

DECLARATION ADOPTED IN THE NATIONAL CONVENTION ON PRIVATE TRANSPORT HELD ON 10-12-2021 IN NEW DELHI

Dear comrade,

Transport is the life line of any economy in the world. To reach the agricultural products to the consumers, to carry the raw materials to the factories and for the supply of finished goods to the consumers, transport is inevitable. For the patients to reach the hospitals, the children to go to schools, the employees to go to their work places transport is a must. If the Transport is paralyzed, the entire economy will come to a standstill.

Ironically in our country, this vital transport sector is thrown in to serious financial crisis. The transport workers are badly neglected. Minimum wage, statutory benefits like weekly rest, PF, ESI, Bonus etc are nightmare to these workers. They ought to be on road round the clock in all the climate conditions even at the risk of their lives. In spite of all these, the Transport workers are ill treated and even manhandled in many cases by the Police, transport and the anti-social elements.

Majority of the Transport workers in the unorganized sector like Auto Rickshaw, taxi, Truck (Lorry), are single vehicle owner cum drivers. The prices of Diesel, tyres, spare parts, Insurance Premium, Transport Department Service charges have sky rocketed due to the pro corporate policies pursued by the Governments at the centre as well the states except the LDF Government in Kerala. The income has not increased proportionate to the increase of prices. Covid Pandemic has further worsened the financial condition of these owner cum drivers. Penalties and harassment have become the order of the day.

Auto Rickshaw: A good number of Auto Rickshaw Drivers are educated youth. As they do not get employment, they are purchasing the Auto Rickshaws by borrowing some money and the remaining amount getting loan from the private finance companies. Even though the Government did not help in any way, they

will fix the Auto fares. These fares are not being revised in accordance with the increasing prices of Diesel and other costs. In this situation, the metered Auto Rickshaws are not able to run on meter charges. This is creating many problems with the customers. The service Auto Rickshaw drivers are bound to

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take extra passengers for which chalans are issued with huge penalties. Sufficient parking places are not allotted in most of the towns and cities.

Challans are being issued on the pretext that the Auto is stopped at an unauthorized place. With the encroachment of UBER/OLA company's services, the income has fallen drastically.

Due to the imposition of lockdown/restrictions in the Covid Pandemic time, the Auto Rickshaw drivers lost their earnings and suffered a lot to maintain their families. Except in few states that too for some Auto Rickshaw drivers, the Governments did not offer any financial support. Even today a good number of Auto Rickshaw drivers are in search of other labour works as there is no sufficient demand for all the Auto Rickshaws. The harassment of the Private finance companies for the payment of EMI is on high side. With all these together, some drivers in different places have committed suicides.

Taxi: With the entry of UBER/OLA services, the traditional taxi drivers have become the worst victims. Many local Taxi companies have disappeared. Majority of the Taxi drivers were compelled to attach their vehicles to those companies. At the initial stage the companies have offered incentives to encourage the drivers to attach their vehicle to the companies. Gradually all such incentives were withdrawn. Even though they work for 16 hours a day, they are not in a position to meet the EMIs of the vehicle loan. With this serious crisis, some drivers have committed suicide. Strikes took place in different places in the country. The Covid Pandemic has further aggravated the crisis. The taxis offering services to the Software company employees, have lost that opportunity due "Work from home" system. Even today that system is continuing. A good number of taxi drivers are thrown on to the roads. Neither the UBER/OLA companies nor the Governments did not extend minimum support to these taxi drivers.

Lorry (Truck): Majority of the workers in this segment also are of single vehicle owner cum drivers. They also have borrowed some money and the rest of the amount was obtained as loan from the private finance companies. Apart From Diesel and other costs, the number of Toll Plazas and the Toll charges have increased many folds. Even before Covid Pandemic, the Lorry segment was in serious financial crisis. Like other segments, the lorry segment also has badly hit by Covid Pandemic. According to one estimate nearly 30% of the lorries are off the road as of now.

The harassment of the Private finance companies for the payment of EMI is on high side.

The attacks of the anti-social elements have become the order of the day. Many drivers were attacked, looted the money and even killed. The harassment of Police and other officials have become the order of the day. Even they were manhandled and tortured. The Truck drivers and helpers are being humiliated and ill-treated. With all these together, some drivers in different places have committed suicides.

Facilities to the drivers on Highways like rest, wash rooms, hotels filling stations are not provided. The drivers have to park the vehicles on wayside and rest under the trees or under the trucks. The construction of National Highways even is very defective. Neither proper sign boards are erected nor any other precautionary measures to prevent the accidents are ensured. No segregation of roads for different modes of vehicles are there. There is no special investigation mechanism to examine the causes for the accidents. Simply, the drivers are blamed for the accidents and are sent behind the bars. The profession of driver is highly skilled and most risky. Even though, the drivers are being ill-treated.

OIL TANKERS: - The nature of driving the Oil Tankers itself is highly dangerous. The Driving License for Oil Tankers is a special one. The drivers and cleaners of tankers, which transport diesel, kerosene, petrol and gas are working in dangerous conditions. The oil companies Viz. IOCL, HPCL, BPCL Etc. will supply their stocks from their storage depots to the oil bunk dealers located at various places of consumption through oil tankers on contract system. The contractor's place the oil tankers with the oil companies "On Hire". The Oil Companies are the Principal Employers, but claim no responsibility of the Oil Tankers workers even though the companies earn huge profits. The concessional rates of eatables applicable to the company employees in the canteens are not made available to the oil tanker workers. Neither the Oil Companies nor the contractors take the responsibility of implementation of statutory provisions like, minimum wages and other facilities to the oil tanker workers. Even the Personal Insurance premium is not paid by the Company/Contractor.

SMALL GOODS VEHICLES: - Due to the growth of urbanization the necessity of the use of auto trolley, Tata Ace vehicles of small wheelbase, has been ever increasing.

In this field also majority of the drivers are the owners of the said vehicles. As in the case of other drivers the harassment by the police authority is faced by these drivers also.

AMBULANCES: - There are a good number of Ambulances in the Country. These Ambulances are meant to save the lives of people. But the drivers working on these ambulances do not have any kind of rights and facilities to safeguard their own lives and livelihood.

SCHOOL & COLLEGE BUSES: - Education has become a trade now a days. All most all the medium and big Educational Institutions are operating Buses for the transportation of their students. There by the number of School/College buses in the Country has gone up phenomenally. There are enormous complaints against the condition of these buses. Though the managements gain much profit in the operation of these buses, they take a little care on the maintenance of these buses and do not care to provide even statutory facilities including minimum wages to the drivers of these buses.

Private Bus Workers: Unlike Auto, Taxi and lorry, the private bus workers are not the owner cum drivers. They are working under bus owners. These workers are not paid minimum wages. No statutory benefits like weekly rest, PF, ESI, Gratuity etc are allowed to these workers. In states like Madhya Pradesh, the private bus workers are not paid even monthly salaries. A meagre amount basing on the earnings of that day are paid to the conductor and driver. The Sword of job loss will always be hanging on their heads.

Social Security: At the consistent and militant struggles organized by AIRTWF, in the year 2006, the then Central Government has entrusted the study of these unorganized transport Workers problems, particularly the social security cover to V. V. Giri National Labour Institute. A committee of that Institute have visited many places in the country both the work places as well the residential areas of the transport Workers. Interacted with conductors, drivers, mechanics, booking staff etc. Finally, they have submitted a detailed report to the Government. In that report they have recommended for social security act along with other favorable suggestions. They suggested resource options to create corpus fund by imposing some small amount of cess on purchase of all the motor vehicles. They have explained what are the benefits can be extended to the workers from that corpus fund. Ironically, till date the governments have paid deaf year to those recommendations.

THE RECOMMENDATIONS OF V.V.Giri National Labour Institute

The Labour welfare Acts such as P.F, Gratuity and E.S.I should be amended as such that they are applicable to all the workers irrespective of the number of workers working in an Establishment.

A) The Committee has observed that there exists the Management-worker relation in the sector. Therefore, management should give an appointment letter to the workers and the appointment letter should contain the recorded numbers of P.F and ESI. All the working regulations and all the welfare Provisions including payment of wages should be recorded in the orders of appointment. At the time of Registration of the vehicle, this order shall be invariably produced before the transport authority.

B) At the time of vehicle Fitness, Payment of tax and permit renewal the management should submit a certificate to the effect that “all the benefits payable to the workers have been paid at the end of the year”. M.V Act should be amended as such that this certificate should also be carried along with the R.C and Insurance certificates kept with the vehicle.

C) Irrespective of as to how many workers are there working, the Govt. of India should amend the E.S.I Act 1948, Provident Fund Act 1952, Employees linked insurance scheme-1976 and Work men’s Compensation Act 1923, and make them applicable to all the workers. Diseases like Piles and Injuries to Spinal Cord also should be included in the list of ESI applicable diseases.

D) Training on the sophisticated technology and changes in the rules etc, should be imparted to the workers prior to his appointment and the expenditure so incurred should be borne by the management.

E) M.T.W. Act should be amended to ensure that the management should give an appointment order along with an identity card to the workers.

F) M.T.W. Act should be amended for the applicability even where below 5 workers are employed.

G) Section 2(h) of M.T W. Act should be made applicable to all the Motor Transport workers, exempting the workers who are covered by factories Act.

CENTRAL ROAD TRANSPORT WORKERS WELFARE ACT

Majority of workers in this field are employed with the petty owners who have one or two vehicles. These workers fate is fully depended on the mercy and benevolence of their owners. The V.V Giri National Labour Institute has opined that a "FUND" on the lines of welfare fund scheme of the Beedi workers need to be created for the welfare of these workers in order to uplift their living standards and therefore recommended to the Government for action. It is also suggested that an amount of Rs 3/ or Rs 10/ or Rs 20/ shall be collected from each of the motor vehicle owner and remitted to the "Fund" which should be kept with the ministry of Labour & Employment Department, Govt. of India. Through such enactment the Committee proposed to extend the following facilities to the workers.

Hospital facilities are to be provided for every 75kms of distance on the routes where heavy vehicle traffic is on high side.

Workers suffering from Tuberculosis should be paid Rs 50/ per day towards medical expenses, and Rs 1000/ to Rs 1500/ pm. Up to period of 9 months towards maintenance allowance as the worker cannot attend to duty during the treatment period.

Workers suffering from Cancer should be paid total actual expenditure and Rs 1,000/ to Rs 1,500/- pm up to a period of 9 months towards maintains allowance during the treatment period.

In case of "Surgeries" conducted for the treatment of Appendicitis or kidney stone problems an amount of Rs 40,000/ should be paid.

In case of surgery conducted for Hernia for Rs30,000 should be paid.

For the purchase of Spectacle Rs 500/ should be paid.

For the treatment of Heart related ailment an amount of Rs1,50,000/ should be paid and an amount of Rs 1,000/- to Rs1,500/-pm shall be paid up to a period of 9 months towards maintenance allowance as the worker cannot attend to duties during that period.

For the replacement of kidney an amount of Rs2,00,000/ should be paid and a maintenance allowance of Rs 1000/- to Rs1500/-pm, Up to a period of 9 months also to be paid.

In case of normal death an amount of Rs50,000/ and in case of accidental death Rs 70,000 should be paid to the deceased worker's family.

For the housing of workers, an amount of Rs50,000/ shall be paid as subsidy in case of an integrated housing scheme, or in other case 50% of the cost of the house shall be paid.

Educational Grant for the children's Education Amount Should be paid as following.

Children studying from 5th to 8th class Rs 540/ to Rs 940/-PA

Children studying from 9th class Rs 700 to 1,140/-PA

Children studying 10th class Rs 1,400 to 1,840/-PA

Children studying 11th &12th Classes Rs2,000/ to 2,460/-PA.

Children studying Graduation/Diploma courses Rs 4,000/-PA

Children studying Engineering/Medical courses Rs 8,000/-PA

The Convention appeals to all the Road Transport Workers in the country to raise to the occasion and **make the general strike on 23rd & 24th February 2022** for the protection of the industry and for the betterment of the conditions of the workers.

DEMANDS

1. Supply Food grains @10 kgs per person till March 2022 without insisting Ration Card.
2. Payment of Rs.7,500/ per month to all the unorganised Transport workers till March 2022.
3. Withdraw enhanced excise duty in the year 2020 on Diesel/Petrol and roll back the revised prices by the Oil Companies since 07th June 2020.
4. Bring Petrol & Diesel under the purview of GST duly compensating the loss of revenue to the states.
5. State Governments should make arrangements for loan through Nationalised Banks for purchase of new vehicles to the self-employed.
6. Steps shall be taken to control the harassment by the Private Finance Companies.
7. Insurance premiums are enhanced irrationally by the IRDA. It should be controlled and Trade Union representatives also shall be included in the Committee. Transparency shall be maintained.
8. Enact Social Security Act for the unorganised Transport Workers duly implementing the recommendations of V.V.Giri National Labour Institute for the appointment letters, applicability of Acts.
9. Withdraw the Amended M.V. Act 2019 and discuss with all the stakeholders for a better and proper alternative policy.
10. Withdraw anti Working-Class Labour Codes.

- 11.All the unorganised Road Transport Workers including self-employed shall be recorded in the registers of labour Department.
- 12.All the unorganised Road Transport Workers including self-employed shall be covered under all the labour laws. Suitable amendments shall be carried out accordingly.
- 13.Harassment of Police and other Officials should be stopped forthwith.
- 14.Security arrangements shall be made to avoid the hijacking of the vehicles, attacks on the staff. If any Road Transport Worker is killed by the extremist/anti-social elements, Rs.50,00,000 compensation shall be paid to the family of the deceased by the respective Governments where such incident took place.
- 15.Drivers attached to App based companies like Uber/Ola shall be considered as their workers. Suitable amendments are to be made in the M.V.Act/M.T.W.Act
- 16.The Drivers and cleaners working on oil Tankers through the contractors shall be paid minimum wages, PF, ESI, Gratuity, etc. The Oil companies shall be held responsible for the implementation. This clause shall be incorporated in the agreement entered in to with the contractors.
17. The profession of Driver shall be treated with dignity and respect.

UNITY IS OUR STRENGTH - STRUGGLE IS OUR WEAPON