

[Secretary.]

II

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Appropriation (No. 4) Bill, 1960, as passed by Lok Sabha at its sitting held on the 31st August, 1960.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

Sir, I lay a copy of each of the Bills on the Table.

THE MOTOR TRANSPORT WORKERS BILL, 1960—*continued*

MR. CHAIRMAN: Mr. Dave, you have got only a minute or two.

SHRI ROHIT M. DAVE (Gujarat): I will not take more than three or four minutes, Sir.

Mr. Chairman, while the House adjourned yesterday the discussion on this Bill, I was examining the claim of the hon. Minister and trying to see whether this particular Bill was comprehensive enough. While doing that I made a serious slip when I said that this Bill did not extend the provisions of the Payment of Wages Act, 1936, to the motor transport workers.

[MR. DEPUTY CHAIRMAN in the Chair]

That was a mistake, Sir, and I very much regret it. In fact, clause 27 of the Bill expressly extends the provisions of this Act to the motor transport workers. Not only that, but it gives a very useful formula which the Joint Committee might examine to see if the provisions of other Acts could not be extended to the motor transport workers under the same formula. I would like especially to draw the attention of the Joint Committee

to this and request them to see if the Employees' State Insurance Act of 1948 and the Employees' Provident Fund Act, 1952 cannot be extended to the motor transport workers. Perhaps it may not be possible to extend the provisions of these two Acts to all the establishments that are covered by this Bill; but a minimum can be prescribed and any establishment employing more than a particular number of motor transport workers can be brought under the provisions of these two Acts. If that is done, it would be a great protection and help to the motor transport workers.

As far as the careful drafting of this Bill is concerned, I would like to invite the attention of the Joint Committee to clauses 17 and 18 of this Bill and would request them to examine whether enough precautions have been taken to see that adolescents employed as motor transport workers would not be made to work for more than five hours at a stretch. I say this because I find in clause 17 the total hours of work is given as six hours, including rest interval of half an hour. And clause 18 refers only to adult motor transport workers. Therefore, there seems to be some lacuna and there seems to be no provision to prohibit an employer from making an adolescent worker do work for more than five hours. This is a question which should be examined.

Lastly, as far as the various other provisions in the Bill are concerned, I would refer only to the provision dealing with canteens and the minimum number of employees that should be there at a particular place before a canteen can be provided for them. The question of hours of work, the question of separate staff, the question whether if the break is only for half-an-hour, it should be included in the hours of work or not, all these questions are questions which the Joint Committee, I am sure, will carefully consider. The hon. Minister has already told us that all the provisions that have been included in this Bill have been included after consultations

with the employers and the workers. I hope the point of view of the employers, the point of view of the workers and the point of view of the Government will all be made available to the Members of the Joint Committee so that it may be possible for them to examine the question from all the various points of view and to try to see whether this good measure cannot be made better. Sir, I thank you.

श्री के० पी० वर्मा (मध्य प्रदेश) :

उपसभापति महोदय, मैं इस बिल का स्वागत करता हूँ और मुझे बड़ी खुशी है कि मंत्री महोदय ने इस तरह का बिल पेश करना उचित समझा है। परन्तु इस सम्बन्ध में मैं आप से अनुरोध करूँगा कि जो ज्वाइंट सिलेक्ट कमेटी इस सिलसिले में बैठ रही है वह कृपापूर्वक इस बात पर ध्यान दे कि यह जो बिल आया है इस में बहुत से अंश ऐसे हैं जिन की संभवतः आवश्यकता नहीं है। उदाहरण के लिये मैं आप से अनुरोध करूँ कि जैसे ड्रेन है, पेमेंट आफ वेजेज ऐक्ट के बारे में आते हैं, वर्किंग आवर्स के सिलसिले में जो इस में प्राविजंस हैं, इन सब बातों का, दूसरे कानूनों में जो कि मौजूद है, उल्लेख है, समावेश है। मैं बहुत ही अदब के साथ माननीय मंत्री महोदय का ध्यान इस ओर आकर्षित करूँगा कि वे देखें कि उन कानूनों के रहते हुए भी इस में उस की व्यवस्था करना कहां तक उचित है और क्या इस को रखना उससे संगत होगा कि नहीं ?

श्री शीलभद्र याजी (बिहार) : मोटर ट्रांसपोर्ट कर्मचारियों पर लागू नहीं होता है।

श्री के० पी० वर्मा : मैं यह अनुरोध कर रहा हूँ कि मिनिमम वेजेज ऐक्ट तो है ही, पेमेंट आफ वेजेज ऐक्ट जब कि है और वह लागू नहीं होता तो पेमेंट आफ वेजेज ऐक्ट को अमैन्ड करना चाहिये और उस संबंध में नोटिफिकेशन जारी करना चाहिये जिस से कि वह लागू हो जाय। मैं आपसे यह अनुरोध करूँगा कि इस तरीके का बिल लाकर एक दूसरे ऐक्ट को अलार्ड करना, यह उचित है

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या नहीं इस पर ध्यान देने की कृपा की जाय।

इस के अलावा मैं एक बात की ओर सदन का ध्यान आकर्षित करना चाहता हूँ। वह यह है कि इस बात को देखना चाहिये कि मोटर ट्रांसपोर्ट की जो इंडस्ट्री है वह आज जिस स्थिति में हमारे देश में है उस में वह इस तरह का बर्द्धन बर्दाश्त कर सकती है कि नहीं। हमारे देश में मोटर ट्रांसपोर्ट इंडस्ट्री का हाल यह है कि कई जगह तो नेशनलाइज्ड कन्स्ट्रक्शन है और कई जगह प्राइवेट सेक्टर में है। प्राइवेट सेक्टर में भी दो तरह के आपरेटर्स आप को मिलेंगे—एक तो बड़े यूनिट्स हैं और एक बड़े ही छोटे छोटे आपरेटर्स हैं जिन के पास मुश्किल से एक या दो, तीन गाड़ियां हैं।

यह बिल जो आज हमारे सामने उपस्थित है इस में यह बताया गया है, क्लाज ६ में, कि जहां १०० से अधिक कर्मचारी हों वहां कैंटीन की व्यवस्था की जा सकती है और दूसरी जगह यह बताया गया है कि जहां दस या पांच कर्मचारी हों वहां पर भी इस बिल को एप्लाइ किया जा सकता है। इस ढंग का बिल अगर हम लोग पास करें तो उस का मतलब यह होगा कि कुछ वर्कर्स को तो इस का फायदा मिलेगा और कुछ को नहीं मिलेगा। मैं आप से अनुरोध करता हूँ कि कोई कानून जो हम लोग पास करें वह ऐसा होना चाहिये जिसका सब को फायदा हो और इस के लिये यह जरूरी है कि हमारे यहां जो मोटर ट्रांसपोर्ट इंडस्ट्री है वह कुछ ऐसे सांचे में ढाली जाये कि उस में काम करने वाले कर्मचारी चाहे वे कहीं काम करते हैं, इस तरह की सहूलियत का पूरा पूरा लाभ उठा सकें। प्लानिंग कमीशन ने इस के पहले जो फाइव ईयर प्लान प्रस्तुत किये थे उन में भी यह सलाह दी थी कि जो छोटे छोटे आपरेटर्स हैं उन को इस बात के लिये प्रेरित किया जाय कि वे वाएबल (viable) यूनिट्स का निर्माण करें। प्लानिंग कमीशन का सुझाव गवर्नमेंट आफ इंडिया ने मान लिया था।

[श्री के० पी० वर्मा]

मगर यह चीज जब राज्य सरकारों के समक्ष गई तो वहां उस स्तर पर कुछ अड़चनें हुईं और नतीजा यह हुआ कि प्लानिंग कमीशन का वह सुझाव उचित ढंग पर देश में कार्यान्वित नहीं हो सका। श्रीमन्, इस सिलसिले में मैं आप का ध्यान आकर्षित करता हूँ कि गवर्नमेंट आफ इंडिया में मिनिस्ट्री आफ ट्रांसपोर्ट ने इस सम्बन्ध में अनेक चर्चाएँ कीं, कमिशनर्स आफ ट्रांसपोर्ट की कान्फ्रेंस बुलाई और उस के बाद इंग्लैण्ड वाटर एण्ड ट्रांसपोर्ट एडवाइजरी की बैठक में और फिर डेवलपमेंट कौंसिल्स की बैठक में भी इस की चर्चा हुई कि वाएबल (viable) यूनिट्स को प्रश्रय दिया जाय ताकि ये छोटे छोटे आपरेटर्स वाएबल यूनिट्स में परिवर्तित हो जायें और देश में मोटर ट्रांसपोर्ट इंडस्ट्री एक सुव्यवस्थित और सुसंगठित ढंग से चलने लगे। मगर अभी तक इस सिलसिले में कोई ऐसी ठोस कार्यवाही नहीं हुई। मैं समझता हूँ कि इस संबंध में हमारे श्रम मंत्री महोदय जो हूँ वे ट्रांसपोर्ट मिनिस्टर साहब से परामर्श करेंगे। मैं तो यह चाहता था, श्रीमन्, कि ट्रांसपोर्ट मिनिस्टर साहब भी यहां इस समय सदन में मौजूद रहते तो इस सम्बन्ध में कुछ उन का भी ध्यान आकर्षित होता क्योंकि यह एक ऐसा मसला है जिस से उस विभाग का सीधा सम्पर्क है और अगर वह विभाग इस संबंध में जो एक व्यापक नीति होनी चाहिये उस पर अमल न करे तो उस का नतीजा यह होगा कि श्रम संबंधी जो भी विधेयक हम पास करेंगे उसका लाभ ठीक ठीक सब को मिल नहीं सकता। मैं आप से अनुरोध करता हूँ कि आप इस बात पर जरा ख्याल करें कि अभी जो ट्रांसपोर्ट इंडस्ट्री है उस के ऊपर कितना वजन पड़ रहा है। रेल की बात आप जाने दीजिये, रेल का जो काम है वह कुछ दूसरी तरह से चलता है मगर ट्रांसपोर्ट इंडस्ट्री, आज कुछ तो नेशनल सैक्टर में है, कुछ प्राइवेट सेक्टर में है। आप देखते हैं कि इन दिनों डीजल आइल के, टायर के, मामूली इंजिन के पार्ट्स

के दाम बहुत बढ़े हुए हैं और इस प्रकार इस देश में ट्रांसपोर्ट इंडस्ट्री पर एक वर्डन बहुत पहले से पड़ा हुआ है। उसके बाद अभी जो ला आफ टैक्सेशन का अमेन्डमेंट हुआ उसमें भी जो एक डेवलपमेंट रिबेट मिलता था ट्रांसपोर्ट इंडस्ट्री को, उसको भी ले लेने की बात सोची गई। इस तरह से आप देखिये कि यह जो ट्रांसपोर्ट इंडस्ट्री है, खास तौर से जो छोटे छोटे उद्योगपतियों के हाथ में है, उसमें वे लोग इसको किस तरह से अमल में ला सकेंगे। इसलिये श्रीमन्, यह बहुत निहायत जरूरी है कि ट्रांसपोर्ट का जो उद्योग है उसकी पूरे देश में कुछ इस ढंग से व्यवस्था हो ताकि इस तरह का जो विधेयक है उसका पूरा पूरा लाभ सबको मिल सके और इससे जो हमारा मकसद है वह पूरा हो सके। मैं श्रम मंत्री महोदय को इसके लिये बधाई देता हूँ कि उन्होंने बहुत सूझ बूझ से काम किया है क्योंकि सबसे ज्यादा जो कठिनाई इस समय मोटर कर्मचारी महसूस कर रहा है वह इस सिलसिले में है कि जो सुविधाएं रेल कर्मचारियों को हैं वह उसको नहीं हैं और यह बिल उसी को सुविधा देने के लिये लाया गया है। मगर साथ ही साथ यह देखना है कि ये जो सुविधाएं हम देना चाहते हैं वे उन मोटर कर्मचारियों को प्राप्त हो सकें।

एक और बात जो मैं श्रम मंत्री महोदय का ध्यान आकर्षित करने के लिये कहना चाहता हूँ वह यह है कि इसमें उन्होंने यह व्यवस्था रखी है कि जो राज्य सरकार हैं वे जब चाहें इसको अमल में लायें और नोटिफिकेशन निकालें। श्रीमन्, यह तो एक साधारण अनुभव की बात है कि बहुत सी बातें ऐसी रहती हैं कि वे राज्य सरकारों में पहुँचने पर बालाएँ तक रख दी जाती हैं। उसका कारण यह होता है कि वहां की जो लोकल राजनीति होती है वह रास्ते में आ जाती है। तो जो मकसद आपका है कि आप समूचे देश में मोटर वर्कर्स को एक सहूलियत देना चाहते हैं, वह सहूलियत आप यहां से

तो देना चाहते हैं, मगर सचमुच में वह मिल सकेगी या नहीं यह एक देखने और सोचने की बात है। इसलिये बेहतर तो यह होगा—और मैं चाहता हूँ कि जोइण्ट सेलेक्ट कमेटी के माननीय सदस्य भी इस सम्बन्ध में विचार करें—कि यह क्लॉज रखना चाहिये कि नहीं। मैं तो यह सोचता हूँ कि उचित तो यह होगा कि यह पूरे राज्य में, पूरे देश में एक साथ लागू किया जाय। इसलिये यह बहुत जरूरी है कि इस सम्बन्ध में जो क्लॉजेज हैं उन पर हमारी जोइण्ट सेलेक्ट कमेटी गौर करे क्योंकि अक्सर ऐसा होता है कि यहां से तो कानून पास कर दिया गया, नियम बना दिये गये, लेकिन वे कार्यान्वित नहीं होते। कहीं होता भी है तो दूसरे तरीके से होता है। दूसरी जगह दूसरे तरीके से होता है। इसलिये मैं यह चाहता हूँ कि एक तरीके से सब जगह ऐसी व्यवस्था होनी चाहिये।

इसके अतिरिक्त एक बात और है जिसके सम्बन्ध में थोड़ा सा मैं श्रम मन्त्री महोदय का ध्यान आकर्षित करना चाहूँगा और वह यह है कि मोटर कर्मचारियों के सम्बन्ध में, आज आप कहीं भी चले जाइये, यह एक आम धारणा हो रही है कि उनमें एक बात की कुछ खामी है, जिसे हम कह सकते हैं चरित्र बल। यह एक मामूली अनुभव की बात हो रही है कि खास तौर से जो ड्राइवर और कण्डक्टर तबका है उसके अन्दर कुछ हमको शिक्षा देने की आवश्यकता है। उनके अन्दर एक प्रवृत्ति आ रही है, जैसे उदाहरण के लिये शराब पीने की। और एक प्रवृत्ति और आ रही है, मोटर चलाने से जो आमदनी होती है उसमें से कुछ हड़पने की। तो जब हमारा श्रम विभाग यह चेष्टा कर रहा है कि मोटर कर्मचारी उन तमाम सुविधाओं को प्राप्त करें जो कि एक कर्मचारी को प्राप्त करनी चाहिये तो यह भी हमारे देखने की बात होती है कि ऐसी बातें हम उनके सामने रखें जिनसे उनका चरित्र ठीक तरीके से निर्मित हो सके। आप उनको रैस्ट हाउस दीजिये,

आप उनको कैंटीन दीजिए, वंदी दीजिए, सब कुछ दीजिए और तनख्वाह भी बढ़ा दीजिए, इसमें किसी तरह का नुकसान नहीं है, किसी को शिकायत नहीं है। मगर शिकायत तब होती है जब वे कर्मचारी नशे की हालत में गाड़ी चलाते हैं, नशे की हालत में ड्यूटी करते हैं। तो ऐसी हालत में क्या आपका और हमारा यह फ़र्ज नहीं होता कि इस चीज को रोकने के लिये कोई उपाय किया जाय—क्योंकि वे बहुत दायित्वपूर्ण काम करते हैं—जिससे उनका चरित्र भी उचित रूप से गठित हो सके और वे समाज के अच्छे नागरिक सिद्ध हो सकें तथा अपने और अपने बाल बच्चों का हित कर सकें ?

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ।

SHRI P. A. SOLOMON (Kerala): Sir, I welcome this Bill because this was demanded by almost all the transport workers in the country for a long time and now a comprehensive Bill is before us. Because it is a comprehensive Bill dealing with almost all the aspects of the welfare, working conditions etc., of the transport workers, naturally there may be some lacuna but they can be overcome during the discussions in the Joint Select Committee and thus we may be able to bring out a good piece of legislation.

Sir, coming to the Bill, I have to point out certain things. In the definition clause it is said that the hours of work would include—

(i) the time spent in work done during the running time of the transport vehicle;

(ii) the time spent in subsidiary work; and

(iii) periods of mere attendance at terminals of less than fifteen minutes.

[Shri P. A. Solomon.]

In this connection I would like to draw the attention of the hon. Members to the International Labour Code, especially article 279, which defines 'hours of work' as—

- (i) time spent in work done during the running time of the vehicle;
- (ii) time spent in subsidiary work;
- (iii) periods of mere attendance; and
- (iv) breaks for rest and interruptions of work which breaks or interruptions do not exceed a duration to be prescribed by the competent authority.

You would see that breaks for rest and interruptions of work are included in the definition of 'hours of work' but in the definition given in this Bill it is not so. So I would request the hon. Members in the Committee to go through the International Labour Code, especially the article relating to transport workers.

Regarding the hours of work in clause 14(2) it is said: —

"The hours of work of such motor transport workers shall be so arranged that inclusive of interval for rest under section 18 they shall not spread-over more than ten-and-a-half hours in any day."

And in clause 14(1) it is said: —

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

In this connection I would ask why this reduced hours of work should be for the city service alone. Is it not possible to reduce it for the other workers also? It is not only a question of transport workers alone; it is a question of the travellers, the actual

passengers, as well as of the workers because if the working time is reduced as far as possible, it will also benefit the people by way of reduction in the number of accidents. So this aspect must be taken into consideration.

Another thing that I would like to bring to the notice of the House is that conductor is not mentioned specifically in clause 2(k). It says: —

" 'motor transport workers' means a person who is required to work or is engaged in a professional capacity on a transport vehicle or who attends to duties in connection with the arrival, departure, loading or unloading of such transport vehicle and includes a driver, cleaner, station staff, line checking staff, booking clerk, cash clerk, depot clerk or attended....."

So conductor is not mentioned here at all. I do not know whether conductor is covered by this definition but when we clearly specify the different categories of workers like driver, cleaner, etc., there is no reason why we should not make a clear mention of conductor also. I hope the hon. Minister will say something about this.

Now, I would like to draw attention to clause 28 relating to extra wages for overtime. Here it is said that for overtime a worker shall be entitled to wages at the rate of twice his ordinary rate of wages. This expression 'twice his ordinary rate of wages' is vague. I would say that the spirit of overtime wages is denied here. If a worker is to get real overtime wage, it must be twice the rate of his total earnings.

THE DEPUTY MINISTER OF LABOUR (SHRI ABID ALI): That is the intention; it means that.

SHRI P. A. SOLOMON: But 'ordinary wages' can be denned otherwise.

SHRI ABID ALI: No, no.

SHRI P. A. SOLOMON: If that is what is intended, I am satisfied. But it is likely that the transport owners may argue against this.

SHRI ABID ALI: They would be wrong.

SHRI P. A. SOLOMON: Because there are dearness allowance basic wage and . .

SHRI ABID ALI: That includes.

SHRI P. A. SOLOMON: If it includes that, I have no objection. Another thing I would like to bring to the notice of the hon. House is that we must bring in the taxi workers also within the scope of this measure because this is to be a comprehensive enactment. It is stated that about two lakhs of people are employed in the taxi business and as this is a comprehensive measure, that section of workers also should be included here.

Sir, I hope the Select Committee will consider my suggestions and I hope that they will be accepted by the Government also. Thank you, Sir.

SHRI RATANLAL KISHORILAL MALVIYA (Madhya Pradesh): Mr. Deputy Chairman, I support the motion for reference of the Bill to a Joint Select Committee. I heartily welcome the provisions of this measure meant to ameliorate the conditions of workers in the motor transport industry. This industry has tremendously increased in recent times. So much so that even Railways are afraid of competition from motor transport in carrying goods and passengers for long distances. We have made enactments for all the big industries. We have got separate legislation for plantations, for coal and for others, to protect the wages and to provide good working conditions to the workers employed in those industries. Because of the expanding nature of this industry, this Bill was necessary and is most welcome. While welcoming this measure, I would like to make some observations on the clauses for the consideration of the Joint Select Committee.

With regard to clause 1 dealing with definitions, the provisions of this Bill apply only to those undertakings which employ more than ten workers. Under certain circumstances it can be extended to those undertakings which employ even five workers.

I know that the Government have their difficulties in applying the provisions to each individual working in this industry and that has got to be appreciated. But we have got a fear that this might lead to fragmentation of some of the bigger units. We have got before the House a Bill to amend the Plantations Labour Act brought before the House only for making a provision to check fragmentation of tea gardens. So, that tendency is there, the tendency to break law even among the big ones. Therefore, I suspect that this provision is nicely to be misused by some undertakings and there might be a tendency for fragmentation. I am glad that my friend, Mr. Verma, has just suggested that an attempt should be made to make viable units. Of course, there are many transport co-operative societies working at present and there is a tendency to operate these services on a co-operative basis. To avoid any misuse of the Act, my request to the hon. Minister would be that this Bill should be made applicable to everybody. This has got to be done, otherwise there will be fragmentation and there will be a tendency to employ five or less than five workers. Thousands of motor trucks and lorries are running in the country, which are working individually and with less than five workers. And if this Bill is not made applicable to such workers, I fear that quite a big majority of transport workers will be suffering. They will be suffering in wages, in other facilities and other things. So, my submission is that this Bill may be made applicable to all workers.

Sir, I am glad that with regard to the other provisions, this Bill has followed the Factories Act. I am glad that all the good provisions of the Factories Act have been incorporated

[Shri Ratanlal Kishorilal Malviya.] in this Bill at the very outset. We have got the experience that the provisions of the Factories Act were applied even in the case of mines after a long time. We had to wait for a long time, even for the application of overtime rules under the Factories Act. I am glad that provisions relating to wages, hours of work, overtime, etc., have been made applicable and that the workers in the motor transport industry will have the advantage of all these facilities, which have been allowed under the Factories Act from the start. I may, however, point out that in Chapter V dealing with hours and limitation of employment, provision has been made that a worker could be relieved after 10½ hours. This provision appears to me to be extraordinary. I know the difficulties of the motor transport industry. The conditions of working are quite different from ordinary factories. They have to work all the 24 hours and it is very difficult to stipulate anything so far as hours of workers are concerned. But still I may submit that nowhere, in no industry the working hours prescribed are more than nine hours. So, this will have to be taken into consideration while considering the working hours of workers in the motor transport industry.

With regard to Chapter VII, wages and leave, I am glad, provision for overtime has been made in accordance with the Factories Act. I have to observe that though clause 29 of this Bill is a copy of section 79 of the Factories Act, some of the Explanations and provisions, which have been made, only to clarify the position and not to add to the facilities or advantages have been omitted. The provisions are about the system of estimates of wages, etc. Those provisions may also be included in the present Bill. Then, Sir, some observations were made by some Members. One of them was that the Payment of Wages Act does not apply to these workers. I submit that it

does apply and clause 27 of this Bill provides for it. There were some other observations also that some other facilities like health insurance and other things have not been provided. I hope that the State Insurance Act will be made applicable to the workers. If it is not applicable or if it cannot be applied in the present form, necessary amendment, may be made and those provisions may also be applied to these workers.

With these observations I again support this motion for reference of this Bill to a Joint Select Committee.

SHRI H. V. TRIPATHI (Uttar Pradesh) : Sir, I thank you for giving me this opportunity to put my observations before the House for its consideration.

So far as the Statement of Objects and Reasons is concerned it is a very laudable one, and it is quite comprehensive inasmuch as those amenities or facilities which are provided for workers in other sections are provided here also barring one thing, and that is, the Employees State Insurance Act. So far as that Act is concerned, I can understand the difficulty of the Minister in charge because the private agencies are not yet well organised. Of course so far as the States are concerned they can take up the matter and the Governments may find time or opportunity to apply the benefits of that Act also to the workers of the motor transport industry. But there are still agencies or undertakings which are not well organised, and it is very difficult for the Government to control those undertakings so that they might be in a position to give the benefits desired, and in due course of time I hope the Government will be in a position to give those benefits to the workers.

The second aspect that I would request the hon. Minister to consider is this. The Government has already provided in the Bill for compulsory registration of those undertakings which have got more than 10 workers

in their industry. But I would request the Government to so provide that the licensing authority may itself take cognizance of the fact before issuing a licence whether the Act is applicable to them or not, so that it may not be left to the transport undertakings to say, "Well, we were having only transport workers less than ten in number up till now, and maybe, ten years or five years or two years hence we will increase the number and at that time we will come for registration". So the Government or the licensing authority, before issuing a licence, should satisfy itself regarding the strength of the undertaking by verification. This is my humble suggestion and it may be considered.

The second point that I wish to suggest for the consideration of the Joint Select Committee is regarding the position of a driver. So far as the definitions are concerned, "motor transport worker" includes everything. It includes station staff, checking staff and so many other members of the staff besides the driver and the conductor. I would request that a specific definition of "driver" should be separately embodied because the duties of a driver are much more onerous and much more responsible than those of others. They undertake responsibility for the safety and security not only of the passengers of the vehicle but also of the man outside who is going on the road. So, naturally the driver's duties are much more onerous than the duties of anybody else in this undertaking. I do not know what the value of my suggestion will be, but I feel that it is he on whom rests the motor transport movement. He has to face different temperatures in different climates even on the same day, and every time his nerves are tensed because he has to see that no passenger on the road is injured. He has also to be alert every moment. He is unlike a railway engine driver. There is a track before the railway engine driver. The track being there, as an expert mechanic he has to run the engine on the track.

But in the case of the motor driver, especially in a city and in a long range traffic, he has to see that he does not create an accident, and that puts him in a much difficult position as compared to other workers of the motor transport undertaking. So, this is my suggestion that his case has to be considered apart from the cases of other workers.

Regarding hours of work also, he is under greater tension. On account of overwork or on account of the same amount of work being asked of him as is being asked of a booking clerk or a cashier or a checker, there is every likelihood that he may not be able to cope with the work and there might be accidents. Similar is the question of overtime with regard to the driver. Overtime as regards others might be different. Even if the driver wants overtime, even if he is willing to do overtime, he should not be asked to do. I think that is the position so far as the motor driver is concerned, and he should be given greater facilities, amenities and other things in consonance with the duties required of him.

Then in the Bill you have stated about 'running time'. I do not see what distinction it makes between running time and subsidiary time or subsidiary work unless you make a clear distinction in the case of one who is running a vehicle and in the case of others who are not running a vehicle. That further helps me in saying that the driver should be put on a different footing from others because he gets the benefit of running time. Apart from that, he works separately as a subsidiary worker. Naturally that will help him as well as the passengers.

1 P.M.

Then there is a clause in the Bill about interruption in running time and other functioning of a running vehicle. All that means that you yourself make a distinction between

the duties of a driver and those of other workers. I need not dilate upon this matter any further because I find that there are other provisions also requiring amendment. But in order that these provisions may work properly, the duties of the checking staff for the inspection staff have to be clearly defined. It much depends on whether the worker gets the benefits of the provisions of this Bill or not. So, I request the hon. Minister and the Joint Select Committee that these points may be considered and the suggestions offered may be accepted.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2-30 P.M.

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

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

जानी जल सिंह (पंजाब) : उपाध्यक्ष महोदय, यह जो हाउस के सामने मोटर ट्रान्सपोर्ट वर्कर्स बिल आया है उसके लिए मैं मिनिस्टर इन चार्ज को मुबारकबाद पेश करता हूँ। इस बिल की काफी मुद्दत से ज़रूरत थी। हमारे देश में ट्रान्सपोर्ट वर्कर्स के लिए अभी तक ऐसा कोई कंविहेन्सिव कानून नहीं था जिससे उनकी रक्षा की जा सके और मोटर ट्रान्सपोर्ट के मालिकों पर ठीक तरीके से कंट्रोल करके उनकी डिमान्ड पूरी करवाई जा सके। जहाँ तक कि इसके मकसद का सवाल है मैं इसका स्वागत करता हूँ कि वर्कर्स के लिए मेडिकल रेड, रेस्ट रूम, कैंटोन, काम के वक्त को नज़र रखना, रोजाना समय के लिए रेस्ट, हफ़्तेवाराना छुट्टी, सालाना छुट्टी और बहुत जो ऐसी मर्यादाएँ हैं जो इंसान के लिए ज़रूरी हैं। मगर इसके साथ ही यह भी कहूँगा कि जहाँ वर्कर्स के लिए सेम्टी का इंतजाम

किया गया है वहाँ मिनिस्टर और ज्वान्ट सिलेक्ट कमेटी इस बात पर गौर करें कि ड्राइवर और कंडक्टरों के लिए एक कोड ऑफ कंडक्ट बनाया जाय ताकि वे लोगों के साथ अच्छी तरह से व्यवहार करें। आमतौर पर यह देखा जाता है कि उनके काम के लिए वक्त मुक़र्रर न होने की वजह से, ओवर टाइम काम लेने की वजह से उनका स्वभाव चिड़चिड़ा हो जाता है जिससे मुसाफ़िरों को काफी तकलीफ़ होती है। मैं समझता हूँ कि अगर मोटर ट्रान्सपोर्ट के वर्कर्स ओवरटाइम काम करना चाहें तो भी उनको काम नहीं करने देना चाहिये क्योंकि इसका नतीजा यह होता है कि बहुत से एक्सीडेंट होते हैं और वे इसी कारण होते हैं कि वे लोग बहुत थक जाते हैं, उनमें सुस्ती आ जाती है जिसकी वजह से वे अपना काम अच्छी तरह से नहीं कर सकते हैं।

दूसरी बात मुझे यह कहनी है कि इन लोगों का लाइफ़ इन्सोरेन्स होना लाजमी है क्योंकि ये लोग रात दिन ख़तरे में काम करते हैं इसलिए इनके दिमाग से इस तरह का ख़तरा निकालना ज़रूरी है। साथ ही जहाँ मैं इस बिल का स्वागत करता हूँ वहाँ यह भी अर्थ करना चाहता हूँ कि इस बिल में बहुत सी खूबियाँ होने के बावजूद इस में कुछ कमियाँ भी हैं। सब से पहली बात जो मैं नहीं समझ सका वह पहले क्लाज के सब-क्लाज दो में है जिसमें यह लिखा हुआ है :

"It extends to the whole of India except the State of Jammu and Kashmir."

इस सदन में बहुत से बिल आते हैं और उन में यही बात आती है। मैं यह बात अच्छी तरह से नहीं जान सका कि जब ट्रान्सपोर्ट वर्कर्स के लिए इस तरह का कानून बनाया जा रहा है तो उस स्टेट को क्यों छोड़ दिया जा रहा है जहाँ कि रेलवे भी नहीं है।

श्री आबिद अली : कास्टीडियन में यह बात दी हुई है।

शानी जल सिंह : यह बात तो आपने ठीक कही लेकिन क्या आप कार्टीड्यूशन को नहीं बदल सकते ? हमें इस चीज का लाभ उठाना चाहिये और कार्टीड्यूशन को अमेन्ड किया जाना चाहिये ताकि जो भी बात इस तरह की आये वह इनक्लूड कर दी जाय ।

दूसरी बात इसी क्लॉज के सब-क्लॉज चार में यह दी हुई है :—

"Provided that the State Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply all or any of the provisions of this Act to any motor transport undertaking employing less than ten but not less than five motor transport workers."

उसके लिए मैं यह चाहूंगा कि यह बात स्टेट गवर्नमेंट्स पर न छोड़ी जानी चाहिये क्योंकि इससे काफी धांधली मचती है । इसका कारण यह है कि हर एक डिवाइजन में मोटर ट्रान्सपोर्ट अथॉरिटी बनी हुई है और मोटर ट्रान्सपोर्ट वाले इन अथॉरिटीज को एप्रोच करते हैं और एप्रोच करने के बाद कोई न कोई ऐसा रास्ता निकाल लेते हैं जिससे काम करने वालों की तादाद पांच न हो सके । इसलिए मैं यह चाहूंगा कि यह चीज सेन्ट्रल गवर्नमेंट के हाथ में होनी चाहिये और इस बिल में इस तरह की चीज प्रोवाइड की जानी चाहिये जिससे वर्कर्स को फायदा होगा ।

इसी तरह से चेप्टर II जो है उसकी तीन तरह से क्लासिफिकेशन की गई है । इस क्लासिफिकेशन के लिए स्टेट गवर्नमेंट्स को अख्तियार दिया गया है कि सूबे की सरकारें इस पर सोचेंगी और गौर करेंगी । इससे भी काफी धांधली होने की उम्मीद है । इस बिल में यह बात प्रोवाइड की जानी चाहिए कि कितने लम्बे रूट पर इस क्लासिफिकेशन को लगा सकते हैं और कितनी बड़ी आबादी वाले शहर को इस में रण दें ताकि उस सिटी

ट्रान्सपोर्ट समझा जा सके । इसी तरह से लॉग डिस्टेंस फ्रेट सर्विसेज हैं । उसके सम्बन्ध में भी इस बिल में तय कर दिया जाना चाहिये । आगे चल कर चेप्टर III में यह बात लिखी हुई है :—

"The State Government may, by notification in the Official Gazette, appoint for the State duly qualified person to be the chief inspector and as many duly qualified persons to be inspectors subordinate to the chief inspector as it thinks fit."

इसके बारे में मैं यह अर्ज करना चाहता हूँ कि जितने कानून बनते हैं, जितना सुधार हम करते हैं, उसी के साथ साथ हमारे सर्विसेज का नम्बर भी बढ़ता चला जाता है । इस बिल में जो ट्रेफिक कंट्रोलर और ट्रेफिक इंस्पेक्टर की बात कही गई है उसके बारे में मैं यह कहना चाहता हूँ कि उनके लिए कोई काम नहीं है । इस क्लॉज को निकाल देना चाहिये ताकि सर्विसेज को भर्ती करने का मौका न मिले । मेरा तर्जुमा तो यह है कि जब कभी भी हम नई बात लाते हैं तो उसके लिए और पोस्ट निकाल देते हैं और इस तरह से नये आदमी उन पोस्टों में आ जाते हैं इससे हमारी सर्विसेज बढ़ जाती है, फाइलें बढ़ जाती हैं, कागजात बढ़ जाते हैं और लोगों को ज्यादा तकलीफ हो जाती है ।

उपाध्यक्ष महोदय मैं यह भी दरखास्त करूंगा कि इस बिल में इस बात का ध्यान रखा जाय कि जो मोटर ट्रान्सपोर्ट वर्कर्स हैं उनके लिए प्रॉविडेंट फंड या पेंशन देना निहायत जरूरी हो । जब तक किसी आदमी को इस बात की चिन्ता रहती है कि मेरा पयूचर डाक है, तब तक उस आदमी के लिए ईमानदार रहना, दिल लगा कर काम करना, निहायत मुश्किल है ।

बस मैं इतनी ही बात कह कर इस बिल को सपोर्ट करता हूँ ।

SHRI ARJUN ARORA (Uttar Pradesh): Mr. Deputy Chairman, I rise to support the motion and welcome the Bill. The motor transport workers of the country are amongst the most sweated labour whose conditions of work, mode of payment, etc. have never been regulated. We find today that neither the Factories Act nor the Shops and Commercial Establishments Act is applicable to them. During the last fifteen years the country has seen a great deal of social welfare legislation. We have provided an element of social security to factory workers, but I find that none of these enactments have been made applicable to motor transport workers. It is, therefore, a very welcome Bill from the labour point of view that the Deputy Labour Minister has brought before this House. I welcome it and I do feel that the Bill needs a certain improvement though generally it is a good Bill. I hope the Joint Select Committee will do the needful.

Sir, the Bill seeks to apply some elementary provisions about welfare which other legislations have already made available to factory workers. But I find that some of the very essential relief given to industrial workers has not been given to motor transport workers. One of them is the provision regarding retrenchment relief which the Industrial Disputes Act has given to industrial workers. That should be made applicable to motor transport workers, particularly because in some States, which are expanding their own roadways and other transport services on a large scale, motor transport workers are likely to be displaced and retrenchment may follow their displacement. A provision for retrenchment relief is, therefore, absolutely necessary.

Some hon. Members have already drawn the attention of the House to the need of extending the provisions of provident fund schemes to these workers. Now, the Employees' Provident Fund Act is made applicable to various industries by notifications*

issued by the Government. The Government can either do that under that Act or it may or the Joint Select Committee may enact a provision in this very Bill seeking to give the motor transport workers the same benefits of provident fund as are available to textile, electricity, engineering and many other workers in the country.

Sir, I am surprised to find that an hon. Member in this House said that this Bill might impose an intolerable burden on the motor transport operators. That is far from correct. Operation of motor transport has been one of the most profitable businesses during the last twenty years and it continues to be so, so much that even the Railways are feeling the brunt of their competition. There is, therefore, absolutely no ground to fear that this Bill, which seeks to give such an elementary right to the workers, will impose any intolerable burden on the motor transport industry which is a very flourishing one.

Sir, in this Bill there is a salutary provision regarding regulation of their hours of work. We know that in the case of motor transport workers, the hours of work so far have been unregulated and have led to their exploitation. But I find that the provision in clause 15(2) of the Bill regarding the spread-over to 12 hours is not likely to be very helpful. In some cases the spread-over of hours of work to 12 may be necessary, but that should be exceptional and the enactment should say that the hours of work may be spread over to 12, not as a rule, but to meet certain emergencies. Clause 15(2) gives the impression that an employer may, as a general rule, spread over the hours of work to 12. That will, in reality, defeat the provision which limits the hours of work and the running hours to 8 in the case of motor transport workers. The spread-over of hours of work to 12 hours, wherever it has been permitted, has been resented by workers and I fear that unless a suitable amendment is

made in the Bill by the Select Committee, this clause may lead to a dangerous situation in which, in effect, the hours of work will be 12 and not 8 as seems to be the aim of the Ministry.

Then, Sir, there will be a big provision regarding the enforcement of the measure. We know that even in the case of factories, where the Act is applicable to particular premises, the enforcement of the provisions, particularly the welfare provisions of the Factories Act, is a difficult problem, and in spite of an expansion of inspecting staff in various States, the Factories Act is still not as strictly enforced as we would like it to be. In this case the enforcement of the provisions is going to be a tough problem, particularly so because the Bill seeks to leave the enforcement to the State Governments.

Now, Sir, we find that transport services are developing to such a big extent that inter-State services are becoming very common. There is no provision in the Bill as to how the welfare measures—hours of work, mode of payment, etc.—mentioned in this Bill will be enforced in the case of inter-State services. I feel that something should be done about it.

The Bill seeks to create a new Inspectorate. An hon. Member suggested that the enforcement of this Bill may be given to the police squad which normally enforces the Motor Vehicles Act and other traffic regulations. That, I am afraid, is not likely to be a helpful suggestion. Social welfare measures are never entrusted to the police, which, unfortunately, always remains the most backward of our Services. Social welfare measures like this require enforcement by a more enlightened staff. Labour departments of various States have some staff for enforcement of the Factories Act, the Shops and Commercial Establishments Act, the Payment of Wages Act, etc. This should be expanded and we should

have a situation in which every co-tract, howsoever industrially insignificant, should have at least one officer of the Labour Department of each State for enforcing welfare measures like this. Enforcement of this Act is going to be a very tough problem. I do not know how the Government hopes that merely by providing for the appointment of a Chief Inspector and Inspector this enforcement is going to be achieved. All the same I welcome this Bill which is going to help the motor transport workers in the country.

KUMARI SHANTA VASISHT (Delhi):
Mr. Deputy Chairman, I am extremely happy that such a welfare measure has come for the benefit and welfare of the motor transport workers and the hon. Minister deserves the congratulations of the House. Everybody would feel happy that the Government takes some steps for the welfare of the working classes. As I have gone through the entire Bill, much as I am pleased with what it contains, I would like to make a few suggestions so that the Committee would take into account those suggestions and see if they can be accommodated in the body of the Bill.

Now all the employees would be medically examined by a Government-appointed surgeon which is an extremely good provision, specially for transport workers who sometimes have very bad health and whose health is affected through the extreme changes in weather, and climate, etc. Driving is also a very nerve-racking job, specially when you drive in the hill areas, particularly when the drivers have to go back and forth in the hills. It being very strenuous sort of work to be in the car and driving it or to drive the lorry or bus and have very long hours of work, I think it is a very good idea that they would be medically examined by a Government-appointed doctor. But I would suggest that that check-up should be annual. The employees should not be checked up only once when they join and the

[Kumari Shanta Vasisht] employer gets a certificate, especially in the case of adolescent boys, that the boy is fit and that he may work. But we may also see to it that the boy continues to have good health in the years after that time. He may start as a very healthy worker but his health may deteriorate and in that case, our purpose would be a little defeated if his health is injured after that and no medical check-up is done after that. The check-up of the transport workers should be done annually.

Another point which goes with it is that many workers who operate in the hill areas, especially in the cold climate or in the winter season, drink because of extreme fatigue that is caused by driving for very long hours in rush and traffic and when they do rught driving also, which is strenuous. Therefore I think the inspectors may also keep a better check and see that the drivers do not drink especially while they are driving. They do it to keep up their energy, to keep up their nerve and their stamina for so many hours of work. Because of the very fact that driving is so strenuous, they really drink and drink in large quantities. I know a little bit about transport workers. I think this is very bad for their health and it involves a very great driving risk. If they were not so terribly tired, they would not want to drink so much and if they were not under the influence of liquor, they would not have so many accidents. Fatigue is a great cause for the accident rate and drinking is also almost at the same level as far as the rate of accidents is concerned. Therefore this particular thing is very closely connected with 2 or 3 clauses in this Bill. I refer to clauses 15 and 16—hours of work and spread-over for motor transport workers engaged in long distance *passenger* and freight services. While the passenger service nas to be taken over long distances, the Bill provides, under these two clauses, that actually the working hours should be 9 hours

a day and 48 hours per week. It is a very good idea and we like it but we again provide that it may be extended even to 54 hours and may even be spread over to 12 hours a day and 63 hours a week and it may be further extended to 72 hours a week. What is the use of our providing for 48 hours a week for these long distance passenger services when it can easily be, with the permission of the authorities, stretched to 72 hours a week for the transport workers? I think this will be mis-used by the transport owners or by the people who are proprietors because they would like to probably continue some of the services as they are and have as much service as they are having without the hours being restricted. Furthermore the inspectors and other Government servants who would be in charge and who would be responsible for giving permission to the owners may allow that the services may operate for 72 hours a week; and the workers may be tempted to work 60 hours a week or 70 hours a week instead of 48 hours as in the original provision here. They would be tempted because they would be paid overtime charges, they will be earning more money. The worker has a temptation to get more money by working long hours and by working overtime. So he is tempted into working overtime and the owners would like to have him work overtime so that they can make more money and have more services and the Government officials may be influenced in some way or other to give that permission. So these two sections can be very much exploited and mis-used and will defeat the very purpose of this Bill because instead of our restricting the working hours to 48 hours a week and 9 hours a day, this can easily go right up to 12 hours a day and in the end it can go right up to 72 hours a week. We should not make this proviso at all in these clauses because they are very likely to be misused and we should not leave any loophole which can go against the interests of the workers or against the interests of he entire community.

Similarly, the same thing applies to the transport workers engaged in long-distance freight services. Many of these transport companies, even in Himachal Pradesh where such services are Government-controlled, many a time, transport the goods, etc. during night and night driving is fairly strenuous. Apart from that, they do not stop so many times and they do not have so many places where they can have tea, etc. So, many a time, the drivers drink heavily, especially when they have night-driving; they feel that there is no traffic *on* the road and that they can go as fast as they like and that there is no need to be very careful as there is nothing on the road. As you might know, some of the accidents that have taken place at nights on the roads have been very serious and took place because of the drivers being somewhat under the influence of liquor or because they felt that there was not so much traffic on the road and that they could make it very quickly. Therefore, here again the working hours are to be 9 hours a day and 48 hours a week. Here again you say:—

"Provided that the aforesaid period of nine hours may, with the approval of the prescribed authority, be increased to ten hours.

(2) The hours of work of such motor transport workers shall be so arranged that inclusive of interval for rest under section 18, they shall not spread over more than twelve hours in any day and two hundred and fifty-two hours in a period of four weeks."

That comes to 10½ hours a day for almost six days a week. We really want them to work only for 6 days in a week and not for 7 days. We must provide that they must have a holiday at least once a week and they must get 4 clear days per month and 52 holidays per year, apart from the festivals and other gazetted holidays of the Government of India. You may leave out the local holidays

which are more than the holidays observed by the Government of India but in the case of these workers, we must provide for the right number of 52 holidays or Sundays. If you give them every Sunday, they must get one day a week and 52 days per year which may be either a Sunday or Monday or any day that a particular company may want but the workers should have this holiday, apart from the festivals and other holidays.

There is another point about rest. May I emphasise that rest is required because long working hours really have a cumulative fatiguing effect on the workers making their nerves extremely weak under and great strain. At one place it is provided that you may even extend it to 12 hours of working at a time. He may have a break of 9 hours after that. After a person works for 12 hours, why should he have only 9 hours? He must have a clear 12 hours before he works again as a driver or operator or cashier or checker or whatever else he is. Similarly, this going up to 72 hours or so is extremely harmful and against the interests of the workers in the transport companies whether they are State-owned or private-owned. In the case of adolescents we have said that they may work 3 P.M. for six hours including a rest period of half-an-hour. I feel that a child or youngster of fifteen to eighteen years should not really work continuously for five hours. Here after five and a half hours of work they get only half-an-hour's rest. I do not understand why a child of 15 or 17 should work for six hours at a time. I think he should get a longer break after every 3 hours. I would even suggest a 15 minute break after three hours of work for the adolescent, because we do not want children to work constantly. Even we grownups, when we have to work for five hours, we go in for a cup of tea or something now and then. Therefore, adolescents, after continuous work of 3 hours, should have a break of 15 minutes. That is very necessary for adolescents. I would rather provide

[Kumari Shanta Vasisht] this break after 3 hours of work rather than after 5 hours of work. You can provide for two breaks of 15 minutes each.

Similarly about the holidays. If you give them annual leave according to the rate provided for here, they may not get sufficient holidays. You say the worker should have worked for a period of two hundred and forty days under one employer and then he would get roughly eighteen and a half days holidays in the year. He would get only eighteen and a half days annually and I do not think that is enough. Then also you say if he is an adult, he would get one day off for so many day's work done. At this rate the adult would get only eighteen and a half days and an adolescent about 24 days in a year. That is not sufficient and I feel that we must set a limit of one month's leave annually. If the man works for six months, in a particular company of concern, he should be entitled to 15 days' leave and if he works for only 3 months, then he should be entitled to a quarter of a month's leave and so on. I say this because the turnover is so great. Moreover, in the case of an adolescent, he is likely to lose his holidays and he will not be able to accumulate his leave. The employers do not like them very much and children are also not so stable. They do not stick to a particular job and they are likely to be chucked out quickly and frequently. Therefore they will not be able to get this much service under one employer. They will not be able to accumulate a service of 250 days or so that you need. And so they will not be able to avail themselves of the annual holidays either. They would not put in so many days' work under a particular employer. One month's annual leave seems to be extremely essential and it should be made obligatory on the employer to give that leave to his employees. In foreign countries people are forced to go on leave whether they like it or not, because that is necessary for their

own health and efficiency. Here, if you leave it to the option of the workers either to go on leave or not, they will continue to work even for twelve months a year. In that case there is bound to be a lot of wear and tear, a lot of fatigue for the person concerned. Therefore we want these people to go on leave for one month. Children of 15 and 18 should go on at least one month's leave in a year, whether they like it or not, for the simple reason that they must make up their health, recoup it and their overall wellbeing depends upon this recouping of their health. They may even take these holidays twice a year, as fifteen days at a time, or a month once a year, so that their fatigue etc. may be removed. Some of these things are very important and so we must provide for them in this measure.

(Time bell rings.)

There is also the question of the condition of the buses. Some of the private companies have very poor buses. They are in very bad condition. Some of the government buses are also in a very dilapidated condition and so there is a very great risk of accidents for the operators and also to the passengers. So their condition must be improved. More so in the case of the State-owned concerns. At least the private-owned ones have to compete with others and so they try to give good service and to maintain their buses in a better condition. Their condition also is bad, but the State-owned ones, these transport units, have their buses in a very bad condition. We must provide that the transport units should keep their buses in good condition so that they can give good service and there is less risk of accidents.

(Time bell rings.)

We also want that speed limits should be better observed and the inspectors should do their job well and properly.

श्री शीलभद्र याजी : उपाध्यक्ष महोदय, आज भारतीय मजदूर आन्दोलन के इतिहास में यह बहुत ही खुशी की बात है कि मोटर कर्मचारियों के बहुत प्रयत्न और आंदोलन के बाद इस तरह का विधेयक सदन के सम्मुख पेश हो रहा है। अभी यह बिल प्रवर समिति में जायेगा और इस सम्बन्ध में हमारे बहुत से माननीय सदस्यों ने जो उत्तम से उत्तम सुझाव दिये उन पर प्रवर समिति अच्छी तरह से विचार करेगी। ट्रेड यूनियन में काम करने वाले सदस्यों ने इस बिल के सम्बन्ध में जो सुझाव दिये, मैं आशा करता हूँ माननीय मिनिस्टर साहब और प्रवर समिति के सदस्य उन के बहुमूल्य सुझावों के ऊपर अच्छी तरह से विचार करेंगे। अभी तक हमारे पास मोटर व्हिकल ऐक्ट और फ्रैक्टरी ऐक्ट था। हमारे देश में रेलवे में करीब ११ लाख मजदूर काम करते हैं। उस के बाद हमारे गांव गांव में मोटर और ट्रकों द्वारा जो मुसाफिर और माल एक जगह से दूसरी जगह ले जाया जाता है उन में काम करने वाले जो कर्मचारी हैं उन की संख्या रेलवे मजदूरों के बाद दूसरे नम्बर पर आती है। अभी तक इन लोगों के लिये मेडिकल एड, रेस्ट और छट्टी के कानून का कोई इंतजाम नहीं था लेकिन आज इस बिल द्वारा हम इस तरह की सुविधा उन को देने जा रहे हैं। इस कानून को देश के आजाद होने के बाद ही सन् १९४७-४८ में ही आ जाना चाहिये था लेकिन हमारी सरकार न इस चीज को देश में लागू करने के लिये काफ़ी वक्त सोचने में ही लगा दिया। मैं समझता हूँ कि इस बिल में अभी बहुत तरमीम करने की जरूरत है।

इस बिल में दस की जो तादाद रखी गई है मैं समझता हूँ वह बहुत ज्यादा है। इस बिल में यह बात कही गई है कि जहां पांच से दस आदमी इस व्यवसाय में काम करते हों वहां पर इस बिल की धाराएं लागू की जा सकती हैं। लेकिन मेरा आप से यह निवेदन है कि जहां एक भी ड्राइवर हो, एक भी

कंडक्टर हो, चाहे एक भी खलासी हो उसपर यह बिल लागू होना चाहिये। अगर हमने इस तरह की व्यवस्था इस में नहीं की तो इस व्यवसाय में उन लोगों को कोई फायदा नहीं पहुंचेगा जिन की संख्या दस से कम होगी। इस तरह से काफी संख्या में सगे लोग इस कानून के फायदे से वंचित हो जायेंगे। मैं आशा करता हूँ कि प्रवर समिति मेरे इस सुझाव पर अवश्य ध्यान देगी। मोटर ट्रान्सपोर्ट के जितने भी कर्मचारी हैं जिनको इस बिल द्वारा सुविधा मिल रही है वहां हमें थोड़े से कर्मचारियों को इस सुविधा से वंचित नहीं करना चाहिये।

हमें पंचवर्षीय योजना को चलाना है और जिन स्थानों में अभी तक रेलवे की कोई व्यवस्था नहीं की गई है वहां पर योजना के काम को सम्पादित करने के लिये ट्रकों और मोटरों द्वारा ही माल पहुंचाया जायेगा। मोटर कर्मचारी बड़ा जोखिम का काम करते हैं और रात दिन एक जगह से दूसरी जगह माल ढोते रहते हैं। बहुत सी स्टेट्स में तो सरकारी मैनेजमेंट के अन्तर्गत ये लोग काम करते हैं और बहुत सी जगह प्राइवेट मैनेजमेंट के अधीन काम करते हैं लेकिन उन के साथ एक इंसान की तरह सलूक नहीं किया जाता। हमारे देश के जो मोटर कर्मचारी हैं वे इस समय बहुत खुश हैं क्योंकि भारत सरकार उन के हित के लिये यह विधेयक पेश कर रही है। इस बिल द्वारा उन्हें हर प्रकार की सुविधा प्राप्त हो जायेगी। लेकिन मेरा आप से यह निवेदन है कि जिस तरह से हमने रेलवे कर्मचारियों के लिये पेंशन की व्यवस्था की है उसी तरह से हमें इन कर्मचारियों के लिये भी पेंशन की व्यवस्था करनी चाहिये ताकि वे ५५ और ५८ वर्ष की उम्र में जबकि वे काफी बूढ़े हो जाते हैं, अपना जीवन निर्वाह अच्छी तरह से व्यतीत कर सकें। जहां हम, उन्हें छट्टी आराम और दूसरी सुविधा दे रहे हैं वहां हमें उन के पेंशन की व्यवस्था के लिये भी कुछ न कुछ प्रबन्ध करना चाहिये।

[श्री शीलभद्र याजी]

मैं आशा करता हूँ कि प्रवर समिति इस में विशेष रूप से ध्यान देगी ।

जब यह कानून बन जायगा उस के बाद भारतीय सरकार नोटिफिकेशन कर के जम्मू और काश्मीर को छोड़ कर सारे हिन्दुस्तान के अलग अलग प्रांतों में इसे लागू कर देगी । जो हमारा कॉन्स्टिट्यूशन है उस के अनुसार हमारे श्रम मंत्री महोदय को एक बात का अधिकार नहीं है । हम जितने विधेयक लाते हैं वे जम्मू और काश्मीर पर लागू नहीं होते हैं । हम ने अपन कॉन्स्टिट्यूशन में बहुत से संशोधन किये हैं । उसी प्रकार जब हमें अपने संविधान में एक ऐसा संशोधन करने की कोशिश करनी चाहिये जिस से हमारे विधेयक जम्मू और काश्मीर पर भी लागू हो सकें । आज यदि हम त्रिपुरा, मनीपुर या जम्मू काश्मीर जायें, जहाँ रेल गाड़ी नहीं जा सकती है, तो हम यह देखेंगे कि वहाँ सारे यातायात के साधन सिर्फ मोटर हैं और उन्हीं के जरिये वहाँ सब काम होता है । ऐसी दशा में यदि यह बिज जम्मू और काश्मीर पर लागू नहीं होगा तो वहाँ मोटर ट्रांसपोर्ट के जो कर्मचारी हैं वे इन सुख सुविधाओं से वंचित रह जायेंगे । इसलिये इस ओर ध्यान देने की आवश्यकता है ।

अन्त में मैं यह कहूँगा कि कुछ खामियां होते हुए भी यह बिल बहुत आगे बढ़ा हुआ है और मैं समझता हूँ कि सारे सदन ने इस बिल का खैर मकदम किया है । मैंने भी इस का स्वागत किया है और मैं ऐसा समझता हूँ कि ट्रेड यूनियनों में काम करने वाले हम लोगों ने जो सुझाव दिये हैं उन के अनुसार यदि संयुक्त प्रवर समिति के सदस्य इस बिल में संशोधन करेंगे तो हिन्दुस्तान में जो ट्रांसपोर्ट कर्मचारी हैं उन को बहुत सहायित मिलेगी ।

इन शब्दों के साथ मैं फिर इस विधेयक का स्वागत करता हूँ ।

SHRI AKBAR ALI KHAN (Andhra Pradesh): I am grateful to you for having given me this opportunity to express my views on this Bill. Much has been said already, and I have only a few points to urge. This law is being made for the whole of the country. The conditions in different parts of the country are such that in some cases we have to stimulate organisations for providing motor transport and we have to increase motor transport services. The reason why a minimum of six hours was fixed in the Bill has been explained in detail; there is also the further provision that with the permission of the prescribed authority, the hours of work can be increased. It is true that in places like Bombay and others there would be no justification for increasing the hours of work but there may be places where, in order to encourage motor transport services, it may be necessary to have a certain amount of laxity so far as the provisions of this Bill are concerned. I would request the Joint Committee to consider this aspect so that we may not have such a rigid position which would, instead of helping the workers and encouraging motor transport services which we need very badly, hinder progress. I am sure that the Joint Committee will give consideration to this aspect.

The second thing that I would commend for the consideration of the Joint Committee is this. It is true that this limitation of ten workers and in certain other cases of a lesser number where there are no services, is there, and this has been put in to encourage people. I have not given full thought to this question, and so I cannot say that it should apply to each individual company even if it owns one bus, but this is a matter which will have to be taken into consideration. The different conditions and the difficulties at different places in regard to motor transport should not be ignored or should not be given less importance.

With these words, I give my full support to the Bill, and I hope that the Joint Committee will give full consideration to this long-needed measure which has now come before us.

SHRI ABID ALI: I am grateful to the hon. Members for the almost unanimous support given to this measure under consideration. While doing so, I may briefly clarify some of the points which were referred to during the course of the discussion.

A doubt was raised as to whether the Employees' State Insurance Act, the Industrial Disputes Act and such other enactments would be applicable to the workers in this industry or not as no mention concerning those enactments is found in this Bill. It is not necessary to make any reference of the kind here because the Acts which I have mentioned are already applicable. The Industrial Disputes Act, the Minimum Wages Act, etc., are already applicable to the workers in this industry, and provisions of the Employees' State Insurance Act could be made applicable independently of the proposed enactment. The Employees' Provident Fund Act has already been made applicable to the workers in the motor transport industry. At present, establishments having fifty employees could be covered by this Act, and we are going to introduce an amending Bill here, probably during the current session, otherwise early in the next session, to amend the Employees' Provident Fund Act so that this may be made applicable to establishments having twenty employees also. So, independently, of this, these Acts can be made applicable to workers in this industry; hence, no mention is necessary in the Bill.

With regard to the Workmen's Compensation Act, my friend from Punjab was worried about the drivers

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involved in accidents. He was suggesting that they should be ensured for that purposes, but these workers are already covered by the Workmen's Compensation Act. That will take care of them in such emergencies.

A mention was made about retrenchment compensation for workers in the case of undertakings taken over by the State Governments in the course of nationalisation. When nationalisation is introduced, more workers are employed and there is no question of retrenchment or sending away any worker who is considered fit for the job. In case there is retrenchment, then, as I have submitted earlier, the Industrial Disputes Act is made applicable to them, and retrenchment compensation is paid according to the said Act.

A suggestion was made that proposals received from the workers, the point of view of the workers and the employers, should be made available to the Members of the Committee. I have already placed a summary on the Table of the House, and wherever necessary, they will be made available for the consideration of the Members.

I am surprised at the suggestion made by the hon. Member from Madhya Pradesh. He said that the Payment of Wages Act should not be made applicable to the workers. It is very unfortunate. He was thinking that some additional burdens would be put on the employers because of this. I do not know what kind of additional burden will be put on the employers because of this Act. This Act says that the amount due to the workers should be paid within a prescribed time, and if the employers think that they should take work from the employees and still do not pay them, of course, it will be a burden on such employers, but not on those

[Shri Abid Ali.] who are willing to pay for the work they got done through the workers.

There was a complaint about the provisions of this Bill not being made applicable to establishments having less than ten workers, services running within short distances and the city services. All this has been put here because of the fact that the Act is to be enforced and administered by the State Governments, not by the Central Government. There has been some difference of opinion about the number of workers to be covered. There was almost unanimity so far as the number ten was concerned. Some are agreeable to have less than ten while others are not. So, we cannot force the State Governments to go a particular way. Therefore this Bill has been made applicable to establishments having workers up to ten. For the rest it is left to the State Governments; where they think that they can administer this Act for a lesser number of workers, they are welcome to make it applicable to such establishments by notification.

Also with regard to distances, there are services operating in the hills. Now a vehicle going in the plains may cover on an average 22 miles whereas in the hills it may not be able to cover more than 13 to 14 miles an hour. Therefore this matter is left to be decided by the State Governments v/ho will administer this Act.

The complaint that this will not be judiciously applied can have no basis because no State Government will be notifying that such and such establishments having less than ten workers would be covered and such and such establishments would not be covered. So far as the States are concerned, certainly it will be administered uniformly within the State. Either seven are covered or six are covered or five are covered; whatever

may be the coverage, it will be uniform.

About drunkenness of drivers etc. and speed and all that, there is a separate enactment already in existence—the Motor Vehicles Act—and that will take care of all these items.

A point has been raised as to whether the conductor is covered or not. According to me they are covered by sub-clause (k) on page 2. But it will be examined again and in case they are not clearly covered or in case there is any doubt, certainly we will amend the definition.

An hon. Member was doubtful about the case of taxi drivers. Taxi drivers are not excluded from the scope of this Bill; they are covered.

About fragmentation, my hon. friend, Mr. Malviya, was very much apprehensive but that would not be possible in this particular instance because the vehicle owners will have to come to the licensing authority every year, and therefore my belief is that that difficulty should not arise here.

About overtime it is not possible to accept Shri Tripathi's suggestion because overtime is not because of pleasure but it is because of compulsion. This particular industry has its own peculiarities. It may be that only one bus is employed in a particular area which goes from a village to a town in the morning and comes back in the evening. So, so far as spread-over and overtime are concerned, these are to be treated according to the requirement of the particular area or region and therefore it would not be possible to completely remove these provisions from the Bill.

About code of conduct, certainly there should be very good conduct not only so far as these employees

are concerned but everywhere and attempt is being made to step up the conduct and all that is expected of every citizen.

Regarding pension, as hon. Members are aware, there is a proposal to amalgamate the various social benefits allowed to the workers and provide for provident fund, pension, etc. Whenever this is made applicable to other workers, it will be made applicable to these workers as well.

Regarding the question of staff, we are not suggesting that additional staff should be appointed for administering the provisions of this Bill. Authority is given to State Governments to empower any of their present staff—and if necessary to appoint more staff—to take care of the requirements of the proposed enactment. It has not been made compulsory for them to have a separate staff for this purpose.

Sir, the suggestions made during the course of the discussion have justified my request to refer the Bill to a Joint Committee. Useful and important suggestions have been made; I do not propose to deal with all of them here because they will all be placed before the Committee for their consideration and certainly they will take into consideration all these suggestions that have been made here.

MR. DEPUTY CHAIRMAN: The question is:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the welfare of motor transport workers and to regulate the conditions of their work, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri Jagannath Prasad Agrawal
2. Shri A. Chakradhar
3. Shri Khandubhai K. Desai
4. Shri M. S. Gurupada Swamy
5. Syed Mazhar Imam
6. Shri Kumbha Ram
7. Shri Lokanath Misra
8. Shri K. L. Narasimham
9. Shri Maheswar Naik
10. Sardar Raghbir Singh Panj-hazari
11. Dr. Shrimati Seeta Parmanand
12. Shri M. Govinda Reddy
13. Shri Ebrahim Sulaiman Sait
14. Shrimati Savitry Devi Nigam
15. Shri Abid Ali (*the mover*)".

The motion was adopted.

THE PLANTATIONS LABOUR (AMENDMENT) BILL, 1960

THE DEPUTY MINISTER OF LABOUR (SHRI ABID ALI) : Sir, I beg to move:

"That the Bill further to amend the Plantations Labour Act, 1951, as passed by the Lok Sabha, be taken into consideration."

The Bill has already been passed by the Lok Sabha. It contains some simple but important proposals for amending the Principal Act. Most of these were considered by the Industrial Committee on Plantations and the State Governments concerned.

By one amendment, it is proposed to empower the State Governments to apply the Act to any plantation irrespective of size or the number of workers employed on it. Hon. Members will recall that the Principal Act is applicable only to plantations with a minimum acreage and a