No. 190(2)/LXXIX-V-1–18-1(ka)-15-2017

Dated Lucknow, January 24, 2018

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Motor Parivahan Karmkar (Uttar Pradesh Sanshodhan) Adhiniyam, 2017 (Uttar Pradesh Adhiniyam Sankhya 12 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the President on January 4, 2018.

THE MOTOR TRANSPORT WORKERS (UTTAR PRADESH AMENDMENT) ACT, 2017

(U.P. ACT NO. 12 OF 2018)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Motor Transport Workers Act, 1961 in its application to Uttar Pradesh.

IT IS HEREBY enacted in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Motor Transport Workers (Uttar Pradesh Amendment) Act, 2017. Short title and extent

(2) It shall extend to the whole of Uttar Pradesh.

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Amendment of section 3 of Act no. 27 of 1961

2. In section 3 of the Motor Transport Workers Act, 1961, hereinafter referred to as the principal Act, *after* sub-section (3), the following sub-section shall be *inserted*, namely:-

"(4) On submission of application in all respect the registering officer shall grant or refuse to grant registration within one day after the date of submission of application in such manner as may be prescribed by the State Government on expiry of the said period the registration shall be deemed to be granted.

The Applicant may submit his application on departmental web portal along with necessary documents and payment of fee. If the application is complete in all respect and the applicant is eligible, automatic registration shall be granted by the web portal and registration certificate be sent through e-mail:

Provided that if the registration is obtained by misrepresentation of fact or concealment of fact or on the basis of forged document then such registration shall be deemed null and void and may be cancelled by the registering officer and legal action shall be taken against applicant."

Insertion of section 34-A

3. *After* section 34 of the principal Act the following section shall be *inserted* namely:-

"34-A Any offence punishable under this Act with fine only or imprisonment up to three months or with both shall be compounded on the application of accused before or after institution of prosecution by a competant authority notified by the State Government, after imposing 50% of the fine for the offence as compounding fee along with the prescribed fine:

Compostion of offence

Provided that remedy for compounding shall be available for the first offence only.

(2) Every officer referred to in sub-section (1) shall exercise the power to compound an offence, subject to direction, control and supervision of the State Government.

(3) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed.

(4) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(5) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing to the notice of the court in which prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

STATEMENT OF OBJECTS AND REASONS

The Motor Transport Workers Act, 1961 has been enacted by the Central Government with the object of regulating various aspects of working conditions of employment such as work and wages, medical facilities, welfare facilities, working hours, overtime, leaves *etc.* of employees employed in motor transport undertaking. The Act also provides for the registration of motor transport undertaking.

From the last many years there has been a growing demand for fixing definite time line for registration of undertakings so as to make registration convenient and fixing accountability of Government machinery and introduction of provision for compounding of small offences in order to avoid unnecessary litigation and to reduce the number of cases pending in courts. So, after due consultation with associations of employers and trade unions, it has been decided to amend the Motor Transport Workers Act,1961 in its application to Uttar Pradesh to provide for registration within one day from the date of submission of application and for compounding of first offence on payment of fifty per cent of the fine as compounding fee along with prescribed fine for the offence under the said Act.

The Motor Transport Workers (Uttar Pradesh Amendment) Bill, 2017 is introduced accordingly.

By order,
VIRENDRA KUMAR SRIVASTAVA,
Pramukh Sachiv

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