on such festive or other occasions as may be notified by the Chief Inspector in the *Official Gazette*..

(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 or 72 hours in a week without at least eight consecutive hours of rest between the termination of duty and commencement of the next duty.

19. Notice of hours of work.—(1) The Notice of hours of work shall be in Form IV.

(2) It shall be written in English and also in any other Indian language understood by the majority of workers and shall be displayed at a conspicuous portion of the 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 regularly by the undertaking furnishes the particulars required under this rule, he may, by an order in writing, declare that the maintenance of such record shall be sufficient compliance with the provisions of this rule.

(3) No change in the notice with regard to the hours of work shall be allowed unless three days' clear notice is given by the employer to the Inspector indicating the contemplated change.

20. Weekly rest.—(1) No motor transport worker shall be required or allowed to work on a day of rest fixed for him (hereinafter referred to as the said day), unless—

(a) he has had or will have a holiday for a whole day (hereinafter referred to as the substituted day) on one of the three days immediately preceding or following the said day, and

(b) the employer has at least two days before the said or the 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 to allow him holiday as the substituted day on such day as may be specified in the notice, and

(ii) displayed a copy of the said notice at a conspicuous place within the premises of the undertaking.

(2) A notice given under sub-clause (i) of clause (b) of sub-rule (1) may be cancelled by a subsequent notice delivered at the office of the Inspector and displayed at a conspicuous place within the premises of the undertaking not later than the day before the said day or the day previously fixed as the substituted day and proposed to be cancelled, whichever is earlier.

(3) Where in accordance with the provisions of sub-rule (1) any motor transport worker works on the said day and has had a holiday on one of the three days immediately preceding it, his work on that said day shall, for the purpose of calculating his weekly hours of work, be included in the week in which he has had such holiday.

21. Compensatory day of rest.—(1) If in consequence of any exemption from the provisions of section 19 any worker loses the weekly day of rest, the

employer shall display, before the end of the month in which such day of rest is lost by the worker, a notice granting a compensatory day of rest to the said worker during the same month or the next two months specifying the date thereof, at the place prescribed by sub-rule (2) of rule 20. Any subsequent change in the notice in respect of any compensatory day of rest shall also be notified in like manner not less than three days before the date of that compensatory day of rest.

(2) Any compensatory day of rest to which a worker is entitled shall be granted to him before he is discharged or dismissed and shall not be reckoned as part of any period of the notice required to be given before such discharge or dismissal.

(3) every employer shall maintain a register of compensatory days of rest in Form No. V, which shall be preserved for a period of three years after the date of the last entry in it and shall be produced before the Inspector on demand.

CHAPTER-VI

Wages and leave

22. Overtime.—When any motor transport worker works for more than eight hours in any day or more than 48 hours in any case referred to in the second proviso to section 13, he shall be entitled to wages in respect of overtime work, at the rate of one and half times his ordinary rates of wages subject to a maximum of one-half of his ordinary wages [at the rate of twice his ordinary rate of wages subject to a maximum of twice his ordinary wages]¹.

Explanation.— In this rule, "Overtime work" means any work in excess of work for eight hours on any day or 48 hours in any week.

23. Holiday.—The State Government may notify in the *Official Gazette* the holidays which shall be granted to the motor transport workers.

24. Leave with wages.—(1) Every employer shall maintain a register of leave with wages, in Form No. VI :

Provided that if the Chief Inspector is of opinion that any muster roll or any other register maintained regularly by any undertaking, or any return made by the employer, gives in respect of any or all of the workers, the particulars required for the purpose of Chapter VII of the Act, he may, by an order in writing direct that such muster roll or register or return shall, to the corresponding extent, be maintained in place of and be treated as, the register required to be maintained under this rule in respect of that undertaking.

1. Substituted by notification No. 3-EIL/EIL/1A-13/74, dated 21 st February 1975.

(2) The register of leave with wages shall be preserved for a period of three years after the date of last entry in it and shall be produced before the Inspector on demand.

25. Leave Book.—Every employer shall provide every worker with a book in Form No. VII (hereinafter called the Leave Book). The Leave Book shall be the property of the worker and the employer or his agent shall not demand it except for the purpose of making necessary entries therein and shall not keep it for more than a week at a time :

Provided that if any leave card or similar other 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 be accepted by the Chief Inspector, by an order in writing, as a substitute for the Leave Book.

26. Register of workers.—Every employer shall maintain a register of workers in Form No. VIII :

Provided that if the Chief Inspector is of opinion that any other register of workers or similar other record maintained regularly by an undertaking gives the particulars required under this rule, he may by an 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.

27. Muster roll.—Every employer shall maintain in form IX a muster roll of all workers employed in the undertaking :

Provided that if the Chief Inspector is of opinion that any other muster roll or register maintained regularly by an undertaking gives the particulars required under this rule, he may, by an 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.

28. Overtime muster roll.—Every employer shall maintain an overtime muster roll in Form X in which overtime hours and payments made therefor shall be correctly entered. The overtime muster roll shall always be available for inspection.

Provided that if the Chief Inspector is of opinion that any other overtime muster roll or register maintained regularly by an undertaking gives the particulars required under this rule, he may, by an order in writing, direct that such overtime muster roll or register be maintained in place of, and treated as, the overtime muster roll required to be maintained under this rule.

29. 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. XI. The Book shall be numbered consecutively :

Provided that if the Chief Inspector is of opinion that any other Individual Control Book or similar other record maintained regularly by an undertaking gives the particulars required under this rule, he may by an order in 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.

(2) Every motor transport worker travelling with the vehicle shall make daily entries in the Individual control Book and forward or hand over 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.

(3) Every employer shall preserve the original copies of the Individual control Book mentioned 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 an Inspector.

(4) Every motor transport worker travelling with the vehicle shall carry and retain with himself the Individual control Book for a period of at least six months after the date of the last entry therein and shall produce the same for inspection on demand by an Inspector.

30. Quarterly returns.—(1) The employer of every undertaking shall furnish to the Chief Inspector through the Regional Inspector a quarterly return in duplicate, in Form XII, by the 15th of the month immediately following the quarter to which it relates.

(2) A Copy of the return shall also be furnished by the employer to the registered union(s) of the workers of the undertaking or, where there is no such union, to the workers of the undertaking free of cost, for information, as early as possible.]

1. Substituted by notification No. 3-E1L/E1L/1A-13/74, dated 21 st February 1975.

FORM NO. I

[See Rules 4 and 8]

**Application for registration of undertaking and
grant or renewal of certificate of registration.**

1. Name of motor transport undertaking _____
2. Full address to which communications relating to the motor transport undertaking should be sent : _____

3. Nature of motor transport service, e.g., city service, long distance passenger service, long distance freight service : _____

4. Total number of routes : _____
5. Total route mileage : _____
6. Total number of motor transport/vehicles on the last date of the preceding year : _____
7. Minimum number of motor transport workers employed on any day during the preceding year : _____
8. Full names and residential addresses of the—
 - (i) Proprietor or partners of the motor transport undertaking in the case of firm not registered under the Companies Act, 1956 : or
 - (ii) General Manager in the case of a public sector undertaking : _____
9. Full names and residential addresses of the Directors in the case of a company registered under the Companies Act, 1956 : _____
10. Amount of fee Rs. _____ (Rupees. _____)
Paid in _____ Treasury on _____
(vide Challan No. _____ enclosed).

Signature of the employer

Date :

Note : This form shall be completed in ink in block letters or types.

FORM NO. III

[See Rule 5]

Certificate of fitness

1. Serial No. : _____

Date : _____

2. Name of the applicant _____

3. Father's name : _____

4. Residence : _____

5. Date of birth, if available _____

and/or certified age _____

6. Physical fitness. _____

7. Distinguishing marks _____

8. Reasons for—

(i) Refusal of certificate

(ii) Certificate being revoked

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 distinguishing marks are

Thumb impression of the applicant.

Signature of the Certifying Surgeon.

Thumb impression of the applicant.

Initials of Certifying Surgeon.

Note : Exact details of cause of physical disability should be clearly stated.

FORM No. IV

[See Rule 19]

Notice of hours of work for Motor Transport Workers for the year 19.....

Name of undertaking..... Registration No. Place.....

Periods of work	Total number of men employed										Total number of adolescents employed						Description of Groups			Remarks
	A		B		C		D		E		F	G	H	Groups	Nature of	Day on which weekly day of rest is allowed				
	1	2	3	1	2	3	1	2	3	1							2	3		
Groups																				
Relays	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3					
Hours of work on working days.																				
1. From																				
To																				
2. From																				
To																				
3. From																				
To																				
4. From																				
To																				
5. From																				
To																				
6. From																				
To																				
On partial working days.																				
7. From																				
To																				
8. From																				
To																				

Date on which this notice is first exhibited.

Signature of employer.

FORM No. V

[See Rule 21]

Register of compensatory days of rest.

Serial No.	Serial No. in the Register of workers.	Name	Number and date of exempting order.	Year	Weekly rest days lost due to the exempting order in—				Date of compensatory days of rest given in—				Lost rest days carried to the new year.	Remarks
					January to March.	April to June.	July to September.	October to December.	January to March.	April to June.	July to September.	October to December.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM No. VI

[See Rule 24]

Register of leave with Wages

Adults/Adolescents.

Name of the worker.....

Father's name.....

Address.....

Date of entry into service.....

Date and amount of payment made in lieu of leave

due.....

Calendar year of service.	Wage period From To.....	Wage earned during the wage period	No. of days of work performed	Leave in credit.		Total of columns 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 columns 11 and 12).	Remarks
				Balance of leave from the preceding year	Leave earned during the year mentioned in column 1.									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	

Note.—Separate page will be allotted to each worker.

FORM No. VII

(See Rule 25)

Leave Book

Adalberto A. Delacruz.

Name of the worker

Address.....

Date of entry into service.....

Date of discharge _____

Date and amount of payment made in lieu of leave

100

Serial No.

Name of undertaking.....

[illegible]

Note—The leave Book shall be made out for each worker on thick bound sheets

For the month of.....
place.....

Name of undertaking.....

395

FORM No. X

[See Rule 28]

OVERTIME MUSTER ROLL

Part I : Overtime under first proviso to section 13. Part II : Overtime under second proviso to section 13

Month ending.....19.....

Serial No.	Serial No. in the Register of Workers	Name of Worker	Nature of work	Dates on which overtime has been worked	Extent of overtime on each occasion	Total Overtime worked	Normal hours	Normal rate of pay	Overtime rate of pay	Overtime earning	Date on which overtime payments made
1	2	3	4	5	6	7	8	9	10	11	12

FORM No. XI

[See Rule 29]

Individual Control Book

Sheet No.

Week from Sunday to Saturday 19.....

Name of the Motor Transport Worker.....

Day	Date	On Duty (D) or Rest (R).	Time of taking up duty.	Place of ending duty.	Spread- over	Period vehicle on road.	Period of interup- tion of more than ten minutes.	Running time (7-8)	Time spent in subsidiary work	Periods of more attendance at terminals of less than 15 minutes.	Hours of work (9+10+ 11)	Interval of rest.	Length of overtime worked.	Circum- stances under which overtime worked.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Sunday															
Monday															
Tuesday															
Wednesday															
Thursday															
Friday															
Saturday															

Note.—A New working week begins at midnight on Saturday. Particulars of hours of work and rest on Saturday should be included in the form for the previous week and those on Sunday should be included in the form for the following week.

FORM NO. XII

[See Rule 30]

Annual Return.

	Year ending 31st December 19.....
1. Name of the motor transport undertaking :	
2. Postal Address :	
3. Average number of workers employed daily :	Adults..... Adolescents.....
4. Normal hours worked per day :	Adults..... Adolescents.....
5. What rest or intervals were given :	Adults..... Adolescents.....
6. The number of workers exempted from the provision of :	Adults..... Adolescents.....
7. Leave with wages—	
(i) Number of workers who are entitled to annual leave with wages during the calendar year to which this return relates :	Adults..... Adolescents.....
(ii) Number of workers who were granted leave during the year :	Adults..... Adolescents.....
(iii) Number of workers discharged or dismissed from service during the year:	Adults..... Adolescents.....
(iv) Number of discharged workers paid wages in lieu of leave :	Adults..... Adolescents.....
(v) Total amount of wages paid in lieu of leave :	Adults..... Adolescents.....
8. Compensatory days of rest—	
(i) Number of workers exempted from section 19 :	Adults..... Adolescents.....
(ii) Number of workers who received days of rest in the—	
(a) same month	
(b) following month	
(c) third month	

*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, attendances by temporary as well as permanent employees should be counted. Attendances in separate sheets should be counted separately. Days on which the undertaking was not operating, for whatever cause, should be treated as working days.

SCHEDULE I

[See Rule 16]

Category of staff.	Particulars of articles	Quantity	Period of supply.
1. Drivers, conductors, Traffic-Inspectors, Ticket-Examiners, Zone-Inspectors, Cleaners, Structures and Time-Keepers.	1. Khaki full pant, Khaki full sleeve Bush shirt	2 2	Annually Annually
Provided that the Motor Transport Workers mentioned above in the hill areas of the district of Darjeeling shall be provided with two sets of Khaki Worsted Coats and Khaki Worsted Trousers annually instead of the above uniforms. The workers in the hill areas shall also be provided with one Forage Cap annually.			
2. Traffic-Inspector, Zone-Inspector, Ticket-Examiner, Time-keeper, Line-posting, Conductor, Flag-man, Goomty-keeper and Sweeper.	2. Rain Coat.	1	Annually.
3. Driver, Conductor, Traffic-Inspector, Ticket-Examiner, Cleaner, Starter and Time-keeper.	3. Woolen Jersey.	1	Every 2 years

SCHEDULE II

[See Rule 17]

1. A copy of the first-aid leaflet.
2. Twenty-four sterilized finger dressings.
3. Twelve sterilized hand or foot dressings.
4. Twelve sterilized large or body dressings.
5. One extra large, two large and three small sterilized burn dressings.
6. Two half ounce packets of sterilized cotton wool.
7. A bottle of 2 per cent. Tincture of Iodine.
8. A bottle of Sal Volatile.
9. Empty bottle fitted with cork and camel hair brush for eye drops.
10. Two-ounce medicine glass.

By order of the Governor,
S. M. BHATTACHARJI,
Secy. to the Govt. of West Bengal

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

NOTIFICATION

No. 1258L.—18th July, 1984.—The following Act of the West Bengal Legislature, having been assented to by the President, is hereby published for general information :—

**West Bengal Act XXII of 1984
THE MOTOR VEHICLES (WEST BENGAL SECOND
AMENDMENT) ACT, 1984**

(Passed by the West Bengal Legislature.)

(Assent of the President was first published in the Calcutta Gazette,
Extraordinary, of the 18th July, 1984

An Act to amend the Motor Vehicles Act, 1939,
in its application to West Bengal.

WHEREAS it is expedient to amend the 4 of 1939 Motor Vehicles Act, 1939, in its application to West Bengal, for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-fifth year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. Short title and commencement.— (1) This Act may be called the Motor Vehicles (West Bengal Second Amendment) Act, 1984.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Application of the Act.—The Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended for the purpose and in the manner hereinafter provided.

THE CALCUTTA GAZETTE, EXTRAORDINARY, JULY 18, 1984

The Motor Vehicles (West Bengal Second Amendment) Act, 1984

(Section 3)

3. Insertion of new section 23A in Act 4 of 1939.—After section 23 of the principal Act, the following section shall be inserted :—

“Registration of motor vehicle 23A. (1) Subject to the provisions of
owned or engaged-by motor section 23, a motor transport undertaking
transport undertaking.” as defined in clause (g) of section 2 of the
Motor Transport workers Act,

27 of 1961 1961, which owns a motor vehicle, or where such motor transport
undertaking.” engages a motor vehicle, not owned by it, in
carrying passengers or goods or both by road for hire or reward, the owner of

such motor vehicle, shall be required to produce before the registering authority, prior to the registration or renewal of registration of the motor vehicle under this Act or the rules made thereunder, as the case may be, the certificate of registration of such motor transport undertaking issued under sub-section (3) of section 3 of the Motor Transport Workers Act, 1961.

(2) No motor vehicle as aforesaid shall be registered and no registration of such motor vehicle shall be renewed under this Act or the rules made thereunder, as the case may be, unless the registering authority is satisfied that the motor transport undertaking concerned has been duly registered under the Motor Transport Workers Act, 1961.

(3) Where a certificate of registration or renewal of registration of a motor vehicle owned or engaged by a motor transport undertaking has been issued by the registering authority under this Act or the rules made thereunder, as the case may be, before the coming into force of the Motor Vehicles (West Bengal Second Amendment) Act, 1984, the registering authority shall, notwithstanding anything contained in this Act or the rules made thereunder, cancel such certificate within a period of three months from the date of coming into force of the Motor Vehicles (West Bengal Second Amendment) Act, 1984 ;

Provided that no such certificate shall be cancelled—

(a) If the motor transport undertaking owning or engaging the motor vehicle is duly registered under the Motor Transport Workers Act, 1961 before the coming into force of the Motor Vehicles (West Bengal Second Amendment) Act, 1984 or within the period of three months from the date of coming into force of that Act, or

The Motor Vehicles (West Bengal Second Amendment) Act, 1984
(Section 3)

(b) Without giving the motor transport undertaking owning the motor vehicle, or where the motor transport undertaking engages the motor vehicle, not owned by it, the owner of the motor vehicle, an opportunity of producing before the registering authority the certificate of registration of the motor transport undertaking, issued under sub-section (3) of section 3 of the Motor Transport Workers Act, 1961, within such period, not exceeding three months from the date of coming into force of the Motor Vehicles (West Bengal Second Amendment) Act, 1984, as may be specified by the registering authority in a notice to be published in such manner as may be prescribed.

By order of the Governor,
—P. K. BANERJEE —
Secy, to the Govt, of West Bengal