

LOK SABHA



THE MOTOR TRANSPORT WORKERS BILL, 1960.

(Report of the Joint Committee)

(PRESENTED ON THE 5TH DECEMBER, 1960)



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 1960

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to the Lok Sabha during the 10th, 11th
and 12th Sessions of Second Lok S^a

<u>S.No.</u>	<u>Name of the Report</u>	<u>Date of presentation</u>
1.	Select Committee on the Preference Shares (Regulation of Dividends) Bill, 1959.	5.12.1960.
2.	Joint Committee on the Delhi Land Holdings (Ceiling) Bill, 1959.	8.2.1960.
3.	Joint Committee on the Tripura Land Revenue and Land Reforms Bill, 1959.	-do-
4.	Joint Committee on the Manipur Land Revenue and Land Reforms Bill, 1959.	-do-
5.	Joint Committee on the Legal Practitioners Bill, 1959.	28.3.1960.
6.	Joint Committee on the Bombay Reorganisation Bill, 1960.	14.4.1960.
7.	Joint Committee on the Companies (Amendment) Bill, 1959 with Evidence.	28.8.1960.
8.	Joint Committee on the Motor Transport Workers Bill, 1960 with Evidence.	5.12.1960.

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THE MOTOR TRANSPORT WORKERS BILL, 1960

Composition of the Joint Committee

Lok Sabha

Shri Mulchand Dube—*Chairman.*

MEMBERS

2. Shri P. B. Bhogji Bhai
3. Choudhry Brahm Perakash
4. Shri Kamal Krishna Das
5. Shri Ram Dhani Das
6. Shri Jaljibhai Koyabhai Dindod
7. Shri L. Elayaperumal
8. Shri Narayan Ganesh Goray
9. Shri Ansar Harvani
10. Shrimati Parvathi M. Krishnan
11. Dr. G. S. Melkote
12. Shri Venketrao Srinivasrao Naldurgker
13. Shri M. Palaniyandy
14. Shri Kashi Nath Pandey
15. Shri Panna Lal
16. Shri Karsandas Parmar
17. Shri Balasaheb Patil
18. Shri P. Ramaswamy
19. Shri Ram Garib
20. Shri Ram Shanker Lal
21. Shri T. B. Vittal Rao
22. Shri Bishwa Nath Roy
23. Shri Sadhu Ram
24. Shri Vidya Charan Shukla
25. Shri Braj Raj Singh
26. Shri Banarsi Prasad Sinha
27. Shri Shraddhakar Supakar

(11)

28. Shri Missula Suryanarayanamurti
29. Shri Ramsingh Bhai Varma
30. Shri Gulzarilal Nanda

Rajya Sabha

31. Shri Jagannath Prasad Agarwal
32. Shri A. Chakradhar
33. Shri Khandubhai K. Desai
34. Shri M. S. Gurupadaswamy
35. Syed Mazhar Imam
36. Shri Kumbha Ram
37. Shri Lokanath Misra
38. Shri K. L. Narasimham
39. Shri Maheswar Naik
40. Sardar Raghbir Singh Panjhzari
41. Dr. Shrimati Seeta Parmanand
42. Shri M. Govinda Reddy
43. Shri Ebrahim Sulaiman Sait
44. Shrimati Savitry Devi Nigam
45. Shri Abid Ali.

DRAFTSMAN

Shri P. L. Gupta, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

REPORT OF THE JOINT COMMITTEE

1. The Chairman of the Joint Committee to which the *Bill to provide for the welfare of motor transport workers and to regulate the conditions of their work was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 29th April, 1960. The motion for reference of the Bill to a Joint Committee of the Houses was moved in the Lok Sabha by Shri Abid Ali, Deputy Minister of Labour on the 3rd August, 1960 and was discussed and adopted on the same day (*Appendix I*).

3. The Rajya Sabha discussed the motion on the 31st August, 1960 and the 1st September, 1960 and concurred in the said motion on the 1st September, 1960 (*Appendix II*).

4. The message from the Rajya Sabha was read out to the Lok Sabha on the 3rd September, 1960.

5. The Committee held eight sittings in all.

6. The first sitting of the Committee was held on the 7th September, 1960 to draw up a programme of work. The Committee at this sitting decided to hear evidence from associations, public bodies and individuals desirous of presenting their suggestions or views before the Committee and to issue a press communique inviting memoranda for the purpose. The Chairman was authorised to decide, after examining the memoranda submitted by them as to which of the associations, public bodies etc. should be called to give oral evidence before the Committee.

7. Twenty Memoranda/representations on the Bill were received by the Committee from different associations and public bodies as mentioned in *Appendix III*.

8. At their second, third and fourth sittings held on the 10th, 11th and 12th October, 1960 respectively, the Committee heard evidence given by nine associations specified in *Appendix IV*.

*Published in Part II Section 2 of the Gazette of India, Extraordinary, dated the 29th April, 1960.

9. The Committee have decided that the whole of the evidence given before them should be laid on the Table of the House.

10. At their fifth sitting held on the 13th October, 1960, the Committee held a general discussion on the points arising out of the evidence given before them.

11. The Committee considered the Bill clause by clause at their sixth and seventh sittings held on the 4th and 5th November, 1960 respectively.

12. The Report of the Committee was to be presented by the first day of the Twelfth Session. As this could not be done the Committee requested for extension of time on the 14th November, 1960 which was granted upto the 5th December, 1960.

13. The Committee considered and adopted the Report on the 30th November, 1960.

14. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in succeeding paragraphs.

15. *Clause 1.*—The Committee are of the opinion that some specific date should be fixed by which time the Act should be made applicable in all the States. They accordingly suggested 31st December, 1961 as the date for this purpose.

They further feel that the Act should be made applicable to every motor transport undertaking employing five or more instead of ten or more motor transport workers and the powers of the State Governments should consequently extend to applying the Act to motor transport undertakings employing less than five motor transport workers.

The clause has been amended accordingly.

16. *Clause 2.*—(i) *Item (d).*—The Committee feel that in the case of a motor transport worker whose duty commences before mid-night but extends beyond mid-night, the following day for him should be deemed to be the period of twenty-four hours beginning when such duty ends, and the hours that he has put in after mid-night should be counted in the previous day.

The item has been amended accordingly.

(ii) *Item (h).*—The Committee are of the opinion that the conductor and the time keeper should be specifically enumerated among the motor transport workers.

(v)

The Committee further feel that persons referred to in (i) & (ii) of this item should be included as motor transport workers for the purpose of clause 8.

The item has been amended accordingly.

The other amendments made in the clause are of consequential and of drafting nature.

17. *Original clause 3.*—The Committee are of the view that for the purpose of this legislation, the hours of work and other conditions of employment of the motor transport workers engaged in different types of motor transport services should be identical with the result that classification of motor transport services into three distinct categories *viz.* the city service, the long distance passenger service and the long distance freight service would not be necessary and should be done away with.

The clause has, therefore, been omitted.

18. *Clause 5 (Original clause 6).*—The Committee are of the opinion that powers of the inspector should be enlarged. He should have the power to stop a transport vehicle for as long as may be reasonably necessary. He should also be empowered to search premises and seize or take copies of registers or documents which he may consider relevant in respect of any offence committed by an employer. 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. should be made applicable to a search or seizure under this clause.

The clause has been amended accordingly.

19. *Clause 9 (Original clause 10).*—The amendments made in the clause are of a clarificatory or drafting nature.

20. *Clause 10 (Original clause 11).*—The Committee are of the view that the responsibility of the employer for providing uniforms to the motor transport workers should be limited to the drivers, the conductors and the line checking staff.

They also feel that no washing allowance should be payable by an employer where he has made adequate arrangements for the washing of uniforms at his own cost.

The clause has been amended accordingly.

21. *Clause 12 (Original clause 13).*—Amendment made in the clause is of a verbal nature.

22. *Clause 13 (Original clauses 14, 15 and 16).*—Original clauses 14, 15 and 16 sought to provide separately the hours of work and spread-over for motor transport workers engaged in city service, long distance passenger service and long distance freight service. Since the Committee have recommended in para 17 above for the abolition of classification of motor transport services revision of these clauses has become necessary. The Committee have now provided uniform working hours for all the adult motor transport workers. Normally an adult motor transport worker should not be required to work for more than eight hours on any day and forty-eight hours in any week. However, in the case of long distance routes or on festive or other occasions as may be notified the worker might be required or allowed to work upto ten hours on any day and fifty-four hours in any week. In cases of breakdown or dislocation of services or interruption of traffic, or an act of God the hours of work might be increased subject to such conditions and limitations as may be prescribed.

The revised clause 13 provides for the same.

As regards spread-over suitable provision has been made in new clause 16.

23. *Clause 14 (Original clause 17).*—The Committee consider that an adolescent should not be employed or required to work as a motor transport worker between the hours of 10 P.M. and 6 A.M. instead of between 10 P.M. and 5 A.M.

Provision has been made accordingly.

24. *Clause 15 (Original clause 18).*—The amendments made in the clause are of consequential or drafting nature.

25. *Clause 16 (New Clause).*—The Committee are of view that except in cases of unforeseeable circumstances as enumerated in the second proviso to clause 13, the hours of work of an adult transport worker should be so arranged that inclusive of rest under clause 15 they should not spread-over more than twelve hours a day. This has been provided under sub-clause (1).

Sub-clause (2) lays down that in the case of an adolescent motor transport worker the hours of work should not spread-over more than nine hours on any day including rest interval.

26. *Clause 17 (Original clause 19).*—The Committee are of the opinion that the hours of work of a motor transport worker should not be split into more than two spells on any day and the period of rest interval of two hours between split duty need not be specifically laid down.

The clause has been recast accordingly.

27. *Clause 19 (Original clause 21).*—The Committee feel that in order to prevent dislocation of a motor transport service, an employer may require a motor transport worker to work on a day of rest which is not a holiday.

The clause has been amended accordingly.

The other amendment made in the clause is consequential to an amendment accepted in clause 2 (d).

28. *Clause 20 (Original clause 22).*—The Committee feel that the compensatory day of rest to be allowed to a motor transport worker under the clause should be allowed to him within two months immediately following the month in which the day of rest was due to him.

The clause has been amended accordingly.

29. *Clause 24 (Original clause 26).*—The Committee are of the opinion that if an inspector thinks that a motor transport worker is an adolescent, he should be empowered to ask the employer to have such worker examined by a certifying surgeon and also direct that such a worker shall not be employed or permitted to work, until he had been granted a certificate of fitness under clause 23.

The clause has been recast accordingly.

30. *Clause 26 (Original clause 28).*—The Committee are of the view that extra wages for overtime to an adult motor transport worker should be twice his ordinary rate of wages when he works for more than eight hours on any day as referred to in the first proviso to clause 13 or is required to work on a day of rest. The Committee further feel that similarly overtime wages should be paid to an adolescent motor transport worker if he works on a day of rest. For the aforesaid purposes, the ordinary rate of wages should mean the worker's basic wage plus dearness allowance.

In the case of overtime work put in by a motor transport worker due to unforeseeable circumstances as enumerated in the second

proviso to clause 13 the extra wages in respect of such overtime should be left to be prescribed by rules to be made under the Act.

The clause has been recast accordingly.

31. *Clause 28 (Original clause 30).*—The Committee feel that a motor transport worker proceeding on leave should be able to draw on application made an advance approximately equal to his wages for the period of leave and the amount so paid shall be adjusted against the wages due to him for that period of leave.

The clause has been amended accordingly.

The other amendment made in the clause is of a clarificatory nature.

32. *Clause 32 (Original clause 34).*—The Committee feel that besides the contravention of the provisions of the Act, wilful disobedience of directions lawfully given by a person or an authority so empowered, should also be punishable under this clause.

A provision has been made accordingly.

33. *Clause 35 (Original clause 37).*—The Committee feel that in order to ensure expeditious action against defaulters a complaint by an inspector should be enough for the courts to take cognizance of an offence under the Act.

The clause has been amended accordingly.

34. *Clause 38 (Original clause 40).*—The Committee are of the opinion that the State Government should also be empowered to grant exemptions under this clause to motor transport workers holding supervisory or managerial positions and to part-time workers.

They further feel that the exemptions should be granted by a notification a copy of which should be sent to the Central Government before issue.

The clause has been amended accordingly.

35. *Clause 40 (Original clause 42).*—The amendments made in the clause are either consequential to the amendments made in other clauses or are clarificatory in nature.

36. The Joint Committee recommend that the Bill as amended be passed.

MULCHAND DUBE,

Chairman,

Joint Committee.

NEW DELHI;
The 3rd December, 1960.

MINUTES OF DISSENT

I

मोटर ट्रांसपोर्ट वर्कर्स बिल १९६० के संबंध में ज्वाइंट कमेटी ने जो निर्णय लिये और अपनी रिपोर्ट तैयार की है उस रिपोर्ट के कुछ निर्णय से मैं सहमत न होने से उन के संबंध में अपनी मतभिन्नता प्रकट करता हूँ, जो निम्न है :—

(१) ज्वाइंट कमेटी की रिपोर्ट क्लाज १६ में सप्रेड ओवर १२ घंटे रक्खा गया है जो बहुत अधिक है। रोड ट्रांसपोर्ट एक ऐसा व्यवसाय है कि उस में काम करने वाले श्रमिकों के लिये सप्रेड ओवर करना किसी दृष्टि से न्यायोचित नहीं। ऐसी हालत में १२ घण्टे रक्खा जाना तो बहुत ही अधिक है। फैक्ट्री एक्ट में भी अधिक से अधिक सप्रेड ओवर १० घंटे ३० मिनट का है जब रोड ट्रांसपोर्ट में १२ घंटे कैसे न्यायोचित कहा जा सकता है। जहाँ कहीं इस व्यवसाय में सप्रेड ओवर का सवाल आया है श्रम संगठनों ने संचालकों के साथ आपसी समझौते से १० घंटे ३० मिनट ठहराये हैं जो फैक्ट्री एक्ट में है। एबीडेंस में भी सप्रेड ओवर न रखने के संबंध में कहा गया है अगर रक्खा भी जाता है तो १० घंटे ३० मिनट से अधिक न होना चाहिए इसलिए १२ घंटे न्यायसंगत नहीं ऐसी मेरी दृढ़ मान्यता है और १० घण्टे ३० मिनट से अधिक नहीं होना चाहिए।

(२) ज्वाइंट कमेटी ने क्लाज २६ (१) में ओवर टाइम काम का सामान्य वेतन का दुगना देने का ठहराया है किन्तु इसी क्लाज के (३) में सामान्य वेतन दर की व्याख्या में सामान्य वेतन का मतलब केवल बेसिक वेतन और मंहगाई भत्ता माना है। जब कि इस व्यवसाय में बहुत सी जगह वेतन और मंहगाई भत्तों के साथ माइलेज अलाउन्स भी दिया जाता है और यह सब रकम मिलाकर मासिक एकसा काम करने वाले उन वर्कर्स की उतनी ही होती है जितनी उन वर्कर्स की जिन्हें कि माइलेज अलाउन्स नहीं मिलता। किन्तु यहाँ ओवर टाइम सामान्य वेतन की व्याख्या में माइलेज अलाउन्स न रखने से माइलेज अलाउन्स मिलने वाले वर्कर्स को ओवर टाइम की रकम उन वर्कर्स से कम मिलेगी जिन्हें माइलेज अलाउन्स नहीं मिलता यह बात रिपोर्ट में शरीक नहीं की गई। मेरी दृढ़ मान्यता है कि सामान्य वेतन दर में माइलेज अलाउन्स शरीक किया ही जाना चाहिए जो न्यायसंगत है।

नई दिल्ली,
२ दिसम्बर, १९६०।

रामसिंह भाई वर्मा।

II

The Bill, as it has emerged from the Committee is definitely improved in many respects. But we however, feel that some of the recommendations fall short of the objectives to improve the working conditions of the Road Transport Workers. Therefore, the need to amend certain clauses.

Hours of Work: Clause 13.—This clause deals with the hours of work. We are of opinion that hours of work for those engaged in the Road Transport Services operating in big cities and hill districts should not be more than seven hours in any day and forty-two hours in any week in view of the very arduous nature of work.

As per the first proviso to this clause hours of work may be increased to ten hours in a day and fifty-four hours in a week. In this proviso 'peak hours' should not be included as the operation of Transport Services during the 'peak hours' is a normal feature in the big cities and there is no difficulty in preparing the schedule specifying the hours of work a Transport worker has to perform.

2. *Spread-over: Clause 14.*—The spread-over is limited to twelve hours in any day. This in our view is a little on the high side and likely to vitiate the very provision of limitation of hours of work in clause 13. We suggest that spread-over should not be more than ten-and-a-half hours in any day.

3. *Annual leave with wage: Clause 27.*—The annual leave with wage for the Road Transport Workers under this Clause is not adequate. It should be increased so that he may at least have 20 days in a year.

T. B. VITTAL RAO

PARVATHI M. KRISHNAN.

K. L. NARASIMHAM

NEW DELHI;
The 3rd December, 1960.

THE MOTOR TRANSPORT WORKERS BILL, 1960

(AS REPORTED BY THE JOINT COMMITTEE)

ARRANGEMENT OF CLAUSES

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(i)

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THE MOTOR TRANSPORT WORKERS BILL, 1960

(AS REPORTED BY THE JOINT COMMITTEE)

(Words side-lined or under-lined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

À

BILL

to provide for the welfare of motor transport workers and to regulate the conditions of their work.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the Motor Transport Workers Act, 1960.

Short title,
extent, com-
mencement
and applica-
tion.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date, not being later than 10 the 31st day of December, 1961, as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

(4) It applies to every motor transport undertaking employing five or more motor transport workers:

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 five motor transport workers. 5

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "adolescent" means a person who has completed his fifteenth year but has not completed his eighteenth year; 10

(b) "adult" means a person who has completed his eighteenth year;

(c) "child" means a person who has not completed his fifteenth year;

* * * * * 15

(d) "day" means a period of twenty-four hours beginning at midnight:

Provided that where a motor transport worker's duty commences before midnight but extends beyond midnight, the following day for him shall be deemed to be the period of twenty-four hours beginning when such duty ends, and the hours he has worked after midnight shall be counted in the previous day; 20

(e) "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; 25

(f) "hours of work" means the time during which a motor transport worker is at the disposal of the employer or of any other person entitled to claim his services and includes— 30

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

(ii) the time spent in subsidiary work; and 35

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

Explanation.—For the purposes of this clause—

5 (1) “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, excluding any time during which the running of the transport vehicle is interrupted for a period exceeding such duration as may be prescribed during which period the persons who drive, or perform any other work in connection with the transport vehicle are free to dispose of their time as they please or are engaged in subsidiary work;

10 (2) “subsidiary work” means work in connection with a transport vehicle, its passengers or its load which is done outside the running time of the transport vehicle, including in particular—

15 (i) work in connection with accounts, the paying in of cash, the signing of registers, the handling in of service sheets, the checking of tickets and other similar work;

(ii) the taking over and garaging of the transport vehicle;

20 (iii) travelling from the place where a person signs on to the place where he takes over the transport vehicle and from the place where he leaves the transport vehicle to the place where he signs off;

(iv) work in connection with the upkeep and repair of the transport vehicle; and

25 (v) the loading and unloading of the transport vehicle;

30 (3) “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;

* * * * *

35 (g) “motor transport undertaking” means a motor transport undertaking engaged in carrying passengers or goods or both by road for hire or reward, and includes a private carrier;

(h) "motor transport worker" means a person who is required to work or is engaged directly or through any agency, 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, conductor, cleaner, station staff, line checking staff, booking clerk, cash clerk, depot clerk, time-keeper or attendant, but except in section 8 does not include—

63 of 1948.

(i) any such person who is employed in a factory as defined in the Factories Act, 1948; 10

(ii) any such person to whom the provisions of any law for the time being in force regulating the conditions of service of persons employed in shops or commercial establishments apply;

* * * * * 15

(i) "prescribed" means prescribed by rules made under this Act;

(j) "qualified medical practitioner" means a person having a certificate granted by an authority specified in the Schedule to the Indian Medical Degrees Act, 1916, or notified under section 3 of that Act or specified in the Schedules to the Indian Medical Council Act, 1956, and includes any person having a certificate granted under any Provincial or State Medical Council Act; 20 7 of 1916. 102 of 1956.

* * * * * 25

(k) "spread-over" means the period between the commencement of duty on any day and the termination of duty on that day;

* * * * *

(l) "wages" has the meaning assigned to it in clause (vi) of section 2 of the Payment of Wages Act, 1936; 30 4 of 1936.

(m) "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

(n) all other words and expressions used but not defined in this Act and defined in the Motor Vehicles Act, 1939, shall have the meanings respectively assigned to them in that Act. 35 4 of 1939.

CHAPTER II

REGISTRATION OF MOTOR TRANSPORT UNDERTAKINGS

* * * * *

3. (1) Every employer of a motor transport undertaking to which **Registration of motor transport undertaking.**
 5 this Act applies shall have the undertaking registered under this Act.

(2) An application for the registration of a motor transport undertaking shall be made by the employer to the prescribed authority in such form and within such time as may be prescribed.

10 (3) Where a motor transport undertaking is registered under this Act, there shall be issued to the employer a certificate of registration containing such particulars as may be prescribed.

CHAPTER III

INSPECTING STAFF

15 4. (1) The State Government may, by notification in the Official Gazette, appoint for the State a 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. **Chief inspector and inspectors.**

(2) The chief inspector may declare the local limits within **20** which inspectors shall exercise their powers under this Act, and may himself exercise the powers of an inspector within such local limits as may be assigned to him by the State Government.

45 of 1960. (3) The chief inspector and all inspectors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal **25** Code.

5. (1) Subject to such conditions and restrictions as the State Government may by general or special order impose, the chief inspector or an inspector may— **Powers of the inspectors.**

30 (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act or rules made thereunder are being observed in the case of any motor transport undertaking, and for that purpose require the driver of a transport vehicle to cause the transport vehicle to stop and remain stationary so long as may reasonably be necessary;

35 (b) with such assistance, if any, as he thinks fit, enter, *inspect and search any premises which he has reason to believe

is under use or occupation of any motor transport undertaking at any reasonable time for the purpose of carrying out the objects of this Act;

(c) examine any motor transport worker employed in a motor transport undertaking or require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;*

(d) seize or take copy of such registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by an employer;

(e) exercise such other powers as may be prescribed:

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself.

(2) The provisions of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.”

Facilities to be afforded to inspectors. 6. Every employer shall afford the chief inspector and an inspector all reasonable facilities for making any entry, inspection, examination or inquiry under this Act.

Certifying surgeons. 7. (1) The State Government may appoint qualified medical practitioners to be certifying surgeons for the purposes of this Act within such local limits or for such motor transport undertakings or class of motor transport undertakings as it may assign to them respectively.

(2) The certifying surgeon shall perform such duties as may be prescribed in connection with—

(a) the examination and certification of motor transport workers;

(b) the exercise of such medical supervision as may be prescribed where adolescents are, or are to be, employed as motor transport workers in any work in any motor transport undertaking which is likely to cause injury to their health.

CHAPTER IV

WELFARE AND HEALTH

8. (1) The State Government may make rules requiring that in **Canteens.**
every place wherein one hundred motor transport workers or more
 5 employed in a motor transport undertaking ordinarily call on duty
 during every day, one or more canteens shall be provided and
 maintained by the employer for the use of the motor transport
 workers.

(2) Without prejudice to the generality of the foregoing power,
 10 such rules may provide for—

(a) the date by which the canteens shall be provided;

(b) the number of canteens that shall be provided and the
 standards in respect of construction, accommodation, furniture
 and other equipment of the canteens;

15 (c) the foodstuffs which may be served therein and the
 charges which may be made therefor;

(d) the constitution of a managing committee for a
 canteen and the representation of the motor transport workers
 in the management of the canteen.

20 (3) The State Government may, subject to such conditions as
 it may impose, delegate to the chief inspector the power to make
 rules with reference to clause (c) of sub-section (2).

9. (1) In every place wherein motor transport workers employ- **Rest rooms.**
ed in a motor transport undertaking are required to halt at night,
 25 there shall be provided and maintained by the employer for the use
 of those motor transport workers such number of rest rooms or such
 other suitable alternative accommodation, as may be prescribed.

(2) The rest rooms or the alternative accommodation to be pro-
 vided under sub-section (1) shall be sufficiently lighted and venti-
 30 lated and shall be maintained in a clean and comfortable condition.

(3) The State Government may prescribe the standards in
 respect of construction, accommodation, furniture and other equip-
 ment of rest rooms or the alternative accommodation to be provided
 under this section.

35 10. (1) The State Government may, by notification in the **Uniforms.**
Official Gazette, make rules requiring an employer of a motor

transport undertaking to provide for the drivers, conductors and line checking staff employed in that undertaking such number and type of uniforms, raincoats or other like amenities for their protection from rain or cold as may be specified in the rules.

(2) There shall be paid to the drivers, conductors and line checking staff by the employer an allowance for *washing of uniforms provided under sub-section (1) at such rates as may be prescribed: 5

Provided that no such allowance shall be payable by an employer who has made at his own cost adequate arrangements for the washing of uniforms. 10

Medical facilities.

11. There shall be provided and maintained by the employer so as to be readily available such medical facilities for the motor transport workers at such operating centres and halting stations as may be prescribed by the State Government. 15

First-aid facilities.

12. (1) There shall be provided and maintained by the employer so as to be readily accessible during all working hours a first-aid box equipped with the prescribed contents in every transport vehicle.

(2) Nothing except the prescribed contents shall be kept in a first-aid box. 20

(3) The first-aid box shall be kept in the charge of the driver or the conductor of the transport vehicle who shall be provided facilities for training in the use thereof. 25

CHAPTER V

HOURS AND LIMITATIONS OF EMPLOYMENT 25

Hours of work.

13. 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: 30

Provided that where any such motor transport worker is engaged in the running of any motor transport service on such long distance route, or on such festival and other occasion or during such peak hours as may be notified in the prescribed manner by the prescribed authority, the employer may, with the approval of such authority, require or allow such motor transport worker to work for more than eight hours in any day or forty-eight hours in any week but in no case for more than ten hours in a day and fifty-four hours in a week, as the case may be: 35

Provided further that in the case of a breakdown or dislocation of a motor transport service or interruption of traffic or act of God, the employer, may, subject to such conditions and limitations as may be prescribed, require or allow any such motor transport worker to work for more than eight hours in any day or more than forty-eight hours in any week.

* * * * *

14. No adolescent shall be employed or required to work as a motor transport worker in any motor transport undertaking—

Hours of work for adolescents employed as motor transport workers.

10 (a) for more than six hours a day including rest interval of half-an-hour;

(b) between the hours of 10 P.M. and 6 A.M.

15 15. (1) The hours of work in relation to adult motor transport workers on each day shall be so fixed that no period of work shall exceed five hours and that no such motor transport worker shall work for more than five hours before he has had an interval for rest for at least half-an-hour:

Daily intervals for rest.

20 Provided that the provisions of this sub-section in so far as they relate to interval for rest shall not apply to a motor transport worker who is not required to work for more than six hours on that day.

25 (2) The hours of work on each day shall be so fixed that a motor transport worker is, except in any case referred to in the second proviso to section 13, allowed a period of rest of at least nine consecutive hours between the termination of duty on any one day and the commencement of duty on the next following day.

30 16. (1) The hours of work of an adult motor transport worker shall, except in any case referred to in the second proviso to section 13, be so arranged that inclusive of interval for rest under section 15, they shall not spread-over more than twelve hours in any day.

Spread-over.

(2) The hours of work of an adolescent motor transport worker shall be so arranged that inclusive of interval for rest under section 14, they shall not spread-over more than nine hours in any day.

35 17. Subject to the other provisions contained in this Act, the hours of work of motor transport worker shall not be split into more than two spells on any day

Split duty.

18. (1) There shall be displayed and correctly maintained by every employer a notice of hours of work in such form and manner as may be prescribed showing clearly for every day the hours during which each adult motor transport worker may be required to work.

Notice of hours of work.

(2) Subject to the other provisions contained in this Act, no such motor transport worker shall be required or allowed to work otherwise than in accordance with the notice of hours of work so displayed.

Weekly rest. 19. (1) The State Government may, by notification in the Official Gazette, make rules providing for a day of rest in every period of seven days, which shall be allowed to all motor transport workers. 5

(2) Notwithstanding anything contained in sub-section (1), and employer may, in order to prevent any dislocation of a motor transport service, require a motor transport worker to work on any day of rest which is not a holiday so, however, that the motor transport worker does not work for more than ten days consecutively without a holiday for a whole day intervening. 10

(3) Nothing contained in sub-section (1) shall apply to any motor transport worker whose total period of employment including any day spent on leave is less than six days. 15

Compensatory day of rest. 20. Where, as a result of any exemption granted to an employer under the provisions of this Act from the operation of section 19, a motor transport worker is deprived of any of the days of rest to which he is entitled under that section, the motor transport worker shall be allowed within the month in which the days of rest are due to him or within two months immediately following that month, compensatory holidays of equal number to the days of rest so lost. 20

CHAPTER VI

EMPLOYMENT OF YOUNG PERSONS

25

Prohibition of employment of children. 21. No child shall be required or allowed to work in any capacity in any motor transport undertaking.

Adolescents employed as motor transport workers to carry tokens. 22. 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 30

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

Certificate of fitness. 23. (1) 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 35

will be employed as a motor transport worker in a motor transport undertaking if certified to be fit for that work, or on the application of the employer or any other person on his behalf with reference to any adolescent intending to work, examine such person and ascertain his fitness for work as a motor transport worker.

(2) A certificate of fitness granted under this section shall be valid for a period of twelve months from the date thereof, but may be renewed.

(3) Any fee payable for a certificate under this section shall be paid by the employer and shall not be recoverable from the adolescent, his parent or guardian.

24. Where an inspector is of opinion that a motor transport worker working in any motor transport undertaking without a certificate of fitness is an adolescent, the inspector may serve on the employer a notice requiring that such adolescent motor transport worker shall be examined by a certifying surgeon and such adolescent motor transport worker shall not, if the inspector so directs, be employed or permitted to work in any motor transport undertaking until he has been so examined and has been granted a certificate of fitness under section 23.

Power to require medical examination.

CHAPTER VII

WAGES AND LEAVE

4 of 1936.

25. The Payment of Wages Act, 1936, as in force for the time being, shall apply to motor transport workers engaged in a motor transport undertaking as it applies to wages payable in an industrial establishment as if the said Act had been extended to the payment of wages of such motor transport workers by a notification of the State Government under sub-section (5) of section 1 thereof, and as if a motor transport undertaking were an industrial establishment within the meaning of the said Act.

Act 4 of 1936 to apply to payment of wages to motor transport workers.

26. (1) Where an adult motor transport worker works for more than eight hours in any day in any case 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.

Extra wages for over time.

(2) Where an adult motor transport worker works for more than eight hours in any day in any case referred to in the second proviso to section 13, he shall be entitled to wages in respect of the overtime work at such rates as may be prescribed.

(3) Where an adolescent motor transport worker 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 work done on the date of rest.

(4) For the purposes of this section, "ordinary rate of wages" in relation to a motor transport worker means his basic wages plus dearness allowance. 5

Annual
leave with
wages.

27. (1) Without prejudice to such holidays as may be prescribed, every motor transport worker who has worked for a period of two hundred and forty days or more in a motor transport undertaking during a calendar year shall be allowed during the subsequent calendar year leave with wages for a number of days calculated at the rate of— 10

(a) if an adult, one day for every twenty days of work performed by him during the previous calendar year; and

(b) if an adolescent, one day for every fifteen days of work performed by him during the previous calendar year. 15

(2) A motor transport worker whose service commences otherwise than on the first day of January shall be entitled to leave with wages at the rate laid down in clause (a) or, as the case may be, clause (b) of sub-section (1) if he has worked for two-thirds of the total number of days in the remainder of the calendar year. 20

(3) If a motor transport worker is discharged or dismissed from service during the course of the year, he shall be entitled to leave with wages at the rate laid down in sub-section (1), even if he has not worked for the entire period specified in sub-section (1) or sub-section (2) entitling him to earned leave. 25

(4) In calculating leave under this section, fraction of leave of half a day or more shall be treated as one full day's leave, and fraction of less than half a day shall be omitted.

(5) If a motor transport worker does not in any one calendar year take the whole of the leave allowed to him under sub-section (1) or sub-section (2), as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year: 30

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of an adolescent. 35

(6) In this section, "calendar year" means the year commencing on the first day of January.

Explanation.—For the purposes of this section, leave shall not include weekly holidays or holidays for festival or other similar occasions whether occurring during or at either end of the period of leave. 40

28. (1) 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. Wages during leave period.

(2) A motor transport worker who has been allowed leave for not less than four days under section 27 shall, on an application made by him in this behalf to the employer, be paid in advance, before his leave begins, an approximate amount equivalent to the wages payable to him for the period of his leave and any amount so paid shall be adjusted against the wages due to him for the aforesaid period of leave.

CHAPTER VIII

PENALTIES AND PROCEDURE

29. (1) Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination or inquiry authorised by or under this Act in relation to any motor transport undertaking shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both. Obstructions.

(2) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

30. Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under section 23 a certificate granted to another person under that section, or having been granted a certificate of fitness to himself, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both. Use of false certificate of fitness.

31. Whoever, except as otherwise permitted by or under this Act, contravenes any provision of this Act or of any rules made thereunder, prohibiting, restricting or regulating the employment Contravention of provisions regarding

employment of persons in a motor transport undertaking, shall be punishable
of motor transport workers. with imprisonment for a term which may extend to three months,
or with fine which may extend to five hundred rupees, or with both,
and in the case of a continuing contravention with an additional fine
which may extend to seventy-five rupees for every day during which
such contravention continues after conviction for the first such con- 5
travention.

Other offences.

32. Whoever wilfully disobeys any direction lawfully given by
any person or authority empowered under this Act to give such
direction or contravenes any of the provisions of this Act or of 10
any rules made thereunder for which no other penalty is elsewhere
provided by or under this Act shall be punishable with imprison-
ment for a term which may extend to three months, or with fine
which may extend to five hundred rupees, or with both.

Enhanced penalty after previous conviction.

33. If any person who has been convicted of any offence punishable 15
under this Act is again guilty of an offence involving a contraven-
tion of the same provision, he shall be punishable on a subsequent
conviction with imprisonment which may extend to six months, or
with fine which may extend to one thousand rupees, or with both:

Provided that for the purposes of this section no cognizance shall 20
be taken of any conviction made more than two years before the com-
mission of the offence which is being punished.

Offences by companies.

34. (1) If the person committing an offence under this Act is a
company, the company as well as every person in charge of, and res- 25
ponsible to, the company for the conduct of its business at the time of
the commission of the offence shall be deemed to be guilty of the
offence and shall be liable to be proceeded against and punished
accordingly:

Provided that nothing contained in this sub-section shall render 30
any such person liable to any punishment if he proves that the
offence was committed without his knowledge or that he exercised
all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where 35
an offence under this Act has been committed by a company and it is
proved that the offence has been committed with the consent or con-
nivance of, or that the commission of the offence is attributable to any
neglect on the part of any director, manager, managing agent or any 40
other officer of the company, such director, manager, managing agent
or such other officer shall also be deemed to be guilty of that offence
and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

5 (b) “director”, in relation to a firm, means a partner in the firm.

35. No court shall take cognizance of any offence under this Act Cognizance of offences. except on complaint made by, or with the previous sanction in writing of, the* inspector and no court inferior to that of a Presidency magistrate or a magistrate of the first class shall try any 10 offence punishable under this Act.

36. No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months Limitation of prosecutions. from the date on which the alleged commission of the offence came to the knowledge of an inspector:

15 Provided that where the offence consists of disobeying a written order made by an inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

CHAPTER IX MISCELLANEOUS

20

37. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act: Effect of law and agreements inconsistent with this Act.

25 Provided that where under any such award, agreement, contract of service or otherwise a motor transport worker is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the motor transport worker shall continue to be entitled to the more favourable 30 benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed as precluding any motor transport worker from entering into an agreement with an employer for granting him rights or privileges in respect of any 35 matter which are more favourable to him than those to which he would be entitled under this Act.

38. (1) Nothing contained in this Act shall apply to or in relation Exemptions. to any transport vehicle—

(i) used for the transport of sick or injured persons;

(ii) used for any purpose connected with the security of India, or the security of a State, or the maintenance of public order.

(2) Without prejudice to the provisions of sub-section (1), the State Government may, by notification in the Official Gazette, direct that subject to such conditions and restriction, if any, as may be specified in the notification, the provisions of this Act or the rules made thereunder shall not apply to—

(i) any motor transport workers who, in the opinion of the State Government, hold positions of supervision or management in any motor transport undertaking,

(ii) any part time motor transport worker, and

(iii) any class of employers:

Provided that before issuing any order under this sub-section, the State Government shall send a copy thereof to the Central Government.

Powers to give directions.

39. The Central Government may give directions to the Government of any State as to the carrying into execution in the State of the provisions contained in this Act.

Power to make rules.

40. (1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act:

Provided that the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897, shall not be less than six weeks from the date on which the draft of the proposed rules was published.

(2) In particular, and without prejudice to the generality of the foregoing power, any such rules may provide for—

(a) the form of application for the registration of a motor transport undertaking, the time within which and the authority to which such application may be made;

(b) the grant of a certificate of registration in respect of a motor transport undertaking and the fees payable for such registration;

(c) the qualifications required in respect of the chief inspector and inspector;

(d) the powers which may be exercised by inspectors*** and the manner in which such powers may be exercised;

(e) the medical supervision which may be exercised by certifying surgeons;

5 (f) appeals from any order of the chief inspector or inspector and the form in which, the time within which and the authorities to which, such appeals may be preferred;

(g) the time within which facilities required by this Act to be provided and maintained may be so provided;

10 (h) the medical facilities that should be provided for motor transport workers;

(i) the type of equipment that should be provided in the first-aid boxes;

15 (j) the manner in which long distance routes, festive and other occasions or peak hours shall be notified by the prescribed authority;

20 (k) the conditions and limitations subject to which any motor transport worker may be required or allowed to work for more than eight hours in any day or more than forty-eight hours in any week in any case referred to in the second proviso to section 13;

(l) the form and manner in which notices of period of work shall be displayed and maintained;

25 (m) the rates of extra wages in respect of the overtime work done by a motor transport worker in any case referred to in the second proviso to section 13;

30 (n) the registers which should be maintained by employers and the returns, whether occasional or periodical, as in the opinion of the State Government may be required for the purposes of this Act, and

(o) any other matter which has to be, or may be, prescribed.

APPENDIX I

(Vide para 2 of the Report)

Motion in the Lok Sabha for reference of the Bill to a Joint Committee

“That the Bill to provide for the welfare of motor transport workers and to regulate the conditions of their work, be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely:—

1. Shri P. B. Bhogji Bhai
2. Choudhry Brahm Perakash
3. Shri Kamal Krishna Das
4. Shri Ram Dhani Das
5. Shri Jaljibhai Koyabhai Dindod
6. Shri Mulchand Dube
7. Shri L. Elayaperumal
8. Shri Narayan Ganesh Goray
9. Shri Ansar Harvani
10. Shrimati Parvathi M. Krishnan.
11. Dr. G. S. Melkote
12. Shri Venketrao Srinivasrao Naldurgker
13. Shri M. Palaniyandy
14. Shri Kashi Nath Pandey
15. Shri Panna Lal
16. Shri Karsandas Parmar
17. Shri Balasaheb Patil
18. Shri P. Ramaswamy
19. Shri Ram Garib
20. Shri Ram Shanker Lal
21. Shri T. B. Vittal Rao
22. Shri Bishwa Nath Roy
23. Shri Sadhu Ram
24. Shri Vidya Charan Shukla
25. Shri Braj Raj Singh

26. Shri Banarsi Prasad Sinha
27. Shri Shraddhakar Supakar
28. Shri Missula Suryanarayanamurti
29. Shri Ramsingh Bhai Varma; and
30. Shri Gulzarilal Nanda

and 15 members from Rajya Sabha;

That in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next Session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

APPENDIX II

(Vide para 3 of the Report)

Motion in the Rajya Sabha

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 Agarwal
2. Shri A. Chakradhar
3. Shri Khandubhai K. Desai
4. Shri M. S. Gurupadaswamy
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 Panjhazari
11. Dr. Shrimati Seeta Parmanand
12. Shri M. Govinda Reddy
13. Shri Ebrahim Sulaiman Sait
14. Shrimati Savitry Devi Nigam
15. Shri Abid Ali'

APPENDIX III

(Vide para 7 of the Report)

Statement showing particulars of memoranda/representations etc. received by the Joint Committee and the action taken thereon.

Sl. No.	Nature of document	From whom received	Action taken
1	2	3	4
1	Memorandum .	National Federation of Road Transport Workers, New Delhi (Public and Private Sectors).	Circulated to members and evidence of the Federation taken on the 10th October, 1960.
2	Memorandum .	Uttar Pradesh Government Roadways, Lucknow.	Circulated to members and evidence of the Undertaking taken on the 10th October, 1960.
3	Memorandum .	The Bombay Electric Supply and Transport Undertaking, Bombay.	Circulated to members and evidence of the Undertaking taken on the 11th October, 1960.
4	Memorandum .	Bombay State Road Transport Corporation, Bombay.	Circulated to members and evidence of the Undertaking taken on the 11th October, 1960.
5	Memorandum .	Gujarat State Road Transport Corporation, Ahmedabad.	Circulated to members and evidence of the Undertaking taken on the 11th October, 1960.
6	Memorandum .	Calcutta State Transport Corporation, Calcutta.	Circulated to members and evidence of the Undertaking taken on the 11th October, 1960.
7	Memorandum .	Indian National Transport Workers' Federation, Ahmedabad.	Circulated to members and evidence of the Federation taken on the 12th October, 1960.
8	Memorandum .	All India Motor Unions' Congress, New Delhi.	Circulated to members and evidence of the Association taken on the 12th October, 1960.
9	Memorandum .	Chhattisgarh Yatayat Sangh. Raipur.	Circulated to members and evidence of the Association taken on the 12th October, 1960.
10	Memorandum .	Kerala State Transport Employees Union, Trivandrum.	Circulated to members.
11	Memorandum .	The Salem Bus Owners' Association, Salem.	Circulated to members.

1	2	3	4
12.	Representation .	Gurgaon District Transport Workers Union (Regd.) No. 3, Gurgaon.	Circulated to members.
13.	Memorandum .	Delhi Transport Undertaking, New Delhi.	Circulated to members.
14	Memorandum .	The Greater Bombay Car and Lorry Drivers' Union, Bombay.	Circulated to members.
15	Memorandum .	The Malabar Bus Owners' Association, Calicut.	Circulated to members.
16	Representation	District Motor Transport Workers Union (Regd.) Karnal.	Circulated to members.
17	Representation	Motor Kamgar, Gondia.	Placed in the Parliament Library and members informed.
18	Representation	Malabar Motor Workers Union, Kozhikode.	Placed in the Parliament Library and members informed.
19.	Telegram .	Prabhakar Motor Osmana- bad at Naldurg.	Placed in the Parliament Library and members informed.
20	Memorandum .	Indian National Trade Union Congress, Andhra Pradesh.	Placed in the Parliament Library and members informed.

APPENDIX IV_E

(Vide para 8 of the Report)

List of Associations who gave evidence before the Joint Committee.

Sl. No.	Name of the Association	Date on which evidence was taken
1	National Federation of Road Transport Workers, New Delhi, (Public and Private Sectors)	10-10-1960
2	Uttar Pradesh Government Roadways, Lucknow	10-10-1960
3	The Bombay Electric Supply and Transport Undertaking, Bombay	11-10-1960
4	Bombay State Road Transport Corporation, Bombay	11-10-1960
5	Gujarat State Road Transport Corporation, Ahmedabad	11-10-1960
6	Calcutta State Transport Corporation, Calcutta	11-10-1960
7	Indian National Transport Workers' Federation, Ahmedabad	12-10-1960
8	All India Motor Unions' Congress, New Delhi	12-10-1960
9	Chhattisgarh Yatayat Sangh, Raipur	12-10-1960

APPENDIX V

MINUTES OF THE SITTINGS OF THE JOINT COMMITTEE ON THE MOTOR TRANSPORT WORKERS BILL, 1960.

I

First Sitting

The Committee met from 16.30 hours to 17.00 hours on Wednesday, the 7th September, 1960.

PRESENT

Shri Mulchand Dube—*Chairman.*

MEMBERS

Lok Sabha

2. Choudhry Brahm Perakash
3. Shri Kamal Krishna Das
4. Shri Ram Dhani Das
5. Shri L. Elayaperumal
6. Shri Narayan Ganesh Goray
7. Shri Venketrao Srinivasrao Naldurgker
8. Shri M. Palaniyandy
9. Shri Panna Lal
10. Shri Karsandas Parmar
11. Shri Balasaheb Patil
12. Shri P. Ramaswamy
13. Shri Ram Garib
14. Shri Ram Shanker Lal
15. Shri T. B. Vittal Rao
16. Shri Biswa Nath Roy
17. Shri Sadhu Ram
18. Shri Braj Raj Singh
19. Shri Shraddhakar Supakar
20. Shri Missula Suryanarayanamurti,

Rajya Sabha

21. Shri M. S. Gurupadaswamy
22. Syed Mazhar Imam
23. Shri Maheswar Naik
24. Dr. Shrimati Seeta Parmanand
- 25. Shri M. Govinda Reddy
26. Shri Ebrahim Sulaiman Sait
27. Shrimati Savitry Devi Nigam
28. Shri Abid Ali.

DRAFTSMAN

Shri P. L. Gupta, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri B. K. Bhattacharya, *Deputy Secretary, Ministry of Labour and Employment.*

Shri N. S. Mankiker, *Chief Adviser Factories.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee held discussion about their future programme of sittings.

3. The Committee considered whether any evidence should be taken by them and whether it was necessary to issue a press communique advising associations and individuals desirous of presenting their suggestions or views before the Committee in respect of the Bill to submit written memoranda thereon.

4. It was decided that a press communique might be issued advising associations, public bodies and individuals who are desirous of presenting their suggestions or views or giving evidence before the Committee in respect of the Bill to send written memoranda thereon to the Lok Sabha Secretariat by the 25th September, 1960.

5. The Committee authorised the Chairman to decide after examining the memoranda as to which of the associations, public bodies etc. might be called upon to give oral evidence before the Committee.

6. The Chairman suggested that notices of amendments to the clauses of the Bill might be sent to the Lok Sabha Secretariat preferably a week before the next sitting of the Joint Committee, for circulation to the members of the Committee.

7. The Committee decided to hold their future sittings from Monday, the 10th October, 1960.

8. The Committee then adjourned to meet again at 10.00 hours on Monday, the 10th October, 1960.

II

Second Sitting

The Committee met from 10.00 hours to 11.40 hours on Monday, the 10th October, 1960.

PRESENT

Shri Mulchand Dube—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Kamal Krishna Das
3. Shri Ram Dhani Das
4. Shri Jaljibhai Koyabhai Dindod
5. Shri Narayan Ganesh Goray
6. Shri Ansar Harvani
7. Shrimati Parvathi M. Krishnan
8. Dr. G. S. Melkote
9. Shri Venketrao Srinivasrao Naldurgker
10. Shri Panna Lal
11. Shri Karsandas Parmar
12. Shri P. Ramaswamy
13. Shri Ram Garib
14. Shri Ram Shanker Lal
15. Shri T. B. Vittal Rao
16. Shri Vishwa Nath Roy
17. Shri Sadhu Ram
18. Shri Braj Raj Singh
19. Shri Shraddhakar Supakar
20. Shri Missula Suryanarayanamurti
21. Shri Ramsingh Bhai Verma.

Rajya Sabha

22. Shri Jagannath Prasad Agarwal

23. Shri A. Chakradhar
24. Shri Khandubhai K. Desai
25. Shri M. S. Gurupadaswamy
26. Syed Mazhar Imam
27. Shri Kumbha Ram
28. Shri Lokanath Misra
29. Shri K. L. Narsimham
30. Sardar Raghbir Singh Panjhazari
31. Dr. Shrimati Seeta Parmanand
32. Shri M. Govinda Reddy
33. Shri Ebrahim Sulaiman Sait
34. Shri Abid Ali.

DRAFTSMAN

Shri P. L. Gupta, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri B. K. Bhattacharya, *Deputy Secretary, Ministry of Labour and Employment.*

Shri N. S. Mankiker, *Chief Adviser Factories.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESSES

I. *National Federation of Road Transport Workers, New Delhi. (Public and Private Sectors).*

1. Shri Ishar Singh.
2. Shri R. L. Goga.
3. Shri N. D. Sundariyal.

II. *Uttar Pradesh Government Roadways, Lucknow.*

1. Shri D. S. Rathor.
2. Shri M. M. Gupta.

2. The Committee heard the evidence given by the Representatives of the Associations named above.

3. A verbatim record of the evidence given was taken down.

4. The Committee then adjourned to meet again at 10.00 hours on Tuesday, the 11th October, 1960.

III

Third Sitting

The Committee met from 10.04 hours to 13.00 hours on Tuesday, the 11th October, 1960 and again from 15.30 hours to 17.33 hours.

PRESENT

Shri Mulchand Dube—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Kamal Krishna Das
3. Shri Ram Dhani Das
4. Shri Jaljibhai Koyabhai Dindod
5. Shri L. Elayaperumal
6. Shri Narayan Ganesh Goray
7. Shri Ansar Harvani
8. Shrimati Parvathi M. Krishnan
9. Dr. G. S. Melkote
10. Shri Venketrao Srinivasrao Naldurgker
11. Shri M. Palaniyandi
12. Shri Panna Lal
13. Shri Karsandas Parmar
14. Shri P. Ramaswamy
15. Shri Ram Garib
16. Shri Ram Shanker Lal
17. Shri T. B. Vittal Rao
18. Shri Vishwa Nath Roy
19. Shri Sadhu Ram
20. Shri Vidya Charan Shukla
21. Shri Braj Raj Singh
22. Shri Shraddhakar Supakar
23. Shri Missula Suryanarayanamurti
24. Shri Ramsingh Bhai Verma

Rajya Sabha

25. Shri Jagannath Prasad Agarwal
26. Shri A. Chakradhar
27. Shri Khandubhai K. Desai
28. Shri M. S. Gurupadaswamy
29. Syed Mazhar Imam
30. Shri Kumbha Ram
31. Shri Lokanath Misra
32. Shri K. L. Narasimham
33. Shri Maheswar Naik
34. Sardar Raghbir Singh Panjhazari
35. Dr. Shrimati Seeta Parmanand
36. Shri M. Govinda Reddy
37. Shri Ebrahim Sulaiman Sait
38. Shri Abid Ali.

DRAFTSMAN

Shri P. L. Gupta, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri B. K. Bhattacharya, *Deputy Secretary, Ministry of Labour and Employment.*

Shri N. S. Mankiker, *Chief Adviser Factories.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESSES

I. *The Bombay Electric Supply and Transport Undertaking, Bombay*

Shri J. M. Gandevia.

II. *Bombay State Road Transport Corporation, Bombay*

1. Shri L. S. Lulla
2. Shri C. N. Bagve

III. *Gujarat State Road Transport Corporation, Ahmedabad*

1. Shri H. T. Sadhwani.
2. Shri H. U. Shah.

IV. Calcutta State Transport Corporation, Calcutta.

1. Shri R. Bose
 2. Shri S. C. Ghosal.
2. The Committee heard the evidence given by the Representatives of the Associations named above.
 3. A verbatim record of the evidence given was taken down.
 4. The Committee then adjourned to meet again at 10.00 hours on Wednesday, the 12th October, 1960.
-

IV

Fourth Sitting

The Committee met from 10.00 hours to 13.17 hours on Wednesday, the 12th October, 1960 and again from 16.00 hours to 17.04 hours.

PRESENT

Shri Mulchand Dube—*Chairman*.

MEMBERS

Lok Sabha

2. Shri Kamal Krishna Das
3. Shri Jaljibhai Koyabhai Dindod
4. Shri L. Elayaperumal
5. Shri Narayan Ganesh Goray
6. Shrimati Parvathi M. Krishnan
7. Dr. G. S. Melkote
8. Shri Venketrao Srinivasrao Naldurgker
9. Shri M. Palaniyandi
10. Shri Panna Lal
11. Shri Karsandas Parmar
12. Shri P. Ramaswamy
13. Shri Ram Garib
14. Shri Ram Shanker Lal
15. Shri T. B. Vittal Rao
16. Shri Bishwa Nath Roy
17. Shri Vidya Charan Shukla
18. Shri Shraddhakar Supakar
19. Shri Missula Suryanarayanamurti
20. Shri Ramsingh Bhai Verma

Rajya Sabha

21. Shri Jagannath Prasad Agarwal

22. Shri A. Chakradhar
23. Shri Khandubhai K. Desai
24. Shri M. S. Gurupadaswamy
25. Syed Mazhar Imam
26. Shri Lokanath Misra
27. Shri K. L. Narsimham
28. Shri Maheswar Naik
29. Sardar Raghbir Singh Panjhzari
30. Dr. Shrimati Seeta Parmanand
31. Shri Ebrahim Sulaiman Sait
32. Shrimati Savitry Devi Nigam
33. Shri Abid Ali.

DRAFTSMAN

Shri P. L. Gupta, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri B. K. Bhattacharya, *Deputy Secretary, Ministry of Labour and Employment.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESSES

- I. *Indian National Transport Workers' Federation, Ahmedabad*
Shri C. G. Shah.
- II. *All India Motor Unions' Congress, New Delhi*
 1. Sardar Harbhajan Singh
 2. Shri Kundan Lal
 3. Shri B. J. Beecham
- III. *Chittisgarh Yatayat Sangh, Raipur*
 1. Shri Tulja Ram
 2. Shri J. M. Ashtikar

2 The Committee heard the evidence given by the Representatives of the Associations named above.

3. A verbatim record of the evidence given was taken down.

4. The Committee then adjourned to meet again at 10.00 hours on Thursday, the 13th October, 1960.

Fifth Sitting

The Committee met from 10.07 hours to 13.21 hours on Thursday, the 13th October, 1960.

PRESENT

Shri Mulchand Dube—*Chairman.*

MEMBERS*Lok Sabha*

2. Choudhry Brahm Perkash
3. Shri Kamal Krishna Das
4. Shri Ram Dhani Das
5. Shri Jaljibhai Koyabhai Dindod
6. Shri L. Elayaperumal
7. Shri Narayan Ganesh Goray
8. Shrimati Parvathi M. Krishnan
9. Dr. G. S. Melkote
10. Shri Venketrao Srinivasrao Naldurgker
11. Shri M. Palaniyandy
12. Shri Panna Lal
13. Shri Karsandas Parmar
14. Shri P. Ramaswamy
15. Shri Ram Garib
16. Shri Ram Shanker Lal
17. Shri T. B. Vittal Rao
18. Shri Bishwa Nath Roy
19. Shri Sadhu Ram
20. Shri Braj Raj Singh
21. Shri Shraddhakar Supakar
22. Shri Missula Suryanarayanamurti
23. Shri Ramsingh Bhai Verma

Rajya Sabha

24. Shri Jagannath Prasad Agarwal
25. Shri A. Chakradhar
26. Shri Khandubhai K. Desai
27. Shri M. S. Gurupadaswamy
28. Syed Mazhar Imam
29. Shri K. L. Narasimham
30. Shri Maheswar Naik
31. Sardar Raghbir Singh Panjhazari
32. Dr. Shrimati Seeta Parmanand
33. Shri Ebrahim Sulaiman Sait
34. Shrimati Savitry Devi Nigam
35. Shri Abid Ali.

DRAFTSMAN

Shri P. L. Gupta, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri B. K. Bhattacharya, *Deputy Secretary, Ministry of Labour and Employment.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee held general discussion on the points arising out of the evidence given before them. Main suggestions were as follows:—

1. The Act should be enforced in all the States simultaneously. The Government of Jammu and Kashmir might be asked to enforce similar legislation in that State.
2. The Act should be applicable to all motor transport undertakings employing five or more workers.
3. The Act should be applicable to a transport undertaking even if it employed one transport worker.
4. Taxi drivers, motor cycle rikshaw drivers and scooter rikshaw drivers should also be brought within the purview of this Act.

5. Conductor should be treated on par with the driver.
6. Supervisory staff should be excluded from the operation of this Act.
7. Canteens should be run on no profit, no loss basis or through cooperatives or they should be subsidised by the employers. They could be given to a contractor if that was cheaper and beneficial for the workers.
8. The canteen should be open to other than the workers also.
9. Arrangements between the employers and employees regarding canteen should prevail.
10. Rest houses should be provided where they would be required by a large number of workers.
11. Instead of rest houses, alternative accommodation might be provided or facilities like drinking water and toilet made available.
12. Employees should be paid for buying uniforms.
13. Uniforms should be provided by the employer and maintained by the employer|employee.
14. Colour of uniform should be different from that of the State Police Force.
15. Inspecting staff should arbitrate in case of dispute between employers and employees.
16. Inspectors should be empowered to prosecute officials of the State Governments who operate State Transport undertakings without obtaining prior permission of the State Government.
17. The hours of work should be reduced to seven per day.
18. The spread over of hours of work should not be beyond ten hours.
19. Working hours should be seven|eight hours on any day and 42|48 hours in any week respectively.
20. Clauses 14 and 16 should be omitted and sub-clause (3) of clause 14 added to clause 15.
21. The distinction between workers employed in city service, long distance passenger service and long distance freight service should be done away with.

22. Hill service should be separately categorised.
23. Persons above the age of 18 alone should be employed.
24. Persons between the ages of 16 to 18 should be permitted to work as cleaners.
25. Children should not be allowed to work in the industry.
26. Clause 25 requiring certificate of fitness from an adolescent should be omitted.
27. The provisions about overtime payments should be the same as are in the Factories Act.
28. Where a vehicle breaks down during a journey that period should not be counted towards working hours.
29. The Act should apply to goods transport at a later date or its application to that industry might be postponed till further evidence was made available on that subject.
30. Exemptions from parts of the Act should be given by State Governments after obtaining approval of the Central Government.
31. State Governments which are working as operators should not be allowed to grant exemptions from the provisions of the Act.
32. State Governments should be allowed to grant exemptions under the Act and make rules thereunder.
33. State Governments being employers themselves should not be authorised to take away the rights of the workers.
34. There should be one law for all the employees and they should not be governed by different Acts.
35. The laying of standards under the Act should be done by the Central Government.
36. Relationship of employers and employees should be defined where vehicles cannot be run throughout the year.
37. A person shall have passed the fourth standard before being employed in the industry.
38. Driving licence should be granted only where a person has first-aid certificate.
39. The provisions of the Act would endanger the opening or maintaining of passenger service on routes which were not very remunerative.

40. Small operators should not be put out of work by over burdening them.
 41. Recognised unions might be asked to opt whether they would be governed by the Act or agreements while in other cases workers should be governed by the Act.
 42. Facilities already enjoyed by workers under an agreement should not be taken away.
 43. Central Government should bring out a manual for helping the motor workers to understand the law.
 44. Rules should be made by a Tripartite Committee.
 45. Model Rules should be framed by the Central Government, for the guidance of the State Governments.
3. The Chairman suggested that notices of amendments to the clauses of the Bill might be sent to the Lok Sabha Secretariat by the 31st October, 1960.
4. The Committee then adjourned to meet again at 10.00 hours on Friday, the 4th November, 1960.
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VI

Sixth Sitting

The Committee met from 10.07 hours to 13.03 hours on Friday, the 4th November, 1960 and again from 15.04 hours to 17.02 hours.

PRESENT

Shri Mulchand Dube—*Chairman.*

MEMBERS

Lok Sabha

2. Choudhry Brahm Perakash
3. Shri Kamal Krishna Das
4. Shri Ram Dhani Das
5. Shri Jaljibhai Koyabhai Dindod
6. Shri L. Elayaperumal
7. Shri Ansar Harvani
8. Shrimati Parvathi M. Krishnan
9. Dr. G. S. Melkote
10. Shri Venketrao Srinivasrao Naldurgker
11. Shri M. Palaniyandy
12. Shri Kashi Nath Pandey
13. Shri Panna Lal
14. Shri Karsandas Parmar
15. Shri Balasaheb Patil
16. Shri P. Ramaswamy
17. Shri Ram Garib
18. Shri Ram Shankar Lal
19. Shri T. B. Vittal Rao
20. Shri Bishwanath Roy
21. Shri Sadhu Ram
22. Shri Braj Raj Singh
23. Shri Shraddhakar Supakar
24. Shri Ramsingh Bhai Verma

Rajya Sabha

25. Shri Jagannath Prasad Agarwal
26. Shri Khandubhai K. Desai
27. Syed Mazhar Imam
28. Sardar Raghbir Singh Panjhzari
29. Dr. Shrimati Seeta Parmanand
30. Shri M. Govinda Reddy
31. Shrimati Savitry Devi Nigam
32. Shri Abid Ali.

DRAFTSMAN

Shri P. L. Gupta, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri B. K. Bhattacharya, *Deputy Secretary, Ministry of Labour and Employment.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee took up clause by clause consideration of the Bill.

3. *Clause 1.*—The following amendments were accepted:—

Page 1,

- (a) line 11, after "States" insert "which shall in no case be later than the 31st December, 1961".
- (b) line 13, for "ten or more" substitute "five or more".
- (c) lines 17-18, for "less than ten but not less than five" substitute "less than five".

The clause, as amended, was adopted.

4. *Clause 2.*—Consideration of the Clause was held over.

5. *Clause 3.*—The clause was omitted.

6. *Clauses 4-5.*—The clauses were adopted without any amendment.

7. *Clause 6.*—The Committee adopted the following revised clause in substitution of the original clause 6:—

"6(1) Subject to such conditions and restrictions as the State Government may by general or special order impose, the chief inspector or an inspector may—

Powers of Inspectors.

- (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act

or rules made thereunder are being observed in the case of any motor transport undertaking, and for that purpose require the driver of a transport vehicle to cause the transport vehicle to stop and remain stationary so long as may reasonably be necessary;

- (b) with such assistance, if any, as he thinks fit enter, inspect and search any premises which he has reason to believe is under use or occupation of any motor transport undertaking at any reasonable time for the purpose of carrying out the objects of this Act;
- (c) examine any motor transport worker employed in a transport undertaking or require the production of any register or other document maintained in pursuance of of this Act and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;
- (d) seize or take copy of such registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by an employer;
- (e) exercise such other powers as may be prescribed:—

Provided that no person shall be compelled under this subsection to answer any question or make any statement tending to incriminate himself.

5 of 1898.

- (2) The provisions of the Code of Criminal Procedure, 1898, shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.”.

8. *Clauses 7-8.*—The clauses were adopted without any amendment.

9. *Clause 9.*—The clause was adopted subject to canteen workers being included wherever they are employees of the undertaking.

The Draftsman was directed to carry out the necessary change in the clause.

10. *Clause 10.*—The following amendments were accepted:—

Page 7,

lines 2-3,

- (1) for “are required to stay on duty at night” substitute “are required to halt at night”.

- (2) line 4,
for "for the use of the motor transport workers" substitute
"for the use of those motor transport workers".
- (3) line 5,
after "such other" insert "suitable".
- (4) line 7,
for "or the" substitute "or other suitable".
- (5) line 9,
for "cool and clean" substitute "clean and comfortable."
- (6) line 12,
for "or the" substitute "or other suitable."

The clause, as amended, was adopted.

11. *Clause 11.*—The Committee adopted the following revised clause in substitution of the original clause 11:—

Page 7,

for lines 14—22, substitute—

- "11. (1) The State Government may, by notification in the Official Gazette, make rules requiring an employer of a motor transport undertaking to provide for the drivers, conductors and line checking staff employed in that undertaking such number and type of uniforms, rain-coats or other like amenities for their protection from rain or cold as may be specified in the rules.
- (2) There shall be paid to the drivers, conductors and line checking staff by the employer an allowance for washing of uniforms provided under sub-section (1) at such rates as may be prescribed.

Provided that no such allowance shall be payable by an employer who has made at his own cost adequate arrangements for the washing of uniforms."

12. *Clause 12.*—The clause was adopted without any amendment.

13. *Clause 13.*—The following amendment was accepted:—

Page 7, line 33,

for "trained" substitute "provided facilities for training".

The clause, as amended, was adopted.

14. *Clauses 14, 15 and 16.*—Consideration of the clauses was held over.

15. *Clause 17.*—The following amendment was accepted:—

Page 9, line 8,

for “5 A.M.” substitute “6 A.M.”.

The clause, as amended, was adopted.

16. *Clauses 18 and 19.*—Consideration of the clauses was held over.

17. *Clause 20.*—The clause was adopted without any amendment.

18. *Clause 21.*—The following amendments were accepted:—

Page 10,

(1) omit lines 1—5.

(2) for lines 6—14, substitute,

“(2) Notwithstanding anything contained in sub-section (1), an employer may, in order to prevent any dislocation of a motor transport service, require a motor transport worker to work on any day of rest which is not a holiday so, however, that the motor transport worker does not work for more than ten days consecutively without a holiday for a whole day intervening.

(3) Nothing contained in sub-section (1) shall apply to any motor transport worker whose total period of employment including any day spent on leave is less than six days.”

The clause, as amended, was adopted.

19. *Clause 22.*—The following amendment was accepted:—

Page 10, line 20,

for “or within one month” substitute “or within two months”.

The clause, as amended, was adopted.

20. *Clauses 23—25.*—The clauses were adopted without any amendment. The Draftsman was directed to examine whether the word ‘required’ occurring in clause 23 and 24 was necessary and should be retained.

..

21. *Clause 26.*—The Committee adopted the following revised clause in substitution of the original clause 26:—

26. Where an inspector is of opinion that a motor transport worker working in any motor transport undertaking without a certificate of fitness is an adolescent, the inspector may serve on the employer a notice requiring that such adolescent motor transport worker shall be examined by a certifying surgeon and such adolescent motor

*Power to require medical examination.

transport worker shall not, if the inspector so directs, be employed or permitted to work in any motor transport undertaking until he has been so examined and has been granted a certificate of fitness under section 25".

22. *Clause 27.*—The clause was adopted without any amendment.

23. *Clause 28.*—The Committee adopted the following revised clause in substitution of the original clause 28:—

"28 (1) Where an adult motor transport worker works for more than eight hours in any day in any case referred to in the first proviso to section 14 or where he is required to work on any day of rest under sub-section (2) of section 21, he shall be entitled to wages at the rate of twice his ordinary rate of wages in respect of the over-time work or the work done on the day of rest, as the case may be. Extra wages
for over-
time.

(2) Where an adult motor transport worker works for more than eight hours in any day in any case referred to in the second proviso to section 14, he shall be entitled to wages in respect of the over-time work at such rates as may be prescribed.

(3) For the purposes of sub-section (1), "ordinary rate of wages" in relation to a motor transport worker means his basic wages plus dearness allowance."

24. *Clause 29.*—The following amendment was accepted:—

Page 12, line 24,

add at the end "and shall be paid wages for such leave due".

The clause, as amended, was adopted.

25. *Clause 30.*—The following amendment was accepted:—

Page 13,

lines 11-12,

for "before his leave begins, be paid" substitute "on application before his leave begins, be paid an advance approximately equal to".

The clause, as amended, was adopted.

26. *Clauses 31—33.*—The clauses were adopted without any amendment.

27. *Clause 34.*—The following amendment was accepted:—

Page 14, line 6,

for “whoever contravenes” *substitute* “whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction or contravenes”.

The clause as amended, was adopted.

28. *Clauses 35-36.*—The clauses were adopted without any amendment.

29. *Clause 37.*—The following amendment was accepted:—

Page 15, line 5,

for “chief inspector” *substitute* “inspector”.

The clause, as amended, was adopted.

30. *Clauses 38-39.*—The clauses were adopted without any amendment.

31. *Clause 40.*—Consideration of the clause was taken up but not concluded.

32. The Committee then adjourned to meet again at 10.00 hours on Saturday, the 5th November, 1960.

VII

Seventh Sitting

The Committee met from 10.10 hours to 12.37 hours on Saturday, the 5th November, 1960.

PRESENT

Shri Mulchand Dube—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Kamal Krishna Das
3. Shri Ram Dhani Das
4. Shri Jaljibhai Koyabhai Dindod
5. Shri L. Elayaperumal
6. Shri Ansar Harvani
7. Shrimati Parvathi M. Krishnan
8. Dr. G. S. Melkote
9. Shri Venketrao Srinivasrao Naldurgker
10. Shri M. Palaniyandy
11. Shri Kashi Nath Pandey
12. Shri Panna Lal
13. Shri Karsandas Parmar
14. Shri Balasaheb Patil
15. Shri T. B. Vittal Rao
16. Shri Bishwanath Roy
17. Shri Sadhu Ram
18. Shri Braj Raj Singh
19. Shri Shraddhakar Supakar
20. Shri Ramsingh Bhai Verma

Rajya Sabha

21. Shri Jagannath Prasad Agarwal
22. Shri Khandubhai K. Desai
23. Syed Mazhar Imam
24. Shri Maheswar Naik

25. Shri M. Govinda Reddy
26. Shrimati Savitry Devi Nigam
27. Shri Abid Ali.

DRAFTSMAN

Shri P. L. Gupta, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri B. K. Bhattacharya, *Deputy Secretary, Ministry of Labour and Employment.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 40.*—(contd.). The following amendment was considered:—

Page 16,

for lines 4—8, *substitute*

“(2) Without prejudice to the provisions of sub-section (1), the State Government may, by notification in the Official Gazette, direct that subject to such conditions and restriction, if any, as may be specified in the notification, the provisions of this Act or the rules made thereunder shall not apply to—

- (i) any motor transport workers who, in the opinion of the State Government, hold positions of supervision or management in any motor transport undertaking,
- (ii) any part-time motor transport worker, and,
- (iii) any class of employers.”

The Committee felt that the State Government should bring the notification to the notice of the Central Government before its issue under the above sub-clause.

Subject to change being made by the Draftsman the amendment was accepted.

The clause, as amended, was adopted.

4. *Clause 41.*—The clause was adopted without any amendment.

5. *Clause 42.*—The following amendments were accepted:—

(1) Page 16, lines 28-29,

omit “and the areas in which”.

(2) Page 17,

for lines 3—8, *substitute*

- “(i) the type of equipment that should be provided in the first-aid boxes;
- (j) the manner in which long distance routes, festive and other occasions or peak hours shall be notified by the prescribed authority;
- (k) the limits of hours of work upto which any motor transport worker may be required or allowed to work in any case referred to in the second proviso to section 14;
- (l) the form and manner in which notices of period of work shall be displayed and maintained;
- (m) the rates of extra wages in respect of the over-time work done by a motor transport worker in any case referred to in the second proviso to section 14;
- (n) the registers which should be maintained by employers and the returns, whether occasional or periodical, as in the opinion of the State Government may be required for the purposes of this Act, **and**
- (o) any other matter which has to be, or may be prescribed.”

The clause, as amended, was adopted.

6. *Clauses 14, 15 and 16.*—(*Vide* para 14 of the Minutes of the Sixth Sitting). The Committee adopted the following revised clauses in substitution of the original clauses 14, 15 and 16:—

- “14. No adult motor transport worker shall be required or ^{Hours} allowed to work for more than eight hours in any day ^{of} and forty-eight hours in any week; ^{work.}”

Provided that in the case of motor transport workers engaged in the running of any motor transport service on such long distance routes, or on such festive and other occasions as may be notified in the prescribed manner by the prescribed authority, the employer may, with the approval of such authority, require or allow such motor transport workers to work for more than eight hours in any day or forty-eight hours in any week but in no case for more than ten hours in a day and fifty-four hours in a week, as the case may be;

Provided that in the case of a breakdown or dislocation of a motor transport service or interruption of traffic or act of God, the employer, with the approval of the prescribed authority and subject to such conditions as he may impose, may require or allow motor transport workers to work for more than eight hours in any day or more than forty-eight hours in any week but so as not to exceed such limits as may be prescribed.

Spread over.

15. The hours of work of adult motor transport workers shall, except in any case referred to in the second proviso to section 14, be so arranged that inclusive of interval for rest under section 18, they shall not spread-over more than twelve hours in any day."

The Draftsman was directed to examine whether the word 'adult' occurring in the proposed clause 14 was necessary or could be omitted.

7. *Clause 18.*—(Vide para 16 of the Minutes of the Sixth Sitting). The following amendments were accepted:

Page 9, (i) line 16,

after "hours" add "on that day".

(ii) lines 17-18, for "a motor transport worker is allowed" substitute "a motor transport worker is, except in any case referred to in the second proviso to section 14, allowed;";

The clause, as amended, was adopted.

8. *Clause 19.*—(Vide para 16 of the Minutes of the Sixth Sitting).

The Committee adopted the following revised clause in substitution of the original clause 19:—

Split duty.

"19. Subject to the other provisions contained in this Act, the hours of work of an adult motor transport worker shall not be split into more than two spells on any day."

9. Clause 2.—(Vide para 4 of the Minutes of the Sixth Sitting).

The following amendments were accepted:—

(I) Page 2,

(a) omit lines 3-4

(b) after line 6, insert,

“Provided that where a motor transport worker’s duty commences before mid-night but extends beyond mid-night, the following day for him shall be deemed to be the period of twenty-four hours beginning when such duty ends, and the hours he has worked after mid-night shall be counted in the previous day;”;

(c) after line 20, insert—

“Explanation—For the purposes of this clause—

- (1) “running time” in relation to a working day means the time from the moment a transport vehicle starts functioning as such at the beginning of the working day until the moment when the transport vehicle ceases to function as such at the end of the working day, excluding any time during which the running of the transport vehicle is interrupted for a period exceeding such duration as may be prescribed during which period the persons who drive, or perform any other work in connection with the transport vehicle are free to dispose of their time as they please or are engaged in subsidiary work;
- (2) ‘subsidiary work’ means work in connection with a transport vehicle, its passengers or its load which is done outside the running time of the transport vehicle, including in particular—
 - (i) work in connection with accounts, the paying in of cash, the signing of registers, the handling in of service sheets, the checking of tickets and other similar work;
 - (ii) the taking over and garaging of the transport vehicle;
 - (iii) travelling from the place where a person signs on to the place where he takes over the transport vehicle and from the place where he leaves the transport vehicle to the place where he signs off;
 - (iv) work in connection with the upkeep and repair of the transport vehicle; and

- (v) the loading and unloading of the transport vehicle;
- (3) '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;";
- (d) *omit* lines 21—26.
- (e) *for* lines 30—36, *substitute*
 - '(k) "motor transport worker" means a person who is required to work or is engaged, directly or through any agency, 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, conductor, cleaner, station staff, lines checking staff, booking clerk, cash clerk, depot clerk, time keeper or attendant, but except in section 9 does not include—'".

(II) Page 3,

- (1) *omit* lines 5—8.
- (2) *omit* lines 18—27.
- (3) *omit* lines 31—37.

(III) Page 4,

omit lines 1—9.

Regarding amendment No. (I) (b) above, the Draftsman was directed to examine whether its language required any change to make its intention clear.

The Draftsman was also directed to examine whether in the explanation (item 'c' above), the words "as such" were necessary or could be omitted.

Subject to above the clause as amended was adopted.

10. The Committee authorised the Draftsman to carry out minor changes of a drafting nature in the Bill, if necessary.

11. The Committee decided to ask for extension of time for the presentation of their Report upto the 5th December, 1960 and the Chairman and in his absence Shri Ramsingh Bhai Verma was authorised to move the necessary motion in the House.

12. The Committee then decided that the evidence given before them should be laid on the Table of the House *in extenso*.

13. The Committee also decided that after the evidence was laid on the Table, the memoranda submitted by the Associations who gave evidence before the Committee might be placed in the Parliament Library for reference by the Members of Parliament.

14. The Committee decided to consider the draft Report at their next sitting to be held on Wednesday, the 30th November, 1960 at 15.00 hours.

15. The Committee then adjourned.

VIII

Eighth Sitting

The Committee met from 15.30 hours to 16.00 hours on Wednesday, the 30th November, 1960.

PRESENT

Shri Mulchand Dube—*Chairman.*

MEMBERS

Lok Sabha

2. Choudhry Brahm Perakash
3. Shri Jaljibhai Koyabhai Dindod
4. Shrimati Parvathi M. Krishnan
5. Dr. G. S. Melkote
6. Shri Venketrao Srinivasrao Naldurgker
7. Shri Kashi Nath Pandey
8. Shri T. B. Vittal Rao
9. Shri Bishwanath Roy
10. Shri Banarsi Prasad Sinha
11. Shri Missula Suryanarayanamurti
12. Shri Ramsingh Bhai Verma.

Rajya Sabha

13. Shri Jagannath Prasad Agarwal
14. Shri Khandubhai K. Desai
15. Shri Lokanath Misra
16. Shri K. L. Narasimham
17. Shri Maheswar Naik
18. Sardar Raghbir Singh Panj hazari
19. Shri M. Govinda Reddy
20. Shrimati Savitry Devi Nigam
21. Shri Abid Ali.

DRAFTSMEN

Shri P. L. Gupta, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri B. K. Bhattacharya, *Deputy Secretary, Ministry of Labour and Employment.*

Shri N. S. Mankiker, *Chief Adviser Factories.*

SECRETARIAT

Shri A. L. Rai, *Deputy Secretary.*

2. The Committee adopted the Bill as amended with the following further amendments:—

(i) In clause 13 (Original clause 14), in the second proviso—

(i) for the words “with the approval of the prescribed authority and subject to such conditions as he may impose, may”, *substitute* the words “may, subject to such conditions and limitations as may be prescribed.”;

(ii) *omit* the words “but so as not to exceed such limits as may be prescribed”.

(ii) *after* clause 16 (Original clause 18), *insert* the following clause namely:—

“16-A (1) the hours of work of an adult motor transport worker shall, except in any case referred to in the second proviso to section 13, be so arranged that inclusive of interval for rest under section 16, they shall not spread over more than twelve hours in any day. Spread-over

(2) The hours of work of an adolescent motor transport worker shall be so arranged that inclusive of interval for rest under section 15, they shall not spread over more than nine hours in any day.”

(iii) In clause 17 (Original clause 19), for the words “an adult” *substitute* “a”.

(iv) In clause 26 (Original clause 28)—

(a) *after* sub-clause (2), *insert* the following namely:—

“(3) Where an adolescent motor transport worker 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 work done on the date of rest.”;

(b) *re-number* sub-clause (3) as sub-clause (4), and in sub-clause (4) as so re-numbered for "sub-section (1)", substitute "this section".

(v) In clause 28 (Original clause 30)

In sub-clause (2), insert the following words at the end, namely:—

"and any amount so paid shall be adjusted against the wages due to him for the aforesaid period of leave".

(vi) after sub-clause (2), insert the following sub-clause, namely:—

"(3) If a motor transport worker is not granted leave to which he is entitled under sub-section (3) of section 27, he shall be paid wages in lieu thereof at the rates specified in sub-section (1)".

3. *Clause 8 (Original clause 9)*.—The Committee re-opened discussion on their earlier decision (*vide* para nine of the Minutes of the Sixth Sitting held on the 4th November, 1960) to include canteen workers wherever they are employees of the undertakings for the purpose of this clause. It was decided that they may not be included. The clause was adopted without any amendment.

4. The Committee then considered the draft Report and adopted the same with necessary consequential changes with regard to clauses 8, 13, 16, 17, 26, 28 and 30.

5. The Committee decided that the Report should be presented to the Lok Sabha on the 5th December, 1960 and laid on the Table of Rajya Sabha on the same day.

6. The Committee authorised the Chairman and in his absence Dr. G.S. Melkote to present the Report on their behalf and to lay the evidence on the Table of the House after the presentation of the Report.

7. The Committee authorised Shri Khandubhai K. Desai and in his absence Shri M. Govinda Reddy to lay the Report of the Committee and the evidence on the Table of Rajya Sabha.

8. The Committee decided that minutes of dissent if any, may be sent so as to reach the Parliamentary Notice Office of the Lok Sabha Secretariat by 15.00 hours on Saturday, the 3rd December, 1960.

9. The Committee then adjourned.

LOK SABHA

—
CORRIGENDA

to

THE REPORT OF THE JOINT COMMITTEE ON
THE MOTOR TRANSPORT WORKERS BILL,
1960.

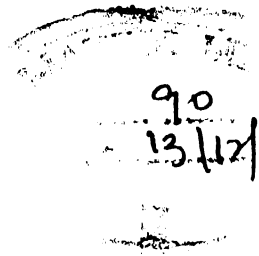
Bill as reported by the Joint Committee

1. Page 8,
for line 31 read
"routes, or on such festive and
other occasions"
2. Page 9, line 34,
before "motor transport worker"
insert "a"
3. Page 10, line 8,
for "and" read "an"
4. Page 12, line 2,
for "date" read "day"
5. Page 13, after line 14, insert -
"(3) If a motor transport worker
is not granted leave to which he
is entitled under sub-section (3)
of section 27, he shall be paid
wages in lieu thereof at the
rates specified in sub-section (1)"
6. Page 16, line 6,
for "restriction" read
"restrictions"
7. Page 17, line 15,
omit "or peak hours"

NEW DELHI,

December 9, 1960
Agrahayana 18, 1882 (Saka)

LOK SABHA



**JOINT COMMITTEE ON THE MOTOR
TRANSPORT WORKERS BILL, 1960**

EVIDENCE



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 1960

Price : Rs. 1.50

WITNESSES EXAMINED

Name of the Association and their spokesman	Date	Page
I. National Federation of Road Transport Workers, New Delhi (Public and Private Sectors)	10-10-60	2
<i>Spokesmen :</i>		
1. Shri Ishar Singh		
2. Shri R. L. Goga		
3. Shri N. D. Sundariyal		
II. Uttar Pradesh Government Roadways, Lucknow	10-10-60	14
<i>Spokesmen :</i>		
1. Shri D. S. Rathor		
2. Shri M. M. Gupta		
III. The Bombay Electric Supply and Transport Undertaking, Bombay	11-10-60	22
<i>Spokesman :</i>		
Shri J. M. Gandevia		
IV. Bombay State Road Transport Corporation, Bombay	11-10-60	34
<i>Spokesmen :</i>		
1. Shri L. S. Lulla		
2. Shri C. N. Bagva		
V. Gujrat State Road Transport Corporation, Ahmedabad	11-10-60	34
<i>Spokesmen :</i>		
1. Shri H. T. Sadhwani		
2. Shri H. U. Shah		
VI. Calcutta State Transport Corporation, Calcutta	11-10-60	67
<i>Spokesmen :</i>		
1. Shri R. Bose		
2. Shri S. C. Ghosal		
VII. Indian National Transport Workers' Federation, Ahmedabad	12-10-60	75
<i>Spokesman :</i>		
Shri C. G. Shah.		
VIII. All India Motor Unions' Congress, New Delhi	12-10-60	92
<i>Spokesmen :</i>		
1. Sardar Harbhajan Singh		
2. Shri Kundan Lal		
3. Shri B. J. Beecham		
IX. Chattisgarh Yatayat Sangh, Raipur	12-10-60	113
<i>Spokesmen :</i>		
1. Shri Tulja Ram		
2. Shri J. M. Ashrikar.		

JOINT COMMITTEE ON THE MOTOR TRANSPORT WORKERS BILL, 1960
MINUTES OF EVIDENCE GIVEN BEFORE THE JOINT COMMITTEE ON THE MOTOR
TRANSPORT WORKERS BILL, 1960

Monday, the 10th October, 1960 at 10.00 hours.

PRESENT

Shri Mulchand Dube—Chairman.

MEMBERS

Lok Sabha

- | | |
|---|--|
| 2. Shri Kamal Krishna Das | 12. Shri P. Ramaswamy |
| 3. Shri Ram Dhani Das | 13. Shri Ram Garib |
| 4. Shri Jaljibhai Koyabhai Dindod | 14. Shri Ram Shanker Lal |
| 5. Shri Narayan Ganesh Goray | 15. Shri T. B. Vittal Rao |
| 6. Shri Ansar Harvani | 16. Shri Vishwa Nath Roy |
| 7. Shrimati Parvathi M. Krishnan | 17. Shri Sadhu Ram |
| 8. Dr. G. S. Melkote | 18. Shri Braj Raj Singh |
| 9. Shri Venketrao Srinivasrao
Naldurgker | 19. Shri Shraddhakar Supakar |
| 10. Shri Panna Lal | 20. Shri Missula Suryanarayana-
murti |
| 11. Shri Karsandas Parmar | 21. Shri Ramsingh Bhai Verma |

Rajya Sabha

- | | |
|-----------------------------------|--|
| 22. Shri Jagannath Prasad Agarwal | 29. Shri K. L. Narsimham |
| 23. Shri A. Chakradhar | 30. Sardar Raghbir Singh Panj-
hazari |
| 24. Shri Khandubhai K. Desai | 31. Dr. Shrimati Seeta Parmanand |
| 25. Shri M. S. Gurupadaswamy | 32. Shri M. Govinda Reddy |
| 26. Syed Mazhar Imam | 33. Shri Ebrahim Sulaiman Salt |
| 27. Shri Kumbha Ram | 34. Shri Abid Ali. |
| 28. Shri Lokanath Misra | |

DRAFTSMAN

Shri P. L. Gupta, Deputy Draftsman, Ministry of Law.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri B. K. Bhattacharya, Deputy Secretary, Ministry of Labour and Employment.
Shri N. S. Mankiker, Chief Advisor Factories.

SECRETARIAT

Shri A. L. Rai—Deputy Secretary.

WITNESSES EXAMINED

I. National Federation of Road Transport Workers, New Delhi.

Spokesmen:

1. Shri Ishar Singh
2. Shri R. L. Goga
3. Shri N. D. Sundariyal

II. Uttar Pradesh Government Roadways, Lucknow.

Spokesmen:

1. Shri D. S. Rathor
2. Shri M. M. Gupta.

I. NATIONAL FEDERATION OF ROAD
TRANSPORT WORKERS, NEW DELHI

(Public and Private Sectors)

Spokesmen:

1. Shri Ishar Singh
2. Shri R. L. Goga
3. Shri N. D. Sundariyal.

(Witnesses were called in and they took their seats)

Shri Braj Raj Singh: May we enquire which Association is giving evidence?

Shri Ishar Singh: National Federations of Road Transport Workers, Public and Private Sectors—both the Federations.

Shri Braj Raj Singh: Head office?

Shri Ishar Singh: New Delhi: 3/A, Asaf Ali Road, New Delhi.

Chairman: You have sent a memo. In case you want to add anything or stress any point, you may please make a statement.

Shri Ishar Singh: I speak in Hindustani.

श्री ईशर सिंह : भ्रज यह है कि इसकी निस्वत हम ने एक मेमोरेन्डम डिटेल् में दे दिया है उन में से कुछ प्वाइंट्स का मैं एस्प्लेनशन देना चाहूंगा । मेरी गुआरिंश यह है कि भाज की तारीख तक मोटर बहिकल्स एक्ट इस इंडस्ट्री

के वर्कर्स पर लागू है । यह मोटर बहिकल्स एक्ट जो सन् १९३६ में ब्रिजेजों के जमाने में बना था, उस में वर्कर्स के वेल्फेअर का कोई सवाल नहीं था, बल्कि सवाल यह था कि उन लोगों में कम्पिटिशन पैदा कर दिया जाय और यह ट्रांसपोर्ट इंडस्ट्री भागे न बड़े । उस मोटर बहिकल्स एक्ट में सिर्फ एक इयूटी के बंटों का सवाल थी, वह किसी दिन ६ घंटों की हो सकती थी या किसी हफ्ते में ५४ घंटों की हो सकती थी । उस एक्ट में कोई ऐसा प्राविजन नहीं था कि स्ट्रेड ओवर इयूटी ली जाय । लेकिन इस के बावजूद वर्कर्स का एक्सप्लायटेशन होता था और प्राइवेट एम्प्लायर्स और यूनर्स स्ट्रेड ओवर इयूटी ले रहे थे । अब जो बिल प्राया है उस में खास तौर पर इयूटी भवर्स के बारे में दिया गया है कि एक स्ट्रेड ओवर १४ घंटे तक का हो सकता है और हफ्ते में वह स्ट्रेड ओवर ७२ घंटे तक का हो सकता है । इस के अलावा

इस में एक क्लाज १६(२) है, जिस के मुताबिक मंगली स्ट्रेड ओवर २५२ भवस तक हो सकता है। इस के बारे में मुझे दो प्वाइंट्स भर्ज करने हैं। एक तो यह कि हमारी गवर्नमेंट ने आई० एल० ओ० कंवेशन को रैटिफाई किया हुआ है। आई० एल० ओ० का जो कंवेशन था उस में ८ घंटे रोज या ४८ घंटे फी हफ्ता की बात थी। इस के प्रलावा जो स्पेशल कमेटी बनाई गई थी इस मकसद के लिये उस में भी ४८ भवस रिकमेंड किया गया था। उस स्पेशल कमेटी में स्ट्रेड ओवर के मामले में हालांकि एम्प्लायर्स और एम्प्लायीज के रिप्रेजेंटेटिव्स में एग्जिमेंट नहीं हो सका फिर भी उन्होंने ५४ भवस का स्ट्रेड ओवर प्रोजेक्ट किया था। लेकिन गवर्नमेंट ने ७२ भवस उस को कर दिया है। वह स्पेशल कमेटी एक ट्रिपार्टीट कमेटी थी, जिस में गवर्नमेंट के रिप्रेजेंटेटिव्स थे, वर्कर्स के रिप्रेजेंटेटिव्स थे, एम्प्लायर्स के रिप्रेजेंटेटिव्स थे। उस में स्ट्रेड ओवर का डिजीजन लिया गया था। बिल में उस के कई क्लॉजेज को एक्सेप्ट नहीं किया गया है। इसलिये मेरी रिक्वेस्ट है कि जो उस कमेटी की रिक्मेंडेशन है उस को इस बिल में एक्सेप्ट किया जाय।

इस के बाद मुझे ड्यूटी भवस के बारे में भर्ज करना है। जहां घाप ने ट्रांसपोर्ट के तीन हिस्से बनाये हैं वहां पर मैं चाहता हूं कि सिटी सर्विस और हिल सर्विस की भी इस में एक कॅटेगरी बनाई जाय। हमारे मेमोरैन्डम में हिल सर्विस और सिटी सर्विस के लिये ७ भवस ए डे या ४२ भवस एक वीक की दरवास्त की गई है क्योंकि हिल सर्विस का काम इतना सरल है जिस का कोई ठिकाना नहीं है, कच्ची सड़कें हैं, साराब रास्ते हैं, जरा सा भी ड्राइवर के अजमेंट में कोई कोताही हो जाय तो बहुत बड़ा ऐक्सिडेंट हो जाय। इसी तरह से सिटी सर्विस में

ड्राइवर पर बड़ा भारी बोझ होता है, बहुत ज्यादा स्टापेज होते हैं, इस के प्रलावा हैवी बेहिकल्स होती हैं, शहर का रश होता है जिस का बहुत ज्यादा ख्याल रखना पड़ता है। इस वजह से हम ने दरवास्त की है कि हिल सर्विस और सिटी सर्विस के लिये ७ भवस ए डे या ४२ भवस ए वीक कर दिया जाय।

इसी तरह से लॉग पैसेन्जर सर्विस के लिये जो दरवास्त है वह यह कि ८ भवस ए डे और ४८ भवस ए वीक की रखी जाय और स्ट्रेड ओवर ६३ भवस से ज्यादा नहीं होना चाहिये। हालांकि स्पेशल कमेटी ने ५४ भवस पर वीक के बेसिस पर अपनी रिक्मेंडेशन की थी, उस के बावजूद बिल में ६३ भवस का स्ट्रेड ओवर प्रोजेक्ट किया गया है।

इस के बाद मुझे लांग पैसेन्जर सर्विस के बारे में यह बात कहनी है कि बजाय इस के कि इस का एक महीने का स्ट्रेड ओवर २५२ भवस का हो, हम ने १५ दिनों में १२६ भवस की दरवास्त की है। अगर एक महीने का स्ट्रेड ओवर ४ वीक्स तक चले तो उस से यह होगा कि एम्प्लायर यह कर सकता है कि २६ दिनों तक वह अपने प्रादमियों को कोई रेस्ट न दे और २६ दिनों के बाद वह चार दिन का रेस्ट इकट्ठा दे दे।

इसके बाद गुड्स ट्रांसपोर्ट का सवाल है। मान लीजिये कि एक सिरे से दूसरे सिरे तक दिल्ली से बम्बई तक कोई गाड़ी चलती है, तो वह दिल्ली से चल कर १५ दिनों में बम्बई पहुंच कर दिल्ली अपनी जगह पर वापस आ सकती है और उस के बाद उसे दो या तीन दिन का रेस्ट मिल जायेगा। इस तरह से ज्यादा मेहनत की बजह से जो ऐक्सिडेंट्स के चान्सेज रहते हैं वे बहुत कम हो जायेंगे। ड्यूटी भवस के बारे में मुझे यही तीन चार प्वाइंट्स भर्ज करने थे।

प्रथम में इस बिल के ऐप्लिकेशन के बारे में कुछ कहना चाहता हूँ। इस में रिकमेंड किया गया है कि यह बिल वहीं पर लागू होगा जहां पर ट्रांसपोर्ट इंडस्ट्री में इस या उस से ज्यादा वर्कर्स होंगे। मेरी दृष्टि है कि इसे उन कंसर्न्स पर भी लागू किया जाय जहां पर कि पांच आदमी हों। इस की बेसिस यह है कि जो स्पेशल कमेटी गवर्नमेंट ने बनाई थी, उस का यूनिमस डिसेजन था कि जिस जगह पर पांच वर्कर्स काम करते हों उन के बारे में भी इस बिल को इम्प्लमेंट किया जाय। दूसरी चीज यह है कि इस बिल में बहुत से ऐसे क्लोजेज आये हैं ड्यूटी अवर्स, ओवर टाइम वगैरह के जो कि उन पर लागू नहीं होंगे जहां पर पांच या उस से कम वर्कर्स हैं। अगर उन पर यह बिल ऐप्लाइ नहीं करेगी तो बहुत सी जगहों पर जहां पर पांच से कम लोग हैं टेक्निकल बातों को ले कर वर्कर्स को ओवर टाइम नहीं मिलेगा या बीकली रेस्ट नहीं मिलेगा और यह उन लोगों के साथ इन्साफ नहीं होगा। वर्कर्स का एक्सप्लायेशन होगा या सिर्फ वर्कर्स की कमी की वजह से उन को बीकली रेस्ट या ओवर टाइम नहीं मिलेगा क्योंकि उन के ड्यूटी अवर्स की लिमिट फिक्स नहीं होगी। इसलिये इस ऐक्ट के ड्यूटी अवर्स ओवर टाइम वगैरह वाली क्लोजेज उन लोगों पर भी ऐप्लाइ करने चाहिये जहां पर पांच से कम वर्कर्स हों।

इस के साथ साथ मैं डेफिनिशन के बारे में भी अर्ज करना चाहता हूँ कि आखिर एम्प्लायर की क्या डेफिनिशन है। जैसा मैं ने अर्ज किया कि जहां पर पांच वर्कर्स या उस से कम होंगे वहां पर वर्कर्स का एक्सप्लायेशन होगा, उसी तरह यहां पर इंडिविजुअल ओनर्स अनलिमिटेड कंसर्न्स बना कर बैठ जायेंगे। १०० एम्प्लायर्स का एक ग्रुप बना लेंगे और अपने

फायदे के लिये उस का पूरी लिमिटेड कंसर्न्स की तरह पर इस्तेमाल करेंगे, लेकिन जहां पर एम्प्लायी का सवाल आयेगा वहां कह दिया जायेगा कि एम्प्लायी तो इंडिविजुअल ओनर का आदमी है। गढ़वाल में गढ़वाल मोटर्स ओनर्स यूनियन है, जिस में करीब २०० गाड़ियां हैं और जिन्होंने मिल कर एक कम्पनी बनाई हुई है तमाम पार्टीज के लिये ताकि उन में आपस में कम्पटीशन न हो। उन्होंने सारी चीजों को सामने रख कर एक ज्वॉयेंट कम्पनी बनाई हुई है जिस का वह पूरा फायदा उठाते हैं, लेकिन जहां तक वर्कर्स का सवाल है, वह कहते हैं कि वे लोग तो इंडिविजुअल्स के मुलाजिम हैं और उसी तरह से उन के साथ डील किया जायेगा। इसलिये मेरी दृष्टि है कि इस तरह की जो ज्वॉयेंट कम्पनीज बन जायें उन को भी इस बिल की तहत एम्प्लायर माना जाना चाहिये और उन के साथ जो लोग काम करते हों उन को भी एम्प्लायर्स के पर्सन्स समझा जाय जो बिल आज हमारे सामने है अगर वह उसी तरह से बन गया तो यह बिल प्राइवेट एम्प्लायीज पर लागू नहीं होगा जो कि उन के एम्प्लायीज को कोई फायदा नहीं पहुंचा सकेगा। इस किस्म की चीजें आज ग्राम तौर पर हो रही हैं और लोगों ने मिल कर इस किस्म की कम्पनियां बनाई हुई हैं।

चौथा आइटेम जिस के मुताल्लिक मुझे अर्ज करना है वह छट्टियों के बारे में है। बिल में जो लीव रिकमेंड की गई है वह १/२० है। हम ने १/१५ की मांग की है। इस के साथ साथ मैं यह भी अर्ज करूंगा कि स्पेशल कमेटी का जो यूनिमस डिसेजन था इस के बारे में वह यह था कि साल में ३० दिन की लीव मिलनी चाहिये। जहां इस कमेटी का यह डिसेजन है इस के बारे में वहां मैं यह भी कहना

खाहता हूँ कि ट्रांसपोर्ट वर्कर्स के पास काम का बोझ बहुत ज्यादा है। हेवी वैटिकल्स हैं। दस साल पहले भी एम्प्लायर हम से इसी तरह काम लिया करता था और वर्कर्स पर बहुत काफी स्ट्रेन है। आज जो ऐक्ट है ओवर टाइम वगैरह के बारे में वह दस साल पहले बना था। दस साल से जो स्ट्रेन उन लोगों पर पड़ा है, उस को भी हमें जरूर कंसीडर करना होगा क्योंकि दस साल के अन्दर यह इंडस्ट्री बहुत बढ़ गई है। और जहां तक इस इंडस्ट्री का टाल्लुक है, यह नेशनल ट्रांसपोर्ट इंडस्ट्री देश के निर्माण के लिये बड़ी अहमियत रखती है और इस में काम करने वालों की तरफ हमें जरूर ध्यान देना होगा।

इस में एक ग्राइटेम कैंटीन्स के बारे में भी है। वैसे तो इस के बारे में हम ने बहुत से अग्नेडमेंट्स टेक्निकल टाइप के दिये हैं, लेकिन कुछ खास खास बातों के बारे में मुझे अर्ज करना है। बिल में कैंटीन्स के बारे में यह प्रोवाइड किया है कि जिस कम्पनी में १०० ट्रांसपोर्ट वर्कर्स होंगे वहां पर मालिक एक कैंटीन प्रोवाइड करेगा। हम ने १०० वर्कर्स के बजाय १०० पर्सन्स कर दिये हैं। इस से मुराद यह है कि आज इस तरह की इंडस्ट्री में सिर्फ ट्रांसपोर्ट वर्कर्स ही नहीं होंगे, फैक्ट्री वर्कर्स होंगे, वर्कशाप वर्कर्स होंगे। लेकिन फैक्ट्री वर्कर्स ट्रांसपोर्ट वर्कर्स की तरह पर नहीं होंगे, भले ही वे उस कम्पनी में काम कर रहे होंगे। इसी तरह कम्पनी का इन्स्पेक्शनल स्टाफ होगा, चेकिंग स्टाफ होगा जो कि ट्रांसपोर्ट वर्कर्स की तरह पर नहीं होंगे। इसलिये मेरा सजेशन है कि इस को बजाय १०० वर्कर्स के, १०० पर्सन्स कर दिया जाय।

इस के बाद सवाल मेडिकल एड का है। बिल में यह प्रपोजल है कि एम्प्लायीज को मेडिकल एड दी जाय। इस के बारे

में हम ने बी ही अग्नेडमेंट पेश किये हैं। एक इस बारे में है कि किसी किस्म का अगड़ा न रहे लोगों को मेडिकल एड देने में, और वह यह कि इसमें भी ग्राफ कास्ट के अलफाज लिख दिये जायें ताकि एम्प्लायर किसी किस्म की दिक्का न पैदा कर सके। इस के अलावा अब हम वेलफेयर की बात करते हैं वर्कर्स के लिये तो मैं यह भी दरखास्त करूंगा कि वर्कर्स की फैमिलीज को भी उस में इन्क्लूड किया जाये और उनके लिये भी मेडिकल एड मिलनी चाहिए।

आखरी ग्राइटेम जिस पर अग्ने अर्ज करना है वह प्राविडेंट फंड के बारे में है। इस के बारे में हमारी तजवीज यह है कि जहां पर भी पांच वर्कर्स काम करते हों वहां उन को प्राविडेंट फंड दिया जाय क्योंकि यह भी स्पेशल कमेटी को यूनिनिमस राय थी। इस किस्म की कुछ चीजें हैं जो कमेटी ने रिक्मेंड की हैं। वैसे तो उस ने बहुत से टेक्निकल अग्नेडमेंट पेश किये हैं, लेकिन फिर भी मैं दरखास्त करूंगा कि इस कमेटी के जो भी प्रपोजल्स या रिक्मेंडेशन्स हैं उन को अच्छी तरह से कंसीडर किया जाय।

श्री राम शंकर लाल : आप ने मेमोरेन्डम में लिखा है कि जिस जगह पर पांच वर्कर्स हों उन पर इस बिल को लागू किया जाय, लेकिन अगर इस के बजाय सभी आपरेटस जो हैं उन पर इस को ऐप्लाई कर दिया जाय तो आपको कुछ ऐतराज है ?

श्री सुन्दरियाल : यह तो और भी ठीक है।

श्री राम शंकर लाल : आप ने जो प्राविडेंट फंड के लिये कहा है, उस की वर्किंग कैसे होगी ?

यह प्रैक्टिकेबल कैसा होगा ?

श्री सुन्दरियाल : प्राविडेंट फंड की स्कीम ट्रांसपोर्ट वर्कर्स के लिये अलारेडी लागू

है, लेकिन जिन एस्टेब्लिशमन्ट्स में ५० या ५० से ज्यादा वर्कर्स हैं उन्हीं के लिये है। मैं चाहता हूँ ५० की गिनती घटा कर ५ कर दी जाय।

श्री राम शंकर लाल : अगर कोई प्राइवेट एम्प्लॉयर हो ?

श्री सुन्दरियाल : उन के लिये यह भाष भी लागू है।

श्री राम शंकर लाल : उस का रुपया कहां जमा होगा ?

श्री सुन्दरियाल : गवर्नमेंट के पास जमा होगा।

श्री राम शंकर लाल : फर्ज कीजिये कि वह कंसर्न फेल हो जाय ?

श्री आबिद अली : वह तो सरकार वसूल कर लेती है। इस के लिये अलग इन्तजाम है और वह वसूल होता रहता है। जब तक उन से वसूल कर के ट्रेजरी या बैंक में जमा न हो जाय उतने दिन तक जरूर रिस्क रहती है, लेकिन एक बफा जमा हो जाने पर फिर कोई खतरा नहीं रहता है।

Shri Khandubhai Desai: I could not follow the answer to the first question about the power to Government to apply this Act to even undertakings employing about five workers or so.

Chairman: He agrees to it.

Shri Abid Ali: He says he would welcome it.

श्री राम शंकर लाल : बिल में १८ (२) में कहा गया है कि इमर्जेंसी होने पर ६ घंटों का रेस्ट होना चाहिये। इस के बजाय अगर यह कर दिया जाय कि आम तौर पर ६ घंटों का रेस्ट हुआ करेगा, तो क्या आप को कुछ ऐतराज होगा ?

Shri Goga: Actually, it is an interval between two duties; it is not an interval of rest but it is an interval between two duties; and 10 hours are

at least the minimum that would be required. Suppose I come in the morning for duty, my next duty must start ten hours after the termination of the first duty, and not nine hours after. That is the purpose of this suggested amendment.

श्री सुन्दरियाल : ६ घवर्स जो रक्खा गया है, उस को जेनरली कर देने से दिक्कत हो सकती है क्योंकि जेनरली बड़ा वेग टर्म है, जिसे ज्यादातर एम्प्लायर इस्तेमाल किया करेगा अपने फायदे में न कि वर्कर्स के फायदे के लिये। तो जहां तक ऐक्ट का सवाल है हमें स्पेसिफिक होना चाहिये। बेरी स्पेशल एक्सेप्शन्स पर कभी कभी एम्प्लायर्स २४, २४ घंटों की ड्यूटी ले लेते हैं। इस लिये हमें स्पेसिफिक होना चाहिये। इस लिये हमने १० घंटे रक्खे हैं। इस के अलावा रात में उस को थोड़ा सोने का समय मिल जाय और सफर के बाद थोड़ा सा आराम मिल सके इस लिये हम ने इस चीज को रक्खा है।

श्री राम शंकर लाल : इस में एक क्लॉज यह है कि अगर कोई वर्कर छुट्टी लेगा और उस छुट्टी के बीच में कोई हालिडे होगी तो वह छुट्टी में शुमार नहीं की जायेगी। उन्हींने ऐतराज किया है कि गवर्नमेंट सर्विस में भी जब छुट्टी के बीच में कोई हालिडे आ जाती है तो वह छुट्टी में शुमार कर ली जाती है, तो इस तरह की चीज ट्रांसपोर्ट इंडस्ट्री में भी होनी चाहिये। अगर इस तरह से कर दिया जाय तो आपको क्या कोई ऐतराज होगा ?

Shri Ishar Singh: It is already there in the Factories Act. पहले से ही यह फैक्ट्री ऐक्ट में मौजूद है। अगर कोई आदमी छुट्टी पर हो और उस में कोई गैजेटेड हालिडे आ जाये तो वह शुमार नहीं होती।

श्री नलबुर्गकर : जहां पर पांच या पांच से कम वर्कर हैं, अगर उन पर इस कानून को लागू कर दिया जायेगा तो क्या एम्प्लॉयर्स को इस से हार्डशिप नहीं होगी ?

Shri Goga: The main object of this Bill is to look to the welfare of the workers. Unless we make this clause specific, the whole object of this Bill will be defeated, and the employers will split up the concerns into smaller units employing just two or three workers, and see that the workers do not get any benefit, and the result will be that the measure will become a dead letter. That is why we have suggested that the limit should be removed. Otherwise, there is no purpose in having this measure passed. Government have undertaken that they will provide all the facilities even to a single worker. But the main idea is to avoid conflicts and to see that the smaller units are not put to any difficulty, and that is why it has been proposed that the provisions of this measure should apply to all such undertakings as employ five or more workers. But the provisions regarding working hours, weekly rest etc. must be applicable to all workers. The number 'five' has been suggested with this idea that the employers can form co-operative societies, and that will also help in avoiding break-ups etc.

श्री मल्लवर्गकर : मैं एक और सवाल पूछना चाहता हूँ। चन्द मोटर आपरेटर्स ऐसे होते हैं जिन को देहातों के रास्तों पर जाने की इजाजत दी जाती है, गवर्नमेंट की तरफ से, दो रास्तों को कनेक्ट करने के लिये। लेकिन बारिश की वजह से पांच या छः महीनों के लिये उन के लिये वहाँ पर आपरेशन करने की गुंजाइश नहीं रहती है। तो क्या आप कहना चाहेंगे कि यह कानून उन पर भी लागू होना चाहिये ?

Shri Goga: If the services are seasonal, then the workers are also seasonal, and their hours of employment etc. will also be governed accordingly. Casual labour is employed by so many concerns; we never object to such employment.

श्री मल्लवर्गकर : मेरी चीज को आप समझे नहीं। कई देहाती सड़कों पर पांच या

छः महीनों तक आपरेशन जारी रहता है। बारिश की वजह से कई बार रास्ता खराब हो जाता है। उन लोगों को रास्ता भी दुस्त करना होता है और तब उन पर जाना होता है, तो यह कानून उन पर लागू होना चाहिये या नहीं ?

Shri Goga: It must be applied everywhere. It may be that the services may operate for only seven months in a year or for a whole year, but this must be applicable to such workers also. Otherwise, it may be pleaded that the service is only for about seven months a year and is only seasonal.

श्री अंसार हरबानी : मैं एक सवाल करना चाहूँगा। आप ने फरमाया कि गढ़वाल के इलाके में मोटर मोनर्स ने अपनी लिमिटेड कम्पनी बनाई हुई है। लेकिन अगर हम इस में लिमिटेड कम्पनीज को इन्क्लूड करेंगे तो इस में वे सब कम्पनियाँ आ जायेंगी जिन्होंने टैरिफ वर्ग रह के खयाल से कम्पनी बनाई है। इस में बहुत से इंडिविजुअल आपरेटर्स भी आ जाते हैं, क्या आप उन को भी इस बिल में इन्क्लूड करना चाहेंगे ?

श्री सुन्दरबाल : मैं ने आप को उदाहरण दिया, जैसे गढ़वाल मोटर्स मोनर्स यूनियन है, कुमायूँ मोटर मोनर्स यूनियन है, इन के अलावा जो ज्यादा रिजिड एसोसिएशन्स नहीं हैं, मोटर मोनर्स ने वैसे ही यूनियन बना ली हैं, रीजनल एसोसिएशंस, इंडिविजुअल मोटर मोनर्स एसोसिएशन्स, लूज एसोसिएशन्स या हम उन को वायबल यूनियन्स ही कहें, इस तरह से बना ली हैं ताकि उन में आपस में कम्पटीशन न हो और उन का बिजिनस ठीक ढंग से चलता रहे। मेरा कहना यह है कि यह कम्पनियाँ सब मतलब के लिये वायबल यूनियन्स होनी चाहियें न कि सिर्फ कम्पनीज के लिये, अदरवाइज होल प्राइवेट सेक्टर गोब।

सरदार पंजहजारी : जो फैसे बरंसी होते हैं उन पर ही इसे लागू किया जाय या जो लिख कर होते हैं उन पर भी लागू किया जाना चाहिये ?

Shri Goga: It will be necessary to have the arrangement in writing. The idea is this. Suppose there are about ten concerns in Delhi, small concerns, they can join into one group with a view to avoiding competition amongst themselves and so on, but when the question of workers comes up, they may split up and say that they are two or more different units and thus defeat the purpose of this Bill. So, it is necessary to cover every worker whether he be employed in a concern employing five workers or in a concern employing more, and he must get all these facilities.

सरदार पंजहजारी : क्विग अरेंजमेंट अगर लिख कर हो तो उन पर भी लागू किया जाय ?

Shri Goga: We must safeguard against such a thing and see that no worker is put to any trouble. If it is a mere verbal working arrangement, that will have to be safeguarded against.

Dr. Shrimati Seeta Parmanand: It is very difficult to understand what the witness is saying. Unless he speaks a little more distinctly every word, we cannot follow him. If we are to follow him and then put questions, then he should give a little more time between two words.

Shri Supakar: I have understood Shri Ishar Singh to say that there are certain amenities which are provided in this Bill which should be of universal application whatever be the number of transport workers employed. But he has not made any distinction between those clauses which should be of universal application and those which may be applied in those cases where the number of transport workers are 5 or more. May I have a clarification on that?

Shri Goga: That is already provided in the amendment suggested on page 3 of our memorandum.

Dr. Shrimati Seeta Parmanand: I presume that the witnesses who have come are both for the private and the public sectors. I would like to ask them whether they would make some distinction in the conditions for working—between the private and the public sectors—and what remedies they would suggest for effective inspection. I would make my point clear.

Motor transport by its nature is such that the hours of work, though laid down by the law, would be difficult to control, if a vehicle goes out of order unless there are relays of drivers. That is, there must be at least two drivers at a time sitting in the transport. Even under the present conditions, with one low paid driver, in the private sector, due to want of spare parts and the vehicles not being up to the standard, difficulties of frequent breakdowns are arising, and the private sector is not able to make reasonable profit after the vehicle becomes a little old.

Why should you yourself have not put this question to you? Motor transport is not like other factories which are stationary and can be examined at all hours during work. Have you put this question to yourself whether the implementation of these conditions, according to you, would be practicable because the private sector a'ways works to the detriment of the public sector and for competition by doing things below norms? What remedies do you suggest to get round this difficulty so that the industry works in the interests of the workers both in the private sector and in the public sector? Would you always suggest two drivers so that the hours you are demanding can be really observed? What generally happens is this. The vehicle goes out of order in a certain route just beyond that hour or after having done a little over-time. This is my first question.

श्री ईशर सिंह : इसके बारे में मेरी भ्रज यह है कि हम ने इस में कहीं यह नहीं कहा कि लिमिट नहीं रखी जा सकती। अगर कोई बैंकडाउन है तो उस में इयूटो भवर्स भी ज्यादा होंगे और गाड़ी देर से आयेगी। इस में पब्लिक कंसर्न हो या प्राइवेट कंसर्न हो, इयूटो भवर्स का लिमिटेशन इमर्जेंसी में नहीं हो सकता। इसलिये मेरी तो यही व्यु है कि इसे प्राइवेट सेक्टर और पब्लिक सेक्टर दोनों ही के एम्प्लायीज पर लागू होना चाहिये। जहां तक सवाल है कि प्राइवेट एम्प्लायर की गाड़ी पर दो ड्राइवर रखे जाते हैं या नहीं, तो बहुत सी गाड़ियों पर जो कि लम्बे रूट्स की होती हैं, दो ड्राइवर भी रहते हैं। इस के अलावा मैं ने देख है कि जिस एम्प्लायर ने इस साल नई गाड़ी खरीदी है वह अगले साल दूसरी गाड़ी खरीद सकता है, इतनी कैपेसिटी उस की हो जाती है। वह जरूर उस की परमिशंस ले सकता है। उस की इतनी डैजी इकाम हो जाती है। बहुत से केसेज होंगे जिन में ऐसा होता है कि एक मालिक ने गाड़ी खरीदी और अगले साल उस की कैपेसिटी इतनी हा जाती है कि वह दूसरी गाड़ी खरीद ले। ट्रांसपोर्ट का बड़ा पेइंग बिजनेस है। यह गवर्नमेंट को देखना है कि किस तरह उस पर कंट्रोल किया जाय और किस तरह से उस पर यह ऐक्ट लागू हो। मैं समझता हूं कि इंडिविजुअल मोनर का खर्च बहुत कम है, वह बहुत कम खर्च में अपना मेन्टेन्स कर सकता है, वर्कशाप्स में, गैराज में भी उस का खर्च बहुत कम होता है और इनकम काफी है। लिहाजा इंडिविजुअल मोनर की पेइंग कैपेसिटी है।

Dr. Shrimati Seeta Parmanand: You have suggested an amendment that the word 'persons' should be put in the place of 'workers'. In all Industrial legislation anybody who is employed in the industry, whether he is a clerk or otherwise, will be included in the word 'worker'. So, what is the special point in putting

the word 'person'? From that point of view, in the case of a canteen the word would become vague and would include anybody whether a clerk or a worker or even passengers and thereby there would not be any precise limit laid down and the number will not be properly regulated. I do not see the force behind the amendment you have suggested.

श्री ईशर सिंह : इस में दरखास्त यह है कि इन्स्टेड ऑफ पर्संस की जगह से एम्प्लायीज। हमारा ख्याल यह था कि ट्रांसपोर्ट वर्कर्स जो हैं, यह बिल जो है वह उन पर ऐप्लाइ नहीं होगा। यह ड्राइवर्स, कंडक्टर्स जैसे आपरेशनल स्टाफ पर ही ऐप्लाइ होगा, फैंक्ट्री वर्कर्स और मिनिस्ट्रीयल स्टाफ पर नहीं लागू होगा, इसलिये अगर वर्कर्स के बजाय एम्प्लायीज कर दिया जाय तो ज्यादा अच्छा होगा।

Dr. Shrimati Seeta Parmanand: You have taken objection that Government have not observed the I.L.O. Convention No. 670 regarding hours of work. I want to ask you whether you have studied this point. Even those countries that are governed by Acts or Conventions have different hours of work according to their conditions of work—so many hours within such limit. Knowing the condition of the transport industry in our country—and particularly the private sector which is not very big—is it easy to control by rules and regulations? What would be the harm if, as a beginning, we have hours of work according to the conditions in the industry, especially as no suggestion has been made that there shall always be a second driver provided in a service where the duration or a route would be the exact number of hours or even one hour less than stipulated or prescribed? Unless there is a second driver would that be possible in your opinion to run that motor transport in a proper manner?

श्री ईशर सिंह : जैसा मैं ने भ्रज किया पहली बात लॉग रूट्स की है। उन पर दो

ड्राइवर्स चल रहे हैं, चाहे वह गुड्स ट्रांसपोर्ट ही क्यों न हो स्टेट सेक्टर का। अमृतसर से दिल्ली तक पंजाब रोडवेज की गाड़ियां चल रही हैं। जहां तक आई० एल० ओ० कंवेशन का सवाल है, प्राइवेट एम्प्लायर्स की जो पोजीशन है उस को गवर्नमेंट कंट्रोल नहीं कर सकती, वहां यह प्वाइंट भी इग्नोर किया जा रहा है कि हिन्दुस्तान की सड़कों की क्या हालत है और ड्राइवर पर उस का लोड कितना है। सिर्फ इसलिये कि प्राइवेट सेक्टर पर कंट्रोल नहीं हो सकता हालां कि आई० एल० ओ० कंवेशन के मुताबिक वह एम्प्लायर हो सकते हैं, इस के बारे में कुछ न किया जाना, वर्कर्स के साथ इन्साफ नहीं है।

श्री बजर्राज सिंह : आप ने अपने मेमोरेन्डम की व्याख्या करते हुए बतलाया है कि आप स्वागत करेंगे यदि यह कानून पांच से कम वर्कर्स वाले लोगों पर भी लागू हो जायेगा। मैं यह जानना चाहूंगा कि आप ने जो मेमोरेन्डम दिया है उस के पेज ३ पर जो २ नम्बर का प्राइम है उस पर आपने प्रोवाइजो का जो सुझाव दिया है उस को हटाना चाहेंगे क्योंकि पहले आप ने अपने मेमोरेन्डम में यह सुझाव नहीं दिया था कि पांच वर्कर्स से नीचे भी इस बिल को ऐप्लाई होना चाहिये ?

श्री ईशर सिंह : इसमें यह अर्ज है कि हमने जो अमेंडमेंट प्रपोज किया था वह आज भी इस मेमोरेन्डम में स्टैंड करता है। एक आनरेबल मेम्बर की तरफ से तजबीज आई कि उससे कम वर्कर्स पर भी लागू हो। अगर कोई वर्कर्स के फायदे की बात है, वेलफेयर की बात है तो उस का हर आदमी स्वागत करेगा। इसमें ऐसी कोई बात नहीं है।

श्री बजर्राज सिंह : आपने जो प्रोवाइजो रक्खा है पेज नं० तीन पर उसे क्या आप हटाना चाहेंगे ?

श्री ईशर सिंह : अगर यह ५० से कम पर लागू नहीं होता तो इसका फायदा नहीं रहता। मेरा स्टैंड यह है कि जो चार पांच प्वाइंट्स मैंने रखे हैं वह सब पर लागू होने चाहिये।

श्री बजर्राज सिंह : लेकिन अगर इसे ५० से कम वर्कर्स वाले लोगों पर लागू न करें तो आप इसे समर्थन नहीं देंगे ?

श्री ईशर सिंह : जो स्टैंड हमने लिया है उसके बेसिस पर करेंगे।

श्री बजर्राज सिंह : मेरा अभिप्राय यह है कि जो इंडस्ट्री है वह ठीक ढंग से चलती रहे।

श्री ईशर सिंह : इसी लिये हम चाहते थे कि हमारी सीधी सी आंगों को मान लिया जाय।

श्री योगा : हमने जो कुछ भी कहा है वह यही है कि जहां पर पांच से कम वर्कर काम करते हैं वहां यह लागू होना चाहिये ताकि उनके साथ ज्यादाती न हो।

श्री बजर्राज सिंह : तो क्या आप महसूस करते हैं यदि पांच से कम वर्कर्स के ऊपर इसे लागू नहीं किया गया तो इस तरह की प्रवृत्तियां बढ़ेंगी और जो बड़े बड़े लोग हैं वह इस तरह की छोटी छोटी यूनियनों बनायेंगे जिन में पांच से कम वर्कर्स रहें और इस प्रकार वे इस कानून से बच निकलने की कोशिश करेंगे ?

श्री ईशर सिंह : इस किस्म के कंवेशन के जरिये जैसा मैंने अर्ज किया है उनको समझाया जा सकता है। लेकिन जो इयूटी प्रावर्स, ओवर टाइम वर्गरेह के चार पांच प्वाइंट्स रखे गये हैं वह इन वर्कर्स को मिलें तो कुछ कुछ न कुछ आराम उनको मिलेगा। दूसरी तरफ हमने यह भी अमेंडमेंट

में कहा है कि जितना कोम्पारेटिव मूवमेंट को गवर्नमेंट ज्यादा बढ़ावा देसके कोम्पारेटिव सोसायटीज वगैरा बना कर, ट्रांसपोर्ट कम्पनीज की, और इस तरह से गवर्नमेंट जितना कंट्रोल कर सके, उतना गवर्नमेंट को करना चाहिये।

श्री बजरज सिंह : लेकिन क्या आप यह महसूस करते हैं कि गवर्नमेंट यह बात नहीं करेगी और वह कोम्पारेटिव नहीं बनाना चाहती है ? और जहां पर ५० से कम वर्कर्स हैं उन को रिलीफ देने के लिये उस के पास कोई सुझाव नहीं है ?

श्री ईशर सिंह : हमने जो सन्वैशन दिए हैं पांच से कम वर्कर्स के बारे में ओवर टाइम वगैरह के बारे में उन से उनको रिलीफ हो जाएगा।

श्री आबिद अली : दो ड्राइवर कितनी लम्बी जाने वाली गाड़ियों पर रखे जाते हैं ?

श्री ईशर सिंह : अगर दो सो मील का या इससे ज्यादा का एट ए स्ट्रैच रन हो तो दो ड्राइवर रखे जाते हैं।

श्री आबिद अली : जिन गाड़ियों पर दो ड्राइवर रखे जाते हैं उनका क्या परसेंटज होगा ?

श्री ईशर सिंह : ऐसी गाड़ियों का परसेंटज दस परसेंट होगा जिन पर दो ड्राइवर रखे जाते हैं। ज्यादातर लम्बी रूटों पर जैसे कलकत्ता-दिल्ली, बम्बई-दिल्ली, भ्रमृतसर-कलकत्ता वगैरह लम्बी रूट्स पर दो ड्राइवर माल और पैसिजर दोनों तरह की गाड़ियों पर रखे जाते हैं। ज्यादातर पैसिजर रूट्स छोटे होते हैं और गुड्स के रूट लम्बे होते हैं।

सभापति महोदय : आपका मतलब है कि मेडीकल फैसिलिटीज और भवर्स आफ वर्क का नियम पांच से कम वर्कर्स पर लागू न किया जाए बाकी और सब चीजें उनको एप्लाई की जाएं ?

Shri Goga: We were feeling that the facilities should be available for all the workers—one, two or three. But it was only with a view to come to some agreement with the employers and also to see that the industry is run efficiently and without interruption and breakdown that we agreed to this proposal. If it is made applicable to all the workers, we welcome it. We will not oppose that step. We cannot simply ignore the industry. But there are certain things which can be made applicable to even one person—working hours, Payment of Wages Act, etc. Our only idea is that the industry should not suffer immediately under the Act. Secondly, we have demanded a commission of enquiry to enquire about the whole industry so that the Government can go into the condition of the workers and the industry and then form some bigger viable units and remove some of the uneconomic units, and also can take some steps to guarantee our rights, working hours and other working conditions. We are not at present worried about medical aid in the case of a single worker. But if there are a hundred workers, surely there should be such facilities.

Chairman: How many persons are employed on one truck or one vehicle?

Shri Goga: It depends upon the service. Suppose it serves only 10-20 miles, there will be one driver, one attender and one cleaner. Generally vehicles employ three to five workers. Two is the minimum number.

Chairman: What is the average value of a truck these days?

Shri Goga: About Rs. 40,000 to Rs. 50,000.

Chairman: Can you tell us the average profit per day, week or month on a single vehicle?

Shri Goga: It depends upon the routes. Our experience shows that a person who was owning only one truck last year has got two vehicles today. That shows that there is pro-

St. Take the case of Rama Bus Service in Delhi.

Chairman: There have been some who have been wiped away or thrown out of business.

Shri Ishar Singh: That is a very small percentage.

Shri Goga: They are forming into bigger units to curtail expenses and increase profits.

Chairman: Can you not give us any idea about the average income of a single vehicle?

Shri Goga: We cannot give any specific reply. It all depends upon different routes and different conditions.

श्री आबिद अली : जो बड़ी कम्पनीज हैं, जिन के पास वर्कशाप वर्गैर सब हैं उनके एक वैहिकिल पर कितने आदमी काम करते हैं ?

श्री ईशर सिंह : एक पर सात या आठ ।

Shri Goray: The idea behind leaving this particular group of operators out of the penal clauses is to enable them to run both passenger and goods services outside the established routes. You say that the State transport does not reach every nook and corner of the country and, therefore, you want to encourage these people to open up new routes and take goods from the respective places to the mandi or carry passengers. If we make these rules applicable to these operators, do you think that a large percentage of them will have to close down their business?

Shri Ishar Singh: Are you referring to the whole Act or to the provisions regarding over-time allowance, duty hours etc.?

Shri Goray: You want to leave a particular margin for those people who are working on the periphery, not on the established routes but in

some remote villages and places like that. Supposing you make all these clauses applicable even to those people, is there a fear that a substantial portion of them will close down because it will not be possible for them to cope up with the provisions of the law? Just as Shri Naldurgkar pointed out, there are a certain number of routes which can be worked only six months in a year, not because the operator is unwilling but because conditions do not permit him to do so. But if you were to apply all these rules to that particular operator most probably that operator will go out of business and thereby cut down the proportion of employment opportunities and all that. So I would like to know what will be the proportion of operators who will be forced out of business if we make these rules and regulations rigidly applicable to them.

श्री ईशर सिंह : आपने दो प्वाइंट्स के बारे में पूछा है। एक तो सीजनल प्रापरेटर्स के बारे में है। उनमें तो लोग सेंट परसेंट परमानेंट स्टाफ नहीं रखते। चार छः महीने जब तक उनका काम रहता है वह आदमी को रखते हैं और फिर निकाल देते हैं।

Shri Goray: Giving them some sort of a retainer.

श्री ईशर सिंह : एक आध पर्सेंट एम्प्लायर रिटैनिंग एलाउंस देते हैं, लेकिन धरकर इतने पर बेट नहीं कर सकता। वह दूसरी जगह काम तलाश करता है।

दूसरा प्वाइंट आपने पूछा है गुड्स कैरियर्स के बारे में जिन में पांच से भी कम आदमी काम करते हैं। इन गाड़ियों में एक क्लीनर और एक ड्राइवर रहता है और जो गाड़ियां लम्बे रूट पर जाती हैं उन पर दो ड्राइवर और एक क्लीनर रहता है। अगर उनका १५ दिन में १२६ घंटे से ज्यादा का स्प्रेड ओवर हो जाता है और उसके बाद मालिक उनको दो तीन

बिना का रैस्ट दे देता है तो वह मालिक मुकसान में नहीं रह सकता। अगर १५ दिन के बाद १२६ घंटे का स्प्रेड भोवर होने पर मालिक उनको भोवरटाइम भी पे कर दे तो मालिक घाटे में नहीं रहेगा। इसी तरह से जो प्रावीजन ६ घंटे रोजाना कर के ५४ घंटे या ६३ घंटे का है उसके बारे में भी यही कहा जा सकता है। लेकिन जो दूसरे प्रोवाइजो हैं उनकी वजह से कोई दिक्कत नहीं होगी।

श्री हरवानी : कुछ आपरेटर्स कुछ ब्यास ट्रिप्स के लिये ड्राइवर्स को एम्पलाय करते हैं। क्या आप उनके लिए भी कोई रिलीफ सजेस्ट कर सकते हैं ?

श्री ईशर सिंह : उनको कीकली रैस्ट मिलना चाहिए।

श्री बजर्राज सिंह : आपने यह इम्प्रेसन दिया है कि जो प्राइवेट बस घोनर या ट्रक घोनर हैं उनका कैपिटल साल भर में दूना हो जाता है। आप ने इस की पूरी तरह व्याख्या नहीं की है, आपने इस चीज को साफ नहीं किया है। क्या आपका मतलब यह है कि अगर प्राइवेट घोनर का इस साल कैपिटल २० है तो अगले साल ४० हो जाएगा और उसके बाद ८० हो जाएगा। क्या इतना प्रॉफिट प्राइवेट घोनर कर रहे हैं ?

श्री ईशर सिंह : गुजरात यह है कि वहाँ तक बड़े बड़े अंडरटेकिंग्स का सवाल है उनके तो एक एक गाड़ी पर सब मिला कर सात या आठ आदमी काम करते हैं। और जो प्राइवेट एम्पलायर हैं उसके एक गाड़ी पर दो या तीन आदमी काम करते हैं। इस तरह से वह चार आदिमियों की बेजोड़ बचा लेता है। इस वजह से जब ट्रिप्स में जैसे दिल्ली से बम्बई के दो ट्रिपों में एक प्राइवेट आपरेटर २७०० से लेकर तीन हजार तक मुनाफा बना

लेता है। सारा खर्चा निकाल कर उबकी इतना मुनाफा हो जाता है। एक मन पर चार पांच रुपया किराया लेते हैं।

श्री बजर्राज सिंह : क्या इतना मुनाफा डिप्रिसिएशन बगैरह निकाल कर हो जाता है ?

श्री ईशर सिंह : जी हाँ। बेजोड़, डिप्रिसिएशन बगैरह निकाल कर इतना मुनाफा हो जाता है।

श्री बजर्राज सिंह : लेकिन उन की बीच बीच में जो पुलिस वालों को खुश करने के लिए खर्च करना पड़ता है उसका भी आपने हिसाब लगाया है ?

श्री ईशर सिंह : वह तो मैं नहीं कह सकता।

सभापति महोदय : एक ट्रक में कितना लोड ले जाते हैं।

श्री ईशर सिंह : कोई २०० या २५० मन।

सभापति महोदय : आपने बतलाया है कि वह चार पांच रुपया मन किराया लेते हैं। इस हिसाब से तो २५० मन का एक हजार ही किराया होता है, फिर उनको २७०० या ३००० का मुनाफा कैसे हो जाता है।

श्री ईशर सिंह : वह १५ दिन में एक बार आते हैं और एक बार जाते हैं यानी महीने में चार बार आते जाते हैं। कुल चार ट्रिप लगा लेते हैं।

श्री राम सिंह भाई बर्मा : तो इस तरह उनका ८ बार कुल घाना जाना हो जाता है ?

श्री ईशर सिंह : दो बार घाना और दो बार जाना एक महीने में होता है। हम उन लोगों को एकचुमल मुनाफा ठी डिटेल में नहीं बतला सकते लेकिन हम

देते हैं कि जिसने एक गाड़ी से कम शुरू किया है उसने कुछ साल बाद तीन चार गाड़ियां कर लीं। वह कोई दूसरा बिजनेस नहीं करता। इस लिये हम यही समझते हैं कि इसी बिजनेस से उसको यह मुनाफा हुआ है। जो सरकारी एंटरटेकिंग है या जो बड़े दूसरे एंटरटेकिंग हैं उनको इतना मुनाफा नहीं होता, जैसे कि उत्तर प्रदेश रोडवेज को सन् १९५८-५९ में डेढ़ करोड़ का मुनाफा हुआ। यही हाल दूसरे बड़े एंटरटेकिंग्स का भी है।

सभापति महोदय : मैंने भी यह देखा है कि जिसने सन् १९३० में एक बस से काम शुरू किया उसके पास कुछ साल बाद पांच बस हो गए। ऐसे भी केसेज हैं कि एक बस से काम शुरू किया और उसके पास एक भी नहीं रहा।

श्री ईशर सिंह : लेकिन ऐसे लोग नैगलिजिबिल हैं।

श्री आबिद खली : उत्तर प्रदेश का जापान बताया कि एक या डेढ़ करोड़ है यह तो ग्रास है। नेट क्या है यह बताइए।

श्री ईशर सिंह : यह तो हम ठीक नहीं कह सकते।

(The witnesses then withdrew)

II. UTTAR PRADESH GOVERNMENT
ROADWAYS, LUCKNOW

Spokesmen:

1. Shri D. S. Rathor.
2. Shri M. M. Gupta.

(Witnesses were called in and they took their Seats)

Chairman: We have read your memorandum. If you have to make any additional points or to make any further suggestions you may do so.

Shri Rathor: On the first page, at the end of the first paragraph, I have made a reference to 'viable units'. The whole transport industry in our country has suffered a good deal out

of lack of organisation. In the private sector it mostly consists of individual operators owning one or two vehicles. Therefore, they are not in a position to operate their vehicles properly. Hence, the formation of viable units may be encouraged, so that the operators may join together in the form of companies or unions, partnerships or co-operative societies in order that they may be able to operate their vehicles in an efficient manner and be able to increase the productivity of the road transport and also their employees may get a fair deal.

This measure is meant to be applied to those operators who employ ten or more persons. The result would be that the operators would probably be discouraged from forming into viable units in order to escape the provisions of the proposed Bill. Even if they had formed themselves into viable units, they would try to split up. My proposal, therefore, is that the provisions of the Bill may be made applicable to all operators, irrespective of the fact whether they own one or two trucks or one or two buses, so that the motor transport workers may benefit.

As a matter of fact, in its present form the Bill would apply only to those operators who employ ten or more persons and according to our statistics in Uttar Pradesh, most of the operators own one vehicle one public carrier or one bus. Therefore, it would apply hardly to 360 vehicles. Perhaps, the same conditions obtain in the rest of the country.

Shri Khandubhai Desai: Is it your suggestion that the Act should apply irrespective of the number of persons employed?

Shri Rathor: Precisely that, Sir. Otherwise, it will only touch a very small fringe of the transport workers.

In the end there is a provision—clause 39—which lays down that the benefits that are at present enjoyed by the workers shall be available to them, in addition to the benefits that would accrue to them due to the

provisions of the proposed Bill. What will happen is that the existing workers will have additional benefits. What I mean to say by additional benefits is, they will have the benefits of the proposed legislation plus whatever benefits they are getting at present.

Shri Khandubhai Desai: The proposed legislation prescribes the minimum, but that does not debar anybody from giving higher benefits than what are contained in this Bill. Therefore, it is being protected.

Shri Rathor: May I have your permission to illustrate it by an example? At present, in many undertakings, the workers are enjoying the benefits of leave which are available for Government servants and which are on a very liberal scale. The proposed legislation does not allow that much of leave. What will happen is, these workers who are already in employment will get leave on a liberal scale plus other benefits that will accrue to them by this Act.

I have made a passing reference to the implementation of the Pay Commission's recommendations. I have said that perhaps it is the policy of the Central Government that in the matter of implementation of the recommendations of the Pay Commission, they will not allow double benefit to the workers. If they are not going to allow double benefit to the workers in the railways and the posts and telegraphs department, I think the same principle should be applied to the workers in the transport field also.

Chairman: Is there anything more?

Shri Rathor: I have nothing more to say. I wanted only to make these few points.

Shri Khandubhai Desai: May I ask one question? In continuation of what you have said last, I may point out that today, under the existing condi-

tions, the private operators do not give any benefit, whatsoever. But under this law, some minimum benefits are being prescribed. Does it mean that in the State undertakings, whatever benefits they are getting now should be curtailed? Is that your suggestion?

Shri Rathor: That is not my suggestion. My suggestion is that the workers should get the benefits as given in the proposed legislation, but if they are getting some additional benefits just now, then there should be an option whether they should have that benefit or the other benefits offered by this Bill along with other concessions.

Shri Khandubhai Desai: Who should have that option?

Shri Rathor: The workers can exercise that option. Supposing there is provision for leave in some undertakings, they take leave on a liberal scale, which is more than that proposed in the present legislation. So, they should elect whether they would like to have leave concessions of this legislation along with other concessions, or not.

Shri Khandubhai Desai: The leave concessions in this legislation are the minimum. At present they are getting a little more. That is what you plead.

Shri Rathor: They are getting much more.

Shri Khandubhai Desai: Naturally they will opt for it. Even if you give the option under the law, they would certainly opt for better benefits. What purpose will it serve then?

Shri Rathor: They should deny the other concessions which they are going to get.

Shri Khandubhai Desai: So, there are other concessions which they are getting? Why do you want the benefit which the workers are

already getting to be taken away when certain minimum requirements are being proposed under this law?

Shri Rathor: I have not got to quarrel with the recommendations that have been made in the proposed law. What I say is, if the existing workers are going to get some additional benefits, much more liberal than at present in certain respects, then they should opt to come under the present law.

Shri Khandubhai Desai: What appears to me is, on the face of it, they must accept it as a package deal—either this or the other. Is that your suggestion?

Shri Rathor: Precisely it comes to this.

Shri Supakar: I think that clause 39 speaks exactly of the same thing, which has been submitted by Shri Rathor. It says that if there are any contracts or agreement between the workers and the employers under which certain things are more favourable, then the workers are entitled to have them. What I wish to know is whether his contention differs from what is contained in clause 39 of the Bill.

Shri Rathor: The proviso says that the worker will get liberal benefits. All that he is now getting, he will continue to get under the Act. That is the meaning of clause 39.

Shri T. B. Vittal Rao: That is so in every Act, in every legislation.

Shri Rathor: I have made a submission that if you are not going to apply this rule uniformly to all employees,—you are not going to apply it to the railways and the posts and telegraphs departments—then why should it apply in the case of transport workers?

Shri Bishwanath Roy: The Bill does not concern the railway. The Bill altogether is concerned with transport workers.

Shri Rathor: They are also industrial workers; that is my contention.

Shri Bishwanath Roy: We are concerned only with transport workers.

Shri Rathor: I have made a submission for whatever it is worth.

श्री बजराम सिंह : आपने कहा कि वह दो में से एक को पसन्द कर ले, या उन सुविधाओं को जो कि यहां दी जा रही हैं या उनको जो कि आप पहले से दे रहे हैं। तो क्या आपका यह मतलब है कि जो सुविधाएं यहां दी जा रही हैं उनसे वे सुविधाएं अधिक हैं जो कि आप देते हैं।

श्री राठौर : मेरा निवेदन यह है कि जो सुविधाएं हम इस समय दे रहे हैं विशेष करके छुट्टियों के विषय में वे इस बिल से अधिक हैं।

श्री बजराम सिंह : तो आप यह कहना चाहते हैं कि जो लोग आपके यहां की अधिक सुविधाओं को लेना पसन्द करें उनको इस बिल की सुविधाएं पाने का अधिकार नहीं है।

श्री राठौर : उनको वह न ले।

श्री बजराम सिंह : मैं आपसे यह जानना चाहता हूं कि जब से उत्तर प्रदेश रोजबेख शुरू हुई है तब से उसको अपने कैपिटल पर कितना मुनाफा हुआ है।

श्री राठौर : पिछले साल हमारा ११ करोड़ के करीब कैपिटल था और हमको दो करोड़ सात लाख प्राफिट हुआ।

श्री बजराम सिंह : क्या यह नैट प्राफिट है ?

श्री राठौर : जी हां।

श्री बजराम सिंह : लेकिन आप तो गवर्नमेंट अंडरटेकिंग होने की वजह से कोई टैक्स नहीं देते।

श्री राठौर : यह गवर्नमेंट अंडरटेकिंग है। कारपोरेशन नहीं है। इसलिये हम टैक्स नहीं देते।

श्री बजर्राज सिंह : क्या आप ने कोई आंकड़े निकाले हैं कि अगर आपको भी प्राइवेट ओनर्स की तरह सेंट्रल गवर्नमेंट का और राज्य सरकार का टैक्स देना पड़े तो आपको कितना मुनाफा हो ?

श्री राठौर : हमने इस पर ध्यान नहीं दिया क्योंकि हम पर कोई टैक्स नहीं लगता ।

श्री बजर्राज सिंह : मैं एक सम्भावना पर आपका उत्तर चाहूंगा । जिस तरह प्राइवेट ओनर्स पर सेंट्रल गवर्नमेंट के और स्टेट गवर्नमेंट के टैक्स लगते हैं, अगर कोई ऐसी व्यवस्था हो कि आप पर भी वह टैक्स लगे, तो उस सूरत में भी क्या आप जितना मुनाफा अब कर रहे हैं उतना मुनाफा कर सकेंगे ?

श्री राठौर : मेरा बहुत विनम्र नवेदन है कि इस समय हमारे सामने यह विषय तो है नहीं कि इस काम को कारपोरेशन चलाये या गवर्नमेंट चलाये और हमको टैक्स देना चाहिये या नहीं ।

सभापति महोदय : माननीय सदस्य यह जानना चाहते हैं कि प्राइवेट ओनर्स को क्या प्राफिट होता है ताकि उसी हिसाब से उन पर इस बिल में लाइबिलिटी डाली जाये ।

श्री बजर्राज सिंह : मैं अपने सवाल को साफ कर दूँ । अभी यहां पर कुछ वर्कर्स रिप्रजेंटेटिव आये थे । उनके सबमिशन में और जो कुछ आपने कहा है उसमें यह साम्य है कि आप दोनों यह चाहते हैं कि बिल सब पर लागू हो । उनका कहना है कि प्राइवेट ओनर अपनी पूंजी को एक साल में दुगना कर लेता हैं और जैसा कि आपने बतलाया स्टेट अंडरटेकिंग को ११ करोड़ के कॅपीटल पर दो करोड़ से कुछ अधिक मुनाफा हुआ । मैं यह जानना चाहता था कि जो प्राइवेट ओनर सेंट्रल गवर्नमेंट के और स्टेट गवर्नमेंट के टैक्स देते हैं व टैक्स आपको भी देने पड़ें तो क्या आप इतना मुनाफा कमा सकेंगे । जो कंडीशन्स प्राइवेट ओनर्स पर लागू

हैं अगर वही कंडीशन्स आप पर भी लागू हों तो क्या आप इतना मुनाफा कमा सकेंगे ?

श्री राठौर : मेरा निवेदन है कि अगर इनकम टैक्स लगाया जायेगा तो स्पष्ट है कि इतना मुनाफा नहीं हो सकेगा ।

श्री बजर्राज सिंह : पार्लियामेंट को तो सभी बातों पर, विचार करना होगा । अगर प्राइवेट ओनर्स पर टैक्स लगे और आप पर न लगे तब तो यह डिस्ट्रिबिनेशन होगा । इसलिये मैं आपसे यह बात पूछना चाहता हूँ ।

श्री राठौर : हम केवल इनकम टैक्स नहीं देते और तो बाकी सारे टैक्स हम देते हैं । चूंकि हमारा गवर्नमेंट अंडरटेकिंग है इसलिये इस पर इनकम टैक्स आयद नहीं हो सकता ।

श्री बजर्राज सिंह : क्या आपको यह सुविधा प्राप्त नहीं है कि आप अच्छे से अच्छे रूट ले लेते हैं और खराब से खराब रूट प्राइवेट ओनर्स को देते हैं क्योंकि आप गवर्नमेंट हैं ?

श्री राठौर : गवर्नमेंट अंडरटेकिंग को यह देखना पड़ता है कि जिस रूट पर वह गाड़ी चलाती है उस पर मुनाफा होता है या नहीं क्योंकि उसमें गरीबों का रुपया लगता है । और उससे जो मुनाफा होता है वह भी जनता के लिये विकास के कार्य में लगाया जाता है । तो यह तो एक प्रकार का रिसोर्स है ।

श्री बजर्राज सिंह : यह सवाल इसलिये पंदा होता है क्योंकि आप चाहते हैं कि यह कानून सब पर एक तरह से लागू हो । लेकिन आपको जो सुविधायें प्राप्त हैं वे प्राइवेट ओनर को प्राप्त नहीं हैं । आप चाहते हैं कि यह कानून चार और पांच वर्कर्स पर भी लागू होना चाहिये इसका क्या औचित्य है ?

श्री राठौर : मैंने इसलिये यह कहा कि यह सब पर लागू होना चाहिये क्योंकि अगर यह सब पर लागू नहीं होगा तो यह इतने थोड़े वर्कर्स पर लागू होगा कि इसका ध्येय भी पूरा नहीं होगा ।