

**MOTOR TRANSPORT LABOUR
BILL—Concid.**

Mr. Chairman: The House will now proceed with the further consideration of the following motion moved by Shri Gopalan on the 7th December, 1956:

“That the Bill to regulate the conditions of motor transport workers, be taken into consideration.”

Out of two-and-a-half hours allotted to this Bill, fourteen minutes have already been availed of on the 7th December 1956 and two hours and 16 minutes are now available. Shri A. K. Gopalan may now continue his speech.

Shri A. K. Gopalan (Cannanore): Sir, the other day, according to the advice of the Chair I promised to restrict my measure to the condition of the workers employed in the private motor transport, that is the private sector of the industry. I have written to the Speaker to that effect and I propose to make two minor amendments.

Mr. Chairman: When a Bill is allowed to be moved, the House gets into possession of that Bill and any amendment to be made by the hon. Member is subject to the wishes of the House, subject to any decision being taken by the House in regard to those amendments. I will allow him to make his speech. If the House does not agree to the withdrawal of those portions, I am afraid the Chair will not be able to help him. The House is in possession of the Bill now. As soon as it is introduced it becomes the property of the House and the House alone can determine if the hon. Member should be allowed to withdraw certain portions of it. Subject to that I allow the hon. Member to make his speech.

Shri A. K. Gopalan: The other day I spoke of the importance of this piece of legislation being passed in this session. It was only the other day this House discussed the Motor Vehicles (Amendment) Bill for two days.

Certain important amendments were made in that Act, because in the coming years road transport is likely to play more and more important part. The main amendment which we made in that Act related to discipline among transport operators, but nothing was done to improve their conditions of service, though the hon. Minister promised that a comprehensive Bill would be brought forward. [What I wish to impress on Government in this connection is that road transport cannot be developed unless and until you improve the condition of the road transport workers.]

[In the Tripartite Standing Labour Committee it was unanimously agreed both by the representatives of Government and the employers that there must be improvement in the condition of workers. During the last few years we have in this House passed so many measures giving protection to different kinds of workers, but for the workers employed in the motor transport industry, though it is important in the social and economic life of the country, no legislation has been undertaken.] The conditions of service of plantation labour, dock labour and other workers have been to some extent improved. But in the case of this important category of workers there has been no legislation during the past four or five years. This Bill seeks to improve some of their conditions of work.

Even the I. L. O. has recommended that the working hours of the operating crew must be only eight hours a day and they have pointed out that the working hours of the operating crew in India is the highest in India. Even according to the Motor Vehicles Act which was passed in the British days the crew were expected to perform only nine hours of steering, duty, but in actual practice they work from fifteen to sixteen hours. The amendment which we recently passed to the Motor Vehicles Act did not even refer to this matter. Chapter V says that there should not be more than forty-two-hours of work in a

week; not more than seven hours in one day; and every worker should have an interval of rest of at least half-an-hour after four hours of work. These are very reasonable changes.

Workers in other industries have got eight hours a day. The I. L. O. itself has said many years ago that the working hours should not exceed eight hours a day.

As far as the transport workers are concerned I do not wish to go into the question of the technicalities, but there are certain mechanisms regarding the working. For instance the brake is now on the side of the driver and he has to pull it backward and forward. That gives him some more exertion and he will not be able to work as before when it was a footbrake. As a result of the change in the mechanism it is very difficult for the transport worker to work for more than seven hours. [So, in regard to the working conditions, the changes that are pointed out here are very essential if he is to do his work satisfactorily. Or else there may be accidents and other things. Because, by this hard work, when he is not able to work for the whole day according to the changed mechanism in the motor bus, certainly there will be accidents and there will be loss of life, and also the man cannot work for more years.] So, regarding the working hours, there must not be more than seven steering hours per day. Actually, seven hours steering work means that he will have to work for more than that time. Because, he cannot start the work as soon as he comes. He has to be there at least half an hour before he begins steering; also, when the bus completes working he will have to be there for half an hour to see that it is in working order. So, seven hours steering actually means eight hours of work. That is why it has been put as seven hours steering, which means that he will have to put in one hour more of work.

Then I wish to refer to the medical facilities. Chapter II makes provision

for the same. And the provision made is that where there are 150 transport workers in any service, the medical facilities provided should include a regular dispensary and a medical officer attached to it permanently. There are big transport companies in our country where there are a large number of transport workers. Here in Chapter II it is provided that in regard to medical facilities there must be a dispensary and a medical officer attached to it permanently. [Because, when there are accidents or some other things, unless there is a dispensary from which they can get some medicine and also a medical officer attached to it, they cannot get any medical help.] Where the number is 150 transport workers or more, this must be provided.

Chapter III relates to canteens. And it is provided that where one hundred workers are ordinarily employed one or more canteens shall be provided and maintained by the employer for the use of the workers. It is also provided that the Central Government may make rules for the maintenance of the canteens and other matters. And there must be a managing committee with representation of workers in the committee who will decide about the kind of food, the charges and other things. That is also very essential. Because, the transport workers being hard labour, they must get good food which must also be cheap. That is why in regard to canteens certain provisions are made.

Chapter IV is about rest houses and reading rooms and recreation facilities. In big transports the places of halt will be in some places which will not be in the town but which will be somewhere in the rural areas. The transport workers will get no facilities for rest and sleep, and if they do not get good rest and sleep they cannot work properly. If they work on the steering without sleep, it will cause trouble. Regarding rest, even at the places where the buses halt at night time, there must be rest houses with facilities. And in the rest houses there must be facilities for

[Shri A. K. Gopalan]

these people, who are always in the bus, to read and understand something. Otherwise they will have no opportunities and they will be culturally and educationally very backward not understanding anything. Because, they have no opportunity to read or hear others reading. But in the rest houses they will, naturally, have a tendency to read something. So, these rest houses must afford this facility.

As regards the other clauses, Chapter V deals with overtime and overtime wages. Clause 11 provides that hours worked in excess of seven hours a day or forty-two hours a week should be counted as overtime, and subject to the yearly limit of one hundred and twenty hours, the amount of overtime in any one month shall not exceed forty hours. Sometimes it may be that to get more money they may work overtime, but that will weaken them. So, as far as overtime is concerned, not only is provision made for payment of overtime at twice the ordinary rate of wages when it exceeds seven hours a day or forty-two hours a week, but they must never be allowed to exceed forty hours of overtime in any one month—subject to the yearly limit of 120 hours. Because, if it exceeds that limit and some service employs the man—because the man concerned will also be anxious to get twice the wages as overtime and the employer also may want it—, it will certainly affect the health of the worker. In fact, it will not only affect his health, but it will be ruinous from the point of view of the common life of the people. That is why though it is stated that overtime wages must be paid at twice the rate, it is restricted to forty hours in a month.

The spread-over is the next provision, which is contained in clause 12. It provides that the period of work of any worker shall be so arranged that inclusive of his interval of rest, it shall not spread over more than nine and a half hours a day. Because, after the seven hours steering work, if he is asked to do some other work,

and it goes to more than nine and a half hours in the total, that means that his capacity and ability will go down, and so there must be a limit as far as the spread-over also is concerned.

The last provision in this Chapter is about night work and wages for the same. I need not explain it. It is very clear. The provision made is that night work must begin at 7 p. m. and that all night work shall be paid at twice the ordinary rate of wages.

Then I come to Chapter VI which deals with leave with wages. This is very important. It is very necessary that after his hard work, the transport worker must have rest. It is therefore provided that every person employed in a motor transport who has completed a period of continuous service therein shall be allowed during the subsequent period of twelve months leave with full pay or wages at the rate of fifteen days casual leave, thirty days privilege leave and twelve days festival holidays including national holidays which come under the Negotiable Instruments Act. This leave should be given with wages, and it is necessary also that he must be able to avail himself of this leave. The twelve months' continuous service should be deemed to have been completed if the worker has during the said period of twelve months put in not less than one hundred and eighty days of attendance, and the period of the leave should be inclusive of the weekly days of rest. These are the provisions about leave. Leave with wages should be given, and the worker must have the benefit of enjoying the leave.

So far as sickness leave and sickness benefit is concerned, subject to any other rules that may be made in this behalf, it is said in this provision that the transport worker shall be entitled to obtain from his employer sick leave with full wages for a period of fifteen days and half wages for any period over fifteen days and upto one month, provided a qualified medical practitioner certifies to that effect.

Then, provision is made in clause 16 in regard to accidents. Every now and then we hear about accidents in the papers. It is provided here that if personal injury is caused to a workman, arising out of and in the course of employment, his employer shall be liable to pay him wages for the period or periods during which he has been forced to remain without work. This is very important, because when there is no restriction about overtime, when there is no restriction about spread-over, and when there are no restrictions about the working hours, and when they are made to work for fifteen or sixteen hours, we find that on many occasions there are accidents and when these accidents occur, the workers are just left without any help. [The employers' liability to pay wages during period or periods of injury caused by accidents should be realised very well. It is very important that workers, when there is any accident, should not be abandoned. There must be some regulation as far as these accidents to the workers are concerned.] In the Bill, it has been provided that wages for the period or periods during which he has been forced to remain without work, should be given.

Then the question arises as to the provident fund, gratuity, etc., on which I do not want to dwell at length. I would only say that all these benefits must be given.

I am glad that there is a Standing Labour Committee and I learn that it is meeting somewhere at the end of this month, and I hear that they are going to discuss this matter and going to bring forward some legislation. The other day, the Deputy Minister said that they are going to bring forward a legislation. I want to know whether they are doing it, because, as I said before, nothing has been done so far. We have amended the Motor Vehicles Act. Some of the clauses in that Bill deal with punishment for the transport workers, saying that they should be detained, etc., for certain acts. [But, at the same time, nothing has been done for the

development of road transport in this country. Certainly, the condition of workers should be taken into consideration and the same amenities that are given to other classes of workers should be given to the motor transport workers. I want to emphasise this, because the other day, the Deputy Minister said that long before Shri Vittal Rao and Shri Gopalan brought this Bill forward, he had thought of it. It is not because he had thought of it earlier that I am emphasising this now. The Government must see the condition of workers and it is because of the conditions of the workers that I want the Government to do something in this regard.

Even now, it is very late to do this. For the last five years, the Government did not think about it. It is very sorrowful to note that the Government have done nothing regarding this important motor transport industry with respect to the workers. Even now, at this last moment, if the Government will accept the reasonable provisions that are contained in this Bill, and bring forward a Bill, certainly we will be very glad. I am sure that the Government will see to it. If the Minister says, "Certainly it would be done immediately," then, even if you do not take this Bill into consideration and pass this, I shall not mind. If the Minister will only say that this thing has been delayed, and delayed for many years, that this will be taken up immediately and that the most important provisions at least which are contained in this Bill will be accepted, namely, the provisions regarding working hours, sickness, leave and other things—and are implemented immediately, certainly, no more discussion on this Bill need be necessary. If there are any provisions which cannot be accepted, then, let the Minister come and say which are those provisions which cannot be accepted and why. If he thinks that certain provisions may be accepted, it is for him to say what the Government, even at this late hour, thinks about this piece of legislation.

Mr. Chairman: Motion moved:

"That the Bill to regulate the conditions of motor transport workers, be taken into consideration".

I think that in view of what has fallen from the hon. Member who has moved for consideration of this Bill, it is better that the Government make a statement. The hon. Member said that if he is satisfied with a statement by the Minister, we may not proceed with the Bill. Not that I am opposed to speeches being made, but only in order to save time, I felt that I could make that suggestion.

Several Hon. Members rose.

Shri A. K. Gopalan: After the reply by the Minister, we could see to it.

Mr. Chairman: But, if the hon. Members who have just now stood up want to make speeches, I would request them to be very brief.

Shri T. B. Vittal Rao: (Khammam): Yes, 10 minutes.

Mr. Chairman: Yes; Shri Vittal Rao may speak.

Shri T. B. Vittal Rao: Mr. Chairman, this is a Bill which has been brought forward by the leader of our party, Shri A. K. Gopalan, for providing for statutory provisions for regulating the conditions of service of motor transport workers. I shall be very brief. [As long as 20 years ago, the International Labour Organisation adopted a convention. Though we have been a member of the International Labour Organisation, we have not yet ratified it. Today, there are 3,50,000 workers employed in the road transport industry. It has been recognised that the road transport workers should be given the facilities that are accorded to workers in the factory or mines or in the plantations. We are not asking for anything better than what is provided for other workers governed by the various Acts.

We have been raising these questions for a long time. In 1954, the

Deputy Minister of Labour, with some authority, said that the Government was thinking of it. We waited for nearly a year, but that promised assurance was not implemented. Then I and my leader brought forward a Bill. The Bill was introduced in September, 1955. In February, 1956, it was discussed in this House. Then also the Minister gave an assurance that they would bring forward a legislation. After that what happened? [The Standing Labour Committee met in Delhi in April, 1956. They unanimously recommended that legislation should be undertaken.] But many months have passed. It has not come.

Only in the last session—13th session—in the month of September, in reply to a supplementary question of mine, again, the Deputy Minister of Labour, with a little amount of gusto, said that the legislation cannot be brought forward through a brain wave. All these years, the measure has been pending. It cannot come through a brain wave, as he put it. It was said that they are in consultation with the labour organisations. All such things were said. But till this day, nothing has come out.

I only want to quote one instance. [Even in the State transport services, where it is said that the workers are paid better or that their conditions of service are a little better, a driver who takes the bus at 4 o'clock in the morning and reaches his destination at 12 o'clock, is again asked at 1 o'clock or 2 o'clock to take another bus and he is asked to maintain the connection to the railway train. I met those people. I have worked among such people. I know with what volume of strain they work, and yet, statutory provisions are not available to them.]

Rest hours, paid holidays and overtime wages are all normal in our country. But why should these people be neglected? I tell the House definitely that there is something wrong in the Ministry of Labour. It must be overhauled. They have

always been delaying legislation in regard to labour—whether it is an amendment to the Payment of Wages Act, or it is an extension of benefits under the Employees' Provident Fund Act or whether it is an amendment to the Workmen's Compensation Act. They delay things even after [it has been decided by the Labour Ministers' Conference and the Indian Labour Conference which is a tripartite organisation and the supreme body in this country in relation to labour.] They delay things. This Ministry is most inefficient. I want the Prime Minister, the Leader of the House, to look into it and overhaul it so that at least the conditions may improve.

Mr. Chairman: Shri V. P. Nayar.

Shri Achuthan (Crangannur): There was a convention that after one Member from that side has spoken, one Member from this side may be called.

Mr. Chairman: The debate is not over. I do not want to be directed by the hon. Member in the matter of choosing one Member from this side or one Member from that side. The discussion has not been exhausted. The hon. Member may be allowed to speak if he catches the eye of the Chair. Shri V. P. Nayar.

Shri V. P. Nayar (Chirayinkil): I want to make a few general observations. The Bill ought to be certainly non-controversial and if the Government cannot find their way to accept it, I submit that it is only because it comes from the Opposition.

Sir, as comrade Shri T. B. Vittal Rao pointed out, there is an understandable procrastination in the matter of labour legislation in this country. It is unfortunate these 350,000 workers have not so far had the benefit of any law. I was amused the other day when Shri Abid Ali, the Deputy Minister, said that legislation does not come from brain waves. I would not quite agree with that because the essential pre-requisite for a brain wave is brain itself, the existence of which I seriously doubt

having seen the manipulations of the Ministry....

17 hrs.

Mr. Chairman: As a matter of fact, as you know, the hon. Member is entitled to make any remarks he likes. But he is going beyond limits in making remarks like these. After all, we are at the fag end of the session. Now, we should not give ourselves to saying some things which are absolutely unpleasant to every person who hears. It would be better if the remarks are couched in a much more moderate language.

Shri V. P. Nayar: I wish to do so. But, it is rather painful to know the very hard lot of these motor drivers.

You know that the recent trends in the motor transport industry is to make bigger and bigger buses. Whether it is a bus or lorry, especially in the public transport, you will find that, when 10 years ago you had only 3-ton trucks or 3-ton buses, at present, it is 8 or 9-ton vehicle. I know some of the practical difficulties which have increased the work load. That is not being appreciated. For example, if a driver took out a 3-ton truck or a 3-ton bus, the seating capacity was limited to 23. Today, what do you find? Even in Delhi, you can see how the buses are built. They are so long that you enter through the back and even without the bus moving, you reach the destination. The man at the steering has much more responsibility.

His nerves will always be in extreme tension. He is carrying 100 persons. In the olden days, there was only the seating capacity. Today, there is the seating capacity, there is the standing capacity, there is hanging capacity and in some buses, there is also a sandwiching capacity also. Is this the condition in which the drivers have to work? It is common knowledge that in a 10-ton bus, when the driver applies the brake to stop the bus, he has necessarily to use more of his energy, however much efficient the brake system may be.

[Shri V. P. Nayar]

You will also find that in all these new buses, the position of the bears has been changed. It is far behind. One has to stretch his hand backward and change the gear. One can understand that in these buses, the gears have to be changed five times. Wherever the bus stops, the driver has to stretch his hand backward and pull the gear. Improvements have been made in the buses. What for? These big buses have been made in order to make the running cost low. You are using diesel which is harmful according to my information. I raised the question the other day also. Government say, we have not enquired whether the use of diesel is injurious to the driver. This is a matter which has to be looked into. The drivers' plight, I submit, is something which we do not generally appreciate. What is the position of a driver? He has no security of service. Even the hon. Minister knows what will be the spread over duty of his own driver. When he comes to Parliament, when we are here, the driver has to wait outside. If it is summer, you can imagine, there is not one shed even before Parliament for the driver to wait. We have taxi stands, where we can get hundreds of taxis. But, is there a single shed under which a driver can take refuge when he has no customer? This is a thing which we ignore. The driver's work is a very strenuous one. Here in India you find that when the Motor Vehicles Act can be amended, section 65 has to be retained, fixing the duty at the wheel at nine hours. What is the real position? Take the case of an officer. The driver has to report to his boss at 9 o'clock in the morning and be waiting outside some club till the owner goes home. What is he paid for that? Is he not a human being? Speaking about cars, the owners or proprietors insure the cars. There is third party insurance. If there is some damage in a car as a result of some accident, that lifeless thing also is protected. But, the human being who is in charge of it is not protected by the owner. Is it not ridiculous? This applies in the case of not only

the drivers, it applies also in the case of conductors. Their work load has also increased. If he had to issue tickets for 30 persons some years ago, he has to issue tickets to 100 persons now. Is he paid more for that? There is absolutely no protection for the bus crew. They are working in miserable conditions. There is no question of delaying legislation any longer because we all know that it is very vitally required. This industry is very vitally required for building up our nation. It is not as if the Railways can deliver the goods. They cannot. This Industry has to develop. In this context, when all things are developing, I say that the Government, despite the assurances given here which were pointed out by my hon. friend, have not bestowed any serious thought over this issue. I have some experience of this and I understand their problems also. What about a car which has to go overnight? If the I. L. O. has adopted 8 hours steering a day, I personally think, that in India, under our tropical conditions, during certain parts of the year, it should not even be eight hours. Just imagine a Delhi transport bus. A driver gets into the bus at 11 o'clock in the morning on a hot summer day. How long can we expect him to be at the steering? We cannot even go from here to North Avenue for our lunch. It is so hot. This man has to be at the wheel for 8 hours. It is unimaginable. He will be literally fried in the heat of Delhi. We want, therefore, restrictions in regard to that.

Does Shri A. K. Gopalan's Bill suggest anything which the Government cannot do? Does it raise any issue on which there can be any controversy? I submit that, having regard to the non-controversial nature of all the provisions here, which are very good and which the Government should have no hesitation in accepting, Government should accept this Bill and see that the transport workers, who have been neglected so far by the Government, get at least some protection.

They will have medical facilities, they will have the little conveniences which the other workers enjoy, they will have their duty hours fixed and they will also have their insurance paid by the owners of the cars which they drive. '

I do not want to go into public sector. But, I want to give the Minister a warning also, that because this matter is not being looked into properly by the Centre, the State undertakings also have a trend which is very harmful for the country. We know how the Transport Enquiry Commission report in the matter of the State Transport in Travancore-Cochin was implemented only in regard to the provisions which were injurious to the workers while those provisions which were beneficial were never touched. Because there is no Central legislation, the States and the private operators think that they can do anything with the workers. There is no question of security of service. The moment you ask a driver to go away, he goes. He cannot go to a court of law in the present circumstances. This attitude must change. I appeal to the hon. Minister to atone for what has been done and to bring this legislation immediately.

Shri Achuthan: Mr. Chairman, we had the experience of an outburst in this winter season in Delhi of the brainwaves of Comrades V. P. Nayar and T. B. Vittal Rao. I am not going to reply to those outbursts.

Comrade T. B. Vittal Rao very strongly criticised the Labour Minister saying that he is very inefficient. It is everybody's knowledge in the country that the two persons who are now manning the Ministry are the best and most experienced men in that line, better than comrades Shri V. P. Nayar and Shri T. B. Vittal Rao, having worked in the labour organisation from the very beginning of their life. . . .

Shri T. B. Vittal Rao: We agree.

Shri Achuthan: . . . in the busiest parts of the country where labour

organisation originated. To come and say after five long years, after we have witnessed the large number of labour welfare measures in this country, is not proper. We can be proud of the attitude taken by the Government in the matter of the improvement of the poor conditions of labour of all categories, private, public, factory, mines etc. They say because the Government did not bring forth a Bill within one month or two months, the Prime Minister must fly back from Washington to see that something is done about these Ministers; this is simply fantastic.

Coming to the Bill, it is a good measure. We have seen during the last so many years in India both the Central and State Governments have brought forward a number of labour legislations for every category. We have, for example, dealt with many aspects of the welfare of factory workers—their wages, compensation, remuneration etc. Shri T. B. Vittal Rao is an expert in the mine workers labour organisation also. Even yesterday he raised a discussion and in a very sympathetic way the Labour Minister replied that that also will be looked into. State Governments and labour organisations have to be consulted and necessary non-controversial measures must be brought forward so that as soon as possible they may be implemented in this country. Simply saying here to bring forward such a measure will not do. It is not that system of Government that we are having here. I do not think there was any laxity on the part of the Ministry in bringing forward such measures.

I must congratulate Shri Gopalan on bringing forward this measure. I do not know what the reactions of the Government will be. It has got a number of good features. With the coming Five Year Plans there will be an increase in the number of transport vehicles in this country. We are now constructing a number of roads connecting the interior parts of the country. It is a sign of the economic

[Shri Achuthan]

development of the country. The transport vehicles must ply on all these routes for the transport of passengers as well as goods. Even the Railway Ministry here openly says they will not be able to cope with the heavy transport work during the Second Five Year Plan. So, it is high time that transport workers are given some security.

Even now I do not think where there is a well organised labour organisation of transport workers, the labourers can be dealt with in any way according to the whims and fancies of the private employers. We have seen in our area also that owners who have more than 150 lorries, trucks and buses cannot deal with a simple employee as they like, because there will be an organised strike, and the workers take the assistance of the labour organisation of the State Government concerned. I have seen. I was a legal adviser of a transport service which has got more than 30 buses and 25 lorries and a few cars. There in my capacity as Adviser for more than five years I have not seen a single employee dismissed. We will not give room. It is not also possible nowadays to deal with them like chattel. So, do not paint such a horrible picture of the poor plight of the labourers.

It is good that the provisions of this Bill should be adopted and enacted. I know it will add to efficiency. Not only that. If such measures are adopted, more educated people will be tempted to come in. With regard to conductors or drivers or mechanics we must so have the rules and regulations that even educated people, school finals and intermediates who are without any work may be attracted. That also I think is highly necessary. Either this Bill may be accepted, or a better measure may be brought forward without much loss of time so that all the welfare amenities to be given to the labourers may be guaranteed and adequate provision made, and punishment may be meted

out to the employers who do not provide such amenities.

We have enacted the Shops and Establishments Bill. Moreover, I do not think that even now under the Standing Orders Act, in a workshop an employer can evade providing these labour welfare measures. They must have canteens and other facilities. I have seen all these things in my place. I do not know the position in other places. Facilities like rest houses, reading rooms, clubs have to be provided, and I think no employee will allow himself to be treated as mere chattel or a two-legged animal. That is not the position.

So, I appeal to the labour Minister to examine the provisions of this Bill and adopt it if possible as it is or with such amendments as he thinks fit. About 3½ lakhs people are now employed in this industry and more will be employed in the future because improvement of transport will be an important factor in the economic development of this country.

I have also another suggestion to make. There are a number of employees in the water transport services. In my State I have seen boat services from one place to another, and in many other places also. In my place particularly I have seen goods and transport traffic carried for more than 200 miles at a stretch—I do not know whether the Labour Minister knows it—from Ernakulam to Alleppey, from Alleppey to Quilon, from Quilon to Kottayam, from Ernakulam to Cranganur etc. There also there as employees, drivers, workmen etc. So, it will be better if the Minister after taking into consideration all these aspects of the transport services of this big country brings forward a measure including all these categories of employees, giving them welfare and protective benefits so that the standard of efficiency may be increased and they may have a better outlook on life.

I thank Shri Gopalan for bringing forward the Bill and I request the hon. Minister to consider it sympathetically.

Dr. Rama Rao (Kakinada): May I speak?

Mr. Chairman: Is it necessary now?

Dr. Rama Rao: Just five minutes. We have plenty of time.

I am glad the Bill has the unanimous support of the House, and I hope the hon. Minister will accept it with such amendments as he likes. I am sure the hon. Mover of the Bill will accept any amendment the Government wants. The Bill is limited to the private sector for constitutional reasons. Therefore, I am sure if the Labour Minister objects to any point, the hon. Mover is sure to accept it and amend the Bill to that extent. Which provision of the Bill can anybody object to? want to know. If you think certain provisions are going too far, you can amend them. I need not go into details because the other speakers, Shri V. P. Nayyar and Shri Vittal Rao have spoken. Even the hon. Member from the Congress Benches has accepted that no provision in the Bill can be objected to. Therefore, I am sure the hon. Member will accept it.

Secondly, there are many labour laws which are not implemented effectively especially in the private sector. The transport workers are helpless in many States. For instance, workers on the lorries have to work for long hours at night which is very serious, and many accidents are due to the strain involved and due to not implementing the rules and regulations concerning public transport. Therefore, I hope the Government will accept it.

As I have already mentioned in connection with another Bill, at least the bus transport must be nationalised. However, in this connection I only want to point out that a limitation on the hours of work is essential, and intervals between certain periods as mentioned here—half an hour's rest after four hours continuous work etc.—are necessary for efficiency and

safety not only of the transport workers but also for the travelling public. Many accidents are due to over-strain. Therefore, I hope the hon. Minister will accept it with such amendments as he thinks fit.

The Minister of Labour (Shri Khandubhai Desai): At the outset I would like to state that I am in sympathy with the intention of this Bill. However, I could not understand the excitement and the intemperate language that Shri Vittal Rao indulged in today. It may be due to some deterioration in the state of his health this afternoon.

As far as the working of the Labour Ministry, or its efficiency or otherwise is concerned, it is for the three million odd workers to judge. From what I have observed, they are reasonably satisfied with the working of this Ministry. As far as this particular Bill is concerned, the initiative was taken by Government, and the question was discussed at our own initiative before the Standing Committee in April. And it is at our initiative, and, if I may say so, moral pressure, that we have been able to get the acceptance, even by the employers, of the principle of protecting the transport workers in the country. Immediately after that, we drafted a legislation and sent it on to the States, for their comments, on the 30th June.

Shri T. B. Vittal Rao, a good parliamentarian as he is, must know that this is a Concurrent Subject. On a Concurrent Subject, we cannot act in Delhi as autocrats and put in any legislation that we like. That is exactly what my colleague the Deputy Minister said when he said that it cannot be done by a brain-wave. We work through a democracy and through a Constitution. We took only two months at the most in drafting that legislation, which had been sent on to the States for their comments, whatever they may be. Of course, we are not bound down if they do not concur. But, anyway, their views ought to be known by us.

[Shri Khandubhai Desai]

We also took steps even at that very Standing Committee to see that the interests of the workers and their viewpoints also were ascertained, and it was at my suggestion that it was decided that after we receive the comments of the States in the matter, a tripartite committee of employers, employees and the Centre will get those comments and finalise the Bill. We expect to get the comments soon. Some of the States have already sent their comments, and we shall constitute a committee to look into the legislation.

This House will recall that it has already passed a law enabling the Government to extend the Employees' Provident Fund Act to any employment. So, even if the legislation is not passed in this respect, as far as the provident fund law is concerned, it can be applied. There was a lacuna in the original law, which, fortunately, has now been set right; the Bill was passed only the other day in the Rajya Sabha.

As far as compensation is concerned, the transport workers are governed by the compensation law. As far as the Payment of Wages Act is concerned, I know that the power had been given to the States to extend the law, and a large number of States have extended it.

Dr. Rama Rao: There are too many loopholes.

Shri Khandubhai Desai: In every legislation there will always be loopholes, and it is always the duty and obligation of this House as well as of the State legislature to plug the loopholes whenever they come to light. Otherwise, if some Brihaspati makes some law which will work for eternity, then there will be no need for any Parliament or any State legislature. Anyway, that is besides the point.

As far as the nationalised sector of transport is concerned, according to our information—I am open to correction—in most of the larger States

which have nationalised transport, or where transport has been taken over into the public sector, and in some of the municipalities like that of Bombay and Ahmedabad and such other places, most of the provisions which Shri A. K. Gopalan has sought to include are being carried into effect, even though there is no legislation. There are canteens; there are restrictions on hours of labour; there is rest period; there are provident fund regulations, even though the Act does not apply; there is gratuity also.

But, as far as the private operators are concerned, I do admit that the conditions of the workers require to be protected. It is at our initiative, and of course, that of the organised labour movement too, that Government have decided to bring in a Central legislation, so that uniformity will be maintained throughout the country. The Study Group in order to get the draft legislation and the comments which are received from the States will study this and I hope it will finalise the draft legislation soon.

I would like to say to the labour enthusiast—I am also one of the oldest trade unionists who has worked in the labour movement for the last thirty-five years—that any hurried legislation or any hurried statutory liability or obligation, sometimes, according to my experience, frustrates the very object we have got in view, and, therefore, the question of legislation has to be considered very carefully.

ऐसा नहीं होना चाहिये कि लेने गयी पूर
और खोद जायी खसम

So, we must understand that it is a serious matter. I do agree with Shri A. K. Gopalan that as far as social and labour legislations are concerned, there is no question of taking credit one way or the other. Whenever suggestions come, from whatever source they may be, if they are good suggestions, they have to be accepted, and they are being accepted. As far as the party to which I belong and this Government which is an elected

government, are concerned, we have taken good things from everyone, but scrupulously rejected stunts and slogans, because they are not to be something in the Act, and what we want is something to be concretised, which will benefit labour, which will benefit the people and which will benefit everybody.

As I have said in the beginning, I am in sympathy with the whole intention of this Bill which Shri A. K. Gopalan has brought forward. The committee will look into the question, and Government will finally consider some of the suggestions which have been incorporated in the Bill; they will, of course receive our very serious consideration.

As far as the amendments to the Payment of Wages Act, the Compensation Act, and the Minimum Wages Act, etc., are concerned, Shri T. B. Vittal Rao, even though he has full knowledge of how things are moving, had been rather harsh. He should not have been so harsh. If those friends on the opposite side, both here and in the other House, had been a little circumspect, I have no doubt in my mind that I would have brought forward, or would have been enabled to bring forward all my legislation, that is to say, amending legislation which are already ready. But, owing to lack of time before this House, and also because—of course, I should not say that—they have arrived in democracy to speak out whatever they like, for as many hours and for as long a time as they are entitled to theoretically, I could not bring in all the Bills which are already finally drafted.

We are the first elected Parliament. As you know, during the last five years, we have seen through many important laws which, I believe, have got priority over amendments to existing laws, which have already protected workers. I anxiously want that workers should be protected still more and that if there are loopholes, they should be plugged. But then priority of business of this House has also to be considered. I have no quarrel with the Business Advisory

Committee or any other body for taking a lot of our time. But that is the only reason why some of those amending Bills, however much we desired, could not be got through.

I hope that with the sort of assurance which I have given to Shri A. K. Gopalan, he will not press his motion to a vote, because if the motion is pressed to a vote, I would very reluctantly have to oppose it, because I cannot accept everything that is said there.

Shri Kamath (Hoshangabad): Reluctantly.

Shri V. P. Nayar: Why not make suitable amendments?

Shri Khandubhai Desai: He has moved the Bill but if it is made into law, I have got to administer it; and if I feel that it is impossible to be carried out, I would have to oppose it as a whole.

Shri A. K. Gopalan: I thank the Labour Minister for the kind words that he has said. I also thank him for the promise that legislation would be brought forward very soon. He also said in his speech that the initiative was taken by Government. This is very good, but it would have been better if the initiative that had been taken by Government had resulted in bringing forward a Bill and passing it into law in this session itself. Then certainly it would have been good for the workers, for the Government and for the country as a whole.

I would like to answer one or two points. He referred to 'credit'. I would not have said anything about it but for a very bad incident a few days ago when the question of pay scales of insurance employees was discussed. Then another hon. Minister openly said in this House—'I will do anything for the workers. But I do not want the credit to be taken by so and so and also by the party which will exploit it later'. This being the way in which our attempt to bring in some legislation or motion for discussion in the House is interpreted,

[Shri A. K. Gopalan]

namely, that it is only to exploit the situation for our party, I was forced to refer to it. Otherwise, I would not have made a mention of that.

As far as the nationalised industry is concerned, the Minister has said that some of the provisions are already there. I want to point out one thing. In Travancore-Cochin, this industry is nationalised. As regards the provision for overtime, the workers today are not working overtime. A certain Committee was appointed and that Committee gave a report according to which overtime allowance given to the workers was denied. So they say that they cannot work undertake overtime work. The provision that had been there is now denied. Not only that, the workers have given notice of a token strike for the 5th or 6th January. A few months ago, there was a strike.

One answer for these strikes that take place in the country, whether in this industry or that industry, is the existence of the party to which I belong in this country. But is it the only answer that can be given? Why is it that in spite of what that organisation has been doing to pacify the people, the workers do not agree?

As far as the nationalised industry is concerned, I want to inform the Labour Minister that some of the most important provisions which we have in view are not there in the State concerns. Some provisions are, of course, there, but the most important provisions are not there. So there is also that difficulty.

The Minister has promised to look into it. So there is no use in putting this motion to vote and seeing that it is not carried. That would not benefit the cause of the workers. It is better that we wait for another six months. If by then Government do not bring forward the promised legislation, we can bring forward the same Bill.

I do not want to go into details, but I say this much that even after hearing the speech of the Labour Minister, I am not convinced that it was because of lack of time that he was not able to bring forward a Bill. Several Bills have been brought forward. Even yesterday and the day before, we had important Bills before us conferring arbitrary powers on Government as far as taxation is concerned. So if the Government really wanted to bring forward such a Bill, there would be nothing standing in the way. That is a fact which we can all understand.

Mr. Chairman: He said that the States had not sent in their opinions.

Shri A. K. Gopalan: If the Government want that the States should do something, I do not think it will be difficult for them to get it done; I do not think it will be difficult for them to get an answer from the States this way or that way. Anyhow, I only say that I am not convinced that there was not enough time to bring forward this legislation. If the Government wanted, they could have brought in a Bill before the end of this session. Anyhow, I do not press my motion. I again hope that all the clauses in this Bill as well as the principle of the Bill will be accepted by the Labour Minister.

Mr. Chairman: Does the hon. Member seek the leave of the House to withdraw the Bill?

Shri A. K. Gopalan: Yes.

The Bill was, by leave, withdrawn.

RULES COMMITTEE
SEVENTH REPORT

Shri Raghavachari (Penukonda): I beg to lay on the Table of the House, under sub-rule (2) of rule 306 of the Rules of Procedure and Conduct of Business the Seventh Report of the Rules Committee.