

**THE MOTOR TRANSPORT WORKERS ACT,1961 :-**

**REGISTRATION OF MOTOR TRANSPORT UNDERTAKING.**

**Rule 4. Application for registration-**

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 (Deputy Labour Commissioner, Assam for inter state operation) or an Inspector (Asst. Labour Commissioner or Labour Officer for intra state operation)** 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 immediately 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 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 its Headquarters Office is located.

**5. Grant of Certificate of registration-** 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 Form No.II on payment of fees as specified below:-

| <b>Maximum number of motor transport workers to be employed during the year</b> |     |     |     |     |      | <b>Fees</b> |
|---|-----|-----|-----|-----|------|-------------|
|   |     |     |     |     |      | <b>Rs.</b>  |
| 5   | ... | ... | ... | ... | ...  | 10          |
| 25  | ... | ... | ... | ... | ...  | 25          |
| 50  | ... | ... | ... | ... | ...  | 50          |
| 100   | ... | ... | ... | ... | ...  | 100         |
| 250   | ... | ... | ... | ... | ...  | 250         |
| 500   | ... | ... | ... | ... | ...  | 500         |
| 750   | ... | ... | ... | ... | ...  | 750         |
| 1000  | ... | ... | ... | ... | ...  | 1000        |
| 1500 and above ...  | ... | ... | ... | ... | 1500 |             |

**Rule 6. Validity of certificate of registration-** Every certificate of registration granted under Rule 5 or renewed under Rule 8 shall remain in force for a period of three years only from the date on which the certificate is granted or renewed.

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**Rule 8. Renewal of certificate of registration**– (1) Every employer shall apply to the Chief Inspector or an Inspector duly authorised by him in this behalf for renewal of the certificate of registration before its validity expires. (2) Every such application shall be in Form No.I, 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 chargeable for renewal of a certificate of registration shall be the same as for the grant thereof :

Provided that if the application for renewal is not received within the time specified in sub-rule (2), a fee of twenty-five per cent in excess of the fee ordinarily payable for the certificate of registration shall be payable for such renewal :

Provided further that in cases where the Chief Inspector or the Inspector is satisfied that delay in submission of the application is due to unavoidable circumstances beyond the control of the employer, he may reduce or remit, as he thinks fit, the payment of such excess fee.

**Rule 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 shall not be liable under the Act during such time as may reasonably be required to allow him to make an application for the amendment of the certificate of registration under Rule 7 in his name.

**Rule 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 may be granted on payment of a fee of five rupees.

**Rule 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 0230-101 under the Assam Motor Transport Workers Rules, 1962", and receipt obtained which shall be submitted along with the application.

[*Note*– As regards payment of fees into Treasury, attention is invited to Treasury Rule (Assam) 10 and the subsidiary orders made thereunder.]

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

**Rule 13. Marking of the registration number on the vehicles**– (1) The registration number of the undertaking shall be marked on the left hand side of every vehicle in lettering 3" high and 1/2" thick.

(2) Unless the Chief Inspector, by Notification in the official *Gazette*, otherwise directs, marking under sub-rule (1) shall be in English letters.

**D.THE ASSAM PLANTATIONS LABOUR RULES, 1956:-**

**Rule 2-A:Registration of Plantation.-** Every employer of a plantation shall within the time limit prescribed under sub-section (1) of Section 3-B of the Plantations Labour (Amendment) Act, 1981, shall submit to the **Chief Inspector of Plantations** an application in Form No. 13 in duplicate, for the registration of the plantation and grant of a certificate of registration.

**Rule 2-B. Grant of Certificate of Registration.-** A certificate of Registration for a plantation shall be granted by the Chief Inspector in Form No. 14 on payment of fees on hectares of land used or intended to be used for the purposes of plantation as indicated below–

|  |            |
|--|------------|
| (a) Plantation upto 120 hectres                        | Rs. 250.00 |
| (b) Plantation between 121 hectares and<br>200 hectres | Rs. 500.00 |
| (c) Plantation between 201 hectares and above          | Rs. 750.00 |

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**Rule 2-F. Issue of duplicate Certificate of Registration.-** Whereas a Certificate of Registration granted under Rule 2-B is lost, defaced or accidentally destroyed a duplicate may be granted on payment of a fee of five rupees.

**Rule 2-G. Payment of fees.-** (1) The fees prescribed under these rules shall be paid into the local Treasury under the ["087" - Labour and Employment Receipt under Labour Laws - Fees under Plantations Labour Act, 1951]<sup>1</sup> and the receipt shall be enclosed to the application form.

(2) If the application for grant, amendment or issue of a duplicate Certificate of Registration is rejected, the fee paid shall be refunded to the applicant.

**Rule 2-J.** Any person aggrieved by the order of a Registering Officer under sub-section (1) of Section 3-C may within the time specified under the sub-section prefer an appeal to the Secretary to the Government of Assam in the Labour Department".

#### **D.THE BUILDING AND OTHER CONSTRUCTION WORKERS(R.E & C.S.)ACT,1996 :-**

#### **REGISTRATION OF ESTABLISHMENTS**

**Rule23 :Manner of making application for registration of establishments–** (1) The application referred to in sub-section (1) of Section 7 of the Act shall be made in triplicate, in Form-I annexed to these rules to **Registering Officer(Asst. Labour Commissioner(s)and Labour Officer(s) are declared registering officers for specified jurisdiction by the Government to function as Registering Officers under the Act)**of the area appointed under Section 6 of the Act in which the building or other construction work is to be carried on by the establishment.

(2) Every application referred to in sub-rule (1) shall be accompanied by a demand draft showing payment of the fees for the registration of the establishment.

(3) Every application referred to in sub-rule (1) shall be either personally delivered to the registering officer or sent to him by registered post.

(4) On receipt of the application referred to in sub-rule (1) the registering officer shall after noting thereon the date of receipt by him of the application, grant an acknowledgement to the applicant.

**Rule 24. Grant of Certificate of registration**— (1) The Registering Officer, after receiving application under sub-rule (1) of Rule 23 shall register the establishment and issue a certification of registration to the applicant within fifteen days of receipt of application if such applicant has complied with all the requirements as laid down in these rules and has made the application within such period as specified under clause (a) and clause (b) of sub-section (1) of Section 7 of the Act. The certificate of registration to be granted by the registering officer shall be in Form-II annexed to these rules.

(2) The registering officer shall maintain a register in Form-III annexed to these rules showing the particulars of establishments in relation to which certificates of registration have been issued by him.

(3) If, in relation to an establishment any change occurs in the ownership or management or other particulars specified in the certificate of registration, the employer of the establishment shall intimate the registering officer, within thirty days from the date of when such change takes place, the date and particulars of such change, and the reasons thereof.

**Rule 25. Payment of additional fees and amendment of register etc.**— (1) Where on receipt of the intimation under sub-rule (3) of Rule 24, the registering officer is satisfied that an amount higher than the amount, which has been paid by the employer as fees for the registration of the establishment is payable, he shall require such employer to pay additional sums which, together with the amount already paid by such employer, would be equal to such higher amount of fees payable for the registration of the establishment.

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(2) Where on receipt of the intimation referred to in sub-rule (3) of Rule 24, the registering officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form-III annexed to these rules, he shall amend the said register and record therein the change which has occurred :

Provided that the registering officer shall not carry out any amendment in the register in Form-III annexed to these rules unless the appropriate fees have been deposited by the employer.

**Rule 26. Conditions of registration**– (1) Every certificate of registration issued under Rule 24 shall be subject to the following conditions, namely–

- (a) the certificate of registration shall be non-transferable;
- (b) the number of workmen employed as building workers in an establishment shall not, on any day, exceed the maximum number specified :

Provided that no person, who is not a citizen of India or is a foreigner illegally entered in India or a foreigner without having any valid document, shall be registered either as a contractor or employer or as a building worker, as the case may be, under the provisions of the Act and these rules.

(3) The employer shall before thirty days of the commencement and completion of any building or other construction work. submit a written notice to the Inspector, having jurisdiction in the area where the proposed building or other construction work is to be executed, in time-being the actual date of commencement or, as the case may be, completion of such building or other construction work in Form-IV annexed to these rules.

(4) The certificate of registration of an establishment shall be valid only for such building and other construction work carried out by such establishment for which intimation required under sub-rule (3) has been given.

(5) A copy of the certificate of registration shall be displayed at the conspicuous place at the premises where the building and other construction work is being carried on.

**Rule 27. Fees**– (1) The Fees to be paid for the grant of a certificate of registration under Rule 24 shall be as specified below, namely–

If the number of workers proposed to be employed as building workers for a building or other construction work on one day–

- |  |     |            |
|--|-----|------------|
| (a) Is upto 100                        | ::: | Rs.100.00  |
| (b) Exceed 100 but does not exceed 500 | ::: | Rs.500.00  |
| (c) Exceed 500                         | ::: | Rs.1000.00 |

**Rule 33 Payment of fees**– (1) All amounts of money payable on account of registration, appeal, supply of copies or duplicate copies of certificate of registration shall be paid through a cross demand draft in favour of the Registering Officer, as the case may be and made payable at the branch of the Bank specified by the State Government from time to time at the headquarters of the concerned registering officer or appellate officer.

(2) The Registering Officer or the Appellate Officer, as the case may be, on receipt of the demand draft from the party under sub rule (1) shall arrange to deposit the amount in the appropriate account in the Bank specified by the State Government.