

13:15 hrs.

**MOTOR TRANSPORT WORKERS BILL**

**The Deputy Minister of Labour**  
(Shri Abid Ali): Sir, I beg to move:

"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 Shri P. R. Bhogji Bhai, Choudhry Brahm Perkash, Shri Kamal Krishna Das, Shri Ram Dhani Das, Shri Jaljibhai Koyabhai Dindod, Shri Mulchand Dube, Shri L. Elayaperumal, Shri Narayan Ganesh Goray, Shri Ansar Harvani, Shrimati Parvathi M. Krishnan, Dr. G. S. Melkote, Shri Venketrao Srinivasrao Naldurgker, Shri M. Palaniyandy, Shri Kashi Nath Pandey, Shri Panna Lal, Shri Karsandas Parmar, Shri Bala-saheb Patil, Shri P. Ramaswamy, Shri Ram Garib, Shri Ram Shanker Lal, Shri T. B. Vittal Rao, Shri Bishwa Nath Roy, Shri Sadhu Ram, Shri Vidya Charan Shukla, Shri Braj Raj Singh, Shri Banarsi Prasad Sinha, Shri Shradhdakar Supakar, Shri Missula Suryanarayanamurti, Shri Ramsingh Bhai Varma, 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."

Sir, I feel very happy in being able to move a Bill through which legislative protection will be extended to a large number of workers employed in the Motor Transport Industry. As the House is aware, aspects of their conditions of work and employment are even now regulated under some labour laws. But this is the first time that we propose to have an independent enactment which will give the workers employed in the Motor Transport Industry the benefits of legal protection, in a comprehensive manner. We are required by our Constitution to endeavour to secure to all workers humane conditions of work and we already have separate laws for workers in Factories, Mines and Plantations. The present Bill will be an addition to this series and fill the gap in another sector of employment which is growing in importance. With the general expansion in the economic activities of the country, the Motor Transport Industry is developing fast, and bringing within its fold an increasing number of workers. It is only proper that their conditions of work and employment be regulated by law as in other important sectors of employment. On a rough estimate, about two lakhs of workers will be immediately covered by the proposed legislation.

The hon. Members might recall that the subject of Central legislation for Motor Transport workers has been discussed at some length during the last few years. In fact, a Private Member's Bill was introduced in 1955. The Standing Labour Committee discussed it at its 15th session in 1956 and we appointed a Special Committee to work out the details of the provisions that should be incorporated in the proposed legislation. The Report of the Special Committee was again discussed by the Standing Labour Committee, and though complete agreement could not be reached there was unanimity of view in respect of most of the provisions.

The proposals now embodied in:

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the Bill are largely those which have been agreed upon. On matters on which differences could not be resolved, provisions in the present Bill have been drawn up on the lines of other labour laws keeping in view the special conditions of the Motor Transport Industry.

As the House will notice, our proposal at present is to cover undertakings employing ten or more workers. This would, of course, leave out some workers from the scope of the proposed enactment. But a limit has to be set somewhere as it is not possible to enforce the law in respect of very small undertakings. However, State Governments are being given powers to extend it even to undertakings employing five workers. Incidentally, the limit of ten is also laid down in the factories Act in its application to power-using factories.

The House will also notice that provisions included in the Bill relating to hours of work, rest interval, weekly off, annual leave with pay, welfare facilities, etc., are, by and large, similar to those contained in the laws for factories, mines and plantations. There are, however, some variations. This is necessary in order to suit the special conditions obtaining in the Motor Transport Industry in which a comparatively small number of workers are employed in an average undertaking. It has also been necessary to classify the services run by motor transport undertakings into three distinct categories, that is, the city services, long distance passenger service and freight services. This classification has been introduced so that legal regulations may fit in with the special requirements of each type of service.

I do not want to go into the details of the proposals contained in the Bill. This is an entirely new piece of legislation to cover an important section of workers. Some of the provisions are of a rather complicated nature calling for close scrutiny. That is why it is suggested to remit the Bill to a Joint Committee. I hope this propo-

sal will be accepted by the House.

**Mr. Speaker:** Motion moved:

"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 Shri P. R. Bhogji Bhai, Chaudhry Brahm Perakash, Shri Kamal Krishna Das, Shri Ram Dhani Das, Shri Jaljibhai Koyabhai Dindod, Shri Mulchand Dube, Shri L. Elayaperumal, Shri Narayan Ganesh Goray, Shri Ansar Harvani, Shrimati Parvathi M. Krishnan, Dr. G. S. Melkote, Shri Venketrao Srinivasrao Naldurgker, Shri M. Palaniyandy, Shri Kashi Nath Pandey, Shri Panna Lal, Shri Karsandas Parmar, Shri Bala-sahab Patil, Shri P. Ramaswamy, Shri Ram Garib, Shri Ram Shanker Lal, Shri T. B. Vittal Rao, Shri Bishwa Nath Roy, Shri Sadhu Ram, Shri Vidya Charan Shukla, Shri Braj Raj Singh, Shri Banarsi Prasad Sinha, Shri Shradhdhakar Supakar, Shri Missula Suryanarayanamurti, Shri Ramsingh Bhai Varma, 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.

**Shri Tangamani (Madurai):** Mr. Speaker, Sir, the hon. Deputy Minister, while introducing this Motor Transport Workers Bill, was pleased to state that there was a private Member's Bill as early as 1955. There was a private Member's Bill in the name of Shri T. B. Vittal Rao by way of an amendment to the Motor Vehicles Act, and subsequently there was a comprehensive Bill by Shri A. K. Gopalan dealing with the hours of work and the welfare facilities to these transport workers. I must first of all state that more than five years have passed before such a legislation could be brought before this House. We were told at the beginning of the second Five Year Plan itself that an agreement has been reached for such a legislation. The hon. Deputy Minister has also referred to the Standing Labour Committee which met in Madras and which actually appointed an experts committee, and this experts committee went into the question of the conditions of service of the transport workers and the report was submitted as early as November, 1957. There was a separate note of dissent by the representatives of labour. Subsequently, I remember, if I am not mistaken, in the Standing Labour Committee which met in Bombay in October, 1958 there was so much of pressure that the Government should not delay bringing forward such a legislation. You are aware that on several occasions it has been raised in this House that this delay in bringing such a legislation is not at all justified.

Two transport workers' organisations, particularly, the national federation of road transport workers of India and the national federation of State transport employees of India, met in Simla on 10th and 11th June, 1959, and they were very critical about the Government that although they had expressed their views and there was a consensus of opinion about bringing forward such a legislation the Government were still delaying the bringing in of this uniform legislation for road transport workers. Anyway, now at least this piece of legislation is before us. It is a welcome feature.

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I might mention that this measure is being watched with great interest by the road transport workers who are still denied certain facilities which are extended to the factory workers. The hon. Deputy Minister stated that the number of workers likely to be benefited will be 200,000. In the report of the Road Transport Reorganisation Committee which was submitted last year, the Committee stated that today, in India, there are 45,000 passenger buses and 1,30,000 goods trucks, making a total of 1,75,000. On an average there will be at least three workers necessary for manning these buses, and on that basis, it will be 5,25,000. Anyway, more than half a million workers will be benefited by this scheme.

A reference of such an issue to the Joint Committee cannot be seriously opposed. But I would like to make a suggestion that this Joint Committee must make it a point to submit its report before the end of this session so that this piece of legislation could be enacted before the end of this session itself. I am making this suggestion because there has been a demand from the workers that this Bill which was introduced during the last session must at least become law during this session. That is more or less the view of the workers.

About the general transport position in the country, the Road Transport Reorganisation Committee has made the following observations in respect of the private and the public sectors in the road transport industry:

"...out of 18 States and Centrally Administered areas, 17 Administrations have nationalised parts of the passenger services within their territories....In Himachal Pradesh, nationalisation is complete and covers goods transport also....Of the 17 Administrations with nationalised services, only three, namely, Andhra Pradesh, Bombay and the former PEPSU, have established corporations under the Road Transport

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Corporations Act, while Bihar and Mysore States as also the Punjab in respect of the Pathankot-Manali Road, are contemplating doing so. The services in the majority of the remaining States are run departmentally as State Undertakings.

Nationalised services represent only a small portion of the total volume of road transport. Almost all of goods transport and nearly three-fourth of passenger transport is run by private enterprise."

Now, in this passenger transport, there is long distance transport also. Although there was a lot of controversy about the rail-road competition, these long distance routes in road transport are becoming very popular now and these *de luxe* buses in different parts of the country are very much patronised. I would like to mention two or three routes. First, there are the buses taking passengers from Chandigarh to Delhi. Recently, the Madras Government has started their Government transport from Madras to Bangalore which is nearly 200 miles. There is also the Vijayawada-Hyderabad route which is 180 miles. Madras-Trichu is 200 miles. Recently also, the Trichi-Nagercoil route, which is more than 150 miles has been started. There are long distance transport routes also in Punjab now. So, it has come to stay, and the conditions of the workers must be viewed like the conditions of similar type of workers such as the railway workers.

Having said this by way of introduction, I would like to make certain suggestions which may be considered by the hon. Members of the Joint Committee. I do not want to exhaust the whole thing. I have got several suggestions. I know the different groups will be able to represent in the Joint Committee, the many points which have been raised by labour and also by the industry. I would like to make only some brief sugges-

tions which I am sure the Joint Committee will go into. In the first place, I find that Jammu and Kashmir has not been included in the operation of this Bill. It is well known that there are good transport systems in Jammu and Kashmir, and most of the tourist traffic is taken by these transport services. Why should those workers plying in this area be deprived of the benefit which is sought to be conferred to the transport workers in other States? It may be argued that there may be legislations at the State level. There are certain legislations at State level, but certain legislations of an all-India nature were found to be necessary by the Government of India and by many States. Now that legislation has come. So, I submit it is not proper to exclude the workers in the transport services in Jammu and Kashmir.

My second point is, power is given to the Central Government to fix different dates for different States. It is said here:

"It shall come into force on such date as the Central Government may, by notification in Official Gazette, appoint and different dates may be appointed for different States."

In a legislation of this nature, when the road transport service has been in existence for a number of years and it has reached a particular stage, there cannot be any justification for fixing different dates for different States. It should come into operation in the different States simultaneously.

My third point is, as the hon. Deputy Minister has stated, this Bill will extend to any unit employing 10 or more workers and the State Governments are given power to extend it to units employing not less than 5 workers. I have no grievance about the number 10, but more freedom can

be given to the State Governments. I will give a concrete instance. There are now several individuals who are running lorry services. They may be owing only one lorry; the number of workers will still be three. Certain things which are now contemplated in this Bill are those things which are meant to be extended to any transport worker. This will be a very hard case. Then, there will be an attempt also to recruit only 5 or less, even where they have three or more lorries. They may so manipulate that they do not come under any of these categories. So, I submit more freedom should be given to the State Governments, without restricting the number. The number 10 may be there as a part of the Bill and they can extend it to those units employing less than 10; it may be even 2 or 3. This ceiling of 5 need not be fixed.

Then, there is a lacuna in the definition clause. I am not going into details, but nowhere is the conductor mentioned. The names of the cleaner and driver are there, but nowhere is the conductor mentioned. Probably that could be remedied.

My fourth point is, clause 3 refers to both passenger service and freight service. It also refers to the city service and to what we generally call in the south as mofussil services—long distance services both passenger and freight. I take it that the city service contemplated in clause 3 includes also the freight services which ply in the city itself. In big cities like Bombay, Calcutta and Madras, there are any number of lorries taking goods from one part of the city to another. Going through the Bill, I find any employer can avoid coming under the provisions of the Bill by taking advantage of that definition. That has to be clarified.

My fifth point is, there is a provision for inspection staff and it is a welcome feature. But this inspection staff must consist of duly qualified persons, like the factory inspectors,

for example; they have not only the academic qualifications, but there are certain other qualifications also. In the same way, the inspectors who are now going to be appointed for this purpose must be men who are qualified in this process of transport service. Not only that; they must also be well-versed in industrial relations and in the various laws governing the the workers and the relations between the workers and the employers. So, I suggest they must be not only technically qualified, but they must also have certain minimum training in labour relations.

My sixth point is, clause 9 deals with the canteen that is going to be provided where there are 100 or more operators. I am going to suggest that 50 should be the limit and not 100. Even in this case, there is this danger. There may be an operator having, say, a fleet of 20 buses. The driver, conductor, etc. will be only 50. But for maintenance and repair, he may be employing about 50 people. The limit of 100 workers is mentioned in the Factories Act also and it is mentioned in this Act also. The actual number of workers doing the same type of work working under him will be 100. So, he will be able to escape saying that the workers coming under the Factories Act are only 50 and the workers coming under this Bill are also 50, although there are 100 workers. So, some provision must be made in regard to cases where there are not only transport workers, but workers in the same management connected with the running of transport like workers for maintenance and repair. In assessing the number of workers, that also must be taken into consideration. That is a minor point.

I welcome clause 10 which provides for rest rooms. That has been a long-standing demand from the workers. I hope it will be maintained well. I am glad there is a provision that these rest rooms should be maintained well. The presumption is generally the rest rooms will not be maintained well. So, in that way, I really welcome it. Even in railways.

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I find the running staff, after working for 8 or 10 hours, do not sleep inside the rest room, but outside, for reasons best known to the Deputy Minister himself, because not only the rooms are untidy, but there are bugs and so many other factors.

Uniforms, medical aid and first aid facilities are provided under clauses 11, 12 and 13. They are also welcome. But the controversial thing comes up in chapter V. I do not want to exhaust all the various proposals which have been advanced by labour. I would like to mention only a few things. There is a provision for over-time. As the hon. Minister knows, in the Factories Act, eight-hour day or forty-eight-hours week is mentioned. A worker may do today 10 hours, tomorrow 8 hours and so on. If the whole week is taken together, it may be only 48 hours, but on one day, he has strained himself to the extent of 2 hours by working for 10 hours. He has worked over-time on that day, but over-time is calculated on the basis of a week. When we are making a new legislation, let us have a certain departure that over-time will be calculated on the basis of the work that he has done on that particular day, although technically he has not exceeded 48 hours for the week, if that particular worker has done 10 hours' work in a particular day, then it is 2 hours' over-time, for which he is entitled to twice the wages, which is allowed under the Bill. Otherwise, it seems to be an injustice. Over-time is for the strain he undergoes each day and not for the strain which he undergoes after the lapse of a week or a month. So, in western countries this conception has been accepted. The demand for such a legislation as the one we are making is already there and it is a progressive legislation which will be welcomed by all.

Another welcome feature of this Bill is that they have fixed the hours of rest. If a driver drives for twelve

hours he will probably reach his destination at 12 O'Clock. He will be asked to report again for duty at 4 O'Clock in the morning. That practice is continuing even now. That will be stopped by this provision for an interval of 9 hours. My suggestion is that in the interests of the safety of the travellers it should not be 9 hours but it should be at least 12 hours.

Section 21(1) deals with the weekly rest. We have provided it in the Factories Act and in the Mines Act of 1952. In the same way we are providing it here also. Recently the Supreme Court has given a ruling in a certain industrial dispute that weekly rest can be without wages. In other words, some distinction is sought to be made in the matter of weekly rest. That can be covered by saying that weekly rest, when it is given, must be with wages. Unless some such provision is made some cantankerous employer may come forward and say "I am paying him for the work that he has done. I am giving him weekly rest without wages". That lacuna is the result of the recent judgment of the Supreme Court and I submit, it must be covered.

By clause 27 we are now introducing the Payment of Wages Act to the transport workers for the first time. That is a welcome thing. Although the Payment of Wages Act has been extended to the passenger transport service, it has not been extended to the lorry service. Still, that is a very good provision.

Clause 29 relates to earned leave and there the provisions of the Factories Act of 1948 have been projected. I will mention a certain lacuna here. Where the worker has put in 240 days of work he will be entitled to earned leave for 12 days, that is, for every 20 days of work that he has done he has earned leave for one day. In other words, he can take rest for one day and he will be paid for it. Under the former Factories Act, the

hon. Deputy Minister knows well if an employee works for 40 days and he is not able to work beyond that, he will still be entitled to two days earned leave. If a person works for only 100 days and then he leaves it or retires or is retrenched, he will be entitled to his earned leave. But if a worker works all the year round he will be deprived of his earned leave of 12 days. Therefore, I submit that earned leave must be on the basis of one day for each 20 days of work put in. An amendment to that effect is necessary.

Then there is another salutary feature in clause 30(2) which says that when a worker goes on earned leave he will be given wages for the period of his leave. Formerly, when the question of earned leave came up in 1945 or so it was earned leave for ten days for one year. When the employee goes on leave for 10 days it is incumbent upon the management to pay him wages for five days. As soon as he returns from leave he has to be paid wages for the rest of the five days. The idea behind this provision is that workers must be encouraged to take earned leave and go to places like Kuttalam with their families. If they cannot afford it they can at least go to their villages and take some rest. The first five days wages will help him meet a part of his expenses. When he rejoins duty he will be paid wages for the other five days with which he will be able to clear the loan which he has incurred on this account. There is something humane about it. Therefore, this is a welcome provision.

Coming to Chapter V, which deals with 8 hour a day and 48 hours a week, considering the arduousness of the work even that is too much, but that is a bigger question. The other question is that of spread over. In some cases the spread-over goes even beyond 13 hours. I am mentioning this only very briefly for want of time. On the provision about spread over complete discretion is given both to the State Governments and the

employer with the result that you will find a person working for 14 or 15 hours. That should be stopped. In no case should this spread over exceed 10 hours. There must be some such ceiling.

**Shri Naushir Bharucha** (East Khadesh): The maximum is 12 hours.

**Shri Tangamani:** It is extended to 14, that is the difficulty. As you, Sir, yourself know, this has been the bone of connection all this time and this particular provision has been strongly resisted and opposed by labour.

I will mention two minor points and conclude. In cities like Calcutta, Bombay and Madras—in Madras to some extent and in Bombay and Calcutta to a larger extent—there are double-decker buses. There should be some distinction between single-decker and double-decker bus employees. Otherwise, it will be a great injustice done to the employees working in double-decker buses.

Then, taxis also must come more under the control of the State Government and to a certain extent under the control of the Central Government. A beneficial legislation like this, if it is extended to them on the question of hours of work and certain other facilities, instead of leaving it to the Local Government, the State Government and to the Local authorities, particularly to the police, if these welfare activities are taken up by the Central Government, it will help the creation of good relationship between not only the employers and the employees but between the taxi drivers and the public. So, I submit that in the definition of "transport workers" we must include these transport workers also who are now plying these vehicles and lorries because, even according to the Masani Committee report, their number runs up to 200,000 or so.

Then, on the actual work done by the transport worker also certain clarification is necessary. The employer will say "I will take into account

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the actual running time". But the driver does so many other work also. Though it is mentioned here, it is not very specific. There was an award in Madras by Justice Rajagopalan that whenever a worker comes and reports for duty and takes the bus from the bus stand you must always presume that half an hour work has been done by him, though it may be more or it may be less. Then if he has to wait there a certain time may be fixed for that also. Suppose a bus is scheduled to leave at 11 O'clock. the worker will have to report for duty at least at 10 O'clock. That one hour he is with the vehicle. In the same way, when the trip is completed, he will be with the vehicle for one hour. So, these two hours will have to be added on the rest of the work that he has done.

Then, in the case of long distance trips like the one from Bangalore to Pondicherry which starts at about 7.15 in the morning and reaches the destination at 6 O'clock in the evening there must be some provision for relief to the driver at some intermediate junction by some method though I do not know how it can be done. Then, because of the very arduous nature of the work, employees working on the hills must be treated on a different footing.

The type of work that is done in the plains and the type of work that is done in taking passengers to Kashmir or to Ooty are completely different from each other. There is no provision for that type of work. These things, although they are minor things, are of great importance to the workers.

With these observations I submit that it is a welcome feature that such a Bill has come. I hope the Joint Committee will go into all these suggestions which I have given as also many more suggestions which will be made by hon. Members of this House and by representatives of various organisations before the Joint Committee.

**Shri Naushir Bharucha: Mr. Speaker,** Sir, I welcome this Bill as a measure progressive to some extent though I am not satisfied with the various provisions with regard to the hours of work, spread-over and the various other amenities which are sought to be provided to the motor transport workers.

As the hon. Minister in charge of the Bill has very rightly pointed out, the Bill will affect some 200,000 workers and perhaps a great many more as development of road transport takes place under the Third Five Year Plan. The broad scheme of the Bill is well thought out and is well designed. In the place there is a classification of motor service into three categories, city service being kept on a separate footing and long distance passenger service and long distance freight service being put in different categories. Of course, registration of transport services which was hitherto haphazard or which was not at all enforced is now made compulsory and it is very necessary for proper implementation of the various provisions.

One feature of this Bill is that implementation will have to be decentralised in view of the fact that we have got various regional transport services based on the territories and needs of various States.

When I speak on this Bill I speak with some experience, because I happened to be on the Bombay City Transport Committee, which runs the city's 800 buses and 300 tramcars, for nearly seven years. There we experienced various difficulties in the implementation of the measures such as were in force then. I think the Joint Committee will have to look into this Bill a great deal more carefully.

My hon. friend, Shri Tangamani, has referred to the hours of employment. I think in this particular aspect the Bill is not at all progressive. So far as the city service category is



concerned, eight hours a day, 48 hours a week and a total spread-over of 10½ hours have been provided. I think a time has now come when these hours of duty must be reduced. I do not know whether the hon. Minister-in-charge has any experience of driving a heavy motor vehicle in Bombay City. Probably he has none. I may say that I have that experience. I have learnt driving a double-decker bus and have driven it in the city of Bombay.

**Shri Abid Ali:** I might have driven a little more than him.

**Shri Naushir Bharucha:** I am glad he has this experience. I do not know when he had it because he has long been an hon. Minister and the city of Bombay has considerably changed since then. But in a city with a population which will very nearly come to five million, in a city where the population was so great.....

**Mr. Speaker:** I suppose there was no accident.

**Shri Abid Ali:** When Shri Bharucha was driving there was an accident.

**Shri Naushir Bharucha:** No, Sir. I can assure you. I have driven a heavy vehicle even from Bombay to Bangalore without any accident. But that is only casual. I have driven thirteen hours a day. But this is also casual. When you impose a duty day after day on a workers it is a very responsible job and I would appeal to the hon. Minister to consider the other aspect, namely, the psychological fatigue aspect even though the driver may not be physically fatigued. I am of the opinion that a time has come when the Central Government must adopt a bold lead and provide for not more than seven hours working a day for a bus driver in the city. A time has come for seven hours a day and 42 hours a week with a spread-over not exceeding nine hours.

I ask him: Why is it that he is not taking this bold measure? It may be that it will add a little bit more to

the fares. You cannot help it. Fares are being anyway increased. But I think in the interest of prevention of accidents which are increasing every day in cities, it is very necessary from now on that our Central legislation which is supposed to provide a model of working conditions for various transport services in the city should take a bold lead and provide that the working hours shall not exceed this.

**Shri T. B. Vittal Rao (Khammam):** They have ceased to be a model.

**Shri Naushir Bharucha:** May I point out one thing? I read a book—I think it was by Dale Carnegie—in which it was mentioned that in the city of London some volunteers went about warning people that an epidemic had broken out and therefore they should take steps to have some preventive inoculations. When asked the number of deaths caused by it they said, "Well, over 20 or 30". Then he said that we forget that so many deaths are caused daily by motor transport but because motor is such a familiar thing to us we forget it altogether.

In the city of Bombay daily there are about ten accidents. Some of them are fatal and I want the hon. Minister to know that driving a bus, particularly during peak hours, in the city of Bombay, Calcutta or any other city—Delhi is much worse where chaotic traffic conditions prevail—it is very strenuous on the staff. One may do it for a day, or for a week or for a month. But when one is to serve year after year the thing gets on one's nerves and one's mind becomes stale. There is psychological fatigue and accidents are caused due to that. I think the time has come when the Centre should give a lead by reducing the number of working hours.

So far as the long distance passenger and freight services are concerned, I am of the view that the hours prescribed are fairly long, that is, nine hours and 48 hours a week which, with Government sanction, could be extended to 54 hours. I think a time has come to make corresponding

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reductions in these hours of work also. I am not prepared to say right now what the reduction should be but I am of the opinion that the time has come for making a definite reduction in this connection.

With regard to the daily intervals of rest we have found from experience that it is very difficult to prescribe such schedules of working hours so that all the things can be properly complied with. But peculiarly enough one of the grievances mentioned by our bus drivers was that the rest periods instead of giving them rest, prolonged really speaking the spread-over while nominally they complied with the letter of the law. Sometimes the rest period occurs at such awkward intervals and at places so far removed from the driver's or the conductor's residence that in reality it has got no meaning.

For instance it has been provided that in the case of city service there may not be more than three spells of active duty hours and that in between here should be two hours' interval. Now take the case of a person who has got a residence, let us say, in the Fort area—I am speaking from my Bombay experience—and who takes his bus to Bhandup; midway the duty spell finishes and he has to stop there—doing what? Therefore this question of rest intervals between active duty spells has got to be properly adjusted.

I know the hon. Minister means well that a man should not be working actively all the time and that he must have certain intervals of rest. Although the legislation means well, the rest period has no meaning so that one could make oneself at home and one may not be half-way when one is thrown on a road or at a small way-side bus station or a bus stop. All this has got no meaning. This requires careful examination.

While, therefore, I am of the opinion that rest intervals are necessary between spells of duty, considerable latitude will have to be left with the administration of transport services so that they can be suitably adjusted. For instance take the case of a worker who, under what has been provided in this Bill for city service, is expected to work for five hours and after that is required to have a rest of half an hour. I would rather wish that the total period of work were reduced to seven hours and in between at suitable periods the man were given three-quarters of an hour rest period.

#### 14.00 hrs.

Similarly in the case of daily rest period after the duty is over, nine hours are prescribed. May I point out to the existence of similar legislation or similar rules on the Railways, where the local train services in a place like Bombay are being run? They have evolved a duty schedule which is supposed to take care of this prescribed periods of rest after the day's duty. And we find that it is impossible for the Railways to comply with those provisions. I am sure the same thing would happen in the case of bigger transport services like the Bombay Municipal Transport Service. It may be possible for small undertakings to comply with them, that is undertakings which do not have to maintain scheduled timings: if a freight service is run by a private entrepreneur it is conceivable he may be in a position to adjust his schedule. But where a huge service has to be run, with eight hundred or a thousand buses, it is very difficult to comply with them. I am therefore of the opinion that efforts should be made, if at all the provisions in respect of period of rest are to be properly implemented, that the transport administration should be required to maintain a schedule and execute it, so that automatically the drivers take to duty according to the schedule in rotation.

As regards over-time, this is a very good provision. But in the matter of payment of wages, I am afraid the Bill is not progressive enough. All that it says is that the provisions of the Payment of Wages Act shall apply. That is not enough. Why cannot Government take courage in both hands and prescribe minimum wages atleast for certain categories, particularly running staff on lines, drivers, conductors and travelling ticket inspectors? What is the harm in prescribing a minimum wage for these people? I am not asking them to prescribe minimum wages for all categories of people employed.

Again, in the matter of provision of amenities, I find that very peculiar provisions are contained in the Bill. I am not blaming the draftsman of the Bill who has put the thoughts of the Government in black and white. Take, for instance, canteens. It has been provided that where there are more than one hundred workers, one or more canteens should be provided. But what happens if there are 95 workers? Why is that provision is not made for dining room facilities in such cases? Surely, some such provision should have been included in the Bill.

Take again the question of rest rooms. The Bill says that there shall be rest rooms for people on night duty. Why not for people on day duties? I really cannot understand. Either there is some sort of confused thinking or the hon. Minister has not looked into the problem.

Take again the question of uniforms. This is going to be a model legislation on which the transport services of States and others are going to be regulated. Then why is it that say four sets of uniforms in a year are not prescribed? A minimum provision of uniforms should be put down in the Bill.

Similarly, some minimum scale of medical facilities should be prescribed in the Bill.

I want that Joint Committee should look into these points. For instance, the definitions do not quite bring out what perhaps, the hon. Minister intended in the Bill. First, take the question of definition of 'hours of work'. The expression used in this definition is that it means the period during which the worker is at the disposal of the employer. Clause (g) of the definitions clause says that 'hours of work' means the time during which a motor transport worker is at the disposal of the employer. What is the meaning of 'being at the disposal of the employer'? Surely, if I employ a person, he is supposed to be at my disposal any time that I want. So, this sort of common parlance will not suit the purpose, and the Joint Committee will have to look into this definition more carefully.

Again, 'motor transport worker' has been defined and strangely enough, it does not include a mechanic on run-  
mittee will have to look into this requiring to be rectified.

Then, 'running time' is defined as the "time from the moment a transport vehicle starts functioning as such at the beginning of the working day until the moment when it ceases to function as such at the end of the working day." What happens if in the forenoon the vehicle breaks down at an odd place and the driver has to keep on watching the vehicle? All these points have to be carefully looked into.

And then, 'spread-over' is defined as the period between the commencement of duty on any day and the termination of duty on that. But what does 'commencement of duty' mean? Does it mean the time when the worker leaves his place for duty or, as Shri Tangamani pointed out, making an hour's allowance for the driver to take over the vehicle? Suppose, the driver lives in Fort—I am talking of Bombay and he is at duty at Bhandup; he may have to take out a bus from Dadar and start the journey from there. Is commencement

[Shri Naushir Bharucha]

period from the time he leaves his home, or from the time he reaches the depot, or from the time he starts operating the vehicle from Bhandup? All these require to be carefully looked into.

There is one more thing. Just now one hon. friend remarked that the Government is above all this law. I am afraid I want to know and make sure that the provisions of the Motor Transport Workers Act will apply to the State transport service as well. Let us have it very clear in our minds that the provisions are going to apply to all Government-operated services. If they are not going to apply, then in that case—and I have reasons to believe that this might happen, because under clause 40(2) power is given to the State Governments to exempt certain classes of services, and they could very well exempt themselves—if they are not going to apply these provisions to them, then I am of the opinion that it is no use merely penalising the private entrepreneur to see that the Government gets the advantage. What is good for the private entrepreneur must be doubly good for the Government. And I want an assurance from Government that the State Governments will not exempt their own services.

My conclusion, therefore, is that the Bill is a welcome measure, though it will require careful re-drafting, and it requires a more progressive policy in the matter of hours of duty, spread-over, spells, etc. The definitions will require a good deal of overhauling and revision, and I hope the Joint Committee will look into it. But as a step in the right direction and as a first instalment for the benefit of the workers I welcome this Bill.

**Shri S. M. Banerjee (Kanpur):** Sir, I welcome this Bill, and I must congratulate the transport workers throughout the country on compelling the Government to bring this piece of legislation. I remember that this was

a demand of the transport workers and they have been pressing for it since a very long time.

I have heard my hon. friend Shri Tangamani and my hon. friend Shri Naushir Bharucha also, and I fully agree with them. When I read this Bill it struck my mind as to what will happen to the workers, when this particular piece of legislation is enacted, about spread-over. I have neither the experience of driving an ordinary car nor a heavy vehicle: unfortunately, I do not possess either of them. But I have seen the drivers in Bombay and Calcutta driving the double-decker buses. Without knowing the mechanism of it, the strain which apparently is manifested by their driving is enough to give me a feeling that it is a really strenuous job. If they go on driving for eight hours—they may be doing it for nine hours now, I do not dispute—but eight hours' continuous work of this nature in a place like Bombay or Calcutta or any other place is really so much strenuous that it will be impossible for the driver to work continuously like that day after day without any accident or without loss of health.

So, when Government has been good enough to bring forward this piece of legislation, which, according to me, is quite progressive, why should they not consider this matter afresh? How is it that a forty-eight hour week or an eight-hour day is fixed for these workers also? Why not reduce the working hours? It is not always that longer working hours give better output: sometimes, shorter hours or less hours of work also increase the efficiency and give more output.

I think it is high time, and I would request the Government and the Members of the Joint Committee to consider this matter seriously—about spread-over and the working hours for the drivers and conductors, especially for the drivers—and see if they can be reduced.

I fully agree with Shri Naushir Bharucha on what he said about wages and leave. When the Government are contemplating to bring forward a piece of legislation, how is it that for wages and leave they are still counting on Payment of Wages Act or Factories Act? How is it that conditions of leave and wages could not be improved? The transport workers employed whether in the private or the public sector have been demanding a wage board. In this very House, questions after questions were tabled about this particular point. If you are going to better their service conditions and conditions of employment, naturally, wages and leave conditions play a very vital role. This legislation may mean something to the workers. But, without considering these aspects, it will not serve the purpose for which it is being drafted or it is being introduced. My humble suggestion is that efforts should be made to give them a minimum wage. When I speak of minimum wage, I have always in my mind—the Government may disagree—the principle enunciated by or in the light of the decision of the Fifteenth Labour Conference with which the Government agreed in substance or principle. They accepted it. But, unfortunately, they could not ratify it. My submission is that the question of wages and leave should be taken into consideration and this Bill must include these matters also which are so vital for any worker, employed either in the public or the private sector.

Then I take up the question of exemption. If the State Governments seek exemption or they exempt themselves, I cannot imagine what will happen to this legislation. Every time the question has been raised: why the State Government or the Government of India should not become a model employer? Unfortunately, the Pay Commission report has said that they are not a model employer. That matter is still a debatable point and I do not argue on that. If the State Governments exempt their own under-

takings, then, naturally, a hue and cry will be raised by the private sector and I do not know what is going to be the fate of this piece of legislation.

My next point is that there should be due consideration for those workers who are working in the transport services in the hill areas. Take Naini Tal or Mussoorie or even the Simla area. Any driver who drives more than twice or three gets so much upset that it is impossible for him to drive smoothly and calmly the fourth time. If we passengers who go to Mussoorie or Naini Tal or any other place, are immediately asked to come down without even driving a car or driving big buses, we shall definitely say that we shall rest for a day and then come down. The case of at least the drivers who drive heavy vehicles should be taken into consideration. At least in the U. P., all the buses belonging to the State Government carry nearly 50 to 60 passengers. In some of the hill areas, the roads are narrow and the bends are so sharp that it becomes impossible for the driver to keep his nerve intact when he drives. Their interests should also be protected. Apart from the psychological aspect of it, anybody who drives a car to a hill area, which is 6000 feet or 7000 feet or even 5000 feet above sea level, feels giddy.

14:14 hrs.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

At least when all the passengers feel giddy, I do not think the drivers are so immune. They also must be feeling giddy. Some protection should be given to these drivers. Their hours of work must be less than in the plains because the other factors are there.

Particularly regarding exemptions, I must tell you, Sir, and this House here and now that if exemption is granted, this Bill will have no value

[Shri S. M. Banerjee]

and it will simply be thrown out by the private sector people. I would like the hon. Minister who has very kindly piloted this Bill to give us an assurance as to what is going to be the fate of this Bill regarding its application in the public sector or, the State sector.

I have said enough about the hours of work and spread-over. I think the hours of work should be reduced to seven as suggested by my hon. friend Shri Naushir Bharucha and the period of spread-over must be reduced. What should be the reduced hours, I am not going to suggest because there will be 45 hon. Members of this House and the other House to consider that matter. Evidence should be collected from the drivers of the double decker buses or those drivers who run heavy vehicles in the hill areas. Evidence must be collected from trade union representatives and they should be given an opportunity to place their view points. The Members of the Joint Committee, if necessary, must have practical demonstration of all these. They must see how they run the buses. They must get an idea and then come to conclusions.

With these words, I support the spirit of this Bill, with all the amendments in my mind, which I am sure the Joint Committee will take into account.

**Shri Basappa (Tiptur):** Mr. Chairman, I have listened to the various speakers on this Bill, and in my turn, I should also join the various speakers in welcoming this Bill. This is a measure which has been awaited for a very long time. It is only natural that the workers should have a chance to have all their grievances redressed. I, for myself, should say that although I may not have the experience of driving like the hon. Minister or Shri Naushir Bharucha, I have worked in the Transport workers union in my district as its President for some time.

I would like to say something about their grievances.

It is a step in the right direction that this measure has come into existence. It is but natural that the hon. Minister should receive some compliment. At the same time, certain points have to be looked into carefully as pointed out by Shri Tangamani and by other speakers. Difficulty comes in the implementation of these measures. The Joint Committee should go into these matters carefully and see that implementation is made possible. The hon. Minister while introducing the Bill told us that there was a lot of unanimity and there was not much difficulty. I hope the Joint Committee will go into the questions raised by the hon. Members who have already spoken.

It has been pointed out that transport is growing in importance in this country and that the people working in this industry number anything from two to five lakhs. So, this is a very welcome measure, though it has come a little late because we have been asking for it for a very long time. I am sure the transport workers will be pleased. There is also great urgency for this measure because various State Governments are nationalising this industry, and also long distance passenger and lorry services are coming into existence.

The workers are very much alive to their grievances and we should show them every sympathy, but at the same time we have also to lay emphasis on their turning out proper quantum of work. Recently, we had the strike by the Central Government employees and we are doing something to end their grievances. Similarly, this piece of legislation is in a way meant to end some of the strikes in the private sector. The workers in this industry need every protection, and it is good that they are going to get certain benefits through this Bill as workers in

other fields of employment. Government is imposing more and more taxes on this industry and it is able to bear them since they are getting large profits. Therefore, they can afford to pay good wages to the workers also. There is also more scope for employment in this industry.

But the working conditions, particularly in the rural areas, are very bad. Though Government tries to impose some restrictions, the buses that are run in the rural areas are very bad and the drivers and conductors are put to all kinds of difficulties. Therefore, care should be taken to see that they get proper rest etc.

There is a tendency nowadays to develop co-operatives, which is a welcome feature as this would help the workers not only to better their conditions but also share more substantially in the profits.

Other points have already been touched by others, but spread-over is the most important of them. It should be seen that the period of spread-over is not increased. Since this Bill is going to the Select Committee, I shall not take more time of the House. I welcome the Bill.

**Shri Mahagaonkar (Kohlapur):** I join other hon. Members in welcoming this Bill. The most important point to note in the Bill is that State Governments have been empowered to apply the measure to transport undertakings employing less than ten but not less than five workers. In this connection, I would restrict my remarks to the State of Maharashtra.

I have little experience of this industry, but I find that in our State there are three kinds of operators: the State transport undertaking, the fleet operators and the individual operators, the majority in the State being individual operators, they themselves being drivers and owners of the vehi-

cles. Since the States have been empowered to apply this measure, where there is competition between the State transport undertaking and the individual operators, I think it would be difficult for the latter to compete, and they are not likely to be benefited by this legislation. At the same time, it will not also be possible for the illiterate owner to observe all that is expected of him. So, I want that a thorough study of the individual operator in this industry should be made before this measure is proceeded with. The individual operators, I find, generally buy the vehicles on the hire-purchase system, and have to pay the monthly instalments. There are other things such as taxes. If a vehicle plies between two States, the individual operator has to pay taxes on both sides. For smaller routes of 40 to 50 miles also, he has to pay taxes. So, within his limited earning, it will be difficult for him to observe all the requirements of this law. If the State Government so desires, taking advantage of this law it can crush the competition and oust the individual operators from the field. At the same time there are more individual operators now depending on their livelihood on one or two vehicles each, who will be hard hit if there is nationalisation. In the circumstances, it behoves the Minister and the Select Committee to consider sympathetically the case of the individual operators.

You are going to appoint Inspectors. In this connection, there are certain things which are not particularly taken into consideration. One thing is the Police department. The police are bribed at various points—and this is called "hafta"—for being allowed to overload the vehicles. In the ghats and hilly areas generally goods vehicles are not allowed to ply at night, but if you travel at night you will find big vehicles with heavy loads plying. That is because the police join hands with the operators. The Regional Transport Authority and its Inspectors also do not generally act according to the Act, and the proper

[Shri Mahagaonkar]

procedure is never followed. Very often we find that the driver or the cleaner of the vehicle is harassed and not the owner, for reasons like entering a certain area without a valid permit. Such things should be stopped.

I hope the Select Committee will take all these things into consideration.

**Shri Achar (Mangalore):** Mr. Chairman, I wish to point out that the Joint Committee should take into consideration the effect of this measure on the consumer more than anybody else. I wish very much that during the discussion today somebody had advocated the cause of the consumer, the passenger in the buses and the persons who send their goods. We had, in fact, speeches advocating the cause of the workers. I have all the sympathy for the workers. I even wish that we could reduce their hours of work; it is very good to do so. But that is not the only aspect. We have to consider this measure from other aspects as well. In regard to the employers, they are very well placed; they are influential people. But the real person who suffers is the passenger or the small merchant who sends his goods. We have got here members who are drivers; they look at the measure from the drivers' point of view. Of course, Government is a big employer; they look at it from their point of view.

**Shri Surendranath Dwivedy (Kendrapara):** Both the driver's point of view and the employer's point of view are represented by the Deputy Minister.

**Shri Achar:** I wish that at least some of the speakers this morning had advocated the cause of the passengers and consignees of goods and considered what effect this measure would have on them. It looks as if there is a fight between the employer and the employee. I would submit that really

it is not a fight between the employer and the employee. What actually happens is that if some relief is given to the workers, or if some taxation is imposed on the operator, the real burden falls on the consumer, the passenger in the buses and the persons who send their goods. That is why I want to emphasise undertaking be owned that aspect of the question more than anything else. If the employer is affected he does not suffer; he passes on the burden to the passengers or consignees of goods. So far as the workers are concerned, certainly they should have a good standard of life. I do not deny that. They should not be over-worked; their health should not suffer. But taking into consideration the average income of individuals in this country, the most important aspect to be considered is the consumer's interests. I would therefore request the Joint Committee to go into this matter in detail, and find out to what extent the passenger fares and goods' freight would be increased. The Committee would take evidence of the employers and the workers' unions, but they should not lose sight of the consumers' interests. Not that I am against giving amenities to labour; I am even prepared to reduce their hours of work. But what effect all this would have on the passenger fares and goods freight is a matter into which the Joint Committee should go into.

**श्री हेमराज (कांगड़ा):** सभापति महोदय, जो विधेयक आज सदन के सामने पेश हुआ है उस के लिये मंत्री महोदय बधाई के पात्र हैं। इस विधेयक का बहुत दिनों से इन्तजार था। लेकिन, जैसा श्री तंगामणि ने फरमाया, पांच साल के बाद आन्विकार गवर्नमेंट इस नतीजे पर पहुंची है कि इस को सदन के सामने लाया जाय। यह ठीक है कि इस वक्त जो विधेयक है वह मोटर ट्रान्स्पॉर्ट सर्विस की जो मांगें हैं उन को काफी हद तक पूरा करता है, लेकिन इस के साथ ही मैं समझता हूँ कि मौजूदा पोजीशन में



कुछ हालतें ऐसी हैं जिन की तरफ हमारी ज्वायंट कमेटी को ध्यान देना चाहिये।

इस वक्त आप ने मोटर ट्रांसपोर्ट वर्कर्स की जो डेफिनिशन दी है उस में कुछ कमियां मालूम होती हैं। जहाँ जहाँ पर हमारी मोटर ट्रांसपोर्ट कम्पनियां काम कर रही हैं, मैं खास तौर पर पंजाब के मुताल्लिक कह सकता हूँ क्योंकि बाकी जगहों का मुझे तजुर्बा नहीं, उन में से हर एक जगह पर उन्होंने अपनी अपनी वर्कशाप्स साथ रखी हैं। इस में आप ने मोटर ट्रांसपोर्ट वर्कर्स की जो परिभाषा दी है उस में जो लोग उन वर्कशाप्स में काम करते हैं, उन के मुताल्लिक कोई जिक्र नहीं किया गया है। इस डेफिनिशन में जो टेक्नीशियन्स हैं, मेकेनिक्स हैं, उन के मुताल्लिक कोई जिक्र नहीं है। मैं समझता हूँ कि वर्कर्स की परिभाषा में उन का भी जिक्र करना चाहिये।

एक और बात जो मैं देख रहा हूँ वह यह है कि बहुत सी कोमपरेटिव सोसायटीज बन गई हैं मोटर ट्रांसपोर्ट की। उन ट्रांसपोर्ट सोसायटीज में जो शेयरहोल्डर्स हैं वही ड्राइवर्स हैं, वही चैकर्स हैं, वही कंडक्टर्स हैं और वही क्लीनर्स हैं। इस तरह की चीजें वहाँ पर चल रही हैं। कानून में इन के बीच कैसे भेद किया जा सकता है? एक आदमी बतौर शेअर होल्डर के मालिक भी है लेकिन उम्मी कम्पनी से चूक वह ज्यादा फायदा उठाना चाहता है इस लिये उस में चेकर भी बन जाता है, ड्राइवर भी बन जाता है, क्लीनर भी बन जाता है। इस तरह से उस को दोहरा फायदा उठाने का मौका मिल जाता है। इस बारे में भी ज्वायंट कमेटी में अच्छी तरह विचार होना चाहिये।

मुझ से पहले मेरे एक लायक दोस्त ने एक और बात का जिक्र किया था। वह यह है कि ट्रांसपोर्टेज की परिभाषा दी है अंडरटेकिंग की, उस में प्राइवेट कैरियर्स लिखा

“प्राइवेट कैरियर्स” में जो काम करने वाले हैं उनके बारे में यह था कि जिस कम्पनी में पांच वर्कर्स एम्प्लोज हों उन के लिये स्टेट गवर्नमेंट कानून बना सकती है और जहाँ १० आदमी एम्प्लोज होते हैं उन के लिये सेंट्रल गवर्नमेंट बना सकती है। लेकिन जहाँ पर एक या दो ही आदमी एम्प्लोज किये जाते हैं प्राइवेट कैरियर्स में उन के बारे में क्या होगा यह पता नहीं चलता। ऐसे प्राइवेट कैरियर्स की तादाद बहुत ज्यादा है, लेकिन जो विधेयक पेश किया जा रहा है उस में उन के मुताल्लिक कोई जिक्र नहीं है। इस के ऊपर भी हमारी ज्वायंट कमेटी को विचार करना चाहिये। इस कमेटी में कई ऐसी बातें रखी जा सकती हैं जिस से इस तरह के केसेज फवर हो जायें।

इस के साथ ही साथ जैसा हमारे श्री बनर्जी ने फरमाया है, सब से बड़ा नुकस जो आप इस में रख रहे हैं, वह यह है कि आखिरी मैकान जो एग्जैम्पशन का है, उस में आप स्टेट गवर्नमेंट को ऐसे ग्रन्थार दे दिये हैं जिन के जरिये वह जिस को चाहें एग्जैम्प्ट कर सकते हैं। आज हर एक जगह सुनते हैं कि कारप्शन बहुत ज्यादा है, नैपाटिज्म ज्यादा है। इस तरह से आप स्टेट गवर्नमेंट्स के हाथों में एक और हथियार दे रहे हैं कि उसका फायदा उठा कर वह जिस से बेहतर सुलूक करना चाहें उन को एग्जैम्पशन दे सकते हैं और जितने भी ऐक्ट पास किये गये हैं उन को टालने के काबिल बना सकते हैं। मैं समझता हूँ कि जो सेक्शन ४० का सब-क्लाज २ है उसको आपकी इस बिल में नहीं रखना चाहिये। उससे पहले आप ऐक्शन ४० के सब सेक्शन १, पार्ट १ और २ में जरूरी एग्जैम्पशन दे चुके हैं। इसलिये इसलिये मैकान ४० का सब क्लाज २ इस बिल में नहीं रहना चाहिये।

एक और चीज है जो वेजेज के चेंटर में आ गई है। मैं कुछ इस सिनसिले में

[श्री हेमराज]

मोटर ट्रांसपोर्ट वर्कर्स के मुताल्लिक कहना चाहता हूँ। एक वर्कर सरविस करता है लेकिन कुछ दिन बाद उसकी हेल्थ फेज हो जाती है या उसके घर में ऐसी मीत हो जाती है जिसकी वजह से उसकी नीकरी छोड़नी पड़ती है। उसे अभी सरविस में पांच या ६ महीने ही हुए हैं। जहाँ तक ऐसे लोगों का ताल्लुक है उनके लिये भी कोई क्लाइमेट आना चाहिये ताकि जितनी सरविस उन्होंने की है उसका फायदा उनकी भी मिल सके। मैं समझता हूँ कि यह चीज भी आपको इस में रखनी चाहिये।

एक वक्ता ने यह फरमाया था कि इसमें लपज—कंडक्टर—नहीं आया है। शायद जो आपने लपज क्लिनर इसमें इस्तेमाल किया है उसमें कंडक्टर आ जाता है। मैं समझता हूँ कि लपज कंडक्टर इसमें आना चाहिये।

एक बात और आपने रखी है जिसके मुताल्लिक बहुत सारे वक्ताओं ने ऐतराज किया है। आप एक कानून बना रहे हैं। हमने अक्सर देखा है कि जब भी आपने कानून बना कर उसका इम्प्लीमेंटेशन स्टेट्स पर छोड़ा है तो उसमें स्टेटों को दो दो चार चार साल लग गए हैं। आपने एनफोर्समेंट के लिये इस्ट्रक्शन दे दिए हैं स्टेट गवर्नमेंट्स को और अभी तक उनका कोई जवाब नहीं आया है। लेकिन इसमें तो आप स्टेटों को अख्तियार दे रहे हैं कि चाहे वे इसको इम्प्लीमेंट करें या नहीं करें। इस भ्रूत में तो जो स्टेट चाहेंगे कि इसका इम्प्लीमेंटेशन न हो वह इसका एनफोर्स ही नहीं करेंगे। इस तरह से यह कानून बनाने का हमारा मतलब हल नहीं होगा। इसलिये जो आपने इसको स्टेट गवर्नमेंट्स की मर्जी पर छोड़ा है इस बारे में मुझे उम्मीद है कि ज्वाइंट कमेटी गौर करेगी और ऐसा प्रवृत्त रखेगी कि इसको स्टेट गवर्नमेंट्स ही जो जिम्मेदारी लागू करें।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ। साथ ही मुझे उम्मीद है कि जो सुझाव मैंने दिये हैं उन पर ज्वाइंट कमेटी गौर करेगी और यह विषयक इससे भी बेहतर हालत में फिर हाउस के सामने आयेगा ताकि हम इसको जल्दी से जल्दी पास कर सकें और मोटर ट्रांसपोर्ट वर्कर्स की जो हालत है उसको सुधार सकें।

**Shri K. N. Pandey (Hata):** I am really very much thankful to the Labour Ministry, for, a long-felt need has been fulfilled by this Bill which has been brought forward before this House. Although there were two Acts in the past to cover motor transport workers, namely the Motor Vehicles Act and the Factories Act, and to some extent, they were able to safeguard the interests of the workers, still, they could not fully safeguard the interests of the workers, and, therefore a Bill of this type was required even long before. Though it has been brought forward at a late stage, I feel that a good work has been done by the Labour Ministry.

Since my name also has been proposed as a member of the Joint Committee, I shall have opportunity to put forward my views before the Joint Committee. However, I want to give expression to some of my views on the floor of this House, and I hope the Labour Minister will take them into consideration.

At the outset, I would like to point out that the motor transport industry is not like a factory. Therefore, I do not understand why the application of this Bill has been confined only to those concerns which employ not less than ten workers, and why even under the proviso, the State Government have been authorised to apply all or any of the provisions of this Bill to any undertaking employing less than ten but not less than five motor transport workers only. Now, there may be an owner having just one lorry, and employing only two persons. That

lorry may be working in a hill area. There also, the same amount of risk is involved, and the person has to put in the same amount of work. I do not understand why these people should be deprived of the rights that this Bill will confer on them. Therefore, this restriction of 'not less than five' should be removed from this Bill, and this Bill should be made applicable to all the transport workers, whether the undertaking be owned by one small man or by an association or the State Governments. I think this is a very important matter which the hon. Minister should take into consideration.

Although the Factories Act is applicable in a factory, still, if there is transport section in the factory which employs less than five persons, or employs only three persons, then, those persons working in the transport department or section would not be covered by this Bill; if the benefit of this Bill is not extended to those persons in the transport department of the factory, then these persons will continue to work unprotected. Therefore I feel that the Minister should take this fact also into consideration. So far, their cases were referred to some tribunal or some such body, the argument used to be advanced that because of the nature of their duty, their working hours could not be restricted to eight hours and so on, they were assured also by us that as some motor transport workers Bill would be coming up, there may be chances that their interests also may be safeguarded. But after this Bill has come forward before this House, I do not find that those workers working in the concerns where there is a transport section employing only three or four persons will be protected by this Bill. At the time when this Bill was introduced in this House, I had proposed an amendment to the effect that where the Factories Act is applicable, the workers working under the transport section should be covered by this Bill.

649 (Ai) LSD—7.

Regarding the clause relating to the spread of hours of work, it is likely to be misused, as has just been pointed out by Shri Tangamani, I am also of the same opinion, because it is a strenuous work; a person who is driving a car or a lorry continuously for eight hours may have naturally a break of half an hour or so, but if his working hours are spread over a longer period, naturally a great deal of burden will be thrown on him. Therefore, careful thought should be given to this clause, so that it may not be misused.

I think the proposal of the hon. Minister that this Bill should be referred to a Joint Committee is a very wise move, and I support it, because, there, some of us who have got some knowledge of the working conditions of these workers may put forward our views, and the Ministry could also consider the suggestions that may be made by us there, and thereby be in a position to improve on the Bill that is before us now.

With these remarks, I support the Bill, and I also thank the Labour Minister for having brought forward this Bill.

**श्री रणबीर सिंह (रोहतक) :**

सभा गति महोदय, मैं श्रम मंत्री महोदय को मुबारकबाद देना चाहता हूँ कि उन्होंने मोटर कम्पनियों में काम करने वाले कार्यकर्ता हैं उनका काम सुविधा से चले और मोटरों के मालिक उनको परेशान न कर सकें तो उन के लिए हर पहल, को देखते हुए इस विधेयक के जरिए कानूनी व्यवस्था करने की कोशिश की है।

सनापति महोदय, मुझे इसमें एक बात की कमी लगी जिसका इसमें जिक्र नहीं है। और वह कमी यानी आज हमारे देश का जो ढांचा है उस ढांचे को हम समाजवादी ढांचे में ढालना चाहते हैं तो जब तक कि वह कम्पनियां सरकारी नहीं बन जातीं तो उन

[बौ० रणवीर सिंह]

वर्कों की कार्यकर्ताओं की कम्पनी बनाने की तरफ इस में कोई इशारा नहीं किया है। यही नहीं यह ठीक है कि शायद श्रम मंत्रालय का इस से सीधा सम्बन्ध न हो लेकिन इस विधेयक को बनाते हुए अगर इस में कहीं दर्ज किया जाता कि जिस तरीके से जमींदारी ली जाती है, सीलिंग लगते हैं तो यहां पर भी आज कार्यकर्ता काम करते हैं उस से ज्यादा जिस कम्पनी में उस कम्पनी के कार्यकर्ता अगर कोआपरेटिव सोसाइटी का मेम्बर बनना कूल करें तो उस साी कम्पनी को एक मुद्राविजे के साथ उन कार्यकर्ताओं को दे दिया जाय ताकि उस को मुवाकफ रूप से वह चालू रख सकें और फिर न चीफ इंस्पेक्टर की जरूरत रहने वाली है और न इंस्पेक्टर साहब की जरूरत रहेगी क्योंकि उस कम्पनी को वर्कर्स अपने लिए ही चनायेंगे। उस ऐम्प्लेंट का इस में कहीं जिक्र नहीं है। यही नहीं आज हालत बड़ अजीब है। बहुत सारे भाई हैं जो ड्राइवर्स भी हैं और वैसे कागज में तो शायद ट्रक के मालिक कुछ दूसरे भाई दिखाए हुए हैं जिनके पास परमिट है। असल में वे मोटर ट्रक के मालिक भी हैं, रुपया भी उनका है, खुद ही ड्राइवर्स हैं लेकिन उन के पास परमिट नहीं है। परमिट किसी और के नाम है और वह ३५ या ४०००० की गाड़ी भी मजबूरन उन्हीं के नाम करनी पड़ती है। मेरी समझ में यह एक समाजवादी ढंग के सामाजिक ढांचे में कुछ उचित नहीं जंचता है क्योंकि जहां हम वर्कर्स का हित देखते हैं और यह देखते हैं कि उन के साथ कैसा व्यवहार हो, तनख्वाह कौनी मिले, उनको छुड़ी मिले, उन के लिये कैंटीन की उत्तम व्यवस्था हो और उन के आराम करने के लिए रैस्ट रूम का समुचित प्रबन्ध हो वहां हमें यह चीज भी देखनी चाहिए। लेकिन उसका इस में कोई जिक्र नहीं है। मुझे मालूम नहीं कि श्रम मंत्रालय के बिल

में इस का कोई ढंग से जिक्र आ सकता है या नहीं। म तो मानता हूँ कि श्रम मंत्रालय को जब हमें श्रमिकों की भलाई के लिये उसे चलाना है तो उसे कोई फंड ऐसा बनाना होगा जैसे कि मुजारों को आराम देने के लिए और जमीन देने के लिये पैसा रखते हैं उसी तरह इस काम के लिये श्रम मंत्रालय के पास भी पैसा हो। इस कम्पनी को लेने और उसे मुद्राविजा देने में लाखों रुपये लोग सिर्फ परमिट के नाम पर कमाते हैं। मैं पूछता हूँ कि ऐसे लोगों को जिनके कि नाम परमिट है तो उन्हें यह कम्पनी बनाने का क्यों अधिकार हो जब कि वह कार्यकर्ता नहीं हैं। कार्यकर्ता आगे आने के लिये तैयार हैं वे परमिट्स भी ले और उसमें इतना पैसा भी जुटायें। यह सरकार हर एक घंटे में छोटा बड़ा कारखाना लगाना चाहती है और सरकार कोटिज इंडस्ट्रीज में कारखाने खोलने के लिये कहीं ५० फीसदी, ६० फीसदी तो कहीं ८० फीसदी तक पैसा देती है तो क्यों न उन गरीब आदमियों के लिये पैसा दे कर कोई फंड हम बना दें ताकि उस से कार्यकर्ताओं को आराम मिले।

इस के अलावा सभापति महादय यह बात सही है कि बहुत सारी बातों की तकलीफ कानून बनाने से हट जाती है लेकिन अगर खाली कानून बना देने से तकलीफ हटने वाली होती तो हमने इस देश के अन्दर पिछले १२, १३ साल में इतने कानून बना दिये हैं कि शायद इस देश में कोई दुखी ही नहीं रहता। लेकिन हालत यह है कि जब तक आर्थिक व्यवस्था ठीक न हो, कानून कैसा ही क्यों न हो, उसका फायदा श्रमिकों को या मालिकों को पहुंचता नहीं है।

आप जाबते हैं कि इस बिल के अन्दर तीन किस्म के रूट्स का उन्होंने जिक्र किया है। एक सिटी रूट्स, दूसरे लम्बे

रूट्स और तीसरे शॉर्ट रूट्स। अब लम्बे रूट्स पर जो चलने वाले हैं उनका मुकाबला रेलवे मंत्रालय से है जो कि बहुत मजबूत है और जिसके कि अन्दर देश का बहुत अधिक रूपया लगा हुआ है। इसी लिये लम्बे रूट्स पर चलने वाले ड्राइवर्स को वहां लाइसेंस नहीं मिलेगा क्योंकि लम्बे रूट्स होने के कारण कई राज्य उसमें आ जाते हैं और हो सकता है कि एक स्टेट वाला दूसरी स्टेट वाले के ऊपर कोई कोई टैक्सेशन लगा दे भले ही अब तक ऐसा न हो लेकिन कोई स्टेट कह तो सकती है कि जिस ड्राइवर को हमने अपने यहां लाइसेंस नहीं दे रखा है वह जब तक इतनी फीस अदा न करे वह हमारी मीमा में ड्राइव नहीं कर सकता। इसी तरीके से कम्पनियों की बात है। अगर किसी कम्पनी के पास लम्बे रूट पर जाने के लिये परमिट नहीं है तो उससे श्रमिकों को फायदा नहीं पहुंच सकता है। वह फायदा तभी पहुंच सकता है जब कि हम उन श्रमिकों को कम्पनी बनाने का मौका दें। श्रमिकों की ही कम्पनी हो और श्रमिकों को ही ले कर कोअर्परेटिव सोसाइटी बना लें और रेलवे मंत्रालय के मुकाबले में खड़े होने का मौका हो। मैंने सुना है कि आज जो सामान बम्बई से दिल्ली आता है अगर ईमानदारी से जैसे हिसाब का खता पड़ता है उसके हिसाब से देखा जाय और ज्यादा किराया वह कम्पनी न ले तो मोटर ट्रक से सामान को यहां तक लाना कम कीमती है बनिस्वत रेलवेज के कम भाड़ा पड़ेगा। रेलवेज के मुकाबले में उसमें सुविधाएं भी बहुत सारी होती हैं और उसमें खर्चा भी कम होता है और हो सकता है कि आगे आने वाले जमाने में शायद रेलवेज उनके मुकाबले में न खड़ी हो सके। हो सकता है कि आगे आने वाले जमाने में इस देश में भी और देशों की तरह लम्बी सर्विसेज पैसेजर्स के लिये चालू हो जाय जैसे कि अन्यत्र आदमी हजारों हजारों मील एक कम्पनी की बस में जाते हैं और हो सकता है

कि इस देश के अन्दर भी वैसी लम्बी सर्विसेज चालू हो जाय। जहां हमारी कोशिश है कि हम श्रमिकों के हित को सदा अपने सामने रखें और उनको आराम पहुंचायें उसके साथ ही साथ हमें यह नहीं भूल जाना है कि हमारा जो रेलवे मंत्रालय है और जो ऐसी बड़ी बड़ी लम्बे रूट्स पर चलने वाली कम्पनियां हैं, यह बड़ी बड़ी कम्पनियां उनके रास्ते में तरह तरह से रोड़ा बन कर खड़ी होती हैं और हमें जैसे मंने शुरू में कहा वह कम्पनीज श्रमिकों की कोअर्परेटिज्ज हों और हमें ऐसी श्रमिकों की कम्पनीज और कोअर्परेटिज्ज को बढ़ावा देना चाहिये। शायद सही तौर पर और कानूनी तौर पर हम उनको फायदा न पहुंचा सकें लेकिन जैसे मंने कहा अपने ढंग से हम उनका जरूर फायदा पहुंचा सकें हैं।

**Shri Ranga (Tenali):** Mr. Chairman, Sir, I am glad to say that our Swatantra Party Group here is in favour of this Bill.

**Shri T. B. Vittal Rao (Khammam):** Has it been recognised here?

**Shri Ranga:** Therefore, I hope that the other Group also is satisfied with that stand.

It is about 25 years ago that some of us here sitting on this side at that time as the Congress Party suggested to the then Government of India that some such legislation should be passed in order to protect the interests of tens of thousands of workers employed in this rising industry. This industry at that time owed its existence and its progress not to government enterprise but to private enterprise. It was our people, smaller as well as bigger entrepreneurs, who took great risks and developed this industry.

In the recent past, the Congress Governments in different States have been adopting the policy of nationalising this motor transport—all the more reason why such a Bill should be passed in order to protect the interests of an increasing number

[Shri Ranga]

of those workers coming under the employment of the State Governments and their transport authorities. I would like to be assured by my hon. friend, the Deputy Minister, that I am right in assuming that this Bill applies to the employees of the State Transport Authorities also.

**Shri Abid Ali:** Yes, to all.

15 hrs.

**Shri Ranga:** Secondly, some of our friends have been suggesting that there should be minimum wages prescribed for these transport workers. Am I right in thinking that the Minimum Wages Act is also applicable to these people?

**Shri Abid Ali:** Yes.

**Shri Ranga:** If it is so, then, there is no need for making any special provision for that in this particular Bill.

Thirdly, I am happy that all these tens of thousands of workers are going to be protected in the manner in which this Bill seeks to protect them. Here and there may be scope for improving this Bill, and I hope the Joint Committee will do that.

All I have to say in conclusion is that in regard to this matter of protecting the basic interests of all these workers employed in the transport industry there seems to be general agreement in this House among all political parties. I hope the Joint Committee will also approach this Bill in that non-partisan or all-party attitude and help to see that this Bill when it becomes an Act would be most satisfactory to all sections of workers employed in this industry.

स वा अ सि सहल (जंजगीर)

सभापति महोदय, मोटर ट्रांसपोर्ट के बारे में जो बिल माननीय मंत्री महोदय लाए हैं मैं उसका स्वागत करता हूँ। लेकिन इस के साथ ही मैं यह कहना चाहता हूँ जिस बिल को देखन से यह मालूम होता है कि

वायबल यूनिट्स को जो इस से जरूर फायदा होगा, लेकिन को आपरेटिव बेसिस पर बर्क करने वाली यूनियन्स की दिक्कतों को दूर करने के बारे में इस बिल में कोई जिक्र नहीं है। हमें कोई ऐसी व्यवस्था करनी चाहिये कि इन यूनियन्स को रजिस्ट्रेशन के बारे में जो दिक्कतें आती हैं वे दूर हो सकें। मैं आप के सामने मध्य प्रदेश का जिक्र करने के लिये तैयार हूँ कि को-आपरेटिव बेसिस पर गाड़ियां चलाने के लिये जो दरखास्तें दी जाती हैं, उनके बारे में कितनी दिक्कतें हैं। उन बेचारों को कई महीने तक दौड़ना पड़ता है और उन के रजिस्ट्रेशन नहीं हो पाते हैं। मैं चाहता हूँ कि इस बिल के जरिये या प्रांतीय सरकारों को निखर कर इन यूनियन्स को ज्यादा प्रोत्साहन दिया जाना चाहिये।

जहां तक इस बिल की क्लॉजिज का ताल्लुक है, मैं यह कहना चाहता हूँ कि चैप्टर ४ में, जं.कि वेलफेयर एंड हेल्थ के बारे में है, यह व्यवस्था की गई है कि जब तक काम करने वाला आदमी सर्टिफिकेट नहीं लेना है, तब तक उस को काम में नहीं लिया जायगा। यह बहुत अच्छी बात है, लेकिन गवर्नमेंट की तरफ से जो डाक्टर रहेगा, उस का यह कर्तव्य हो जाता है कि वह किसी इन-फ्युगन्स में न आये और ठीक तरह के सर्टिफिकेट उन लोगों को दे।

चैप्टर ५ में आवर्ज एंड लिमिटेड शन्ज आफ एम्प्लायमेंट के बारे में लिखा है—

“shall not spread over more than twelve hours in any day and two hundred and fifty-two hours in a period of four weeks.”

यह ठीक है, लेकिन इस के साथ ही साथ जो आदमी काम करने जाता है, उस को यह देख लेना चाहिये कि जिस गाड़ी को ले कर वह जा रहा है, वह ठीक हालत में है या नहीं। यह भी उस का कर्तव्य हो

जाता है। यदि उस को इस विषय में सर्टिफिकेट नहीं मिलता है कि गाड़ी ठीक हालत में है, तो उस को कभी भी उस गाड़ी को सड़क पर चलाने के लिये नहीं देना चाहिये। होता क्या है कि मालिक लोग उस को कह देते हैं कि गाड़ी ले कर जाओ और वह गाड़ी ले कर चला जाता है, लेकिन इस पर ध्यान नहीं दिया जाता है कि वह गाड़ी ठीक तरह से चल सकेगी या नहीं। मालिकों को तो सिर्फ पैसा कमाने की गंज होती है और उस गंज से वह इस तरह का काम करते हैं। हम को विचार करना चाहिये कि इस चीज को किस तरह से रोका जा सकता है।

हमारे यहां मोटर-गाड़ियों और खासकर सामान ढोने वाली गाड़ियों का बहुत ज्यादा नुकसान होता है। उसका सिर्फ एक कारण है और वह यह कि ड्राइवर कोई थोड़ी चीज ले लेते हैं और उस के नये में वे गाड़ी ले जाते हैं। इस बारे में डाक्टर का सर्टिफिकेट होना चाहिये, इस तरह के लोगों को कभी भी गाड़ी ले जाने की इजाजत नहीं दी जानी चाहिये, क्योंकि उन के कारण पैनेजर्ज और माल ढोने वाली गाड़ियों को बहुत नुकसान होता है। वे जा कर कहां गिरते हैं, इस बारे में मैं क्या अर्ज करूँ। इस लिये यह जरूरी है कि इन सब बातों की हम व्यवस्था करें। अगर वहां काम करने वाले लोग व्यवस्थित रूप से काम करें, तो यह नुकसान नहीं हो सकता है।

गाड़ियों में मोटर न होने के कारण ड्राइवर जितनी तेजी से चाहे, गाड़ी ले जाते हैं। इस लिए उन में ठीक और पक्का मोटर होना चाहिये, जिस से वे गाड़ी की रफ्तार ज्यादा न बढ़ा सकें।

जहां तक चैप्टर ७ में वेजिज एंड लीव का सवाल है, मैं कहूंगा कि कानून के जरिये क्लोनर्ज, ड्राइवर्ज और चैकजर्ज वगैरह की तन्स्वाह के बारे में हर जगह के लिये कायदे

बनाये जाने चाहिये। अभी थोड़े रोज का वाक्या है कि करीब करीब महीने भर तक की हड़ताल खास-कर मेरे जिले में चली और बड़ी मुश्किल से, कमिश्नर के इन्टर-वीन करने पर, वायवल यूनिट के लोग आ कर काम्प्रोमाइस कर सके। हम उन की हालत को देखते थे, हम बात करते थे, लेकिन कोई हमारी बात सुनने वाला नहीं था। अपने यहां के कमिश्नर महोदय को हम ने सारी बातें बताई, तो उन्होंने अपनी राय उन लोगों के बारे में दी और कहा कि यह मेरी राय है और मेरी राय के मुताबिक आपको इस मामले को तय करना चाहिये। यदि अफसर अच्छा है, तो मामला जरूर तय हो जाता है, लेकिन अगर अफसर वायवल यूनिट्स का साथ दे, तो वह कभी भी फ़ैसला नहीं होने देगा और गरीब आदमियों को देखने वाला कोई नहीं होगा।

अन्त में यह कह कर मैं इस बिल का समर्थन करता हूँ कि को-ऑपरेटिव संस्थाओं की हम को मदद करनी चाहिये और उन को प्रास्ताहन देना चाहिये।

**Shri K. U. Parmar** (Ahmedabad—Reserved—Sch. Castes): Mr. Chairman, Sir, I welcome this Bill. It was a long-felt necessity. Now, road transport has taken a permanent place in our day to day life. We have seen that in a city like Ahmedabad accidents often take place when these vehicles, the motor lorries pass even over footpaths. When the reasons were analysed it was found that most of the motor transport workers were exploited by the owners because the drivers had to work for more than 12, 13 and 15 hours and so on. That is why the motor transport workers are not in a position to control these vehicles.

Secondly, the wage that we give to these workers is very low. I would also like to know from the hon. Minister whether the minimum wage as provided in this Act will be Rs. 30 or will be more. If it would be only

[Shri K. U. Parmar]

Rs. 30, I think, it would not suffice and meet the demands of these workers.

As I am a member of the Joint Committee I will press all these points there which are in the interests of the motor transport workers. But, at this stage, I would only congratulate the Labour Minister for bringing this Bill in this House.

**श्री सिंहसन सिंह (गोरखपुर) :**  
सभापति महोदय, जो बिल इस समय सदन के सामने है उसका चारों तरफ से अभिनंदन और स्वागत हुआ है। देश में मोटरों से दिन प्रति दिन बढ़ रही यात्रियों की संख्या का देखते हुए इस बिल का बहुत आवश्यकता थी और इसको आना ही चाहिये था और इसका सदन को स्वीकार भी करना चाहिये था।

इस बिल में काम के बारे में, ओवर टाइम के बारे में जो व्यवस्थाएँ की गई हैं तथा जो सहुलियतें दी गई हैं, वे स्वागत योग्य हैं। लेकिन एक प्रश्न के उत्तर में हमारे माननीय मंत्री महोदय ने जो कुछ बताया था उसकी चर्चा मैं यहाँ पर करना चाहता हूँ। उन्होंने बताया था कि जिन पर यह लागू है उन पर लागू रहेगा। लेकिन मुझे कुछ थोड़ा सा सन्देह हो गया है इस बिल की क्लॉज ४० को देखने से। इस क्लॉज की सब-क्लॉज २ में कुछ एग्जेंप्शंस दी गई हैं। इसमें कहा गया है कि अगर कोई स्टेट गवर्नमेंट चाहे तो किसी भी ट्रांसपोर्ट कम्पनी को इसकी परिधि से बाहर रख सकती है। इस बिल के पास हो जाने के बाद तथा इसके एक्ट बन जाने के बाद जो अधिनियम बनेंगे उनमें वह एग्जेंप्शन के दे सकती है। इसमें लिखा हुआ है :—

“Without prejudice to the provisions of sub-section (1) the State Government may by order in writing exempt, subject to such conditions and restrictions as it may

think fit to impose, any class of employees from all or any of the provisions of this Act or any rules made thereunder”.

इसका मतलब यह हुआ कि स्टेट गवर्नमेंट को यह अधिकार है कि वह किसी को एग्जेंप्शन दे दे। आप जानते ही हैं, सभापति महोदय कि मोस्टली स्टेट ट्रांसपोर्ट स्टेट गवर्नमेंट के अधिकार में है। अब इस बिल के पास हो जाने के बाद कोई भी स्टेट गवर्नमेंट यह कह सकती है कि स्टेट की जा बसें हैं और उनमें जो लोग काम करते हैं उन पर इसको लागू कर सकना इतना सम्भव नहीं है जितना कि प्राइवेट सेक्टर में सम्भव है, इस वास्ते उस पर यह लागू नहीं होगा। यह बात नहीं होनी चाहिये। यदि इसको लागू करना है तो सभी पर लागू करना चाहिये और अगर लागू नहीं करना है तो किसी पर लागू नहीं करना चाहिये। आप जो काम के घंटों के बारे में सहुलियतें दे रहे हैं, छुट्टी के मामले में सहुलियतें दे रहे हैं, ओवर-टाइम के बारे में सहुलियतें दे रहे हैं, उनसे किसी को भी महरूम नहीं किया जाना चाहिये। यह बिल प्रवर समिति के पास जा रहा है और मैं प्रवर समिति से अनुरोध करूँगा कि वह इस पर विचार करे और देखें कि कोई ऐसा लैकुना तो नहीं बचा रह गया है जिसके जरिये से किसी एक विशेष समुदाय को इसके लाभों से वंचित रखा जा सकता है। जो लाभ आप देने जा रहे हैं व सभी को मिलने चाहिये।

शुरू में ही जब मैंने दफ्ता ३ को देखा तो उसके अन्दर भी मुझे कुछ गोलमाल सा ही दिखाई दिया है। इसमें कहा गया है कि जो एम्प्लायर है वह रजिस्ट्रेशन के लिए एप्लाई करेगा। अब सरकार भी एम्प्लायर है और वह भी रजिस्ट्रेशन के लिए एप्लाई करे, कैसे करेगी इसका कुछ पता नहीं। जो मौजूदा कानून है उसके अन्दर मुझे मालूम नहीं क्या होता है। जो बसें स्टेट चलाती हैं उनके बारे में जो रिजिनल ट्रांसपोर्ट आफिसर्स हैं, उनकी स्वीकृति लेती है या नहीं लेती है—



श्री आ बेद अली : लेती है।

श्री सिंहासन सिंह : लेती है तो अच्छी बात है मगर उनके बारे में जो परमिट सिस्टम होता है, वह कुछ थोड़ा बहुत अलग तरह का होता है। अब जब आप एक नियम बना रहे हैं तो वह सभी पर एक सा ही लागू होना चाहिये। इसमें इस तरह से अग्र लिख दिया जाए कि "एम्पलायर मींस दी स्टेट आल्सो नाट ओनली दी प्राइवेट कंसर्न" तो अच्छा रहेगा। एम्पलायर की परिभाषा को इस तरह से अग्र बढ़ा दिया जाए कि स्टेट भी उसमें आ जाए और किसी तरह की किसी को एजम्पशन न मिले तब तो इसका सार्व-भौमिक रूप हो सकता है, अन्यथा इससे लाभ नहीं हो सकता है। इसलिए मैं चाहता हूँ कि इस पर विचार कर लिया जाए।

आपने इस में घंटों के बारे में कुछ लिखा है कि इतने घंटे उनसे काम लेना चाहिये। मैं चाहता हूँ कि इसी तरह से यह भी लिखा दिया जाए कि इस रफ्तार से तेज रफ्तार पर वे गाड़ी को नहीं चला सकते हैं तो अच्छा होगा। अक्सर देखा गया है कि रात के वक्त बहुत तेज चलाते हैं और इससे कई एक्सीडेंट हो जाते हैं। हम लोग जब कोल माईंस का दौरा कर रहे थे उस वक्त हम ने कई गाड़ियां उलटी हुईं देखीं थीं, ट्रक उल्टे हुए पड़े पाए थे। खास तौर पर हार्डवेज जो हैं जैसे ग्रांड ट्रंक रोड है या दूसरी सड़कें हैं उन पर गाड़ियों को बहुत तेज ले जाया जाता है और इसके नतीजे के तौर पर टक्करें हो जाती हैं और गाड़ियां उलट जाती हैं। हमें देखना चाहिये कि हर गाड़ी में रफ्तार दिखाने वाला मीटर लगा हो और यह भी देखना चाहिये कि जो रफ्तार मुकर्रर हो उससे तेज रफ्तार पर वे न चलें। कोई भी गाड़ी ऐसी नहीं रहनी चाहिये जिसके अन्दर रफ्तार जो अधिक से अधिक हो सकती है, वह मुकर्रर न हो। अग्र ऐसा किया गया तो जो इस तरह की एक्सीडेंट्स की घटनायें हो जाती हैं, वे बहुत कम हो जायेंगी।

इसके बारे में मैं दो तीन चीजें अर्ज करना चाहता हूँ। देखा गया है कि अग्र कोई गाड़ी उलटी पड़ी हुई होती है तो उसको देखने वाला कोई नहीं होता है। यह भी हमें बताया गया है कि रात के वक्त ट्रकों इत्यादि को ड्राइवर खूब तेज चलाते हैं और पी कर के चलाते हैं। मैं अनुरोध करना चाहता हूँ कि देखा जाए कि कोई भी ड्राइवर पी कर के गाड़ी न चलाये। ज्यादातर एक्सीडेंट इसी कारण से होते हैं कि ड्राइवर पी कर गाड़ियां चलाते हैं और उनको पता नहीं होता कि किस स्पीड पर गाड़ी जा रही है....

श्री ० रणबीर सिंह : ठंडी हवा लगती है।

श्री सिंहासन सिंह : यह बात भी ठीक है। लेकिन जब वे तेजी से चलाते हैं तो उनको पता भी नहीं रहता है कि सामने कौन है और इस तरह से एक्सीडेंट हो जाते हैं। इस वास्ते मैं कहना चाहता हूँ कि कोई ऐसा भी प्राविजन इसमें होना चाहिये कि अग्र कोई पी करके चलाये तो उसको पैनलटी होगी, दण्ड मिलेगा। प्रायः देखा गया है कि जो पीकर चलाते हैं वे रात के समय ही चलाते हैं। हो सकता है कि उससे उनको दम आता हो लेकिन इस तरह की कोई भी दलील कोई वजन नहीं रखती है। आप ने इसमें कहा कि एक वक्त में वह पांच घंटे लगातार काम नहीं करेगा और उसके बाद कुछ और कर चुकने के बाद या आराम कर चुकने के बाद उससे आठ घंटे से अधिक काम नहीं लिया जा सकता है। लेकिन इसके साथ ही साथ इसमें आपको इस चीज को भी रखना चाहिये कि वह पी कर न चलाये।

इन शब्दों के साथ में इस बिल का समर्थन करता हूँ और प्रवर समिति से प्रार्थना करता हूँ कि वह इस सदन को इस बिल को इस रूप में वापिस भेजे जिस से बस रखने वालों का, चढ़ने वालों का, मुसाफिरों का, बसों में काम करने वालों का हित हो, सब को सहूलियतें पहुंचे, सब को आराम पहुंचे और जो मुसाफिर उनमें सफर करता है उसको इसकी तसल्ली

## [श्री सिंहासन सिंह]

हो कि वह सही सलामत अपने डैस्टिनेशन पर पहुंच जाएगा और किसी के नशे के कारण उसका जीवन खतरे में नहीं पड़ेगा।

श्री ५० ला० बाइपास (बीकानेर—रक्षित-अनुसूचित जातियां) : सभापति महोदय, जो विवेक इस समय विचारार्थी है, यह बहुत ही अच्छा विवेक है और इसका स्वागत किया जाना चाहिये। इस सम्बन्ध में मैं एक दो सुझाव देना चाहता हूँ। मैं समझता हूँ कि ये जो मोटर गाड़ियाँ हैं ये राष्ट्र की सम्पत्ति हैं। मुझ से पूर्व बोलने वाले माननीय सदस्यों ने बहुत से सुझाव दिए हैं और मैं चाहता हूँ कि उन पर विचार हो लेकिन मेरा जो सुझाव है वह दूसरा ही है। मैं आपको द्वारा या केन्द्रीय सरकार के द्वारा राज्य सरकारों से यह प्रार्थना करना चाहता हूँ कि चूँकि आज बस की या ट्रक की कीमत कम से कम ४० हजार या ५० हजार या ६० हजार है तो ऐसा कोई भी काम नहीं होने दिया जाना चाहिये जिससे वह जल्दी ही खराब हो जाए, उसको जल्दी ही क्षति पहुँचे। इतनी भारी कीमत लगा करके जिस रूट पर वे बस को चलते हैं, गवर्नमेंट के टैक्स भरते हैं तो यह तो देखा जाना चाहिये कि सड़क ठीकठाक हों। यह बात अलग है कि उनको बस लाइसेंस या रूट परमिट लेने में कितनी दिक्कत होती है और इसमें उनको कितना खर्चा करना पड़ता है। इस बात को लेने वाला और देने वाला ही जानता है कि कौसी रिश्तखोरी चलती है। रूट पर जो बस चलती है उस वक़्त देखा जाता है कि जो सड़क होती है वह इतनी खराब होती है कि एक ही साल के अन्दर वह ५० हजार की बस बँट जाती है और किसी काम की नहीं रहती। जब सरकार इतने उनसे टैक्स लेती है तो मेरी समझ में नहीं आता है कि जिस सड़क पर गाड़ियाँ चलती हैं, उस सड़क को अच्छी हालत में क्यों नहीं रखा जाता है। वह सड़क तो बहुत अच्छी होनी चाहिये। पहले तो रोड पर पैसा खर्च नहीं किया जाता है और अगर किसी तरह से खर्च किया भी जाता

है और वह बननी शुरू हो जाती है तो प्रायः देखा गया है कि एक तरफ तो वह बनती जाती है और दूसरी तरफ टूटती जाती है। गो इसका विचारार्थी विषय से सीधा सम्बन्ध नहीं है लेकिन फिर भी मैं समझता हूँ कि जब मोटर मालिक रोता है कि उसके टैक्स भ्रदा कर देने के बाद भी रोड बनती नहीं है . . . .

**Mr. Chairman:** This Bill has nothing to do with the condition of roads.

श्री ५० ला० बाइपास : मैं भी समझता हूँ कि यह विषयान्तर बात है लेकिन मैं कहना चाहता हूँ कि इस पर विचार होना चाहिये।

दूसरी बात यह है कि जैसा हमारे माननीय सदस्य श्री सिंहासन सिंह जी ने कहा कि जब ड्राइवर लोग गाड़ी चलते हैं तो चूँकि वे होश में नहीं होते हैं इस वास्ते बहुत से एक्सीडेंट हो जाते हैं और इसकी जांच होनी चाहिये। जब ड्राइवर पी कर चलते हैं तो मस्ती में वे चलते हैं और उनको पता नहीं रहता कि कितनी रकतार से गाड़ी जा रही है किबर जा रही है और किबर नहीं जा रही है और इसका नतीजा यह होता है कि एक्सीडेंट हो जाते हैं। इसके बारे में गवर्नमेंट को उचित कदम उठाने चाहिये और देखना चाहिये कि वे ऐसा न कर सकें।

जब लाइसेंस दिये जाते हैं तो प्रायः देखा गया है कि जिके पास दस लाइसेंस हैं उसको पंद्रह दे दिये जाते हैं और जिस के पास एक भी नहीं है उसकी कोई परवाह नहीं की जाती है। उसने क्या कसूर किया है कि उसको एक भी लाइसेंस नहीं दिया जाता है। एक को २० या २५ लाइसेंस दे देना और दूसरे को एक भी नहीं देना उचित नहीं है। जिन के पास कोई धंधा नहीं है अगर वे कोओपरेटिव सोसाइटी बना कर लाइसेंस मांगते हैं तो उनको पहले लाइसेंस दिये जाने चाहिये। इस बारे में कहना चाहता चाहता हूँ कि कोओपरेटिव सोसाइटी का विशेषकर ध्यान रखा जाए।

एक यह भी बात है कि जो चैंकर्स होते हैं, जो इंस्पेक्टर्स होते हैं वे भी इनको बहुत कुछ कोरप्शन की ओर ले जाते हैं उन पर भी नजर रखी जानी चाहिये। जब ये बसों वाले कोई अपराध करते हैं तो ये लोग खा पी कर उनको माफ कर देते हैं। सवारियां ज्यादा बिठा लेते हैं, भेड़ों की तरह उनको बसों में भर लेते हैं और जब चैंकर आता है तो उसको ये कुछ दे देते हैं और वह इनको छोड़ देता है। ऐसा नहीं होना चाहिये। यह भी देखा गया है कि जो टिकट दिये जाते हैं उन पर सही नम्बर नहीं होते हैं और उसके अन्दर भी गोल माल चलता है, इसको भी ठोका जाना चाहिये।

अन्त में मैं इतना ही कहना चाहता हूँ कि जो रॉड्स हैं उनको सही हालत में रखा जाना चाहिये ताकि बसों जल्दी अराब न हो जाया करें।

**श्री राधे लाल व्यास (उज्जैन) :** सभापति महोदय, इस बिल का मैं भी समर्थन करता हूँ। एक बात जो इस में नहीं की गई, मैं उसकी ओर माननीय मंत्री महोदय का और ज्वॉयेंट कमेटी का ध्यान दिलाना चाहता हूँ। मोटर ट्रांसपोर्ट वर्कर्स के लिये जितनी अच्छी बातें इस में रखी गई हैं उन में एक और बात की व्यवस्था कर दी जाये तो ज्यादा अच्छा होगा। अपनी सारी जिन्दगी मोटर ट्रांसपोर्ट में काम करने के बाद बूढ़ापे में जब कोई आदमी रिटायर हो तो उस के लिये भी प्राविडेंट फंड की व्यवस्था होनी चाहिये। जैसे कि अंडरटेकिंग्स में है। इस विषयक में इस की व्यवस्था नहीं की गई।

**श्री आबिद अली :** इस में नहीं है, लेकिन व्यवस्था है।

**श्री राधे लाल व्यास :** उस का जिक्र इस में भी आना चाहिये।

**श्री आबिद अली :** जरूरत नहीं है। प्राविडेंट फंड एक्ट के लिहाज से वह ले सकता है।

**श्री राधे लाल व्यास :** लेकिन उस पर अब तक अमल नहीं हो रहा है।

**श्री आबिद अली :** हो रहा है।

**श्री राधे लाल व्यास :** नौकरों के लिये मैं ने देखा कि कहीं भी प्राविडेंट फंड नहीं है, कोई भी उन को देने वाला नहीं है। अगर प्राविडेंट फंड एक्ट लागू हो गया है तो यह देखा चाहिये कि जब मोटर ट्रांसपोर्ट में सर्विस करने वाले आदमियों के लिये जो व्यवस्था है उस पर अगर अमल नहीं होता है तो शासन ध्यान दे और जो अमल नहीं कर रहा है उसके खिलाफ कार्यवाही की जाये।

दूसरी बात जो मुझे निवेदन करनी थी वह यह है कि इस में आप ने हर एक आदमी को अधिकार तो दे दिया है कि जिस के यहां चाहे एप्लिकेशन दे सकता है, लेकिन होता क्या है ? मैं आप को अपने यहां की बात बतलाऊं। एप्लिकेशन देने के लिये बहुत बड़े क्षेत्र में केवल एक शहर रहता है। जैसे हमारे यहां इन्दौर को ले लीजिये। अगर किसी को दख्वास्त देनी हो तो वैसे ही मील चल कर वहां जाये। उस के बाद जब लाइसेंस मंजूर हो जाये तो उस को के लिये जाये, अगर लाइसेंस की फीस भी जमा करानी हो तो भी इन्दौर जाये। वह रतलाम, राजापुर या उज्जैन में जमा नहीं करा सकता। इस के लिये जो रूल्स बनाये जायेंगे उन में ऐसी व्यवस्था की जानी चाहिये जिस से कि लोगों को तकलीफ न हो, जो भी रुपया जमा कराना हो वह आसानी से किसी भी खजाने में जमा हो जाये और कलैक्टर की मार्फत दख्वास्त चली जाया करे। इसकी तरफ भी ध्यान दिया जाना चाहिये। हर एक केन्द्र पर लोगोंको शिकायत है कि पैसा बहुत खर्च होता है। न सिर्फ खर्च ही बहुत होता है वल्कि दिक्कत भी बहुत होती है और उस के बाद भी यह आशा नहीं की जा सकती कि एक या दो

## [श्री राध लाल व्यास]

दिन में काम हो जायेगा। इस सम्बन्ध में रूल बनाया जाना चाहिये कि वह अपारिटी के पास तो जायें लेकिन उस के साथ दरवास्त देने, प्रैसा जमा कराने और लाइसेंस को प्राप्त करने की सद्दलित्वें मिलें। जहां का भी रहने वाला कोई आदमी हो वहां को जो सरकारी चैनेल हो उस की मार्फत दरवास्त पहुंचा सके और लाइसेंस प्राप्त कर सके।

**ज्ञानी गुं. रि० बसाफिर (अमृतसर) :** सभापतिमहोदय, मैं आप का ज्यादा वक्त नहीं लेना चाहता। मुझे बड़ी खुशी है कि यह एक्ट पार्लियामेंट में वर्कर्स के सम्बन्ध में पास हो रहा है। इस की बड़ी जरूरत थी और मैं इस का हर लिहाज से समर्थन करता हूं।

मैं इस के सम्बन्ध में सिर्फ एक बात कहना चाहता हूं कि जिस कम्पनी में १० वर्कर्स हैं उनको तो सेंट्रल गवर्नमेंट मैनेज करेगी और जिन में पांच वर्कर्स हैं उन को स्टेट गवर्नमेंट मैनेज करेगी। लेकिन ऐसा भी है कि बहुत सी कम्पनियों में एक या दो आदमियों से ज्यादा नहीं रहते। बेहतर यह होगा कि जिन में दो या तीन आदमी ही हैं उन को ही परमिशन दी जाय ताकि वह अच्छे तरह से अपना काम चला सकें। हम यह भी देखते हैं कि वर्कर्स की सहूलियत के लिये कानून पास किया जा रहा है, सब बातें की जा रही हैं। हर एक बात का ख्याल किया जा रहा है, उनकी छट्टियों, टाइम वर्ग रह सब पर ध्यान दिया जा रहा है तब जो टैक्सी, ट्रक्स या स्कूटर वर्ग रह की परमिशन दी जाय वह अगर वर्कर्स को दी जाय तो ज्यादा अच्छा है। उन की अच्छी तरह से जांच कर ली जाय कि वह अच्छी तरह से चलाना जानते हैं या नहीं, और उन के पास लाइसेंस हो, तो उन का ख्याल रक्खा जाय। बजाय इस के कि वह किसी और का काम करें खुद अपना काम करें। अगर उन लोगों को परमिशन दी जाय तो इस से जो दूसरे ट्रांसपोर्ट वर्कर्स हैं, जो कि इस काम में दिलचस्पी रखते हैं, वह अपना काम और अच्छा कर सकते हैं और उस के जरिये ट्रांसपोर्ट को और अच्छा बना सकते हैं।

मुझे इस के मुताल्लिक सिर्फ यही बात कहनी थी और मैं इस बिल का समर्थन करता हूं।

**Shri Abid Ali:** Sir, I am thankful to the hon. Members who have taken part in this debate for giving us useful suggestions, and it is heartening to note that the measure has received universal support in this House. The little criticism that came from that side was perhaps of a formal nature, and some of the hon. Members who spoke during the latter part of the discussion could have given us some useful suggestions if they would have cared to look to the provisions of the Bill with a little more attention.

Sir, perhaps they were under the impression that we were amending the Motor Transport Act which takes care of the licensing procedure, the number of passengers and so many other provisions. This particular measure relates to the conditions of workers in the motor transport industry and it is not concerned with motor vehicles so far as their licensing procedure and the like matters are concerned.

Now, about the minimum wages the hon. Member from Rajasthan put a question. My hon. friend from East Khandesh, Shri Bharucha also raised that point. The Minimum Wages Act is applicable to the workers in public motor transport.

**Shri Naushir Bharucha:** What is the minimum wage?

**Shri Abid Ali:** I submit that the Minimum Wages Act is applicable, and they have been covered at various places. Wages vary. From time to time it is revised, as the hon. Member also knows very well.

About delay, it is true that a long time has been taken. If delay is considered only from that point of view then it is a delay. But it must also be considered that a measure of this type, the first of its kind in this

country needed very careful consideration and consultation at various stages and from time to time by this committee and that committee, by the tri-partite committee, special committee, technical committee and all that. If that is taken into account the hon. Member would certainly come to the conclusion that there was no delay as such.

I am also most anxious, that this Bill should pass through the various stages in both the Houses and the measure converted into an Act at the earliest possible date. But it is not necessary to change the date mentioned in the motion that I have placed before the House. It is left to the hon. Members; if they can expedite the work of the Joint Committee and produce their report during the middle of this session, all will be happy. So far as we are concerned we shall be helpful in that matter and we shall be glad if the procedure is so adopted that this goes through both the Houses during the current session.

Regarding Jammu and Kashmir a complaint has been made. Perhaps the hon. Member would be satisfied if I inform him that this Bill relates to an item in the Concurrent List and under the Constitution, as made applicable to Jammu and Kashmir, legislation in the concurrent field cannot be extended to that State. So that is the position, it is not that we wanted purposely to exclude that State.

My hon. friend from Punjab mentioned that establishments having ten workers will be covered by the Centre and those having five by the States. When this enactment will be passed all will be administered by the State Governments respectively and not by the Centre. All that the States have been authorised is that they may reduce the applicability up to five workers being employed in any establishment.

A complaint was made about cases where a person owns one vehicle. If

the number of workers are less than five, then they are not coverable by this measure. Therefore, there would not be any difficulty so far as the owners shops which have less than five employees are concerned.

Then a complaint was made that the State Governments may take undue advantage of the exemption clause and they may exempt themselves. Such a thing is not envisaged and I do not think it would be proper to think in these terms. However, if a particular State Government wants to get exemption, and even if we exclude the exemption clause from here, they are at liberty to amend the Act itself and have that power to get themselves exempted.

So far as the conductors are concerned, the intention is that the conductors also should be included. If any loophole is pointed out, certainly it would be taken care of and the Bill would be so amended that conductors are unambiguously covered.

**Shri Tangamani:** Will the conditions applicable to the motor transport workers be applicable to them?

**Shri Abid Ali:** They are coverable and they will be covered.

**Mr. Chairman:** Order, order. The Minister says that it will be included.

**Shri Abid Ali:** If those people are not included and if it is pointed out, certainly we will accept the amendment or we will propose an amendment ourselves to include them. So far as the workers in establishments such as workshops, maintenance garages and other places are concerned, they are already covered by the Factories Act.

Hon. Members from Punjab and Rajasthan referred to provident fund. The Provident Fund Act has already been made applicable to workers in the transport industry and the provident fund is being collected from the

[Shri Abid Ali]

workers and the employers. Wherever, according to the Act, they should be covered and have not been covered, if that fact has come to the notice of hon. Members and if they inform us, certainly we will be glad to take appropriate action.

Minimum wages has also been referred to in the course of the speeches, and I have noted the suggestion of hon. Members. Regarding the workers in the State transport undertakings, I may say that they are covered. Nowhere we have said that they are not covered. When we do not exempt these workers expressly from any enactment, even they are automatically covered. Even then, I may submit that if it is found by the Joint Committee that there is a loophole in this matter, then of course the necessary amendment will be made. I am sure, and I have no doubt in my mind, that by no chance the workers in the State transport undertakings can be excluded from the operation of this measure.

About working hours, my personal feeling is that in India we should increase the working hours, and there is no question of reducing it. This is a period when we should all work hard. So far as the motor transport industry is concerned, the price of the vehicles has risen tremendously and the cost of maintenance; the cost of running and all that has gone very high. Wages also have increased. If the suggestion to reduce the working hours is accepted, then the number of persons required to run the transport vehicles will be very much more and that will not be in the interests of the passengers also as has been pointed by some hon. Members.

**Shri S. M. Banerjee:** Is that the opinion of Government or your personal view?

**Shri Abid Ali:** So far as I am concerned, personally, I feel that in this country, working hours should increase. As regards unfair practices, so far as the State transport in Bombay is concerned, when private vehicles were taken over by the State Transport Corporation in Bombay, the emoluments which were fixed by the Corporation were in no case less, compared to what was being paid by the private transport operators. In several cases, it was raised three times in Bombay. The complaint was that where the State is concerned with this industry, it takes undue advantage of the power that it has got and treats the workers unfairly. So far as the facts and figures are concerned, that complaint cannot be justified, and is not justified, by any stretch of imagination.

An. hon. Member was referring to the hills. So far as hills are concerned, the accidents are much less as compared to those over the plains. The drivers on the hills are very careful and are experienced.

**Shri S. M. Banerjee:** My contention is that traffic in the hills is less. He must understand what I said.

**Shri Abid Ali:** Of course accidents do take place everywhere. Even when a man is walking he meets with an accident. Even when he does not come into collision with anything, still, he falls down. So, there will be accidents. If you want that accidents should not be there, then stop plying the vehicles: That alone will stop accidents. But so far as the hills are concerned, the accidents are very much less.

**Shri Braj Raj Singh (Firozabad):** From where have these arguments been borrowed?

**Shri Abid Ali:** My hon. friend, Shri Naushir Bharucha was referring to Bombay. It is true that he and I have been very much connected with the BEST, he as an employer and I as a worker.

**Shri Naushir Bharucha:** The hon. Minister was connected as a striker; I was connected as an administrator.

**Shri Abid Ali:** I was a striker during the British Government's period, and he was employed during the British Government's period. He should not forget that. He has some experience about the driving of these double-deckers and I have also some experience. Of course, it is a strenuous job. But our workers in Bombay have the honour of being careful and they are involved in the least so far as accidents are concerned. They have got a high record in that respect. For that, it is acknowledged that they are getting some money and financially they are benefited. Now the no-accident bonus has also been introduced. Even earlier, they were getting four to five badges for 'no accidents'. Our drivers are very careful. The work is very strenuous. It is not that Members sitting here have no experience or knowledge of what is happening. They have also passed through the various stages of hard life and we know what is life.

About Ghats, an hon. Member was mentioning that the plying of vehicles in the nights has been stopped. But so far as the Bombay-Poona road is concerned, sometime back that restriction was removed, if my information is correct. About the co-operative system, of course sufficient encouragement is being given, and should be given for workers who want to have their co-operative organisations.

**Shri Braj Raj Singh:** What are the Government doing?

**Shri Abid Ali:** We are doing very much. The hon. Member may be happy to know that in the city of Bombay no person can own a taxi unless he is himself the driver of the taxi. Only the driver of a taxi can own a taxi in the city of Bombay. So,

to that extent we are doing what is necessary, and the hon. Member should be glad to know it.

**Shri Braj Raj Singh:** Are you a Minister for Bombay or for India?

**Shri Abid Ali:** In Delhi also, the rikshawallas have got their own co-operatives. Perhaps the sphere of knowledge of my hon. friend is very limited.

About nationalisation, I may say that it is very much progressing and with considerable speed in all parts of this great country.

That should be very much satisfactory.

I think I have covered the important observations of the hon. Members. The other points which they have made will, of course, be discussed in the course of the proceedings of the Joint Committee.

With these words, I move.

**Mr. Chairman:** The question is:

"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:—

Shri P. B. Bhogji Bhai, Choudhry Brahm Parkash, Shri Kamal Krishna Das, Shri Ram Dhani Das, Shri Jaljibhai Koyabhai Dindod, Shri Mulchand Dube, Shri L. Elayaperumal, Shri Narayan Ganesh Goray, Shri Ansar Harvani, Shrimati Parvathi M. Krishnan, Dr. G. B. Melkote, Shri Venketrao Srinivasrao Naldurgker, Shri M. Palaniyandy, Shri Kashi Nath Pandey, Shri Panna Lal, Shri Karsandas Parmar, Shri Balasaheb Patil, Shri P. Ramaswamy, Shri Ram Garib, Shri Ram Shankar Lal, Shri T. B. Vittal Rao, Shri Bishwa Nath Roy, Shri Sadhu Ram, Shri Vidya Charan Shukla, Shri Braj Raj Singh, Shri Banarsi Prasad

[Mr. Chairman]

Sinha, Shri Shraddhakar Supakar,  
Shri Missula Suryanarayana-  
murti, Shri Ramsingh Bhai  
Verma, 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."

*The motion was adopted.*

15.41 hrs.

**TRIPURA MUNICIPAL LAW  
(REPEAL) BILL**

**The Minister of Health (Shri Karmarkar):** I beg to move:

"That the Bill to provide for the repeal of the municipal law in force in the Union territory of Tripura be taken into consideration."

The Bill is a simple one. I should like to share with the House the background of this Bill in brief. As the House knows, the Tripura Municipal Act, 1349 T.E. (1939) under which the Agartala Municipal Committee has been constituted was enacted during the ex-Maharaja's regime. At the time the Tripura Municipal Act was enacted, Agartala, the chief town of the State (now Union Territory) was a small one. Since then there has been a great

change. The population has increased considerably, business has expanded and the town is fast developing. The Tripura Municipal Act which is now in force does not meet the requirements of a modern municipal town.

The powers of taxation under the Tripura Municipal Act are extremely limited and the method of valuation of holdings is defective. There is not even an adequate provision in the Act for levy of taxes for street lighting and for water-supply, etc. The Act also does not empower the Agartala Municipal Committee to exercise its functions like the removal of encroachments on Municipal land.

The Agartala Municipal Committee is not self-supporting. With its present income, the Municipal Committee cannot balance its budget and its condition may be said to be precarious from the financial point of view. The Municipal Committee receives subvention from the Central Government.

The inhabitants of the town have been agitating for a long time for the introduction of a more progressive municipal legislation, as the existing Municipal Act is insufficient and confusing in respect of election matters. All the Commissioners of Agartala Municipal Committee resigned *en bloc* a few years ago and since then the administration of the Committee was taken over by the Chief Commissioner, Tripura.

In view of the above circumstances, it is considered desirable to replace that Act by extending the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), which is more exhaustive than the present Act.

Under Section 2 of the Union Territories (Laws) Act, 1950, an enactment in force in a State may be extended to the Union Territory by notification, but the corresponding law in force in the Union Territory cannot be so repealed. Hence the Bill which provides that on the day