

(ii) Review by Government on the working of the National Projects Construction Corporation Limited for the year 1959-60. [Placed in Library. See No. LT-2772/61 for (i) and (ii).]

SHRI BHUPESH GUPTA (West Bengal): Are we having a Government by proxy?

THE MADHYA PRADESH RICE PROCUREMENT (LEVY) AMENDMENT ORDER, 1961

THE MINISTER OF AGRICULTURE (DR. P. S. DESHMUKH): Sir, I beg to lay on the Table, under sub-section (6) of section 3 of the Essential Commodities Act, 1955, a copy of the Ministry of Food and Agriculture (Department of Food) Notification G.S.R. No. 345, dated the 10th March, 1961, publishing the Madhya Pradesh Rice Procurement (Levy) Amendment Order, 1961. [Placed in Library. See No. LT-2785/61.]

LEAVE OF ABSENCE TO SHRI DIBAKAR PATNAIK

MR. CHAIRMAN: I have to inform Members that the following letter, dated the 25th March, 1961, has been received from Shri Dibakar Patnaik:

"I request you to grant leave from 14th February to 18th March, 1961 of 32nd Session of the Rajya Sabha as I could not attend the Session due to my ill-health, and obрге."

Is it the pleasure of the House that leave be granted to Shri Dibakar Patnaik for remaining absent from all the meetings of the House during the last session?

No Hon. Member dissented.

MR. CHAIRMAN: Permission to remain absent is granted.

CORRECTIVE STATEMENT KE EXPENSES INCURRED FOR THE EMERGENCY SESSION OF THE HOUSE

SHRI BHUPESH GUPTA (West Bengal): Sir, I have a little correction to make. Yesterday I said that the cost of this emergency session would be Rs. 21,000. I am very sorry; I am now told that it will be not less than Rs. 50,000. Do you mind making the necessary . . .

MR. CHAIRMAN: He says that yesterday by inadvertence he said that the expenses incurred for the emergency session would be Rs. 21,000 but today he is assured that it is nearly Rs. 50,000.

SHRI BHUPESH GUPTA: Not less-than Rs. 50,000.

MR. CHAIRMAN: He is very scrupulous about his statements.

THE MOTOR TRANSPORT WORKERS BILL, 1960—contd.

SHRI RATANLAL KISHORILAL MALVIYA (Madhya Pradesh): Mr Chairman, Sir, yesterday, I was pointing out that the Motor Transport Workers Bill had in it ingredients to compel the small transport owners to form into co-operatives and it may ultimately lead to nationalisation of the transport industry. However, there is a lacuna in this Bill. If some of the provisions of this Bill, like the registration of motor transport undertakings provided in Chapter II, machinery for inspection by Government provided in Chapter III, welfare and health, measures provided in Chapter IV, hours and limitation of employment provided in Chapter V, employment of young persons provided in Chapter VI and wages and leave provided in Chapter VII, were not applied to small employers, to those undertakings who employ less than five employees, then I very much doubt whether the objective of this

Bill will be achieved because of the simple fact that such small undertakings may form quite a large number—about 50 per cent.—in the whole industry and they may escape the provisions of the Bill thereby defeating the very objective of this Bill. So, I would request the Government that, while there is already provision which would apply even to undertakings having less than five employees, care is taken to see that the inspecting staff is given the power to inspect such undertakings also and extend the facilities provided by the Bill.

With regard to the inspecting staff, I have to observe that it should be an independent machinery and no help whatsoever should be taken from the authorities which look after the nationalised transport. Sir, I have a bitter experience of the nationalised transport in Bihar. I have had no occasion to personally see things anywhere else in the interior except in Bihar. Last year in the month of December, I was travelling from Ranchi to Chakradharpur. It was a State transport and as soon as I boarded the bus my ticket was checked and the conductor told me that I had not got the right ticket from the right book and he objected to my boarding the bus. It was only after some argument that I could persuade him to allow me to board the bus. **When** it **left** Ranchi the bus was full to capacity but just outside Ranchi **town** quite a large number of passengers were allowed to enter without tickets first. Then tickets were issued and I found later that some of them, one or two of them, were without tickets and the money had been pocketed by the conductor. The worst part of the whole affair was the passengers who boarded the bus just outside Ranchi town had to remain standing from Ranchi to Chakradharpur, a distance of 70 miles. Some of them were getting down on the way while others were getting in. So, it was very heavily overcrowded throughout; not only that corruption was there. Therefore, I submit that the inspecting machinery should be such as could deal strictly with such peo-

ple in the nationalised transport and be able to root out corruption and overcrowding.

I may cite here the case of an accident which is probably the worst in the country. The same month I went to Ranchi. We heard that more than 50 passengers were killed in a private bus near Dalmianagar in Bihar. The capacity of the bus was about 45 but more than 50 were killed. It is an eye-opener and it is necessary that the inspection machinery should be such that it does not spare either the private transport or the State transport and it must see that the provisions of the Motor Vehicles Act as well as those of this Motor Transport Workers Bill are strictly adhered to.

Now, Sir, I come to Chapter IV of the Bill. That is about welfare and health. I welcome these provisions which have been made for the welfare of the workers in the matter of canteens, rest rooms, uniforms, medical facilities first-aid facilities, etc. But we have missed one thing in this Bill which is of a general nature but very important. The time has come when provision should be made for a welfare fund in every industry. At present we have provision for such welfare funds for the coal and mica industries, and despite certain drawbacks they are doing fairly well. These funds are providing housing, medical facilities, educational facilities and recreational facilities to the workers employed in those industries, but **now** the time has come when such funds should be created for the workers of every industry and more so for the transport employees. Sir, there is also a dangerous and hazardous task, and I am sure that if you depend upon the employers to provide these facilities, they will never do it as they never did it in the coal and mica industries, 'ill the funds were created. There are difficulties in creating the welfare fund, but I am sure that these funds will go a long way in amel'ofat'ng the conditions of the workers. Motor transport is an industry where if a little cess, say, from a few *naye* paise to one anna per ticket is imposed, a

[Shri Ratanlal Kishorilal Malviya.] large fund will be created for the welfare of these workers, and out of that fund the Government will be able to provide housing, educational facilities, recreational facilities and other things which are being provided to coal and mica workers.

Sir, besides the welfare fund, I would also make a suggestion that provident fund facilities where they are not applicable to these workers now should be provided. The provisions of the Employees State Insurance Act should be made applicable to these workers and, if possible, life insurance should also be introduced. Application of the Employees State Insurance Act to these workers will be very helpful.

With regard to hours and limitations of employment provided in Chapter V, I join with my other colleagues who have made out a case that the spread-over should not be more than ten and a half hours. This Bill provides for a spread-over of twelve hours which is not in keeping with the Factories Act from which most of the provisions of this Bill have been imported. So it will be in the fitness of things if this spread-over is limited to ten and a half hours instead of twelve hours and there is unanimity among the Members here on this point. I would request the hon. Minister to see that he agrees to the spread-over of ten and a half hours. It will be in consonance with section 56 of the Factories Act if the spread-over is fixed at ten and a half hours.

With regard to leave and wages, I am glad that the same overtime has been provided for the employees of the motor transport industry which has been provided to all other workers in other industries under other measures.

But I have to say a word about annual leave. In other enactments the leave which is enjoyed by the workers as earned leave as also sick leave at least these two types of leave are included in the period which governs their leave. Here the provision is to

enjoy leave after he has attended for 240 days in the year. I only want that these 240 days should include the leave period which he will earn statutorily, that is one day after every twenty days attended, and also sick leave which does not seem to have been provided in the Bill. Sick leave should be provided and that also should be included in the attendance of 240 days. This is my request to the hon. Minister which I hope he will consider. I also request him to include overtime work which he has done in this period. I am not quite sure but I think that this is included in the coal-mine workers' leave.

Lastly, I would request the hon. Minister to withdraw the amendment which he has placed before the House to clause 1 (3) providing for the application of this Act from 1st July 1962 instead of 31st December 1961, and to make it applicable from 31st December 1961. I think that the States will be getting nine months which should be sufficient for them to prepare the machinery for the implementation of the provisions of this Bill.

With these observations I again support the Bill whole-heartedly.

SHRI N. M. LINGAM (Madras): Mr. Chairman, this measure comes none too soon before this House. As the House is aware, motor transport has been steadily expanding during the last few years, and at the present moment I believe the industry has more than 3,000 workers. Apart from the workers whose welfare is sought to be protected by this measure transport itself is coming to occupy a very important position in the development of our economy. In fact, transport comes under the core projects of our Plan. It was only recently that we heard about the increasing competition between railway transport and road transport. Whatever be the future set-up of the transport system in the country, motor transport is bound to occupy a very important place in our growing industrial economy.

Sir, this measure is important, as I said, for more reasons than one. Then there is the question of the welfare of the workers, there is the question of the safety of the travelling public and the question of the safety of the movement of the goods. There is also the question of increasing the efficiency of the transport generally so that it may contribute to the better industrial progress of the country. Having regard to all these facets of the transport problem, this Bill does not go far enough; it concerns itself **primarily** with the object of securing minimum satisfactory conditions of service for the workers and has not much to do with the other aspects of the transport industry. But then I suppose that it is beyond the purview of the Ministry to deal with questions like the condition of roads and the licensing policy of the State Governments pursued in regard to this industry.

Sir, as the House is aware, this industry has not been uniformly developed. There are, for instance, undertakings employing less than five workers; then there are huge monopolistic concerns. This Bill in order to embrace every sector of this industry has given power to the State Governments to notify if necessary undertakings employing five persons also. Originally the clause was that only undertakings employing more than ten persons should be brought within the purview of the Bill. Now, it has gone further. It is said that undertakings employing more than five persons should be brought under the Bill and also if necessary the State Government could notify undertakings employing less than five persons. But then the basic difficulty in **this** . .

DR. R. B. GOUR (Andhra Pradesh): That is our demand.

SHRI N. M. LINGAM: That is the demand. The licensing policy should be so changed that the industry does not encourage monopolies on the one hand and encourage uneconomic units on the other. Unless we tackle the problem at that level, it would be very

difficult to apply the provisions of this Bill to other undertakings.

Then there is the condition of the roads. We are spending huge sums on the development of highways but still it is common knowledge that the roads in the interior are in a deplorable condition; except the National Highways and possibly the State Highways, the road system in the country is not very satisfactory. It is a far cry from the system of roads in our villages to the two-lane or four-lane systems obtaining in the advanced countries such as the United States of America and others where motoring is a pleasure. In fact motoring there is fast uprooting railway transport. So the condition of the roads adds to the hazards of the operators. So it is not as if by the passing of this measure, by ensuring satisfactory conditions of service, we are ensuring the safety of the passengers and the quick movement of goods. I do not know if the Government has thought of this problem in this comprehensive way. But as far as it goes, the Bill is very welcome.

Sir, the Select Committee has made certain changes in the original Bill and the Bill has come out in a better shape. The important recommendations of the Select Committee relate to three or four provisions. The first is that the Act should be made applicable to all the States by the 31st of December, 1961. That is, very welcome. The hon. Member who preceded me said that the date should be advanced but I think that having regard to the need for framing satisfactory rules for the implementation of this Act, it is better that the date of implementation is set at 31st December, 1961. The other important change made by the Select Committee relates to the hours of work and the conditions of employment of the motor transport workers of different types. For instance, in the original Bill a distinction was sought to be made between city services, the long-distance passenger services and the long-distance freight service. That distinction is sought to be done away with

I Shri N. M. Lingam.J

by this change made by the Select Committee. Another important change relates to the powers of the inspector. Sir, the inspector occupies a key position in the whole scheme of this Bill and unless he is given adequate powers, the implementation of this Act will be well-nigh impossible. For this purpose the provisions of Section 98 of the Code of Criminal Procedure, 1898, relating to search of a house suspected to contain stolen property, forged documents, etc., are being made applicable.

Sir, then there is the amendment made by the Select Committee with regard to breakdown or dislocation of services or the interruption of traffic by circumstances beyond the control of the undertaking. Another important change from the point of view of the hours of work of the transport worker is that the hours of work should not be split into more than two spells on any day and that the period of rest interval of two hours between split duty need not be specifically laid down.

These are some of the major changes made by the Select Committee but even so, they are not adequate to meet the needs of the transport industry. But I would not at this stage suggest that the Bill should be made all comprehensive so as to include insurance benefits, provident fund facilities and welfare fund amenities to the workers. For the first time, we are enacting a law of this kind, and it is good to wait for some time to see how the Act operates in the country before we can think of making it more comprehensive or making the provisions more effective.

There are concerns in the motor transport industry which have already provided satisfactory conditions of service to their workers and I have personal knowledge of some of the concerns in the south where the conditions are even better than those envisaged in some of the provisions of this Bill. Again, there are uneconomic units where the conditions are far

from satisfactory, and I fervently hope that the provisions salutary as they are will be so implemented as to bring to the workers the benefits of this measure.

Sir, before going into some of the clauses on which I have tabled amendments, I wish to make a few observations on a few other clauses of the Bill. At present there are various authorities to supervise and enforce the regulations concerning motor transport. There is the police department in the State, then there is the road transport authority which checks the vehicles and certifies as to the fitness of the vehicles. Now, we are including one more hierarchy to the staff and this would be under the chief inspector in every State. The chief inspector would have inspectors under him in each State and this machinery would be responsible for seeing that the provisions of this measure are implemented satisfactorily. Care should be taken in this context to see that there is no undue harassment of the motor transport operator. By all means regulate the industry by proper licensing, but once the undertaking is there, there should not be too many authorities and too many restrictive rules and regulations trying to curb the initiative and the freedom of the undertaking. Sir, having regard to our knowledge of the operation of the Road Transport Authorities we feel that the superimposition of an additional inspectorate with comprehensive powers may add to the harassment already being experienced by the industry. Sir, I would suggest in this connection that Government may consider the possibility of entrusting the responsibility of enforcing the provisions of this Bill to one of the existing machineries.

THE DEPUTY MINISTER OF LABOUR
(SHRI ABID ALT): That is the intention.

SHRI N. M. LINGAM: Sir, I am happy that that is the intention of the Government.

Then, Sir, it is too soon to say how the provisions will actually, in their operation, work on the undertaking. So it is not possible to make any valuable or worth-while contribution, because the effect of the legislation has to be watched for some time.

Sir, I welcome the provisions relating to the welfare and the health of the motor transport workers, and the rest rooms, canteens and uniforms are very welcome as also the provision of medical facilities, and first-aid facilities also.

With regard to hours of work, criticism has been made that although the hours of work are limited to 8 per day and 48 per week, the spread-over should be limited to a period of 104 hours instead of 12 hours as provided in the Bill. I personally feel that the present spread-over of 12 hours may remain and we may think of any change in this regard in the light of the experience that we may gather in the future.

SHRI S. C. DEB (Assam): Why not change it now?

SHRI N. M. LINGAM: Because it is too early to say how it will work. There are undertakings where the motor transport workers have been carrying on satisfactorily with the present 12 hours, and let us not make a provision too much biased in favour of the worker only. Let us also keep in view the interests of the industry as a whole. Let us have a balanced measure. That is the point. That is why I am suggesting. Let us go slowly in this business of legislating for the motor transport industry. Let us keep in view the future of the industry as a whole.

Sir, the provisions in Chapter VI regarding employment of young persons call for some comment. In clause 23 it is laid down:

"A certifying surgeon shall, on the application of any adolescent or his parent or guardian accompanied by a document signed by the employer

or any other person on his behalf that such person will be employed as a motor transport worker in a motor transport undertaking if certified to be fit for that work, or*** *** examine such person and ascertain his fitness for work as a motor transport worker."

Sir, it is good that a distinction is made between an adult and an adolescent in the scheme of the Bill. From the point of view of safety it is very important that the adolescent is given restricted hours of work and more time for rest. I believe the intention is to make the adolescent learn the work rather than make him an active operator in the undertaking. It would be only logical to suggest therefore that the adolescent should not be allowed to work as a driver. Let him by all means work in other capacities in the undertaking, but by extending the same principle by which the adolescent is not given the same hours of work as an adult it is prudent not to make him handle vehicles till he becomes a full-fledged adult. That is only in the interests of safety.

Then, Sir, in Chapter VII the procedure for penalties is given and they are fairly comprehensive, and at the moment I would not like that that should become more stringent.

Then there is clause 34 under which companies are also held liable for any default on the part of the manager, managing agent or director of an undertaking. It is a very salutary provision, and I am only sorry that the intention in clause 34 is not sought to be incorporated in some of the other clauses with regard to making the company liable for any default on the part of the manager, etc. Sir, I have suggested certain amendments in this regard and I would elaborate on this point during the second reading of the Bill.

Finally, Sir, I do not see why a law like this is not made applicable to the State of Jammu and Kashmir. There are certain enactments which this House in its wisdom has extended to that State, but we do not see why this

[Shri N. M. Lingam.]

law in a matter like this, namely, the well-being of the transport industry and the well-being of the workers in that industry and the safety of the travelling public should not be extended to the State of Jammu and Kashmir. If there is any place where motor transport is most hazardous, it is in the State of Jammu and Kashmir, from the point of view of workers and the travelling public. Sir, I would urge the hon. Minister to see that this is made applicable to the whole of the country including Jammu and Kashmir. Possibly the State Government has not signified its assent to the extension, but having regard to the importance of this industry throughout the country, it would be wise on our part to see that this is extended to Jammu and Kashmir also.

Sir, there is another provision which is closely connected with the hours of work of the transport workers. The Bill deals only with hours of work and spread-over. It has limited the hours of work to 8 hours per day and 48 hours per week, but it does not say anything with regard to the distance to be traversed by a worker. There are regions in the country where, although the hours of work may be limited, by the provision, on account of the terrains in which they have to operate, for the same distance it will be more hazardous in such terrains than in the plains. Sir, I have particularly in mind the hill tracts and other areas where the roads have to traverse steep gradients, narrow bends and other physical features. So, Sir, it would perhaps be in the interest of the workers and for the safety of the public if along with the hours of work prescribed, the distance to be traversed also is specified in the Bill itself. I have tabled an amendment in this connection and I would commend the amendment at the proper time to the acceptance of the House. At this stage I do not feel called upon to make further comments. On the whole the Bill is welcome and let us give it a fair trial. With these observations I support the Bill.

DR. R. B. GOUR: Mr. Chairman, Sir, I rise to speak on this occasion to make certain observations with regard to the provisions of this Bill. Sir, this Motor Transport Workers Bill is the product of years of agitation of the employees and of labour at the various tripartite meetings. Sir, I think it was more than a couple of years ago that the Standing Labour Committee decided on it, a Tripartite Committee sat on it and the unanimous recommendations of the workers' representatives on the Committee were also before the Government. Since then, Mr. Chairman, the employers in this industry, who are fairly powerful, fairly powerful particularly in the various States have been bringing a lot of pressure on the Governments, including the Central Government, to somehow delay the passage of such a Bill into an Act. The mounting agitation on the part of the workers and the obvious sympathies for the just demands of the workers were facing a serious resistance on the part of the employers. Now, I wish that the House should take into consideration the nature of this resistance that is put up by the employers.

We know, Sir, when a transport undertaking is to be nationalised, when certain routes are to be taken up, when permits are to be given for certain routes, what sort of pressure, what sort of dealings go on in the various States. The judgment of the Andhra Pradesh High Court is there before us showing how a Minister was involved in this affair. Well, I am not giving out any secret, Mr. Chairman. The judgment by a High Court is there. So, you can easily see how the employers are in an advantageous position because of their links with Ministers, because of their relations with the Government and relations with the legislators and we can imagine the pressure that they can bring about on the Government to prevent not only the passage of this legislation—which they have delayed so far successfully—but also the implementation of it. So, this House will have to take up courage in both hands to

face this resistance and break it; otherwise this Act is going to remain only on paper.

Sir, it has been stated that we should tackle this industry in a tender manner because, after all, it is a growing industry, after all, it is catering to certain transport requirements of our country, catering to the requirements of passenger and goods transport in a growing economy and developing projects where you have to make use of this industry and, therefore, we have been asked to deal with it in a tender way. All those pieces of advice may be correct taken separately, but in the context of things, it is not that the employers need a tender treatment, but it is the workers who have been neglected by the employers who want to continuously neglect them. It is they who have to be taken into account in this particular set of circumstances.

So, Sir, here is a Bill. The Joint Select Committee discussed it, improved upon it and my friend,—I do not hesitate in calling him my friend even though he might hesitate to do so in my case—Mr Abid Ali Jafferbhai, is moving certain amendments, some of them very welcome amendments, but . . .

SHRI PARIDUL HAQ ANSARI (Uttar Pradesh): Perhaps he is your friend in Urdu poetry.

DR. R. B. GOUR: Yes, he likes it and I also like it. This is our common meeting ground.

SHRI ABID ALI: There is nothing common between us.

DR. R. B. GOUR: I was reasonable enough to find out at least some common ground between him and myself.

SHRI ABID ALI: What can I do if there is none?

DR. R. B. GOUR: You can see, Mr Chairman . . .

MR. CHAIRMAN.: Yes, yes. The resistance is coming.

DR. R. B. GOUR: But, Sir, here an amendment by Shri" Abid A

Amendment No. 7 in List 2, which says: —

"That at page 1, line 10 for the figures and words '31st day of December, 1961' the figures and words '1st day of July, 1962' be substituted."

That is to say, even when we pass this Bill and when it becomes an Act, it can be implemented not later than the 31st December, 1961, according to the present scheme of the Bill but 1st day of July, 1962 according to his amendment.

..Now, Sir, this Bill was introduced on 28th April, 1960. On the 3rd August, 1960, the Lok Sabha passed the motion for reference to a Joint Select Committee. On 1st September, 1960, we passed the motion concurring with the Lok Sabha for its reference to a Joint Select Committee, The Report of the Joint Select Committee is dated 3rd December, 1960. Now, the Joint Select Committee in its wisdom finds that the end of December, 1961 is enough. In fact, the trade union representatives, irrespective of their affiliations to the I.N.T.U.C. or the A.I.T.U.C. or the H.M.S., wanted the date line to be fixed as July, 1961, but, however, a compromise was reached. The trade unionists stepped down and six months' concession was given and the Joint Select Committee found out that 31st December, 1961 was enough. When the Lok Sabha passed this Bill, as reported by the Joint Select Committee, that was, I think . . .

MR. CHAIRMAN: Make the correction tomorrow.

DR. R. B. GOUR: The yellow Bill is not with me. Yes, they passed it on 15th December, 1960. Even then it was felt that it was not necessary to change the date. Now, why is it that the Government wants this date to be postponed? Is it because there is a lapse of time between the passage of the Bill in the Lok Sabha and in the Rajya Sabha?

SHRI ABID ALI: Yes.

DR. R. B. GOUR: I do not agree.

AN HON. MEMBER: And for that who is responsible?

DR. R. B. GOUR: We know how the Government and the administration function. Even when the States Reorganisation Bill was on the anvil, in that year the administration worked out many of the details as to how the judiciary was to be bifurcated, how the administration was to be bifurcated, how many employees would be sent to each State. All these details had been worked out knowing full well that the Bill was going to be passed. When the Bombay State was bifurcated many of the details were worked out even before. The working of the details does not start after the passage of the Bill or the coming into being of the Act. Details are worked out by the administration much earlier. Elaborate details must have been worked out by the administration as to what the rules have to be after the passage of the Bill. As for the amendments that will be incorporated by the Rajya Sabha, they could have been gone into again by revising the rules. So, I cannot imagine for a moment that the labour administration was waiting for the passage of this Bill in the Rajya Sabha for preparing the rules under this Act or the State administrations were waiting for its passage here for considering the question of what they have to do with regard to the appointment of officers and all these things. In fact the broad features of these details are already worked out or should have been worked out; other -- wise you tell us that you did not work them out and that this is an additional pretext to give time to the employers to take steps to see that this legislation is nullified even before it becomes an Act. Yesterday, Shri Narasimham gave the facts as to how things are done in the U.P. Roadways. Recently the services of all the temporary staff of the U.P. Roadways have been terminated.

MR. CHAIRMAN: Do not ask for their sympathy, Dr. Gour.

DR. R. B. GOUR: Such things are happening. This is like the Land Reforms Act. There is no Ordinance there. In these matters there are no Ordinances to say that the existing service conditions should in no case be altered. In land reforms there is absolute democracy. They first publish them, give them full chance to circumvent the provisions of the Act and then they finally come out with the Act when nothing remains. Is that a proper approach? Tell us whether you are labouring under the pressure of the employers who are very powerful in these matters. Otherwise why do you want to say 1st July 1961? -

SHRI SHEEL BHADRA YAJEE (Bihar): The Government are also employers.

DR. R. B. GOUR: It is *the* State transport undertaking in U.P. that has done this. So this question of giving extra time has got to be ruthlessly and mercilessly opposed and I hope that the House will bear with me in this regard. Already time up to 31st December has been given which is quite enough for working out the details about the rules. Therefore, this amendment will give opportunity for the mischief that the employers want to play in this regard. If you have come out with a good piece of legislation in the interests of the workers, why hesitate now and why vacillate now under the pressure of the employers and give them time? You have taken a decision and it is a policy decision. You have taken a lot of time over it and a lot of agitation had to be conducted for it. Non-official Bills had to be moved in order to counter the pressure of the employers and having taken this policy decision, why there is this vacillation now?

I would add one word more on the question of hours of work. Unfortunately, I do not have with me nor do I recollect any report about the health of the transport workers but I feel that the continuous strain with which the

drivers work—the nervous strain as well as the strain on the eyes—must be taken into consideration and it should be seen as to what is the effect on the eyes because I do feel, from the various instances—in fact every now and then the workers have to get their eyesight examined—that they do develop defects in the eye. I do not say that they develop even nystagmus as the miners do because of having to look at the coal headings under dim light, but at the same time I have not ...

Mn. CHAIRMAN: Are you still practising medicine?

DR. R. B. GOUR: I know a little theory of it but there is no study on this aspect. Even the general reports of the transport workers, so far as my knowledge goes, do not give us this side of the picture. However, we can imagine or understand it. If we can go through the reports of the various dispensaries attached to even the State transport undertakings, we can get an idea as to how this particular aspect of the picture is affecting the health of the drivers. Therefore, the question of running time and steering time must be very seriously considered. In the city services and suburban services, they have to deal with a lot of heavy traffic, both within the buses and without. Therefore, the question of reducing the hours of work must be considered. Both the dissenting notes do mention that point. In the hill tracts also there is often changing of gears in very hazardous routes. In Himachal Pradesh we do not know when the bus is going to topple down and the driver has to be very careful not only for his life but for the lives that he carries. All these do require a sympathetic understanding on the part of this House as to the fact whether the hours of work in the hilly areas and in the cities must be reduced or not. My case is that it should be reduced and the amendment that we propose to move to this effect must be seriously considered by the House.

Therefore, while supporting the scheme of the Bill and even welcoming it—after all it is after years of

I labour of the Ministry as well as of the trade unions that this Bill is here—I say that what is required is that even at this stage if the Government is vacillating and wanting six months more for enforcing this, we have got doubts as to how they are going to implement. So the question of implementation must be very seriously considered at this stage itself. If the State Governments are going to wobble and vacillate I am sure the trade unions will take care but what is required is a sympathetic understanding on the part of Parliament which is going to pass this Bill about the implementation of this measure. Thank you.

SHRI K. S. CHAVDA (Gujarat): Mr. Chairman, Sir, I rise to give my wholehearted support to the Motor Transport Workers Bill introduced in this hon. House. This is a very good Bill but is very much limited in its scope and application. It is not a comprehensive Bill. It does not deal with all the aspects of the motor transport workers such as security of service, higher wages, social security measures, life insurance, provident fund, gratuity and compensation for injuries or accidents. I submit that the motor transport workers should be put on a par with the industrial workers. The Bill extends to the whole of India except the State of Jammu and Kashmir. The State of Jammu and Kashmir is mainly dependent on motor transport as there is no railway there and no other transport. I would therefore like to know from the Minister why this Bill does not apply to that State. In clause 1(3) it is mentioned that different dates may be appointed for different States. It is not clear as to who will fix the different dates for the different States, whether the Central Government will fix the dates or the States themselves will fix them. I request the Minister to clarify this point. The word "five" or "ling" in line 2, page 2, sub-clause (4) of clause should be substituted by the word "two" and the proviso to this sub-clause should be deleted. The justification is, firstly, to cover the cases of motor transport workers on a

[Shri K. S. Chavda.]
single vehicle where the work is more strenuous and more continuous and where there are no relievers. It may be argued that the present provision will not harm the small employer of one vehicle but the workers attached to one vehicle are required to work more and as such, they should not be left to the mercy of the motor transport undertaking. Secondly, there is a likelihood on the part of employers who own more than two vehicles or a fleet of vehicles, to split them up into one or two with a view to escaping the legal provisions just as the land-owners divide the land to defeat the Land Ceiling Acts. Motor transport undertaking has been defined as an "undertaking engaged in carrying passengers or goods or both by road for hire or reward, and includes a private carrier." What about tractors, bulldozers and road rollers? They do not carry passengers but I submit that they should be added after the words "private carriers".

Motor transport worker includes a driver, conductor, cleaner, station staff, line checking staff booking clerk, cash clerk, depot clerk, time-keeper or attendant. I think the watch and ward staff has been forgotten. I want this category to be included and the words "watch and ward" should be inserted between the words "attendant" and "but".

I have nothing more to add. The Bill is for the amelioration of the motor transport workers and I support it.

SHRI M. GOVINDA REDDY, (Mysore): Mr. Chairman, the Motor Transport Workers Bill, the Select Committee's Report on which we are considering now, is one which has received the support of all sections of the House. It is designed to standardise the conditions of service of the workers engaged in this industry and to give them some, at least, of the important reliefs which workers in general in the country get. This Bill is in line with the progressive policy of the Government

to improve conditions of labour. The Opposition Members should remember at least some sections of the Opposition who castigate the Government for ignoring the interests of labour, that this is one more measure with which they agree and, therefore, while blaming the Government, they should keep this in mind. The Bill, as it has emerged from the Select Committee, is a great improvement. In this connection, we must remember the expert knowledge which most of the Members of the Select Committee brought to bear on the deliberations of the Select Committee. I consider it to be one of the well-constituted Committees inasmuch as there were members on this Committee who had specialised in labour both from the Opposition sections of both Houses as well as from the Congress side. We were fortunate to have a Union ex-Labour Minister on the Committee whose knowledge really helped the Committee to come to very successful conclusions. The Select Committee was also assisted by persons engaged in this industry, both employers and labour. As many as twenty memoranda were presented and most of them gave oral evidence before the Committee. So much so, there was not a single clause or part of a clause or even a phrase which went without being well-considered. That is how the Bill has come to be a great improvement on the Bill as introduced. I personally think that the deliberations of the Committee were so very well conducted that the Report has come to weigh more on the side of the employees and, therefore, there is likely to be no room for complaint. In this connection, Sir, I must also mention that the Deputy Minister of Labour who was the Government's representative present on the Committee was very responsive to all the suggestions made and there was not the least resistance on his part in admitting whatever was offered as a suggestion and, which went to improve the Bill.

The Select Committee has made some significant changes in the Bill.

The first change that it made was with regard to clause 1, with regard to the enforcement of the Bill. This has been referred to in great detail in the discussion today. The original Bill did not fix any date; the date was left open to be prescribed by the Central Government. It was also open to the State Governments to fix different dates. There was a long discussion about this in the Select Committee and the Government side represented their difficulties in the way of enforcement of this Bill and why they could not fix a particular date in the Bill itself. After much discussion, it was agreed that the date should be definitely fixed because several transport concerns were interested in seeing that the provisions of this Bill were put off from coming into force as long as possible. One could understand their position inasmuch as great responsibility devolved on the transport concerns by virtue of this measure, for instance, establishment of canteens, rest houses, this and that. It should be remembered that the concerns we are dealing with here are not concerns like factories where they are concentrated, where the hours of work and the work itself is confined to a limited area. Here we have big concerns and small concerns, and whereas it should be open to the big concerns to establish Test houses or canteens without much difficulty, it would certainly be a great hardship for small concerns to come out with the same thing. In spite of all that, that the Select Committee came to the conclusion that the date should be fixed as 31st December 1961. Now, the hon. Minister is introducing an amendment to have this date as July 1962. Perhaps he will give his reasons. As far as I can anticipate, it is only the practical difficulties that the State Governments will be facing in giving effect to the provisions of this Bill that have influenced him to put off the date by six months. If the date is put off by six months, there is not going to be any danger resulting from it. It would be better to do that if the Government wants time in order to

make these arrangements and also to enable the transport concerns to provide themselves with the several things that this Bill requires them to do. It should not be a great difficulty at all. Therefore, for my own part I do not object to the date being extended to July 1962.

The other significant change that the Select Committee made was with regard to the application of the Bill. Originally, it was intended to apply it to transport concerns employing ten workers or more and it was left even then for the State Governments to extend the application of this Bill even to concerns employing lesser number of workers if they so desired but the Select Committee considered the various abuses that would have resulted if this Act were made applicable only to concerns employing ten or more workers. It was thought that the big concerns, in order to evade the provisions of this Bill, would naturally divide themselves into smaller units and thereby escape the provisions of this law. The experience of the labour organisations in this respect did weigh with the Select Committee and therefore, the number was reduced from ten to five and this Bill has been made applicable to concerns employing five or more workers and it was left to the State Governments to enforce these provisions, if they thought so necessary, even in respect of concerns employing less than five workers. So this was also a great improvement.

Sir, the various provisions of the Bill can be considered under different heads; administrative machinery for instance, then welfare measures, hours of work, conditions of employment with regard to age and penal provisions with respect to contraventions of the provisions of this Bill. Sir, another significant change was the omission of classification of services. Originally the services were classified into three groups, city service, long-distance passenger service and long-distance freight service. This was found unnecessary by the Select Committee inasmuch as the conditions of service of

[Shri M. Govinda Reddy.], workers would be the same, whether it was city service or long-distance passenger service or freight service. So this was dropped by the Select Committee.

With regard to administrative machinery, a very significant change was made in respect of the powers of inspectors. The Bill provides for the appointment of chief inspectors and inspectors and they will be in charge of supervising that the several provisions of the Bill are observed and in the case of contraventions of the Bill they have several duties to perform. For instance, in the employment of adolescents, they have to see whether one is an adolescent or not. It is required by this Bill that when an employer employs an adolescent, he should employ him only on the production of a certificate that he is an adolescent and a token of that certificate should be carried by the employee with him while he is **at work**. If a false certificate is given or if he is classed as an adult while he is an adolescent, then it is open to the inspector to refer him back to medical inspection. Then the inspectors have to inspect documents, have to inspect offices, in order to see that these provisions **are** not contravened. They have certain powers of inspection. The powers provided in the original Bill were found to be insufficient for the successful implementation of this measure. That * why additional power similar to that under section 98 of the Criminal Procedure Code has been provided here and by virtue of this provision the inspector can enter any house for inspection just as the police inspector or the investigating officer enters a house where stolen property is suspected to be hidden. So this additional power will certainly help the administrative machinery in checking up the contraventions of the provisions of this Bill.

With regard to welfare measures, there is provision here for canteens, for rest rooms, for supply of uniforms to the conductor, the driver and the line checking staff, for medical facili-

ties, for first-aid facilities and so on. In this connection, criticism was offered on the floor of this House that this Bill did not go far enough. Certainly, it does not go far enough when we consider the amenities that are given to factory workers in general. For instance, the insurance facilities are not there; social security facilities are not there; educational facilities, recreational facilities are not there but it is not the lack of intention on the part of the Government to provide these things to these transport workers that is responsible but it is the limitations due to the nature of the industry itself. The nature of the industry is such that these facilities cannot be successfully utilised. For instance, suppose there is an undertaking which has five workers; how can it provide facilities for education and other social security measures? When we offer this criticism, generally we have the factories in our view, industrial concerns and factories where labourers are working in large numbers and where the work is confined to certain narrow limits. There it is possible to provide all these facilities to the workers. Now, a motor transport worker will be here today; tomorrow he will be in Ajmer or **Agra** or somewhere else. Because of this transitory nature of the industry, where workers do not stay in a particular place, where they do not operate in a fixed place during fixed hours, it is not possible for these facilities to be accorded. Certainly when the transport industry is organised into corporations—as we are seeing them develop in the States—then it will be time for extending to the workers of the motor transport industry the same facilities to the fullest extent as are enjoyed by the factory workers in general. I believe that it is only the nature of the industry itself that does not facilitate the provision of these facilities and therefore the criticism on that account is not well-founded.

With regard to the hours of work, very significant changes have been made. Clauses 14, 15 and 16 are joined together into clause 13 according to

which the hours of work are limited to eight hours a day or 48 hours a week. Where a driver goes on longdistance journeys or where he is called upon to operate on festival occasions, this is enlarged to ten hours a day or 54 hours a week. The spread-over also is limited now to 12 hours. Criticism was offered on this account that it could be further reduced to 10 hours. Of course, I shall welcome it if it is reduced to 10 hours. But twelve hours in my opinion is not a very long time for spread-over for adolescents. It is a very reasonable time and under this law no worker can work for more than two spells a day. In this connection, much was said by Dr. Gour and also by Mr. Lingam. One factor has to be considered with reference to drivers, and that is the factor of fatigue. It is true that a driver who drives a vehicle for a long distance will be affected by fatigue. If we consider the history of accidents and the enquiries which have been conducted into accidents, in most cases it is the fatigue of the driver that is responsible for the accidents. So I think there is a lot of force in Mr. Lingam's amendment that the distance over which a driver is allowed to go must be limited in view of this factor of fatigue.

[MR. DEPUTY CHAIRMAN in the Chair.] Recently, the driver of the Mysore Chief Minister caused an accident by sheer fatigue. He was a very competent man. The car was coming from Tkupathi and he was entering the gate of the residence of the Chief Minister. By that time he was affected by fatigue and there was an accident. So this is a very important factor in the case of workers connected with the motor transport industry. I think the hon. Minister would do well to give his earnest consideration to this factor. On no account should a driver be allowed to be overcome by fatigue, for it is not only his life that will be concerned, it is not only a question of the damage that will be caused to his vehicle, but it is a question of the lives of the passengers that will be in his hands, and any accident by fatigue would be certainly a great misfortune

to the passengers. From this point of view the fatigue factor is to be considered, and if experts in the line do come to a certain conclusion that a driver should not drive beyond a particular distance, that limitation must be incorporated in the Bill. Maybe this measure will have to be amended, and when the Minister comes before the House for amendments in the future, he will consider this fact and make due amendments in view of the expert advice that he may get.

As for a weekly day of rest, there is nothing to find fault with it. For every six days of work one has to get a day of rest, and if for some reason or other it is necessary for him to work on that day of rest, then he gets compensatory days of rest.

It is also good that children are prohibited from being employed, and the several provisions that are incorporated here would safeguard that children do not come to be employed, and the inspector has wide powers to prevent such a thing.

It is also a very healthy sign to see that the Payment of Wages Act of 1936 applies to these transport workers. Every establishment is considered for this purpose as an individual industrial establishment and this Act is made to apply which safeguards the payment of wages. The drivers also can get extra wages for over-time, and the over-time wages are fixed at twice the ordinary wages if they work for more than eight hours a day. It is a very good provision whereby if a driver takes extra pains, he gets more. Similar provisions are also made for adolescent workers to get extra for over-time.

With regard to annual leave and wages, they are all healthy provisions.

One other point to which I would like to refer is the penalties. It is usual with us in the Indian society to contravene laws. Therefore, it is necessary to discourage people from contravening laws. Here, for contravening any of the provisions of the Bill

[Shri M. Govinda Reddy.] three months imprisonment and Rs. 500 fine are prescribed, and then in the case of continuing offences Rs. 75 fine for every day of continuing offence is prescribed, and for subsequent convictions the penalty is enhanced; that is, six months imprisonment or Rs. 1000 fine or both are prescribed in the case of people who persist in contravening the provisions of this law. The provisions in regard to the offences by companies are also in the same light.

In every way this Bill, I believe, is a Bill which ushers in the same kind of secured labour conditions as the Factories Act, for instance, does. There are some limitations from which this Bill is suffering. I think in the course of working of this measure those limitations will be overcome by the natural process. Inasmuch as the motor transport concerns are going to be pooled into larger concerns or corporations certainly they will be more amenable to be brought under the operation of the safeguarding provisions of this Bill, and I am sure that this Bill will in due time come to fulfil the aspirations of the workers. Then the Government will see that conditions are propitious for providing full benefits to the motor transport workers as the other factory workers in the country enjoy. Sir, I lend my support to this Bill.

SHRI P. C. MITRA (Bihar): Sir, I rise to support the Bill. This is one of the most important, progressive and in a sense revolutionary legislations for the welfare of labour. This is evident from the fact that support is also being given to it by even the Communist Members of the House who generally try to find fault with any proposal put forward by the Government. Of course, the Government should be very careful in passing a Bill which is supported by Communist Members also as they hardly want any peaceful labour-employer relations. Anyhow we are happy that at least in this instance the Communist Members have supported this measure as well.

Some criticism has been made by certain Members on the score that the scope of the proposed legislation is limited as it does not cover undertakings which employ less than five persons. I think this criticism is devoid of a sense of reality. In every legislation so far enacted by the Government for the welfare of labour, all workers are not covered by that. Some exceptions are made and small units are not covered by those legislations. Some legislations cover undertakings employing more than ten persons, some more than fifty persons, some more than one hundred persons, and so on. So, when the legislation covers even undertakings which employ five persons, there is hardly any scope for criticism on this count, and we cannot blame the Select Committee who after mature consideration made this recommendation. Of course, they reduced the number originally proposed, from ten to five. It is admitted that several lakhs of workers are employed in transport undertakings all over the country, and certainly the number of owners also can be some lakhs a good percentage of whom have got one truck or one passenger bus. Under the proposed Bill even persons having two trucks are covered as two trucks or two passenger buses cannot run with less than five employees. Of course, I am afraid that the Select Committee by enlarging the powers of the inspectors under clause 5 have given them a longer rope than necessary, particularly the power to stop a transport vehicle for as long as they feel it necessary to find out whether the provisions of the Act are being observed. This will cause unnecessary harassment to the workers of the transport undertakings for whose welfare we are going to pass this Bill. I know how persons with big purses control these inspectors and the motor vehicle examiners; I also know how the small fry are harassed by them unnecessarily. If you kindly go through the record of work of any motor vehicle examiner or inspector for any one year, you will seldom find

that they have given any adverse reports against, any big transport owner relating to any accident in respect of their transport buses or trucks. Owners with small means or honest owners who are reluctant to give bribe are generally made scapegoats and suffer. When there are accidents, the owners generally run with money to the vehicle examiner and the case is hushed up because the report of the vehicle inspector generally has a large bearing on the success of a case. In my opinion, some saving clause should have been there, as for instance, that the inspector shall have to report regularly to the chief inspector the particulars of the vehicles he checks, the period for which he keeps each vehicle stationary and why checking could not be done without taking recourse to this. This check is necessary; otherwise, there is every scope for corruption. Of course, this report only will not completely root out all cases of harassment or corruption but it may minimise it when he will have to give some explanation as to why the bus or the truck had to be kept stationary on the- . "Jad and why checking could not be done in the garage or in the workshop .

I want to make one suggestion in regard to the limitation of the hours of work as provided in clause 16(1). I also join issue with the other hon. Members who want to reduce the spread-over of working hours to 10J hours including the period of interval from the proposed 12 hours. Actually, under the Factories Act. the hours of work cannot extend beyond 10J hours a day including the rest period. Then why should this be spread-over to twelve hours in respect of the transport workers?

In regard to the notice of hours of work that the employer is required to display as provided under clause 18(1), I have got a suggestion to make that the photo of the worker beside his name should be displayed along with the notice. Otherwise, as was

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found in the working of the Shop Establishments Act, some worker may work as Ram Singh for a period and for another period he may become Lakhan Singh or be of some other name. The photo of the worker should also be pasted; the display of the hours of work alone will not save the worker from the exploitation of the employer. I think that when the Government frames the rules, this aspect of the question will be taken into consideration and provision for photographs of the workers being pasted besides their names be made.

In regard to weekly rest, I find that the State Government has been given the discretionary power. Clause 19(1) says:—

"The State Government may, by notification in the Official Gazette, make rules . . ."

Why this 'may'? According to the Factory Act, weekly rest is obligatory for any factory and when a comprehensive law for motor transport undertakings is being framed, why should not this weekly rest be given to each worker? Why this 'may'? Why not 'shall'? There should be 'shall' instead of 'may'.

In other respects, the Bill is very welcome and I whole-heartedly support it.

SHRI N. M. ANWAR (Madras): Mr. Deputy Chairman, Sir, I welcome this Motor Transport Workers Bill and I am very happy that it should have received support from all quarters in this House. It is a first step—and a big, bold step—in the right direction. The motor transport industry is growing very considerably all over the country and I should think that this legislation has come none too soon. There are several provisions here which provide for better service conditions and amenities for the workers. Several Members have spoken about the hours of work under clause 13 which says:—

[Shri N. M. Anwar.]

"No adult motor transport worker shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week:".

I should rather wish that in view of the hazardous nature of this occupation, the hours of work may be reduced to seven hours a day. Sir, this I suggest not so much in the interests of the workers alone but quite as much in the interests of the people who patronise the bus transport. We know that unfortunately in recent years accidents have become the order of the day and much of this could be avoided if only we could see that the hours of work are reduced to the minimum possible because sooner than later, fatigue sets in and we have had the very unfortunate experience of the bus drivers involving people in accidents and casualties. But, Sir, there is a provision here for medical facilities. But that seems to me like an omnibus or a pious provision. After all, we must see that in a legislation of this kind, a regular periodical medical check-up is provided for. We have got that example with regard to air pilots that they are subjected to an annual medical check-up. I wish that the Minister would take this into consideration and see that we have a similar provision for a medical check-up of every worker. A fitness certificate must be produced before a conductor or a driver could be on duty. We know that there are people quite old and who are not in a position to drive the buses but still they are being retained because there is absolutely no provision of this kind to safeguard the passengers from such conductors and drivers.

Sir, in this Bill we have got a provision for first-aid facilities but merely keeping a first-aid box is no safeguard. We cannot expect first-aid facilities to be rendered to the passengers or even to the drivers and conductors unless we provide for a small refresher course for the con-

ductors in rendering first-aid. I should think that there must be a proposal to see that the conductors are given a refresher course in this and that they are trained in ambulance work. I think that would be something because "we cannot expect to have the administration of first-aid by people who do not actually know the ABC of it. But then, Sir, there is a very important problem which, time and again, has been occurring to me and which, I hope, here to several Members have also occurred, but right through the debate I discovered that not one reference was made to it. It has now become our normal experience in bus transport that these conductors are very rude in their behaviour towards the passengers. While we are providing for the workers' amenities, providing for their working hours and for their privileges and medical facilities, I should think that we must also, at the same time, seize this opportunity to see that we give the guarantee of a good code of behaviour on the part of the conductors towards the passengers who patronise these services. Sir, it has, I think, been the experience of quite a good many in public life that these conductors' behaviour—drawn as they are mostly from very undesirable elements in life—to say the least, is rude, rough and rash towards the patrons who patronise these services. I think, Sir, it is high time that we should see that, while they come forward with a legislation of this kind to provide amenities for the workers, they also provide certain safeguards to see that these conductors do not misbehave towards the people that patronise the services.

Now, Sir, I think reference has been made by several hon. Members on the floor of this House that for many obvious reasons there is no provision for insurance here in this Bill but, Sir, in view of the hazardous occupation, where there is risk to life and limb, it becomes all the more necessary, particularly when we are

contemplating this legislation to safeguard the rights of the workers, to see that they also get the amenities from a compulsory insurance scheme which can as well be imposed upon the employers. Sir, it is common knowledge that bus transport in recent years has been making fabulous profits. I know that I am speaking now of bus transport under private enterprise, and if not for every State, at any rate I can speak for the State from which I come, where bus transport is considered to be the most happy industry paying very high dividends, and until we could take over and nationalise this transport, I think it is not too much for us to expect from these employe^e particularly the fleet-owners, to provide for compulsory insurance, so that these conductors or drivers, who sometimes meet with accidents or who sometimes are thrown out of employment and also come to grief in the discharge of their duties, or their dependants shall be provided for through an insurance scheme. I think this is a matter which may receive the attention of the authorities now.

Sir, there is one other problem which, I feel, deserves our attention, and that is in the administration of this law where we see that the State Governments have got unfettered authority and have the power to make rules in order to implement the provisions of this Bill but then, Sir, I would suggest that we must have representation of the Central Government in every State to see that the purposes of this Bill are carried out, because my own feeling is that if we are going to allow in the States unfettered authority for the State Governments, well, there are very many measures here which require to be properly scrutinised by authorities representing the Central Government. We have similar provisions in the administration of the Labour Code, and I do not see any reason why we should not have a similar authority stationed in every State to see that the provisions of this Bill are equally carried out.

Now, Sir, I come to the problem of the lorries. Unfortunately, with the increase in road transport we find that accidents have become the order of the day. But we have got to see here that many of the lorries which virtually become death vans are secure, and to see that these lorries are not put on the road in a very rickety condition in which they are now plying in the country. Sir, it should also be part of this Bill to see that not only buses but lorries as well are put on the road only after they have received a certificate of road-worthiness. We find practically every other day some lorry or other falling into a ditch, and that is because sometimes these drivers are reported to be fully drunk with illicit liquor, but most often because the lorries have not been tested in time, and therefore it is that now we feel that as part of this legislation we must see that a certificate of road-worthiness should be insisted upon from every lorry-owner and every bus-owner before these vehicles are put on the road.

I am very happy, Sir, that a legislation of this kind is going to be implemented very soon—from the end of this year. This legislation serves as an eye-opener in the sense that many more reforms will be necessary before road transport could become not only effective but also popular in this country.

Mr. Deputy Chairman, I am rather very happy for one thing, and that is that in this measure there is provision for the employment of adolescents but for restricted hours. I would rather wish that the time may come soon when these adolescents—whatever be their definition and to whatever group they may belong—are totally banned for employment in bus transport. I quite realise the practical difficulties involved in the way.

SHRI N. M. LINGAM: Can they not be employed as cleaners even?

SHRI N. M. ANWAR: Speaking for myself I am not for their being employed as even cleaners. I would prefer adults for that job also. Of course, I quite realise the argument of Mr. Lingam, and I realise that at the moment it is not desirable that we dispense with the services of the adolescents in the transport industry, because that is only going to add to the problem of unemployment but then, Sir, on principle I feel that in this transport industry the lesser we try to encourage the employment of adolescents, the better it will be for the industry and for the people, because I am looking at it from the point of view of national character. I find that the very atmosphere is so repulsive that when a young man, a juvenile or an adolescent enters into this work, he comes to develop certain habits, which are not very good and conducive to a good character. That is why I would wish that the time will come soon when adolescents will be totally banned for employment in this industry.

SHRI D. A. MIRZA (Madras): Mr. Deputy Chairman, Sir, we are thankful to the Labour Ministry for bringing in a legislation for the welfare of motor transport workers and for regulating the conditions of their work. We are glad, Sir, that the Bill has support from different parties and the House is one in lending its support to the Bill. No doubt facilities and amenities should be given to the motor transport workers. They deserve them, and we have to go a long way in redressing their grievances. Their condition is unenviable and I know the hardships they are put to. But, Sir, the legislation is for the workers whose number is limited. My humble suggestion to the Ministry is that safeguards and guarantees should be given to the consumers also, to the passengers and travellers who travel by buses. Sir, the workers in motor transport in general and the conductors in particular are employed out of people of undesirable society though some of them may be good. But

speaking from my personal experience, since the time a passenger gets into a bus till he reaches his destination he must surrender himself to destiny or to God to safeguard his self-respect. Many of the conductors do not know how to behave. They are uncivil, rash and very rude in their dealings with the passengers. For that I would suggest some minimum qualification to be fixed just as you have in other walks of life. I want some minimum qualification to be fixed for the man to be entertained as a conductor or as a driver. People of very undesirable character, the moment they bring in some sort of licence, which by hook or by crook they are able to get, they are immediately taken in. That thing must go. Why in old days were there no such things as complaints against the behaviour of conductors and drivers? Their behaviour was quite civil, quite generous, quite decent, quite respectable. But today, what do you find? You know, Sir, what happened in Madras. You know what happened in Bengal and you know what happened in Andhra Pradesh. In what a harsh and brutal manner some students were handled by the conductors . . .

SHRI T. S. PATTABIRAMAN (Madras) : On a point of order, Sir. The hon. Member does not know the facts. I am the President of the State Transport Workers' Association, Madras. The best thing is not to refer to it since the matter is sub judice.

SHRI D. A. MIRZA: I am making a general statement. I do not confine it to a particular State. I am making a general statement that the behaviour of the conductors is not respectable, is not agreeable to the public.

MR. DEPUTY CHAIRMAN: Whatever you say must be based on facts.

SHRI T. S. PATTABIRAMAN: The matter is *sub judice* because the students have been charge-sheeted by the police and the case is pending before the court.

SHRI D. A. MIRZA: It may be sub judice. I am not dealing with the legal aspect of the case, but I am making a general statement as to what is going on in different parts of our country.

MR. DEPUTY CHAIRMAN: What I am saying is that hon. Members must be responsible for the accuracy of the facts. They should not make vague statements. You are generalising against everybody. It is bad.

SHRI D. A. MIRZA: Yes, Sir. It is not I, the newspapers speak of what is going on in our country today. They show how the passengers are treated in a very brutal, very undesirable and very harsh manner by these motor employees. So I would suggest a minimum qualification to be fixed for them before recruitment.

After that qualification, Sir, I want a refresher course for them to teach them what courtesy is. Just as we have a courtesy week in the railways I want a courtesy week to be allotted for them to learn what courtesy is. With all respect for the President of the State Transport Workers' Association, Mr. Pattabiraman, my honourable colleague, let me say that the behaviour of the conductors and the motor employees in general is far from satisfactory.

SHRI T. S. PATTABIRAMAN: There is a provocation from the public.

SHRI D. A. MIRZA: There might be provocation under which they have to learn to restrain themselves. What I suggest is a refresher course and a courtesy week to be observed. They should be trained there how to deal when they come in contact with respectable passengers. I know that for myself because one day when I demanded a ticket from a conductor, he took his own time to issue it. When I reached my destination, I told him what he was doing. He said, 'Are saheb, turn apna kam dekho'—'You look to your own work'.

SHRIMATI YASHODA REDDY (Andhra Pradesh): Hyderabad is very courteous.

SHRI D. A. MIRZA: But it has become discourteous now. So, Sir, I want them to be trained before they are given this responsible job.

Then, Sir, during nights you find lorry drivers on the roads. You know, Sir, especially during nights after 11, it is very difficult for a man to control himself. He tries to overcome his sleep. The sleep overpowers him and in his sleep he drives. What is the result? There are accidents. Therefore, what I suggest is that lorry driving on roads should be banned after 11 in the night till 5 in the morning.

Another thing that I want to suggest is that women conductors should be employed.

SHRIMATI YASHODA REDDY: Then, Sir, the conduct of the passengers will have to be checked.

SHRI D. A. MIRZA: In that case there will be reciprocity.

MR. DEPUTY CHAIRMAN: Order, order. You should be more serious, Mr. Mirza.

SHRI D. A. MIRZA: Let me tell you that in any department when ladies are allotted some work and . . .

SHRIMATI YASHODA REDDY: Not in the buses.

SHRI D. A. MIRZA: . . . they are left alone, they are quite all right; they are up to the standard. The work that is turned out by them is marvellous, but the trouble comes when it is a question of co-employment. So, what I say is that in a bus ladies alone should be entrusted the work of a conductor.

SHRI N. M. ANWAR: In Kerala.

AN HON. MEMBER: In England.

SHRI D. A. MIRZA: Not only in Kerala and England but in other places too. What happens? Ladies are more courteous, more polite. Therefore, I suggest that an experiment in this direction should be conducted.

Secondly, Sir, I want life insurance to be made compulsory for the motor transport employees. The point is that these motor transport employees, not minding the welfare of their families, spend all the money they get on themselves. They spend it on things that are quite undesirable. Therefore, just as you have compulsory insurance in other departments, compulsory insurance should be introduced in this industry too.

One more thing, Sir, and I have done. Just as in the railways you have schools and hospitals exclusively for the railway servants and their families, I suggest that separate schools be opened for the children of the motor transport employees and all facilities should be given to these children to be educated. Dispensaries should be opened for them and free treatment should be given to the members of their families.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2.30.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at half-past two of the clock, Mr. DEPUTY CHAIRMAN in the Chair.

SHRI PURNA CHANDRA SHARMA (Assam): Mr. Deputy Chairman, Sir, I rise in support of this Bill which stands for some protection to the employees of the road transport services. Indeed, this is a Bill which should have been brought much earlier. In fact, these road transport workers are not few and road transport is now practically almost of the

same size and is doing the same business as the railways. In every part of the country we see so many road transport workers moving about day and night, earning for their employers but they are without any protection under the law about their lives or about the hours of work they do. For those in the railways, there is provision now to protect them against all sorts of inequities under the law. The road transport workers have not had any till now. Sometimes the employers were very cruel. They did not get their proper wages and they had no protection except through the civil courts. Now, that these provisions are being made under this Bill, I welcome this and it will be most welcome by every transport worker in the country. In many places there have been organisations of these workers and they have been moving from time to time for this or that privilege or protection or relief in different ways. Now that this Bill has been brought, it will be most welcome to them. They will have limited hours of work and at the same time they will earn some rest at the end of a particular period which has been provided in this Bill. For all that, this Bill is very welcome to all of us, who feel for these poor transport workers and the employers will be warned against utilising this human force and exploiting them for their own advantage without caring for their interests. Now, that this Bill will come into force as early as possible, there will be a new upsurge for greater attention to the employees of these transport services. From some of the speeches made earlier here, I find that some have condemned generally all classes of transport workers. I have also got my experience. I have the experience of travelling in every part of the country, almost from Cape Comorin to Amritsar in the north, and from the eastern end to the western end by bus as well as by rail. I have rarely found the complaints to be true against these workers generally. There have been exceptions as there are black sheep here and there but nevertheless generally

I have found them very well-behaved. Whatever shortcomings are there, I have found them only in the case of those with little or no education at all because they have learnt little of the social life and that is why they sometimes commit some faults which we cannot but condemn. In Assam, for instance, there is the great organisation of the Government for transport. In every State there is. I have found the conductors, drivers and other workers to be generally polite and not as ill-behaved as some of the earlier speakers depicted them to be. They are generally polite. Of course it is different from the standard of education demanded in certain places to become a conductor of a bus. In the case of drivers also, of course in private undertakings generally there has been no standard fixed regulating their qualifications. However much we may condemn the present system of education, there should be some standard fixed, say, that of matriculation, for a conductor and some technical education for a driver. These should be there and the Motor Vehicles Act should provide for them. When this is done, we will have no reason to complain against any driver or bus conductor. In the private vehicles many illiterates have been employed so far and some of them drive very rashly generally and sometime, they have not only capsized their buses or private lorries but have also killed themselves. So there should be some restrictions regarding the standard of education required from transport drivers. At the same time there should be restrictions in regard to hours of work. Although many of us drive our cars thinking that midnight hours may be safer to drive for journeys, we often find that in the national highways, most of the private trucks carrying huge loads do not give passes to the cars. It is generally due to the lack of education or consideration on the part of the drivers. It is of course true that many of these drivers are often under the influence of alcohol and that is why many accidents have happened

in many parts of the country and it is also found that the drivers were found in intoxicated condition immediately after they were found to have capsized their lorries. Of course, when prohibition is going to be enforced throughout the country during the coming Plan, I have no doubt that we will succeed in getting this habit removed, when the drivers will be saner and will be driving their vehicles more seriously and with care for the passerby. So, on the whole, I support this Bill and I hope that this Bill would have the desired effect and the employers would be warned not to indulge in appointing any class of people and would appoint only those who would come under the purview of these rules and would give all facilities under the law and would not be cruel to their employees.

About the question of adolescents who have been brought under the purview of this Bill, although I agree on principle, I think generally there should have been a prohibition on the appointment of adolescents of 18 years for any purpose in a motor vehicle, either as a handman or a driver or even as a conductor. This should have been prohibited. Anyhow we hope the time will come when it can be reviewed and amendments brought about with regard to adolescents driving a motor vehicle or being employed in a transport undertaking. Thank you.

SHRI ABID ALI: Mr. Deputy Chairman, we had a very interesting and educative debate and I am thankful to the hon. Members who have given their near unanimous support, and particularly to hon. Member Shri M. Govinda Reddy who has very lucidly explained the various provisions and the changes which have been effected on the basis of the discussion and recommendation of the Joint Select Committee. A little of disagreement was also mentioned which was either of a routine nature or because the very scope of the Bill has not been fully appreciated. Some hon. Members, particularly Sarvashri

[Shri Abid Aii, J Anwar, Chavda, Mirza, Lingam and other friends were making suggestions which were beyond the scope of the Bill under consideration here. Mention was made about items like licensing of motor vehicles, age of the drivers and conductors, their behaviour and road-worthiness of the vehicles and items of that nature. Sir, as hon. Members are fully aware, there is an Act called the Motor Vehicles Act which takes care of all these requirements. Mention was also made about eye-sight and medical examination. Provision already exists about these matters in the Motor Vehicles Act. This particular Bill is for the purpose of giving much needed relief about welfare etc. to the workers employed in the motor transport industry as defined in the Bill. We have to limit the provisions of the proposed Act to these requirements and not amend or take care of items which have to be provided for under the Motor Vehicles Act. Mention was made about reduction in working hours and spread-over, and some hon. Members were angry because they were under the impression that we have been impressed by some of the employers and, therefore, were not giving sufficient relief to these workers in the matter of working hours and spread-over. Now, Sir, I am in a very happy position because the Motor Vehicle's Act lays down the hours of work as nine per day and fifty-four per week but here we have reduced it to eight and forty-eight respectively. We have not done it on some whimsical basis. There is a convention of the International Labour Organisation. According to that recommendation, working hours should not be more than eight daily and forty-eight weekly and a spread-over of twelve hours. Such a strong support I have for making these provisions in the Bill. It should be remembered that even in the original Bill, different schemes were provided for different kinds of transport system, for example, city, long distance etc. The present limit is fixed because it is in evidence that vehicles

have to be taken out of the garages in the morning to serve the public, to take them to their respective places of avocation and then they have to be brought back in the garages. It might be from 7 to 11 or 7-30 to 11-30 or 8 to 12 in the morning. After serving the public in the morning, the staff has to be sent away. Again, from 4 to 8 or 4-30 to 8-30 or 5 to 9 in the evening they have to go out to different places to serve the public. Now, it is not possible for any transport system to have all the vehicles running all the time or to have a limited number of vehicles for the peak hours and also for other purposes. They have to put on the road a larger number of vehicles during the morning and evening hours for the convenience of the public. This was sufficiently discussed in the Joint Committee and there I was convinced that all the Members were convinced about the necessity of having twelve hours as the spread-over so that the requirements of the public can be fulfilled by the transport schemes which various cities are having. This was decided on the basis of the convention of the International Labour Organisation.

A suggestion was made with regard to training the staff in first aid. I think my hon. friend from Madras made this suggestion but it will be found that clause 12(3) has made provision for this. Facilities should be given for having necessary training with regard to the use of the first aid implements and for rendering relief in case of necessity.

The hon. Member opposite made a suggestion about comprehensive legislation. This phrase has become very familiar and in any discussion of any Bill, this word "comprehensive" is mentioned and it is said that it is not sufficiently comprehensive but very very seldom we are told as to what is missing in the Bill. Of course, he did not mention it but other Members who participated in the debate today made some suggestions about it but as I said earlier, all that is

required to be done with regard to the scheme within which it has to work, has been done. A few items were mentioned but those have already been taken care of by other enactments like the Employees' State Insurance Act. It is already made applicable to the staff connected with motor transport in the workshops, etc. There is the Employees' Provident Fund Act which has already been made applicable to the transport industry. Some hon. Members said, "Why are they not being given any advantage of provident fund? What will happen to them in their old age or on retirement or in case of death?" They have already been covered by the Employees' Provident Fund Act,

DR. R. B. GOUR: But that is only for establishments having fifty workers.

SHRI ABID ALI: The Provident Fund Act has been made applicable to workers in the transport industry.

DR. R. B. GOUR: Not to the same extent as this Act. For example, there are 15 workers in undertakings to which it is applicable but here it is five workers in undertakings to which this is applicable.

SHRI ABID ALI: That is a separate question. That is a question of reducing the number of workers so far as that Act is concerned. Then the Workmen's Compensation Act is applicable to these workers; the Payment of Wages Act is also applicable; the Industrial Disputes Act is also taken advantage of by these friends and the Minimum Wages Act as well. Some hon. Members asked why we were not making this measure applicable to Jammu and Kashmir. Everybody should know that it is not constitutionally possible to do so, and therefore, it cannot be done. My friend was very much vehement and he was charging me about . . .

DR. R. B. GOUR: I was very persuasive.

SHRI ABID ALI; being too much under the influence of the employers. Everyone has his own way

of life and getting influenced by internal and external matters but so far as we are concerned, we are friends of the poor and we serve them in our own humble way. He says that a large number of M.L.As are interested in the transport industry and therefore, it will not be implemented in the States. Sir, he may be having a large number of friends of that type but so far as we are concerned, there may be here and there a few. The Congress is a vast organisation and people from every walk of life are there in this vast organisation of ours. So far as doing our duty to the masses is concerned, all that is possible in the given circumstances is being done.

Then, Sir, he referred to my suggestion for extending the date by which the Act should be implemented fully in all the States. It was my suggestion; I mentioned 31st December 1961 in the Select Committee. Now, I introduced this Bill in April 1960 in the other House and we are just at the end of March 1961. So one year has been lost from April 1960 to April 1961. Certainly, I am not responsible for this.

SHRI K. L. NARASIMHAM (Andhra Pradesh): Then who is responsible?

SHRI ABID ALI: I am not responsible for this one year which has been taken to get this through both houses of Parliament. If the charge is that we are adopting delaying tactics, then somebody else also has to be roped in.

SHRI BHUPESH GUPTA (West Bengal): May I know who is that somebody to be roped in?

SHRI ABID ALI: The system is such. This Bill was introduced in April 1960 and it went to the Joint Select Committee. In the Joint Select Committee I mentioned 31st December 1961. It was then October, November, December, January, February and March have passed away and we are passing the Bill here

[Shri Abid Ali.] today—I hope it will be—and then it will have to go to the other House and there it may come up by the end of April or may not come up before the House rises. I do not know.

DR. R. B. GOUR: Why?

SHRI ABID ALI: I do not know; that is not in my hands. That is for the Business Advisory Committee and others who formulate the programme. So my request is that hon. Members should appreciate the correct position and not blame me for losing this one year. When I mentioned this 31st December 1961, I was hoping that during the winter session of Parliament before it rose on 24th December the Bill would be passed but that was not possible. Now, hon. Members asked whether we had completed the preliminary things. We have not even communicated to the State Governments the provisions of the Bill because as yet this has not been passed by Parliament. What do I communicate to them? Should I communicate to them that we are proposing such a thing or should I communicate to them that so many amendments are being proposed and so on? Even just now I have given one more amendment because during the discussion an hon. Member from this side said that watchmen had not been specifically mentioned. We were thinking that attendants might include watchmen but I felt that it is not sufficiently clear and therefore watchmen also should be mentioned. So an amendment to that effect has already been given. After this Bill is passed by both Houses of Parliament, we will communicate to the State Governments and on that basis they will have to formulate their programme; they have to arrange for the staff; rules have to be framed and these have to go to the State Governments and their suggestions have to come back. I do not know how many hundreds of suggestions will come and they have all to be examined. And what am I proposing? Not that it should not be implemented before July; what is being said is

that it should be implemented before that date. If any State Government is in a position to implement the Act within two months after it becomes law, we shall be only too happy. There is no dilatory tactics men tally; the intention is that it should be implemented as early as possible but I want to avoid coming up again to Parliament with an amendment for the extension of the date. That is the intention. I explained that six months have gone in discussion. Sometimes in spite of best intentions and attempts one is not able to do a thing and so it is there. This change which has been suggested is on my own and I have already explained the necessity for it.

Now, ordinarily it should not happen but in the morning when he mentioned that I am friend of the hon. Member here, making reference to it I said, no. It may be considered as rude on my part but, Sir, it is not possible for me to be a friend of those whom I consider to be not friends of my country. It is not possible for me to be friends of such persons and therefore I said, no. This is just as a personal explanation.

SHRI BHUPESH GUPTA: Are you clear now with the explanation. Sir?

SHRI ABID ALI: I am sufficiently clear and I know what I S'iy. Only I hope these friends wiH clear their mind and not mortgage it to some other **place**.

SHRI BHUPESH GUPTA: One pet phrase the hon. Minister has. He can have better phrases. For ten years he has been repeating the same thing.

SHRI ABID ALI: If his name is Shri Bhupesh Gupta, should I go on changing his name? Whenever I refer to him I refer to him as Shri Bhupesh Gupta, hon. Member from Bengal. Or have I to go on changing his name or the State from which he comes? Fact is a fact. And the fact remains that he is Shri Bhupesh Gupta and

his mind is not clear because that is mortgaged somewhere else.

Sir, a suggestion was made regarding mileage allowance. It should be appreciated that mileage allowance is a kind of T.A. and T.A. is not included for the purpose of overtime etc. This was discussed fully in the Joint Select Committee and there also my feeling was that hon. Members were convinced about it. My good sister from Madhya Pradesh was referring to the provision about leave. A period of 240 days in a year has been mentioned. If a worker goes on a full month's leave, that is 30 days, then four Sundays are minus from 52 Sundays. Then, it becomes 48 Sundays. That makes a total of 318 days. Out of 365 days, if 318 is minus, there is still a margin of 47 days. The scheme is the same in this Bill as is prevalent in other sectors, particularly in the case of the Factories Act. It is working very satisfactorily.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Under the Factories Act if all the leave that is permissible is taken, including sick leave, privilege leave and this type of leave, then there is no scope for a margin of 240 working days, minus also those Sundays. That is what happens under the Coal Mines Act.

SHRI ABID ALI: That is true. Formerly, the number of days mentioned in the Bill was more. Then, from that these days were excluded. Then, the trade union workers also felt that the scheme should be changed. It will be now 240 working days. I may assure the hon. lady Member that the scheme is exactly the same.

Now, the point has been raised about the implementation of the provisions of the Bill. That is true. The existence of the Indian Penal Code or of the police does not eliminate theft or other crimes. I should also be careful in my own house. I should keep it properly and safely locked and be sure that I have done all that

is possible to ensure that theft does not take place. Exactly like that these labour legislations should be viewed. I agree with hon. Members that simply by passing this Bill immediately the workers will not get all that to which they become entitled. Of course, the Government machinery should be sufficiently alert. The department should be helping the workers and more so where they are not properly organised or not organised at all or wrongly organised. 'Wrongly organised' is quite a suitable expression. All the trade unions are not genuine trade unions. So, what I was submitting was that workers have to be organised to safeguard their interests and I hope soon . . .

SHRI BHTIPESH GUPTA: Sometimes Hitlers die.

SHRI ABID ALI: Hitler died, but many Hitlers are living and the hon. Member is very much near them.

Now, the hon. Member from Bihar, Shri Sheel Bhadra Yajee, and Mal-viyaji were suggesting that every worker in the industry should be ■ covered by this Bill. It is a **gxxi** thing. Formerly, as hon. Members know we had covered straightway ten workers or more, i.e., an establishment having ten or more workers. Now, that has been reduced to five. This has to be implemented by the State Governments. Of course, in the territories which are Centrally administered, they will take care of it. But in the case of the States, which have to implement the provisions of this Bill, their convenience and the possibility of having the required administrative machinery for the implementation of the provisions have to be kept in mind. With this reduction from ten to five, the Joint Select Committee was very much satisfied and the Members felt happy that sufficient progress was made with regard to coverage *als i*. Everybody was unanimously supporting this particular change. Let us give some time for the working of this measure and let us gain experience. We shall see

[Shri Abid Ali.] io what extent the machinery can expand and in case the employers start bifurcation, then immediately the State Governments should step in and stop that undesirable practice. But it will not be possible to cover very small establishments having a smaller number of workers. It may be only one vehicle-establishment. Perhaps the number of workers in these smaller establishments also is not very large. My feeling is that we are covering a sufficiently large number of workers through the proposed change.

Now, Sir, about the target date, I have already explained it. The fear of Shri Jaswant Singh about clause 9—rest rooms—has no justification at all, because we do not say that at every place a rest house should be constructed. The last line of the clause says that suitable alternative arrangements should be made. As I mentioned yesterday, when he was speaking, some room in a hotel could be hired or in some residential house the necessary accommodation can be hired by the employers by making suitable arrangements. There should be no difficulty about it. He was placing the point of view of the employers. Of course, it is very much appreciated and it should be appreciated, if they have got any difficulty. But the requirements of the workers have also got to be appreciated, more so when they have to go to out of the way places and when they are so poorly paid. If they cannot go to a hotel room, what should they do? In the rainy season and in winter they have to pass the night there and in the morning again they have to come back from their night halt. So, they should be in a fit condition again to bring back their vehicle and the passengers safely from the place to which they had gone in the evening. For that purpose, it is very necessary that they should have sleeping facilities there.

About medical facilities in clause 11, an obligation has been put on the employers. But it does not mean that

: everywhere they should have a hospital. Employers having a smaller number of workers can make arrangements with medical practitioners to give the workers necessary facilities.

I think I have covered most of the points raised in the course of the debate and I am sure that every reasonable-minded person is convinced that the provisions of this Bill are sufficiently progressive and quite satisfactory and that the workers will immensely benefit by this when it becomes law. There should be certainly an assurance that all that is possible both by the Centrally administered areas and the State Governments would be done to ensure that the workers concerned get the benefit to the full. Thank you.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the welfare of motor transport workers and to regulate the conditions of their work, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clause 2—Definitions

MR. DEPUTY CHAIRMAN: There are six amendments including the one that has been sent recently.

SHRI ABID ALI: Sir, I move:

3. "That at page 4, lines 2-3, for the words 'required to work or is engaged directly or through any agency, in a professional capacity on a transport vehicle or who attends' the words 'employed in a motor transport undertaking directly or through an agency, whether for wages or not, to work in a professional capacity on a transport vehicle or to attend' be substituted."

20. "That at page 4, line 7, after the word 'time-keeper' the word 'watchman' be inserted."

SHRI N. M. LINGAM: Sir, I move:

8. "That at page 2, line 28, after the word 'name', the word 'includes' be inserted."

9. "That at page 3, line 5, after the word 'starts' the words 'or is scheduled to start' be inserted."

30. "That at page 3, line 32, after the word 'solely' the words 'ana voluntarily' be inserted."

11. "That at page 4, after line 14, the following be inserted, namely:—

(iii) the employer or any member of his family who has not been engaged as a regular employee; "

The questions were proposed.

SHRI ABID ALI: Sir, I have fully explained. I have nothing more to add.

SHRI N. M. LINGAM: My amendment, No. 8, says that after the word "name" the word "includes" be inserted. It deals with the definition of "employer". "Employer" means, in relation to any motor transport undertaking, the person who, or the authority which, has the ultimate control over the affairs of the motor transport undertaking, and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent or by any other name, such other person." I have only said that it should "include" such other person, because it would be in consonance with clause 34 of the Bill under which offences by companies mean offences by their agents also.

MR. DEPUTY CHAIRMAN: It is covered by the word "means". "Such other person" is defined by various phrases that have been given before. "Includes" is not necessary. It means such other person. "Such other person" has been defined by the various expressions "whether called a manager, managing director, managing agent or by any other name".

SHRI N. M. LINGAM: I thought, Sir, that the definition of "employer" here is limited to only . . .

MR. DEPUTY CHAIRMAN: It means the person who is in authority. It means all these classes of persons.

SHRI N. M. LINGAM: Should it not be in conformity with the other clauses where it covers the man on the spot and the company? I have in mind an undertaking where it is a company and an individual manager on the spot. That is all I have to say.

MR. DEPUTY CHAIRMAN: You can speak on your other amendments also.

SHRI N. M. LINGAM: With regard to the calculation of running time, the definition says: " 'running time' in relation to a working day means the time from the moment a transport vehicle starts functioning at the beginning of the working day until the moment when the transport vehicle ceases to function at the end of the working day", and so on. My amendment is to the effect that it should not only mean the time from the moment a transport vehicle starts but also from the moment a transport vehicle is scheduled to start because it is our experience that transport vehicles do not always start at the scheduled hour, and the interval between the scheduled hour of starting and the actual starting time is not covered by any of the other clauses. It is covered neither by the period of mere attendance nor by the time spent in subsidiary work. It is not covered by any of these things. So, Sir, it should come properly under Explanation (1). Otherwise the period would remain undefined and the work would remain unpaid for.

DR. R. B. GOUR: Whichever is more must be taken.

SHRI N. M. LINGAM: Yes. This is in favour of the worker.

DR. R. B. GOUR: Your amendment is defective in that respect.

SHRI N. M. LINGAM: It is perfectly aJ right. We have to be guided by the scheduled hour of starting. Always the actual starting time is usually later than the scheduled hour. So the effect of a motor vehicle not starting at the scheduled hour is that the worker remains idle during that period, which period is not defined under any of the clauses. So Sir, it is necessary that it should be included here.

Then I come to my amendment No. 10. This relates to the definition of "period of mere attendance". The definition says: " 'period of mere attendance' means the period during which a person remains at his post solely in order to reply to possible calls or to resume action at the time fixed in the duty schedule". It may be that the person goes there not always at the command of the employer but also voluntarily. So an attendance by an employee which is availed of by the employer for work should be reckoned as period of mere attendance. That is the object of the amendment.

MR. DEPUTY CHAIRMAN: Even if he remains there voluntarily?

SHRI N. M. LINGAM: Yes, and when his services are availed of by the employer for work connected with the operation of the transport. That is why I have said "voluntarily". Not only at the express command of the employer but also when he is there voluntarily, his services should be taken into consideration.

Then I come to my amendment No. 11.

MR. DEPUTY CHAIRMAN: You want to exclude the employer or any member of his family?

SHRI N. M. LINGAM: Yes, Sir, because there is no express provision. The inspector should not take action under any of the provisions of the measure on the plea that the employer or a member of his family who does odd jobs is not given all the amenities

under the provisions of this Bill. It is only by way of clarification. Probably it has no real substance.

DR. R. B. GOUR: What do you mean by family?

SHRI N. M. LINGAM: You have your say. I am moving my amendments. You give your views.

DR. R. B. GOUR: Brothers, sisters, daughters and sons.

SHRI N. M. LINGAM: Otherwise, there is the prospect of the inspector or the inspectorate abusing the powers under the provisions of the Bill. These are my remarks, Sir.

SHRI ABID ALI: Regarding amendment No. 8, Sir, I hope it has been appreciated by the hon. mover also that it is not necessary. That is our view as well.

Regarding amendment No. 9, the definition of "running time" is based on the I.L.O. Convention and we have carefully examined this. It covers the intention and therefore the amendment is not necessary.

Regarding amendment No. 10, the definition of "period of mere attendance" is as given in the I.L.O. Convention also. So we have taken that from that. They are also sufficiently experienced people, and the position from all over the world is before them, and that experience is utilised. Period of mere attendance of less than fifteen minutes is a part of hours of work. So the definition of "period of mere attendance" should not contain the qualifying word "voluntarily". Sir, about his amendment No. 11, in view of the amendment which I have proposed, I think that the hon. Member will also feel that it is not necessary. With regard to my own amendment No. 7 about the 31st of December . . .

MR. DEPUTY CHAIRMAN: Your amendments are No. 3 and N-. 20.

SHRI ABID ALI: That is true. I have said that it is self-explanatory.

But with regard to this, that is finished. We are on clause 2.

MR. DEPUTY CHAIRMAN: Mr. Lingam, do you press your amendments?

SHRI ABID ALI: He is convinced.

SHRI N. M. LINGAM: I am not convinced. He has been referring to the I.L.O. Convention all the while but it has not been properly incorporated in the Bill. But since he is not in a mood, I do not think there is any point in asking him to accept my amendments, and I beg leave to withdraw my amendments.

Amendment Nos. 8 to 11 were, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

3. "That at page 4, lines 2-3, for the words 'required to work or is engaged directly or through any agency, in a professional capacity on a transport vehicle or who attends' the words 'employed in a motor transport undertaking directly or through an agency, whether for wages or not, to work in a professional capacity on a transport vehicle or attend' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

20. "That at page 4, line 7. alter the word 'time-keeper' the word 'watchman' be inserted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 2, as amended, stand part of the Bill"

The motion was adopted.

"For texts of amendments, vide col. 177 supra.

Clause 2, as amended, was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 5- Powers of the inspectors

SHRI N. M. LINGAM: Sir, I move:

12. "That at page 6, line 3, for the word 'objects' the word 'purposes' be substituted."

This is only a verbal amendment. Sub-clause (c) of this clause says— "... for carrying out to the purposes of this Act;" To ensure uniformity in the phraseology I am suggesting that the word 'objects' may be changed into 'purposes' because the Government has itself used the word 'purposes' in sub-clause (c). That would be more harmonious if we have the same phraseology. That is all that I want to say.

The question was proposed.

SHRI ABID ALI: I am sincerely thankful to the hon. Member for having taken so much pains and for having studied the provisions of the Bill so minutely but, Sir, in this particular matter I am not very seriously opposed to it. But people in the Labour Ministry, in Parliament Secretariat and in the Joint Select Committee, all . . .

DR. R. B. GOUR: Law Ministry.

SHRI ABID ALI: Yes, Sir, the Law Ministry also.

They say that according to the Oxford Dictionary, 'object' also means 'purpose' and therefore the amendment is not necessary at all.

SHRI N. M. LINGAM: Sir, I do not press my amendment and I beg leave to withdraw my amendment.

Amendment No. 12 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 12 were added to the Bill.

Clause 13—Hours of work

SHRI N. M. LINGAM; Sir, I move:

13. "That at page 9, after line 6, the following further proviso be inserted, namely:—

'Provided also that no driver shall be required or allowed to drive for more than two hundred miles in any day'."

SHRI K. L. NARASIMHAM: Sir, I move:

18. "That at page 8, at the *end* of line 28, after the word 'week' the following be inserted, namely:—

"and no adult motor transport worker engaged in any city service or in a service operating on hill road shall be required or allowed to work for more than seven hours in any day or forty-two hours in any week'."

The questions were proposed.

SHRI N. M. LINGAM: Sir, my amendment seeks to add another proviso to the existing two provisos to the clause. This relates to the hours of work. My amendment says:—

"Provided also that no driver shall be required or allowed to drive for more than two hundred miles in any day."

I have already stated in the course of the discussion that service conditions in hill stations are more arduous and hazardous than in the plains. So to define more precisely the quantum

of work, we have to specify the work not only in terms of hours but also in terms of distance. That is the main purpose and in principle at least it agrees with the amendment of my friend, Mr. Narasimham. I would commend the amendment to the acceptance of the House.

SHRI K. L. NARASIMHAM: Sir, my amendment is very simple. I want that the hours of work for transport workers who work in city services and on hill roads should be reduced to seven from eight per day, and from 48 hours to 42 hours a week. While replying to the general debate, the hon. Deputy Minister mentioned the I.L.O. Convention and explained that the provision was in consonance with the I.L.O. Convention and that therefore he had incorporated it as eight hours a day and forty-eight hours a week. I want to draw his attention to the latest Report of the Indian Government Delegation to the 44th session of the International Labour Conference wherein they have decided to form a new instrument and they have recommended that in a certain manner, the hours of work should be reduced progressively. They have said:—

"The existing international instruments concerning hours of work should be completed by a new instrument concerning the reduction of hours of work."

While mentioning the general principles, they have said:—

"Normal hours of work to be progressively reduced with a view to attaining the 40-hours week without any reduction in the wages of the workers as at the time hours of work are reduced.

"In carrying out measures for progressively reducing hours of work, priority to be given to industries and occupations which involve a particularly heavy physical or mental strain or health risk"

My amendment is in consonance with the latest recommendation of the I.L.O. and I think that the hon. Deputy Minister is out of date and is still thinking in the old way. In his usual way, he exhibited his state of mind and his temperament—and especially his anti-Communist phobia. Sir, he answered us by mentioning that we were not Indians and that we were anti-Indians. I do not want to retort or to give an answer to him because we are used to it and he has no other argument except to blame us in the usual way. But coming to the point here, it is about the reduction of one hour. That too deals with a section of workers who do a hard job, tremendous work, and who operate in the hill service. We find, for instance, in Himachal Pradesh or in the Nilgiris or in U.P. or in the south that a worker who has to man a vehicle on a hill road finds it very difficult because the roads are narrow and he has to take turns. He has to drive the vehicle cautiously and take the vehicle in a safe condition. So, in the interests of the public, in the interests of the safety of the passengers and in the national interests, he should be given sufficient rest and he should be relieved of the fatigue. The hon. Deputy Minister argued that in the interests of the public this spread-over of twelve hours was made. I am pointing out to him that in the public interest this particular section of workers should be given less work and should be given sufficient rest. So my amendment seeks to reduce the hours of work for that particular category of workers who man the vehicles on hill roads.

Coming to conditions of service, his work is strenuous. He has to be familiar with the track and he must drive carefully. That also involves more strain and he needs a less number of hours of work, and so seven hours is the proper thing. I think it is in consonance with the latest recommendations of the I.L.O. Conference. So, I request the hon. Minister not to view any suggestion coming from this

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side with a prejudiced mind and give the same old answer. He should accept our amendment and be in consonance with times.

Thank you.

SHRI ABID ALI: It is not the suggestion of hon. Members opposite. Shri Malviyaji, Shri Sheel Bhadra Yajee and other friends on this side made the suggestion first that seven hours should be fixed for a working day, and I replied to them during the course of remarks earlier.

SHRI K. L. NARASIMHAM: You said: "anti-Indian."

SHRI ABID ALI: I am coming to that. The hon. Member should have a little patience. He has given me good reasons for again saying a few words on that subject also.

The hon. Member is not right when he says that some substantial changes have taken place with regard to the decision of the I.L.O. Moreover, Sir, not because the I.L.O. has said eight-hour day or forty-eight hour, week or twelve hours' spread-over that we are fixing this, but because it is within the scheme of the working in this country, and according to the requirements of the transport industry also this should be the working hour and the spread-over. Therefore, we have fixed it. It is quite reasonable and appropriate.

With regard to what the hon. Member said I must clear this doubt from his mind that I am not anti-Communist. He should understand it.

(*Interruption.*)

DR. R. B. GOUR: Do you swear by these words?

SHRI ABID ALI: I am not anti-Communist. They know that in the I.L.O., when I was leading the Delegation, the question was there that Mr.

[Shri Abid Ali.] Chou En-lai's Government's representative should be accepted as the Chinese representative, and I very much fought for it. The hon. Member does not know. They are prejudiced against me, but I am not. Let them understand what they are, and that will be good for the nation and for themselves as well. What I was saying was that * * * I am not anti-Communist. I like Russians; they come here, we meet them and I go to their parties. I go to Chinese parties but not after they have committed this aggression. Then, of course, that is a different position. What I was telling about them was, and what they should understand is that, when I tell them what they are, after meeting all the points that have been mentioned, when they say I am not their friend, I said, "What to do? I may be wrong, but I feel I am right, * * * and therefore I cannot be their friend." That is the reason. Therefore, it is not that I am anti-Communist. It is that I am an Indian.

SHRI BHUPESH GUPTA: On a point of order. Sir. It is a suggestion; it was in reference to certain Members of this House and in that connection he said, "I am not their friend because * * * I do not go into the culture of this Minister who speaks like that. I am interested in the propriety of the House. First of all, I would like to know whether this kind of behaviour should be allowed, that a Minister who should know his position with impunity shall go on speaking like that about Members of the House, no matter who they are. Secondly, he brags about it, and thirdly, I would not call him * * * Quite clearly we can also say that he is a man of the rich millionaire class. He says it in this country, not anywhere else.

MR. DEPUTY CHAIRMAN: Order, order. No Member should be called a traitor. It is not right.

SHRI BHUPESH GUPTA: You once pointed this out, but this gentleman never learns. He should learn parliamentary decorum. We use sometimes words . . .

MR. DEPUTY CHAIRMAN: Na Member should be called a traitor.

SHRI ABID ALI: I never did that.

SHRI BHUPESH GUPTA: You did. I heard it and you heard it also, Sir. About the Communist Party he can say whatever he likes, but some Member opposed it and they are not friends because . . . Well, I consider it beneath my dignity to be a friend of such a person as the hon. Minister.

SHRI ABID ALI: Is this dignity?

SHRI BHUPESH GUPTA: Yes. I will consider it beneath my dignity. I will not call you one because . . .

MR. DEPUTY CHAIRMAN: Order, order. I order these remarks be expunged. No Member should call another Member a traitor.

SHRI ABID ALI: I did not do so. Please, Sir, . . .

MR. DEPUTY CHAIRMAN: I wish hon. Members would use dignified language.

SHRI ABID ALI: Yes, Sir. I was submitting, as a word of explanation, that when the hon. Member, who had just spoken previous to him, said that I am anti-Communist, I said, "I am not anti-Communist."

MR. DEPUTY CHAIRMAN: That is; all right, Mr. Abid Ali.

SHRI ABID ALI: And then I said, Sir, * * * This is not unparliamentary.

SHRI BHUPESH GUPTA: Did he say that? He did not utter that.

* * *Expunged as ordered by the Chair.

SHRI ABID ALI: All right, I am uttering it now.

SHRI BHUPESH GUPTA: Sir, I am not bargaining as in a fish market.

MR. DEPUTY CHAIRMAN: Please withdraw that, Mr. Abid Ali.

SHRI ABID ALI: I am saying about the Communist Party.

SHRI BHUPESH GUPTA: I am not quarrelling. He might use anything he likes so long as you allow it, but here I make a submission.

(Interruption.)

MR. DEPUTY CHAIRMAN: It is not right to call any Member a traitor.

SHRI BHUPESH GUPTA: He says that he said something which he did not say. He never used the words, "Communist Party." Now he says that the Communist Party is * * * Even that would not be good; that would be bad. If he prevaricates in this manner, it is not good. Will you, Sir, kindly convey to the Prime Minister of India, the Leader of the other House, that he can do without such a Deputy Minister? There are other people in the Congress Party.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI ABID ALI: It is not in his hands, and it is not his function.

SHRI N. M. LINGAM: Sir, I suggest that these remarks also should be expunged, because they are totally out of context.

SHRI BHUPESH GUPTA: Whyr Can't I advise the Prime Minister to have a proper Deputy Minister? You are a nice gentleman and you can become a Deputy Minister.

DR. SHRIMATI SEETA PARMANAND: It is not the right of the Opposition.

SHRI BHUPESH GUPTA: It is not my right, but I am making a suggestion to the Prime Minister. Dr. Seeta Parmanand, I can make a suggestion. It is for you to accept it or not?

MR. DEPUTY CHAIRMAN: All these offensive words will be expunged. *(Interruption)*. Yes, from both sides.

SHRI BHUPESH GUPTA: Why. Sir? I have not used any unparliamentary expression. No, Sir. There are rules.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: Can you tell me which of my expressions— they are not palatable—which of my words are unparliamentary according to the convention, according to the rules? I would like to know. I would stand corrected. I will never utter them.

MR. DEPUTY CHAIRMAN: We will examine it and correct it.

SHRI BHUPESH GUPTA: I have not used a single expression.

MR. DEPUTY CHAIRMAN: You also called him . . .

(Interruption)

SHRI BHUPESH GUPTA: Never, never, never. What I said . . .

(Interruption)

AN HON. MEMBER: Why are you excited?

SHRI BHUPESH GUPTA: I am not at all excited. I am in the best of my humour.

MR. DEPUTY CHAIRMAN: Hon. Members will avoid . . .

SHRI BHUPESH GUPTA: I am not excited. I am in the best of my humour.

"Expunged as ordered by the Chair.

SHRI ABID ALI: Coming to the subject itself, Sir, I was saying . . .

MR. DEPUTY CHAIRMAN: It does not add to the dignity of the House whether on this side or that.

SHRI ABID ALI: Whatever may be the position in the country has to be acknowledged and the House is a part of the country. That cannot be ignored.

SHRI BHUPESH GUPTA: Sir, even after your ruling, he has been indirectly saying this.

MR. DEPUTY CHAIRMAN: He is not calling you a traitor.

SHRI BHUPESH GUPTA: But see the temper, the attitude.

MR. DEPUTY CHAIRMAN: Temper you also show.

SHRI ABID ALI: The hon. Member says that he only can use words which are not objectionable. Of course, we never use it and we are not accustomed to using it. I know that abuse does not argue out a case. However, a bulb is to be called a bulb, and if you call a bulb a bulb, it is not an abuse anyway. I was not mentioning this at all but when the hon. Member said that I am anti-Communist, then I replied that I am not anti-Communist but . . .

MR. DEPUTY CHAIRMAN: You have said enough.

SHRI ABID ALI: Also I should explain what I consider the Communist Party in this country to be. There is nothing wrong in it. The hon. Member said that w_c are under the influence of capitalists and because of capitalist lobbying, because of their tactics and because of their pressure, this Bill has not been able to pass through here and that I have suggested this amendment because of pressure

from them. Not a single individual employer has met me during all these months, belonging to this motor transport industry. Now, Sir, when they misuse the privilege, then certainly they also should sometimes be reminded of what they are, and that is what I have done.

With regard to this amendment, I have already explained that I am not accepting it, and I request the House to reject it if they do not withdraw the same.

SHRI N. M. LINGAM: Sir, I beg leave to withdraw my amendment.

* Amendment No. 13 tuas, *by leave, withdrawn.*

MR. DEPUTY CHAIRMAN: The question is:

18. "That at page 8, at the *end* of line 28, after the word 'week' the following be inserted, namely:—

'and no adult motor transport worker engaged in any city service or in a service operating on hill road shall be required or allowed to work for more than seven hours in any day or forty-two hours in any week'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 13 stand part of the *Bill*."

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 and 15 were added to the Bill.

Clause 16—Spread-over

SHRI K. L. NARASIMHAM: Sir, I move:

11. That at page 9, line 28, for the words 'twelve hours' the words 'ten

•For text of amendment, vide col. 183 *supra*.

hours and thirty minutes' be substituted."

Sir, my amendment deals with the question of spread-over and my amendment seeks to reduce it from 12 hours to 10½ hours. The reasons are that . . .

MR. DEPUTY CHAIRMAN: Arguments have been already advanced and replied.

SHRI K. L. NARASIMHAM: . . . in the Factory Act or in the Plantation Act or in any existing labour legislation the spread-over is only 10½ hours. Why it should be 12 hours in this case we do not know. The reason advanced by the hon. Deputy Minister was that it was in the interest of the city services and in the interest of the public that the spread-over should be 12 hours. I know, Sir, that in the case of the Gujarat Transport Undertaking, they had an agreement with the union there for a spread-over of 11 hours. The union asked for 10½ hours, but the employer could not agree to that. Then there was a bargain and at last they agreed to 11 hours, and that is in existence even today. The hon. Deputy Minister knows about it. This was also mentioned at the time of the discussion in the Joint Select Committee. Sir, the delegates representing even the I.N.T.U.C. gave evidence and some of the hon. Members who spoke here also pointed out that the spread-over should be 10½ hours.

Secondly, Sir, here in this Bill it is mentioned that the split is only for two periods. That means that after five hours a worker can be given rest or whatever it is and can be called to duty in the second period after some time. Therefore, when you split it into two periods, an operator in a city service in Bombay, Madras or Hyderabad or in any other city begins to function from, say, 5 o'clock in the morning for four or five hours in the morning and then there is a break. Again, he comes in the evening, say, from 4 o'clock to 8 o'clock. That means the worker has to come again on duty.

And when the worker is not provided with a house, he has to live in a distant part of the city. So, after a particular period of work he has to go back to his house and wait for the next call and attend to his duty. Therefore, this break period he cannot use for himself and it cannot be called "rest". At the most he has time to go to his house, take food, and wait for the next call, and again go to the place of his work. It means throughout the period of 12 hours he is at the disposal of the employer. This period is a little longer and should be reduced to 10½ hours. It is also in consonance with the existing labour legislation. It was the demand of all the workers' organisations. Even when the organisation, to which my hon. friend, the Deputy Labour Minister, attaches importance and calls it "patriotic", themselves suggested this thing, I do not see any reason why he rejects that idea. The only answer can be that all the employers, when they gave evidence, stressed this point. All the employers, whether from the public undertakings or from the private operators, asked for 12 hours as the spread-over, and the hon. Deputy Minister accepted their suggestion and rejected the suggestion of the workers. From this I do not want to conclude anything but an inference can be drawn as to which side he is agreeing to concede to. Therefore, I only appeal to the hon. Minister even at this late hour to agree to the suggestion of the workers and agree to a spread-over of 10½ hours.

The question was proposed.

SHRI ABID ALI: Sir, the hon. Member has argued against himself. He says that if 10½ hours are fixed, the workers will have longer hours of rest and stay with their families than if the spread-over is 12 hours. A break of 2½ hours in between the two duties—4 hours in the morning and 4 hours in the evening—will be a wastage. He was himself saying that they would have to be hanging nearabout for this 2½ hours. That is correct and that is what I also say. But, if the spread-over is 12 hours, then after four hours

[Shri Abid Ali.] of morning duty he has got 4 hours left to himself. He can go home, spend the time there and again come back for his evening duty. Therefore, this 12 hours' spread-over is helpful for the worker as well. He can spend more time at home. True, in Gujarat the spread-over, according to the agreement with the workers' organisation, has been a little reduced. But there it is possible because most of the vehicles of that particular undertaking in Gujarat are *mofussil* vehicles, and a few ply in smaller places not like Bombay, Calcutta, Madras or Delhi. It is true that this question was considered in the Joint Select Committee, and it is not myself who accepted it. Everybody there appreciated its need and it was accepted. Again, I may submit, as I felt that it was accepted unanimously. Therefore, Sir, there is no room for making any change.

MR. DEPUTY CHAIRMAN: The question is:

11. "That at page 9, line 28, for the words 'twelve hours' the words 'ten hours and thirty minutes' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 16 stand part of the Bill."

The motion was adopted. Clause 16 was added to the Bill. Clause 17 was added to the Bill. Clause 18—Notice of hours of work

SHRI ABID ALI: Sir, I move:

4. "That at page 9, line 38, for the words 'each adult motor transport worker' the words 'motor transport workers' be substituted."

Sir, this amendment has become necessary and, therefore, I move it. It has been felt necessary because it is usual to group the workers and show

I the hours of work for each group. It would not be practicable to show the hours of work for each adult worker. There is no provision at present to show the hours of work of an adolescent. Therefore, this particular suggestion has been made which should be acceptable to the House.

MR. DEPUTY CHAIRMAN: The question is:

4. "That at page 9, line 38, for the words 'each adult motor transport worker' the words 'motor transport workers' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19 was added to the Bill.

Clause 20—Compensatory day of rest

SHRI ABID ALI: Sir, I move:

5. "That at page 10, line 23, for the word 'holidays' the words 'days of rest' be substituted."

MR. DEPUTY CHAIRMAN: Amendment No. 14 is barred.

The question is:

5. "That at page 10, line 23, for the word 'holidays' the words 'days of rest' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clause 21 was added to the Bill.

Clause 22—Adolescents employed as motor transport workers to carry tokens

-SHRI N. M. LINGAM: Sir, I move:

15. "That at page 10, after line 33, the following proviso be inserted, namely:—

"Provided that he shall in no case be required or allowed to work as a driver."

Sir, my remarks are confined to the need for putting a ban on adolescents working as drivers. Under the existing clause it says:

"No adolescent shall be required or allowed to work as a motor transport worker in any motor transport undertaking unless—

(a) a certificate of fitness granted with reference to him under section 23 is in the custody of the employer, and

(b) such adolescent carries with him while he is at work a token giving a reference to such certificate."

•All that this clause requires is a certificate of fitness in the possession of the employer and the possession of a token by the adolescent. It is necessary here to accept my amendment because the principle under which a physical examination is insisted upon in the Bill is that it is not safe or in the interests of the travelling public to entrust the adolescent with work of a more responsible nature and since the most difficult nature of transport is driving, it is not advisable to entrust the adolescent with driving.

The question was proposed.

MR. DEPUTY CHAIRMAN: He is not given a licence unless he is 18. So it is not necessary.

DR. SHRIMATI SEETA PARMANAND: There is apparently confusion

between a transport worker and a motor driver. Every transport worker is not a motor driver under the Bill.

MR. DEPUTY CHAIRMAN: Every driver must be of 18 years.

SHRI ABID ALI: Under Section 14 of the Act, no one can have motor driving licence unless he has completed 18 years.

SHRI N. M. LINGAM: Then it is all right. I beg leave to withdraw my amendment.

Amendment No. 15 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill

Clauses 23 to 25 were added to the Bill.

Clause 26—Extra wages for overtime

SHRI N. M. LINGAM: Sir, I move:

16. "That at page 12, after line 2 the following be inserted, namely : —

(3A) Where the motor transport worker is required to spend the day of rest at a place different from his usual place of residence, he shall be paid his ordinary rate of wages for that day."

This amendment relates to extra work. According to the clause, it says:

"Where an adult motor transport worker works for more than eight hours in any day in any case

[Shri N. M. Lingam.] referred to in the first proviso to section 13 or where he is required to work on any day of rest under sub-section (2) of section 19, he shall be entitled to wages at the rate of twice his ordinary rate of wages in respect of the overtime work or the work done on the day of rest, as the case may be."

I thought that this did not cover cases where a motor transport worker is required to spend the day of rest at a place different from his usual place of residence. So to provide for this contingency, I thought it desirable to add this amendment to the clause. If the Minister is disposed to accept it, it will not harm anybody in any way but on the other hand, it will help the workers.

The question was proposed.

SHRI ABID ALI: -"Surely there is a scheme under the Minimum Wages Act for these wages and also there are agreements and awards according to which their wages and other items are regulated. Therefore this is out of place and therefore it is not necessary to accept this amendment.

SHRI N. M. LINGAM: Sir, I beg leave to withdraw my amendment.

**Amendment No. 16 was, by leave, withdrawn.*

MR. DEPUTY CHAIRMAN: The question is:

"That clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Clause 27 was added to the Bill.

•For text of amendment, *vide col. 198 supra.*

Clause 28—Wages during leave period

SHRI ABID ALI: Sir, I move:

6. "That at page 13, line 3", after the word 'wages' the words 'for the days on which he worked during the month immediately preceding his leave' be inserted."

SHRI N. M. LINGAM: Sir, I move:

17. "That at page 13, line 3, after the word 'wages' the words 'during the previous fortnight' be inserted."

The questions were proposed.

SHRI N. M. LINGAM: Here the 'wages' for the leave period is **not** denned.

DR. R. B. GOUR: Mr. Abid Ali's amendment defines it.

SHRI N. M. LINGAM: Clause 28, as it stands, does not specify it. It simply says:

"For the leave allowed to a **motor** transport worker under section 27, he shall be paid at the rate equal to the daily average of his total full time wages, exclusive of any overtime earnings and bonus, if any, but inclusive of dearness allowance and the cash equivalent of the advantage, if any, accruing by the concessional supply by the employer of foodgrains for the day on which he worked."

So the average can be with reference to a specific previous period. So I thought the previous fortnight was the most appropriate period.

MR. DEPUTY CHAIRMAN: If his amendment is accepted, it will serve the purpose.

SHRI N. M. LINGAM: I know the prorogation has come to the rescue of the Minister and he has made the fortnight into a month. It would have been more graceful to have accepted my amendment. Anyhow I do not press my amendment.

SHRI ABID ALI: I have already acknowledged the pains which **the**

hon. Member has taken and also our friend Shri K. Santhanam. These amendments were received formally and as the House met at short notice, I felt that hon. Members might not have the opportunity to send their amendments. So taking the clue from them certainly—I acknowledge that—we submitted the amendments which, we felt, were necessary.

MR. DEPUTY CHAIRMAN: The question is:

6. "That at page 13, line 3, after the word 'wages' the words 'for the days on which he worked during the month immediately preceding his leave' be inserted."

The motion was adopted.

SHRI N. M. LINGAM: Sir, I beg leave to withdraw my amendment.

*Amendment No. 17 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended was added to the Bill.

Clauses 29 to 40 were added to the Bill.

Clause 1—Short title, extent, commencement and application

SHRI ABID ALI: Sir, I move:

2. "That at page 1, line 6, for the figure '1960' the figure '1961' be substituted."

With regard to my other amendment No. 7, there is a slight modification that I propose. I have already explained its necessity during the course of the discussion earlier. After that I was feeling that as for this

♦For text of amendment, vide col 200 supra.

suggestion for extension of 6 months, perhaps it may be possible to reduce it to 3 months—Therefore, I suggest 31st March 1962 instead of 31st December 1961 which may be more acceptable to hon. Members.

I now move the amendment as modified:

7. "That at page 1, line 10, for the figures and words '31st day of December, 1961' the figures and words '31st day of March 1962' be substituted."

The questions were put and the motions were adopted.

4 P.M.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula

SHRI ABID ALI: Sir, I move:

1. "That at page 1, line 1, for the words 'Eleventh Year' the words 'Twelfth Year' be substituted."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI ABID ALI: Sir, I move:

"That the Bill, as amended, be passed."

The question was proposed.

SHRI BHUPESH GUPTA: I want to say a few words, Sir-In the course of the debate, you would have noted, that this Bill was generally welcomed from both sides of the House. It was not fortuitous because everybody was working towards the day when it would be possible to bring about certain changes in the law on this particular subject. It was pointed out by a speaker from this side of the House that ours was the first group in Parliament which wanted, by a non-official Resolution or a Bill, to highlight this problem. In the other House, several years ago, if I remember aright, a Bill was moved by Comrade A. K. Gopalan. Here was no controversy but here were differences over details- Naturally, we gave our suggestions; we offered criticism and other Members from that side also offered their suggestions and criticisms. On some we agreed and on others we disagreed but I think when a matter of this kind is discussed, basically non-controversial things are sponsored by the Government, they should approach the matter in a different spirit. Acrimony need not be introduced. As far as our side is concerned, I am not saying, the other side is not, but we emphasise the point of view of labour and the working people, and from that point of view we offer our criticisms. Some may seem valid to hon. Members opposite and others may not seem valid. When we say that certain suggestions are not accepted or are accepted, it does not mean that we are imputing motives to the hon. Minister personally or saying that he is personally responsible. Nothing of that kind. We are only questioning the conduct of the Government. The hon. speaker pointed out that 'some of the evidence given by the employers was of that particular category, that that evidence was taken into account and that certain things were not done according to that. It does not mean that Mr. Abid Ali, the Minister, is responsible for it, or there

I is something like criminality attached to it. We have never said that. The hon. Minister may say that we are making unreasonable statements or perhaps we are accepting a proposition which belongs to certain employees or workers. Three parties are involved here, the employers, the workers and Government and we, Members of Parliament. There is naturally a conflict of interest here. You may say whatever you like from that angle but why, on every occasion does the Deputy Minister introduce such subjects? He may not like some of us but I find that every time he uses a certain language which you have got to expunge.

SHRI M. GOVINDA REDDY: That episode is over. Why refer to it now?

SHRI BHUPESH GUPTA: I know the art of parliamentary language a little better than perhaps some other Members of the Treasury Benches. Even if I want to, I shall not use that expression which will get expunged. We have had the departed Leader of this House. Sometimes he very strongly differed. On Keraia and on various other things we differed from him but did he use such expression, calling us by such names? We have been shot by the police but never did he use such expression. That lesson should go down amongst them. Here is the Prime Minister with whom we differ on certain matters; heat also develops but does he ever use such expression? We respect him for that and we respected the departed Leader of the House, Shri Govind Ballabh Pant. Even in the heat of controversy he would not use such expression. Opposition sometimes does use

SHRI M. GOVINDA REDDY: There is no need for this. It is not relevant. The whole thing is over.

MR. DEPUTY CHAIRMAN: That chapter is over.

SHRI BHUPESH GUPTA: That chapter is over, I know. You have closed it and you have done well in closing it. I am grateful to you but that is the kind of mentality that is exhibited. When I was saying that the Prime Minister should be informed about it, Dr. Seeta Parmanand was saying . . .

MR. DEPUTY CHAIRMAN: Order, order. It is not necessary at this stage. This peroration is not necessary.

SHRI BHUPESH GUPTA: Peroration is necessary. Everytime it comes.

MR. DEPUTY CHAIRMAN: It is all right—I am here to take care of you.

SHRI BHUPESH GUPTA: You have done it and I am grateful to you that you are very vigilant about this matter but if the hon. Minister and the Ministry have such an altitude over such matters, then measures like this do not get properly implemented. The co-operation of all parties is needed for the implementation of this measure, political parties, unions and so on. If this kind of mentality is exhibited by the hon. Minister, do you think that that would inspire cooperation even for the Implementation of legislations that we collectively and unanimously pass in this House? This is something that the hon. Members opposite have to think over. They are so strong that they can ignore our suggestions but principles of morality have also to be thought of in public life, and not numbers always.

SHRI ABID ALI: I am thankful to the hon. Members for having learnt some lesson and I hope it will never be forgotten and both during the question hour and during discussion here, he will not become uncontrollable and use expressions which although you and the Chairman feel sometimes very uncomfortable and still he goes on . . .

SHRI BHUPESH GUPTA: On a point of order, Sir. Do you feel uncomfortable? Nobody can question your comfort or discomfort. He has no business to say whether you are comfortable or not.

MR. DEPUTY CHAIRMAN: No reflections on the Chair.

SHRI ABID ALI: It is not a reflection, Sir. It is a question of feeling.

MR. DEPUTY CHAIRMAN: Anyway, we have been carrying on comfortably here—

SHRI ABID ALI: The expression, the attitude and the tone make people uncomfortable. That is what I was referring to. I was submitting, Sir, that on not a single occasion was I responsible for starting any controversy. My difficulty is, and that I admit, that I do not keep the debt because I will have to pay interest. If it is coming from there, immediately I have to return it back. That is my difficulty and if hon. Members are not prepared to receive back, they should not try to give me. I am very much responsive to the suggestions made here, particularly from the opposition benches, and those who have attended the Select Committee would appreciate as to how much accommodative we were. No amendment has been submitted but during the course of the discussion, when I myself felt that the watchmen have not been specifically included, I myself put in that amendment. Hon. Members may ask as to why I introduce foreign matters. There is a kind of feeling and responsibility also, not of a Minister—I was not a Minister yesterday and tomorrow I will not be a Minister, but I remain an Indian and I shall always remain an Indian . . .

SHRI BHUPESH GUPTA: The trouble is that you have been too long in the Ministry.

SHRI ABID ALI: Well, then, I will be freer to deal with the hon. Members.

SHRI BHUPESH GUPTA: I welcome him on this side.

SHRI ABD ALI: If I am not there some of my colleagues will be there who will have my backing but so far as they are concerned, they don't believe in God and therefore I cannot say, 'G-od take care of them.' Anyway I appreciate this spirit very much and I assure them that it will be reciprocated. If they go beyond the matter under discussion and tell things always charging us that we are slaves of the capitalists, that they are bringing pressure, that whatever they say we do, that we are their slaves, then I will say that if I am a slave, I will be a slave of the people of this country and not of some other country.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE MINIMUM WAGES (AMENDMENT) BILL, 1961

THE DEPUTY MINISTER OF LABOUR (SHRI ABD ALI): Sir, excuse me; I do not find the papers.

DR. R. B. GOUR (Andhra Pradesh): You have lost the brief.

SHRI ABD ALI: So it has started again? His leader has given some assurance and I hope he and his followers will follow it.

SHRI BHUPESH GUPTA (West Bengal): Sir, I have given him no assurance that we shall not be fighting for the interests of the working people here.

SHRI ABD ALI: Certainly, I will welcome that but he should not fight for the interests of foreign masters also and those . . .

MR. DEPUTY CHAIRMAN: Order, order.

SHRI ABD ALI: Sir, I beg to move: "That the Bill further to amend the Minimum Wages Act, 1948, be taken into consideration."

Sir, as hon. Members are aware, the Minimum Wages Act, 1948, requires fixation of minimum rates of wages for all scheduled employments to be completed by a specified date and that date expired on 31st December 1959. The main object of the present Bill is to do away with any rigid time limit. We are also taking this opportunity to provide that minimum wages should not be fixed or revised in any scheduled employment when any dispute relating to that industry is pending before a tribunal or when an award of a tribunal is still in operation in that industry.

Sir, I move.

The question was proposed.

SHRI ROHIT M. DAVE (Gujarat) : Mr. Deputy Chairman, Sir, I have not been able to appreciate from the Statement of Objects and Reasons why this particular Bill has been brought forward at all. The most important and the only important clause in this Bill is clause 2 and this clause 2 consists of two parts. As far as the first part is concerned, the idea is to do away with the time limit before which the minimum wages should be fixed once it is notified that a particular industry comes within the purview of the Minimum Wages Act. Now, it has been stated in the Statement of Objects and Reasons that—

"The Minimum Wages (Central) Advisory Board at its meeting held on the 4th August, 1960 recommended that the time-limit for initial wage fixation should be done away with altogether."

Unfortunately we have not got the full minutes of that particular Board meeting and we do not know exactly why . . .

DR. R. B. GOUR : You must be in contact with the Central Trade Union organisations for this.

SHRI ROHIT M. DAVE: As a Member of Parliament I need not be. I must get the information. I have no such information as to why they