

THE ROAD TRANSPORT WORKERS ORDINANCE, 1961
(XXVIII of 1961)

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TEXT

'THE ROAD TRANSPORT WORKERS ORDINANCE, 1961

(XXVIII of 1961)

[4 July 1961]

An

Ordinance

to regulate the hours of work and other conditions of employment of road transport workers in Pakistan

WHEREAS it is expedient to regulate the hours of work and other conditions of employment of road transport workers in Pakistan;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.— (1) This Ordinance may be called the Road Transport Workers Ordinance, 1961.

(2) It extends to ²[whole] of ³[the Punjab].

(3) It shall come into force at once.

2. Definitions.— In this Ordinance, unless there is anything repugnant in the subject or context,—

(1) "day" means a period of 24 hours beginning at midnight;

(2) "employer" means the owner of any road transport service in which workers are employed, and where the business of such service is not directly managed by the owner, means, the Manager, Agent or Representative of such owner in the said service, and where the owner is a minor, the guardian of such minor, and in relation to any vehicle which is the subject of hire-purchase agreement, the person in possession of the vehicle under that agreement;

⁴[(3) "Government" means Government of the Punjab];

(4) "hours of work" means the time during which the workers employed are at the disposal of the employer excluding any interval allowed for rest

¹This Ordinance was made by the President in pursuance of the Proclamation of seventh day of October, 1958; published in the Gazette of Pakistan (Extraordinary), dated July 4, 1961, pp. 1075-1080. This Ordinance had been applied to the Provincially Administered Tribal Areas to the Parts of those areas to which it did not already apply, see Regulation No. 1 of 1972, s. 2 read with Schedule. This Ordinance was originally in the Federal ambit, however, the subject on which this law was enacted devolved to the provinces by virtue of 18th Amendment in the Constitution, hence it was adapted, with amendments, for the province of the Punjab by the Road Transport Workers (Amendment) Act 2012 (XX of 2012), published in the Punjab Gazette (Extraordinary), dated February 11, 2012, pp. 40161-40162.

²Substituted for the words "the whole" by the Road Transport Workers (Amendment) Act 2012 (XX of 2012), published in the Punjab Gazette (Extraordinary), dated February 11, 2012, pp. 40161-40162, s. 2.

³Substituted for the word "Pakistan" by the Act *ibid*.

⁴Substituted by the Act *ibid*, s. 3.

and meals;

- (5) "prescribed" means prescribed by rules made under this Ordinance;
- (6) "public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a vehicle;
- (7) "road transport service" means a service carrying passengers or goods or both by road in vehicles for hire or reward;
- (8) "vehicle" means any mechanically propelled vehicle, used or capable of being used for the purpose of road transport and includes a tramcar, a trolley-vehicle and a trailer;
- (9) "week" means a period of seven days;
- (10) "worker" means a person engaged on mobile duty, and includes drivers, cleaners, conductors and checkers employed by or in a road transport service;
- (11) "year" means a period of twelve months starting from the date a worker is employed in a road transport service and ending on the date immediately preceding in the following calendar year.

3. Age limit.— (1) No person, other than a driver, shall be employed in any road transport service unless he has attained the age of eighteen years.

(2) No person shall be employed in any road transport service for the purpose of driving a vehicle unless he has attained the age of twenty-one years.

[3A. Order of appointment, etc.— An employer—

- (a) who has employed a worker before the commencement² of the Road Transport Workers (Amendment) Act, 1975, shall within one month of such commencement, and
- (b) who employs, transfers or promotes a worker after such commencement shall on the day of such employment, transfer or promotion,

furnish such worker with an order in writing in such form as may be prescribed specifying the terms and conditions of his employment, transfer or promotion, as the case may be.]

4. Hours of work and rest.— (1) No worker shall be employed on a vehicle—

- (a) for more than five hours at a time before he has had an interval for rest of at least half an hour nor for more than ³[seven] hours before he has had at least two such intervals;

¹Inserted by the Road Transport Workers (Amendment) Act, 1975 (XII of 1975), published in the Gazette of Pakistan (Extraordinary), Part I, dated January 25, 1975, pp. 17-31, s. 2.

²The Road Transport Workers (Amendment) Act, 1975 (XII of 1975), published in the Gazette of Pakistan (Extraordinary), Part I, dated January 25, 1975, pp. 17-31 commenced with its publication, s. 1(3).

³Substituted for the word "eight" by the Road Transport Workers (Amendment) Act, 1975 (XII of 1975), published in the Gazette of Pakistan (Extraordinary), Part I, dated January 25, 1975, pp. 17-31, s. 3(a).

- (b) for more than ¹[eight] hours in a day; and
- (c) for more than ²[forty-eight] hours in a week.

³[**Explanation.**– A worker who is required to wait for not less than 30 minutes to be employed on a vehicle shall be deemed to be employed on a vehicle during the time he is so required to wait.]

(2) Every worker shall be entitled to have at least twenty-four hours of consecutive rest in a week.

(3) The Government may, by rules made under section 10, grant such exemptions from the provisions of sub-section (1) and sub-section (2) as it thinks fit, to meet cases of emergency or of delay by reason of circumstances which could not be foreseen:

Provided that–

- (a) no worker shall be employed overtime in any year in excess of one hundred and fifty working hours; and
- (b) the worker employed overtime shall be paid remuneration at twice the rate of his normal wages calculated by the hour.

(4) Where as a result of the making of a rule exempting any worker from the provisions of sub-section (2), a worker is deprived of any of the weekly hours of rest for which provision is made in the sub-section he shall be allowed, as soon as circumstances permit, compensating hours of rest of equal number so lost:

Provided that no worker shall be caused or allowed to work for more than ten consecutive days without a compensating rest for at least twenty-four hours at one time.

(5) The Government or, if authorized in this behalf by the Government by rules made under section 10, the competent authority, may require an employer to fix beforehand the hours of work of the workers so as to conform with the provisions of subsection (1) and may provide for the recording of the hours so fixed.

(6) No worker shall work or cause or allow any other worker to work outside the hours fixed or recorded for the work of the said worker in compliance with any rule under sub-section (5).

5. Restriction on cumulative hours of work.– No worker shall work or be allowed to work on a vehicle or two or more vehicles in excess of the period during which he may be lawfully employed under this Ordinance.

6. Leave.– (1) In addition to the period of daily and weekly rest, every worker, who has been in continuous employment for a period of one year, shall be entitled to not less than 14 days' leave with full pay or, if he has been continuously employed for a period of six months, he shall be entitled to not less than seven days' leave with full pay.

¹Substituted for the word "nine" by the Act *ibid.*, s. 3(b).

²Substituted for the word "fifty-four" by the Act *ibid.*, s. 3(c).

³Inserted by the Act *ibid.*, s. 3(d).

(2) For the purpose of computing the period during which a worker has been in continuous employment within the meaning of sub-section (1), the period during which he was on leave under this section shall be included.

1[6A. Festival holidays.— (1) Every worker shall be entitled to festival holidays with full wages for twelve days in a year and the employer shall notify the days and dates for such holidays to workers within a week,—

- (a) in the case of a road transport service operating immediately before the commencement² of the Road Transport Workers (Amendment) Act, 1975,—
 - (i) for the year 1975, of the commencement of the said Act; and
 - (ii) for subsequent years, of the beginning of each calendar year; and
- (b) in the case of a road transport service which starts operating after the commencement of the said Act,—
 - (i) for the year in which it starts operating, of the starting of its operation; and
 - (ii) for subsequent years, of the beginning of each calendar year.

(2) A worker may be required to work on any festival holiday but a substitute holiday shall be allowed to him within ten days of the festival holiday, or, at his option, he shall be paid wages in respect of such work at double the ordinary rate of wages payable to him.

6B. Casual leave.— Every worker shall be entitled in a year to ten days' casual leave on full wages:

Provided that casual leave admissible under this section shall not be accumulated and carried forward to the succeeding year.]

3[7. W.P. Ordinance No. VI of 1968 to apply to road transport service.— The provisions of Standing Orders 10B, 10C, 12, other than those contained in clause (2) thereof, 13, 14, other than the proviso thereto, and 15 of the ⁴[* *] Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (W. P. Ordinance No. VI of 1968), as in force for the time- being, shall apply to every road transport service as if such road transport service were an industrial establishment to which the aforesaid Ordinance had been applied by a notification under clause (c) of sub-section (4) of section 1 thereof, and as if a worker was a workman or permanent workman, as the case may be, within the meaning of that Ordinance:

Provided that for the purpose of calculating the period for which gratuity is

¹Inserted by the Road Transport Workers (Amendment) Act, 1975 (XII of 1975), published in the Gazette of Pakistan (Extraordinary), Part I, dated January 25, 1975, pp. 17-31, s. 4.

²The Road Transport Workers (Amendment) Act, 1975 (XII of 1975), published in the Gazette of Pakistan (Extraordinary), Part I, dated January 25, 1975, pp. 17-31 commenced with its publication, s. 1(3).

³Substituted by the Road Transport Workers (Amendment) Act, 1975 (XII of 1975), published in the Gazette of Pakistan (Extraordinary), dated January 25, 1975, pp. 17-31, s. 5.

⁴Omitted the words "West Pakistan" by the Road Transport Workers (Amendment) Act 2012 (XX of 2012), published in the Punjab Gazette (Extraordinary), dated February 11, 2012, pp. 40161-40162, s. 4.

due under Standing Order 12, no period of service preceding the commencement¹ of the Road Transport Workers (Amendment) Act, 1975, shall be taken into account:

Provided further that Standing Order 10B or 10C, or Standing Order 12, in so far as it relates to gratuity, shall apply only to a road transport service wherein the workers and the other persons employed on any day within the twelve months immediately preceding the commencement of the said Act were, or on the day of commencement of the said Act or on any day thereafter are,—

- (a) in the case of Standing Order 10B, more than forty-nine; or
- (b) in the case of Standing Orders 10C, and 12, more than nineteen.]

8. Maintenance of registers, etc.— (1) Every employer shall, in the prescribed form and in the prescribed manner, keep in the office of the road transport service a record of the hours worked and the amount of leave taken by, and of the intervals allowed for rest and meals to, every worker in accordance with the provisions of this Ordinance and particulars of all employment overtime shall be separately entered in the record.

(2) Every employer shall, for the purposes of this Ordinance, maintain such other records and registers and display such notices or other documents as may be prescribed.

9. Inspection of registers and calling for information.— It shall be the duty of every employer to produce for inspection of such inspectors as may be appointed by the Government all accounts or other records required to be kept for the purposes of this Ordinance and to give to such officer any other information in connection therewith as may be required.

10. Power to make rules.— The Government may make rules for the purpose of carrying into effect the provisions of this Ordinance.

11. Penalties.— Whoever contravenes any of the provisions of this Ordinance, or any of the rules made thereunder, shall be ²[punishable—

- ³[(a) for the first offence, with fine not exceeding five thousand rupees but not less than two thousand rupees; and]
- (b) for every subsequent offence, with imprisonment which may extend to six months and fine not exceeding ⁴[ten] thousand rupees.]

Provided that—

- (a) in the case of any contravention of the provisions of section 8, the employer shall be liable, on conviction, to a fine not exceeding ⁵[one

¹The Road Transport Workers (Amendment) Act, 1975 (XII of 1975), published in the Gazette of Pakistan (Extraordinary), Part I, dated January 25, 1975, pp. 17-31 commenced with its publication, s. 1(3).

²Substituted by the Road Transport Workers (Amendment) Act, 1975 (XII of 1975), published in the Gazette of Pakistan (Extraordinary), dated January 25, 1975, pp. 17-31, s. 6.

³Substituted by the Road Transport Workers (Amendment) Act 2012 (XX of 2012), published in the Punjab Gazette (Extraordinary), dated February 11, 2012, pp. 40161-40162, s. 5(i).

⁴Substituted for the word "one" by the Act *ibid.*, s. 5(ii).

⁵Substituted for the word "ten" by the Act *ibid.*, s. 5(iii)(a).

hundred] rupees for every day on which the contravention occurs or continues, and

- (b) if any employer, with intent to deceive, makes or causes or allows to be made, in any record, register, notice or other document as provided under section 8 an entry which is to his knowledge false in any material particular, or willfully omits or causes or allows to be omitted from any such record, register, notice or document an entry required to be made therein, shall be liable on conviction to simple imprisonment for a term not exceeding six months or to a fine not exceeding five ¹[thousand] rupees or both.

12. Protection of action taken under the Ordinance.— No suit, prosecution or other proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or rules made thereunder.

¹Substituted for the word "hundred" by the Act *ibid.*, s. 5(iii)(b).