



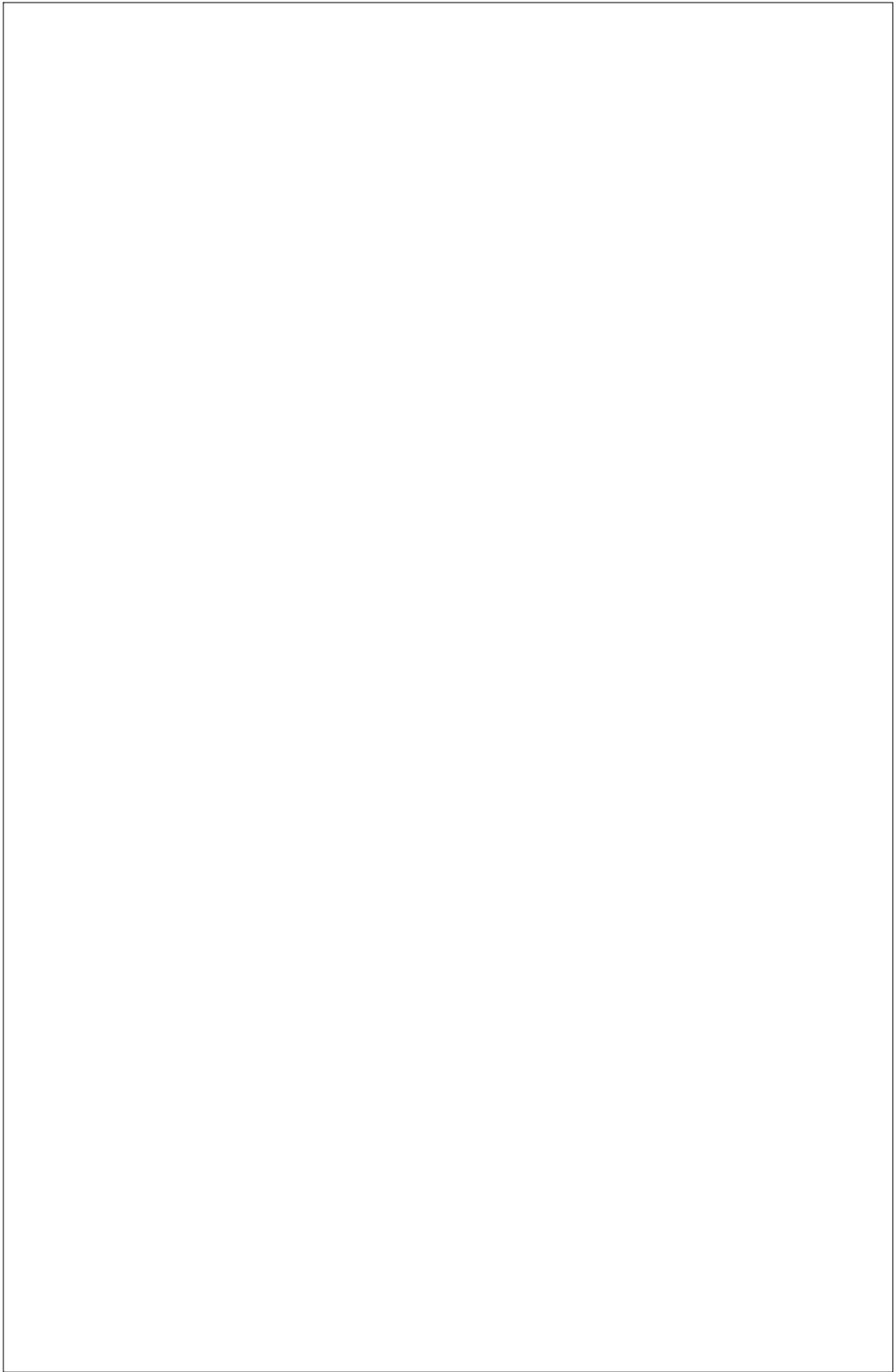
All India Road Transport Workers' Federation (AIRTWF)

Enact Social Security Act for the Unorganised Road Transport Workers

Develop an App alternative to Uber/Ola etc

Amend Motor Vehicles (Amendments Act 2019)

**P. Ramamurty Bhawan, Plot No. 20,
Pushp Vihar, Sector-6, M.B. Road,
Saket, New Delhi - 110017
E-Mail:- airtwf.delhi@gmail.com
Website:- www.airtwf.org**



Foreword

Dear Brothers and Sisters,

Road Transport sector plays a pivotal role in the economy of the nation. But ironically this vital industry is thrown in to deep crisis. Never in the history of Independent India has this type of worst situation happened. All India Road Transport Workers' Federation has discussed the situation of the industry and the pitiable conditions of the workers in detail in the 11th National Conference held in Hisar/Haryana from 16-18 July 2022. The Conference has resolved to workout alternatives to protect the industry and for the betterment of the workers. Accordingly three sub committees were constituted to workout comprehensive proposals. 1) On Social Security to the unorganized Road Transport Workers headed by Com. Kadakampally Surendran as the Chairman and Com. C.K.Harikrishnan as the Convener. 2) On M.V.Act Amendments headed by com. Nepaldev Bhattacharya as Chairman and Com. Armuga Nainar as the Convener. 3) Rider App alternative to Uber/Ola etc headed by Com.K.K.Divakaran as the Chairman and Com. Kuppusamy as the Convener. They have studied in detailed various aspects and the prevailing acts and prepared the draft documents. Those documents were discussed with some experts and in the Office Bearers and the Working Committee meetings of AIRTWF. After all this exercise, the three documents are brought to you for your scrutiny and improvement. You are requested to go through the documents and send your suggestions to AIRTWF to strengthen the documents. This has to be taken to each and every Road Transport Worker in the country and prepare them for struggle to protect the industry and for the welfare of the workers.

Nepaldev Bhattacharya
President

K.K.Divakaran
Working President

R.Lakshmaiah
General Secretary

C.K.Harikrishnan
Treasurer

Over view: Transport is the life line of any economy in the world. Transport is essential for the movement of people and goods from one place to other. We cannot imagine the society without transport. Transport consists of Air, Railway, Water and Road Transport. Among all others, Road Transport is the major sector. There are 98,52,000 Lorries, 12,04,000 Buses and 3,21,24,000 Cars as on 31-03-2020 which are 15 years old. All these are Transport vehicles. According to the Ministry of Road Transport and Highways reports, there is an average annual increase of 9% in the total vehicle population.

There is a wrong concept among the people that Public Transport means which is run by the Government through Corporations. But it is incorrect. According to the Transport laws, the vehicles used purely for personal purpose are the private vehicles. All other vehicles are Public Transport Vehicles. 85% of the passengers and 66% of goods are being transported by Road. According to the Government statistics, the share of the Road Transport Sector in the GDP is 4.5%. It is the second largest employment generating sector after the agriculture. The Union Government accrued Rs.4,92,303 crores from the petroleum sector for the year 2021-22.

In spite of all these, the Road Transport Industry has been thrown in to serious crisis. The abnormal increase of fuel prices, Insurance premiums, Toll charges, the Transport department service charges, Penalties are the major causes for the crisis of the industry. During the Covid period when the crude oil prices in the international market have fallen down drastically, the Government of India instead of transferring the benefit to the consumers has enhanced the Excise Duty @ Rs. 16 per litre on Diesel and Rs.13 on Petrol. There is no support from the Government to this sector. But many incentives and concessions are being given to the Vehicle Manufacturers. Nowhere in the World, Public Transport is considered as a source of revenue to the Exchequer. Ironically in India the Government is squeezing the blood of this sector. The M.V.Act Amendment 2019 and the Vehicle scraping policy are aimed at handing over the entire Road Transport sector to the Big Corporate houses.

Conditions of the Workers: It is estimated that around 10 crores of workers are directly working in this sector as drivers and conductors.

They are moving the wheels round the clock in all the weather conditions even at the risk of their life. More than 90% workers are in the unorganized sector. No statutory benefits like PF, ESI, Weekly day of rest etc. are available to these workers. The V.V.Giri National Labour Institute has suggested the Government to amend these Laws to be made applicable even where a single worker is working. 8 hours duty according to the M.T.W.Act is a mirage to these workers. The State Governments have to fix the Minimum Wage under scheduled Employment. But most of the states are not revising periodically. Even the minimum wages so fixed in different states are not being implemented properly. The labour department which is empowered to check and ensure proper implementation is keeping silence. No social security cover is available to these workers. No facilities are provided to the long distance truck drivers on the Highways. they are being ill treated and are being manhandled by the Police and Transport Officials in many occasions. The attacks of the anti social elements particularly on the Truck drivers are increasing. The condition of the workers is very pathetic. Because of this worst condition of workers and ardent nature of work involved in this field, the young generation is not Willing to come forward to choose this profession. There is heavy dearth of heavy vehicle drivers.

Auto Rickshaw: A large number of youth even the educated are coming as Auto Rickshaw Drivers. They are purchasing the auto by disposing of their meager property and ornaments and for the remaining balance obtaining loans from private financiers. Parking places has become a major problem in many towns and cities. It is the responsibility of the local administration to provide sufficient parking places. But it is not being done and the Auto Rickshaw Drivers are being penalized on the pretext that the Auto is stopped at an unauthorized place. Heavy fines are being imposed on the Auto Rickshaw Drivers on flimsy grounds.

E Rickshaw: In the recent period the E Rickshaw has become very popular mode of transport in the cities. Educated youth are coming to this field as the source of earning. The harassment of the Police has become the order of the day. Many restrictions are being imposed in different cities.

Trucks: The Truck drivers are the worst sufferers. Like other unorganized transport workers, the truck drivers also do not have any statutory benefits. They have to drive a long way and to drive for days/weeks continuously. No facilities are provided on the Highways for their natural calls, food, rest etc. The harassment of the Police and RTA Officials has become a regular feature. The attacks of the anti social elements are increasing. They not only looting the money and the material but killing the drivers. In the north east states the truck drivers are facing the insurgency attacks and are being killed.

Oil Tankers: The driving of Oil Tanker is highly skilled and hazardous. 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 contractors place the oil tankers with the oil companies "On Hire". The Oil Companies are the Principal Employers, but claim no responsibility. Neither the Oil Companies nor the contractors take the responsibility for the implementation of statutory provisions like, minimum wages and other facilities to the oil tanker workers.

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 authorities is faced by these drivers also. Aap based companies have entered in to this field. The drivers attached to these companies are suffering a lot like Uber/Ola drivers.

Uber/Ola etc Cab Drivers: Most of the taxis are owned by the drivers themselves. These taxi drivers own the Taxis by obtaining loan from private finance companies. Most of these drivers are educated youth. Fuel, Insurance and other expenditure is born by the drivers. But the operating companies are looting the revenue by way of commission. But the drivers are not considered as the workers of the companies. Rather the drivers are being harassed by the companies.

Ambulances: There are a large 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 no 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: The share of the STU buses has come down and the share of the private Buses has gone up so high. The workers in these buses are not paid the minimum wages. In many states monthly salary system is also not in existing. No statutory benefits like PF, ESI, 8 hours work are available to these workers.

STUs: All the STUs in the country are facing with severe financial crunch. According to RTC Act 1950, the Central and State Governments have to extend Capital Contribution to the STUs. But ironically it was stopped since long time. Further different types of taxes are being imposed on the STUs. STUs are measured on the scale of Profit and Loss. But nowhere in the World it is happening. The Workers are made scapegoats. Even the salaries and the terminal benefits are not being paid in time. Workloads are being increased.

Put an end to the misery: All India Road Transport Workers' Federation discussed all these issues in the 11th National Conference held in Hisar/Haryana from 16-18th July-2022. It was decided to find out the ways and means to overcome the situation to protect the industry and the welfare of the workers. Accordingly 3 Sub Committees have been formed. The three Committees have worked hard and prepared the following documents. These

documents were discussed with some experts and in the Office Bearers and the Working Committee meetings. It is decided to place the documents before all the Road Transport Workers for their scrutiny and for improvement. Basing on these documents, a nationwide campaign is to be organized to create awareness and to prepare the Road Transport Workers for struggle in the days to come to pressurize the Government to concede.

Proposed Amendments against the Motor Vehicle (Amendment) Act 2019

The Motor Vehicles (Amendment) Bill, 2019 was passed by the Rajya Sabha on 31-07-2019 and the assent of the President of India was given on 08-08-2019.

Some of the amendments are draconian and will ruin the existing Transport system and will dismantle the existing STUs. It is aimed at handing over the entire Road Transport industry to big Corporates.

The Bill has several disadvantages and several provisions against the interests of the State Transport Undertakings and general public as listed below. We propose the following amendments to the Motor Vehicles (Amendment) Act 2019 for the reasons stated thereof.

1. Section: 12 (5) : Notwithstanding anything contained in any other provision, where any school or establishment has been accredited by a body notified by the Central Government under any other law for the time being in force, any person who has successfully completed a training module at such school or establishment covering a particular type of motor vehicle shall be eligible to obtain a driving license for such type of motor vehicle.

Proposed Amendment: After the words “type of motor vehicle” the words “The License issuing Transport Department Authority after physical test in the testing yard will issue the license after successful trial only”, may be added

Reason: Empowering the driving schools to issue license would result in safety concerns and also result in revenue loss to State Govt. This is also against State Autonomy. Licensing Authority shall only be vested with Transport Department to ensure safety.

2. Section: 12 (6) : The curriculum of the training module referred to in sub-section (5) and the remedial driver training course referred to in sub-section (5) of section 9 shall be such as may be prescribed by the Central Government and that Government may make rules for the regulation of such schools or establishments.”.

Proposed Amendment: After the words “Central Government” the words “in concurrence with the state government” may be added.

Reason: This provision is against state autonomy.

3. Section: 28 (2) (j) : The manner in which the State Register of Driving Licenses shall be maintained under Section 26, shall be deleted.

Proposed Amendment: The section shall not be omitted.

Reason: Omitting this is nothing but taking over the rights of the State Governments. This amendment is brought to provide the licensing powers to dealers other than the RTOs. Hence, it is suggested that the amendment may be deleted

4. Section: 40 : For the words “a registering authority”, the words “any registering authority in the State” shall be substituted.

Proposed Amendment: The amendment may be deleted.

Reason: Registration shall be vested only with RTOs and not with dealers. Providing registering powers may lead to unethical practices such as over invoice and under invoice. Further, malafide practices in registration may also lead to national safety concerns.

5. Section: 44 (1) : Subject to such terms and conditions as may be prescribed by the Central Government in this behalf, a motor vehicle sold by an authorised dealer shall not require production before a registering authority for the purposes of registration for the first time.

Proposed Amendment: The words “shall not require production” may be substituted with “shall produce the vehicle”

Reason: The vehicle shall always be produced before the RTO for registration. Failing to do so may lead to unapproved changes in the vehicle, malafide practices may lead to national safety concerns. Hence, vehicle shall be physically present before RTO for registration.

6. Section: 44 (2) : Subject to such terms and conditions as may be prescribed by the State Government, a person in whose name a certificate of registration has been issued shall not be required to produce the vehicle registered or transferred before a registering authority.

Proposed Amendment: The expression “not” may be removed

Reason: The vehicle shall always be produced before the RTO for transfer or renewal to ensure that no unapproved changes were made in the vehicle and to prevent malafide practices which may lead to national safety concerns. Hence, vehicle shall be physically present before RTO for transfer or renewal.

7. Section: 56 (1) : Provided further that no certificate of fitness shall be granted to a vehicle, after such date as may be notified by the Central Government, unless such vehicle has been tested at an automated testing station.

Proposed Amendment: After the words ‘an automated testing station’ the words “and certified by transport Department officials” may be added

Reason: It should be done only by the Transport Department, so that no malpractices occur in this regard and to prevent the users from over pricing.

8. Section: 59 (4) : The Central Government may, having regard to the public safety, convenience, protection of the environment and the objects of this Act, make rules prescribing the manner of recycling of motor vehicles and parts thereof which have exceeded their life.”

Proposed Amendment: After the words ‘exceeded their life’ the words “or if it is found not road worthy by the transport Department authorities” may be added.

Reason: The Powers should be vested only with the Transport Department authorities.

9. Section: 66 (1) : “Provided also that where a transport vehicle has been issued any permit or permits, as well as a license under this Act, such vehicle may be used either under the permit, or permits, so issued to it, or under such license, at the discretion of the vehicle owner.”;

Proposed Amendment: The amendment may be deleted.

Reason: The amendment made is giving a license to the owner to operate the vehicle at his will and pleasure. This will be harmful to STUs. Hence, the amendment may be deleted. If discretion is given to owners, then the role of Transport department in regulating the usage will be eliminated.

10. Section: 66 (A) (vii) : Promote competition, innovation, increase in capacity, seamless mobility and greater efficiency in transport of goods or livestock or passengers, and economical use of resources.

Proposed Amendment: The term ‘promote competition’ may be substituted with the words ‘strengthen State Owned Transport Corporations and promote’

Reason: The amendment is aimed at weakening the STUs. Hence to strengthen the STUs, the proposed substitutions may be accepted.

11. Section: 66 (A) (viii) : Safeguard the interest of the public and promote equity, while seeking to enhance private participation and public-private partnership in the transport sector.

Proposed Amendment: For the words “seeking to enhance private participation and Public-private partnership”, the words “strengthening state-owned Transport Corporations” may be substituted.

Reason: The amendment made is aimed at weakening the STUs. Hence to strengthen the STUs, the proposed substitutions may be accepted.

12. Section: 67 (1) (d) : Promoting effective competition among the transport service providers.

Proposed Amendment: The sub section (d) may be substituted as “strengthening state-owned Transport Corporations”.

Reason: The amendment is aimed at weakening the STUs. Hence to strengthen the STUs, the proposed substitutions may be accepted.

13. Section: 67 (3) : Not with standing anything contained in this Act, the State Government may, by notification in the Official Gazette, modify any permit issued under this Act.

Proposed Amendment: After the words “In the Official Gazette” “direct the state owned Transport Corporations to” be inserted.

Reason: The amendment made is aimed at weakening the STUs. Hence to strengthen the STUs, the proposed substitutions may be accepted.

14. Section: 72 (2) : “Provided that the Regional Transport Authority may waive any such condition for a stage carriage permit operating in a rural area, as it deems fit.

Proposed Amendment: The amendment may be deleted.

Reason: The amendment made is aimed at weakening the STUs. Hence to strengthen the STUs, the proposed substitutions may be accepted.

15. Section: 74 (2) : “Provided that the Regional Transport Authority may in the interests of last mile connectivity waive any such condition in respect of any such types of vehicles as may be specified by the Central Government.”

Proposed Amendment: The amendment may be deleted.

Reasons: The amendment made is aimed at weakening the STUs. Hence to strengthen the STUs, the proposed substitutions may be accepted.

16. Section: 74 (3) (vii) : Self-help groups.

Proposed Amendment: The amendment may be deleted.

Reason: The amendment is aimed at weakening the STUs. Hence to strengthen the STUs, the proposed substitutions may be accepted.

17. Section: 88 (A) (1) : Not with standing anything contained in this Act, the Central Government may, by notification in the Official Gazette, modify any permit issued under this Act or make schemes for national, multimodal and inter-State transportation of goods or passengers, and issue or modify licences under, such scheme for the following purposes.

Proposed Amendment: After the words “in the Official Gazette” the words “ direct the state owned Transport Corporations through the concerned State Governments to” be inserted

Reason: The amendment is aimed at weakening the STUs. Hence to strengthen the STUs, the proposed substitutions may be accepted. This is encroaching the powers of State Governemnt also.

18. Section: 92 : For the words “stage carriage or contract carriage, in respect of which a permit”, the words “transport vehicle, in respect of which a permit or licence” shall be substituted.

Proposed Amendment: It is suggested to substitute the words with “ the state Government should ensure that the permit rules be strictly followed by the contract carriage holder. For any violation or deviation the permit will be cancelled”.

Reason: It is proposed in the Bill by the Government to merge the Stage Carriage and Contract Carriage permits in to one “Transport Permit”. The proposed amendment is nothing but legalizing the private operators who are illegally operating as stage Carriage by obtaining the Contract Carriage permit. This will ruin the STUs.

19. Section: 93 : “Agent or canvasser or aggregator to obtain licence.”;

Proposed Amendment: The amendment may be deleted.

Reason: It is proposed in the Bill by the Government that “Agent or Canvasser or aggregator to obtain license” This amendment is made by the government is aimed at handing over the Tramnsport Sector to the Big Corporate Houses by eliminating the individual (one or two) vehicle owner cum drivers. The State Govt. should control & regulate in all aspects including fares, commission, safety, accountability etc and priority shall be given to STUs.

20. Section: 94 : After the word “permit” occurring at both the places the words “or licence issued under any scheme” shall be inserted.

Proposed Amendment: The amendment may be deleted.

Reason: The amendment is aimed at weakening the STUs. Hence to strengthen the STUs, the proposed substitutions may be accepted.

21. Section: 96 (2) (xxiib) : The promotion of effective competition, passenger convenience and safety, competitive fares and prevention of overcrowding;”

Proposed Amendment: It is suggested to substitute with the words “Strengthen State owned Transport Corporations for” before The words “ The Promotion.

Reasons: The amendment is intended to encourage the private operators. Hence the suggestion may be accepted.

22. Section: 114 (1) : For the words “authorized in this behalf by the State Government”, the words “or any other person authorized in this behalf by the State Government” shall be substituted.

Proposed Amendment: The amendment may be deleted.

Reason: The amendment proposed by the Government is intended to delegate the powers of the State Governments to private people.

23. Section: 117 : Provided that the State Government or the authorized authority shall, give primacy to the safety of road users and the free flow of traffic in determining such places:

Proposed Amendment: The words “or the authorized authority” may be deleted

Reason: This dilutes the powers of the states and the states should have the authority to authorize every public servant.

24. Section: 117 : Provided further that for the purpose of this section the National Highways Authority of India, constituted under the National Highways Authority of India Act, 1988 or any other agency authorized by the Central Government, may also determine such places.

Proposed Amendment: The words “or any other agency authorised by the Central Government” may be deleted

Reason: This dilutes the powers of the states and the states should have the authority to authorise every public servant.

25. Section: 138 (1) : “(1A) The State Government may, in the interest of road safety, make rules for the purposes of regulating the activities and access of non-mechanically propelled vehicles and pedestrians to public places and national highways: Provided that in the case of national highways, such rules shall be framed in consultation with the National Highways Authority of India.”.

Proposed Amendment: This should be deleted.

Reason: The proposed amendment in the Bill is aimed at throwing away the street vendors from their lively hood and to create problems for the pedestrians also.

26. Section: 147 (1) : Proviso: engaged in driving the vehicle, if it is a public service vehicle, engaged as a conductor of the vehicle or in examining tickets on the vehicle, if it is a goods carriage, being carried in the vehicle to load and offload goods and to cover any contractual liability.

Proposed Amendment: The proviso shall not be omitted.

Reason: The liability covered without a policy for the employees of the person insured is taken away. As such driver, conductor, load man, and passengers more than the permitted capacity will lose benefits of compensation. This is aimed to improve the profits of private insurance companies.

27. Section: 161 (2) (a) : In respect of the death of any person resulting from a hit and run motor accident, a fixed sum of two lakh rupees or such higher amount as may be prescribed by the Central Government

Proposed Amendment: The words “a fixed sum” may be substituted as “an interim relief”

Reason: The victims will lose the higher compensation probability and the amendment is aimed to improve the profits of the private insurance companies.

28. Section: 161 (2) (b) : In respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of fifty thousand rupees or such higher amount as may be prescribed by the Central Government.

Proposed Amendment: The words “a fixed sum” may be substituted as “an interim relief”

Reason: The victims will lose the higher compensation probability and the amendment is aimed to improve the profits of the private insurance companies.

29. Section: 163 (1) : The payment of compensation in respect of the death of, or grievous hurt to, any person under section 161 shall be subject to the condition that if any compensation (hereafter in this sub-section referred to as the other compensation) or other amount in lieu of or by way of satisfaction of a claim for compensation is awarded or paid in respect of such death or grievous hurt under any other provision of this Act or any other law for the time being in force or otherwise, so much of the other compensation or other amount aforesaid as is equal to the compensation paid under section 161, shall be refunded to the insurer.

Proposed Amendment: The words “shall be refunded to the insurer” may be substituted as “compensation paid under section 161 shall be adjusted against the amount awarded by the MACT”

Reason: The victims will lose the higher compensation probability and the amendment is aimed to improve the profits of the private insurance companies.

30. Section: 163 (2) : Refund in certain cases of compensation paid under section 161

Proposed Amendment: The amendment may be deleted.

Reason: The victims will lose the higher compensation probability and the amendment is aimed to improve the profits of the private insurance companies.

31. Section: 164 : old section 163 (A) is renamed as section 164, excluding the second schedule and section 163(A)(3), which provides for calculation of compensation payable to the victims.

Proposed Amendment: The second schedule shall not be omitted.

Reason: This Section 164 of the proposed Bill is a reproduction of Section 163A of the principal Act and by omitting the sub section (3) of Section 163A of the principal Act. The section 163A and second schedule was brought in the 1994 amendment to provide benefits to the victims, keeping in view of the cost of living and

other factors while deciding the compensation. The new amendment removes the second schedule and provides a fixed compensation amount to the victim, which is against the interest of the victim and aimed to improve the profits of the private insurance companies. This amendment is largely against public interest.

32. Section: 166 (1) : Provided further that where a person accepts compensation under section 164 in accordance with the procedure provided under section 149, his claims petition before the Claims Tribunal shall lapse

Proposed Amendment: The amendment may be deleted.

Reason: The victims will lose the higher compensation probability and the amendment is aimed to improve the profits of the private insurance companies.

33. Section: 177 (A) to 199 (A) : Penal sections – compounding of offences with fines.

Proposed Amendment: Penalties may be enhanced by not more than 10% on the rates existing in M.V.Act 1988.

Reason: Higher penalty will lead to severe loss to the general public and also may promote corruption.

34. Section: 200 : (i) (b) : The following proviso shall be inserted, namely-

“provided that the State Government may in addition to such amount require the offender to undertake a period of community service.”

Proposed Amendment: The amendment may be deleted.

Reason: This section will create many complication leading to harassment of general public.

35. Section: 206 (4) : Seizing of driving license

Proposed Amendment: The amendment may be deleted.

Reason: This section will create many complications leading to harassment of general public.

36. Section: 210 (A) : Power of State Government to increase penalties from one time to ten times.

Proposed Amendment: The amendment may be deleted.

Reason: This section will create many complication leading to harassment of general public.

37. Section: 215 (A) : (a) the Central Government shall have the power to delegate any power or functions that have been conferred upon it by the Act to any public servant or public authority and authorize such public servant or public authority to discharge any of its powers, functions and duties under this Act

Proposed Amendment: It is suggested to substitute with the words” Government Servant or Government Authority”.

Reason: It is proposed by the Government in the Bill that ‘ by the Act to any public servant or public authority” to delegate the powers even to private people. This is risky towards the safety of passengers.

38. Section: 215 (B) : (1) The Central Government shall, by notification in the Official Gazette, constitute a National Road Safety Board consisting of a Chairman, such number of representatives from the State Governments, and such other members as it may consider necessary and on such terms and conditions as may be prescribed by the Central Government.

Proposed Amendment: The amendment may be deleted.

Reason: This affects state autonomy and the revenues of the States and also the amendment is aimed at reducing the powers of the State Governments and taking over the Control of transport system by the Central Government in the entire country.

39. Section: 215 (C) : The Central Government may make rules for the purposes of carrying into effect the provisions of this Chapter.

Proposed Amendment: The amendment may be deleted.

Reason: This affects state autonomy and the revenues of the States and also the amendment is aimed at reducing the powers of the State Governments and taking over the Control of transport system by the Central Government in the entire country.

**Develop an App alternative to Uber/Ola
Protect the Drivers and Customers – AIRTWF**

Dear Brothers,

World is running fast. Now we are in Artificial Intelligence era. What innovation comes tomorrow is not known? India is the fifth largest economy in the World today and will emerge as third largest economy soon. India will become the leader and engine to the world. These are all the news coming in everyday.

Mobility is the common for both Commodities and the people. Many changes and technological improvements are taking place. Rider Aap is one in that direction. It made the local travel necessities easier. We can book a vehicle according to our convenient from the place where you are. Taking undue advantage of this technology, many companies have come in exploiting the driver and the passenger. Even in Goods transport also many Aap based companies have come in like porter, Lynk, Vahak, WheelsEye, Trucknetic, etc.

Let us come to the Aggregator business now. The Government of India amended the M.V.Act in 2019 and incorporated a new provision to allow aggregators. Aggregator means an electronic platform which will connect the customer/passenger to the Driver as we all know like Uber, Ola, Blu, Ride, Rapido etc. But the Government of India did not pay any attention to the fatigue of the drivers attached to such companies. Is it not the time for us to think on that and to get rid of the terrible conditions and the miseries, the drivers are facing?

Yes. All India Road Transport Workers' Federation which is committed to protect the industry and the welfare of the workers from the inception of the organisation is practically working in that direction. It has studied the issues of the Drivers attached to the companies and the international experiences. The companies do

not own the vehicle. The company is not at all concerned with the maintenance, fuel, Insurance etc. but they are squeezing the blood of the drivers as commission of 25-30%. The companies in the initial days have assured that the drivers will get an income of Rs.1,50,000 per month if attached to their companies. Incentives were paid in the beginning. Gradually as more and more drivers are attached, the companies have gradually withdrawn the incentives deceiving the drivers. The drivers are suffering a lot. The names are being deleted indiscriminately and without taking the explanation of the Driver. No responsible Officer from the Company is appointed to hear the grievances of the Drivers. Many struggles took place in different parts of the country in a big way. Some drivers have committed suicide even. But the drivers get no relief and the miseries are increasing. The company argued even in the courts that they are not at all their workers and it is not the duty of the company to look at the problems of the drivers. This is a nationwide issue and a part of the Government policy. Hence AIRTWF started its efforts to find out a suitable alternative to Uber/Ola etc and to make the Government responsible to protect the interest of the drivers and the passengers. It has organised a national workshop in Nagpur in April 2017 inviting technocrats to make a presentation on the alternatives and continued the efforts in that direction.

At this juncture, the Kerala Road Transport Workers Welfare Board under the guidance of Kerala State Government has developed an Aap alternative to Uber/Ola. Apart from other safety measures both for the driver and the passengers, the commission was fixed as 8% only. Among that 8% also 2% is ear marked for the welfare of the Drivers. When a small state Kerala has developed an Aap for the betterment of both the drivers and the passengers, why can't the Government of India develop at national level? It is possible and easy for the Government of India to develop an Aap if it is committed for the welfare of the drivers and passengers. AIRTWF appeals to all the drivers attached to companies like Uber/Ola etc to unite at national level and fight to protect their lively hood and to lead dignified life.

AIRTFW demands the Government of India to concede the following demands.

- 1) The Government should control and regulate the Aggregators including fares, commission, safety, accountability and employment relations.
- 2) Simultaneously the Government should develop and operate an alternative Aap to Uber/Ola etc through one Government agency.
- 3) A Committee is to be constituted with Police, Transport and Labour department Officials at District level to redress the Rider Aap issues.
- 4) The Commission should not be more than 5%.
- 5) A minimum sum of amount per day to the Driver should be guaranteed.
- 6) Transparency should be maintained with regard to fares, travel distance etc.
- 7) An electronic fare meter capable of handing out a printed fare receipt to the passengers shall be developed. Back end record should be maintained.
- 8) Secrete panic button should be created both for the driver and the passengers.
- 9) Display on the vehicles a common telephone number besides the website address so as to enable the passengers to contact with the call centre.
- 10) The fares are to be revised according to the revision of Diesel/Petrol rates.

- 11) A complaint register should be maintained at the registered office to tackle the complaints. The Driver should be given opportunity to explain his views on the complaint. The action taken should be communicated to the complainant. The email address to which complaints can be made shall be displayed in each vehicle visible to the passenger.
- 12) The ride should be allotted basing on the nearest available vehicle without any discretion and to ensure that the ride should not be cancelled.
- 13) The names should not be deleted unilaterally by the Aggregator.
- 14) It should be clearly displayed about the luggage and the number of passengers to be carried for every type of vehicle. An authorised chart should be made available with the driver.
- 15) The drop location, fare, mode of payment etc shall be known to the driver before confirmation of the ride by the Aggregator.
- 16) Advance booking facility and the terms and conditions shall be laid down. AIRTWF appeals to all the drivers attached to the Companies such as Uber/Ola etc to unite at national level and come forward to fight to protect their lively hood and to lead dignified life.

Draft Social Security Scheme proposed for the Unorganised Road Transport Workers.

The unorganized Road Transport Workers will always be on roads round the clock transporting Passengers and Goods to different destinations. They are very much exposed to all the adverse weather conditions like extreme heat, cold and rain. Particularly the Goods Vehicle Drivers have to drive even for days together leaving their families. The very nature of their work is highly risky. In the recent period attacks of the anti-social elements have increased much. The money was stolen and in some cases they were killed. They do not know what and when will they met with an accident even though they are not a fault.

According to the statistics of the Ministry of Road Transport and Highways, 85% of the passengers and 66% of the Goods are being transported by Road Transport alone. But workers have no legal protection or job security. Workers who live on the roads as part of their work and reach old age are not protected anywhere except in Kerala. A Welfare Fund Board has been formed for motor workers in Kerala. At this juncture it is the bounded responsibility of the Government of India to enact a Social Security Scheme for the unorganized Road Transport Workers at national level.

Background: The AIRTWF organised prolonged struggles and sustained campaign for the Social Security. In the year 2006 when UPA-I Government was in power with the support of the Left Parties, AIRTWF organized a Parliament march and a delegation met the honorable Prime Minister Dr. Manmohan Singh and discussed at length. Immediately, the prime Minister ordered the V.V.Giri National Labour Institute to study and to make suitable recommendations. Accordingly, the V.V.Giri Institute under the Chairmanship of Dr. Rehman toured different parts of the country and interacted with different people associated with Road Transport Industry. They have submitted a report to the Government in 2008. They have recommended for the enactment of Social Security Act for the unorganized Road Transport Workers. They have suggested the sources for mobilization of Corpus Fund and the benefits to be given. The AIRTWF has studied the V.V.Giri report and other welfare

Schemes and drafted the following draft Scheme with some improvements taking in to account the changed scenario and the poor conditions of the Road Transport Workers. This can be improved and strengthened in future also.

National Situation: This scheme is prepared keeping in view the National situation, the Employee-Employer relationship and the poor conditions of the Road Transport Workers. For the effective implementation of the Scheme Corpus fund is very much essential.

Corpus Fund: Since most of the unorganised Transport Workers are self employed, the monthly subscription for the welfare fund from employers will not be there. For overcoming this, alternative fund mobilization sources have been identified as mentioned below.

1. Contribution of Government of India: The contribution of Road Transport sector to the GDP is 4.5%. The Government of India has accrued Rs4,92,303 Crores on Petroleum Products for the year 2021-22 only (PP&AC Ready Recknor - June 2023, page 32). This amount is increasing year to year. Hence the Government of India should contribute Rs. 30,000 Crore annually for the social security Scheme for the Road Transport Workers.

That is 30,000 Cr. per year.

2. Collection of Cess on every New Motor Vehicle: A one-time cess can be levied at the time of the registration of the new vehicles. If the Cess is imposed Rs. 500 on Two Wheelers, Rs.1,000 on three wheelers and Tractors, Rs. 5,000 on Cars and Rs.10,000 on Heavy Commercial vehicles, it will come to around 2,300 crores per annum.

Total collection of Cess on every New Motor Vehicle: Rs.2300 Crores/ year.

3. Workers Contribution: Workers who become members of the scheme must pay a minimum of Rs.1200 per year.

Expected collection from workers: Rs.1200 Cr. (Assuming that one crore workers to join the scheme)

4. State Governments: Each State government should pay Rs.20 crore each year to the Corpus Fund.

Expected collection from State Governments: $25 \times 20 = \text{Rs.}500$ Cr.

5. Vehicle Manufacturing Companies: $10 \times 1000 = \text{Rs.} 10,000$ Cr.

6. Oil Companies: $10 \times 1,000 = 10,000$. That is Rs.10,000 Cr.

Total Mobilization (1+2+3+4+5+6) Rs.54,000 Crores PA.

Government of India - 30,000 ; State Governments - 500 ; Cess on Vehicles - 2,300 ; Vehicle Manufacturers -10,000 ; Oil Companies -10,000 ; Workers...1,200 ; Total...54,000

The following benefits can be allowed to the workers.

1. Accident Insurance Scheme coverage to all the members of the Scheme.

2. Monthly Pension....Rs.9,000

3. Disability Pension...Rs.3,900

4. Voluntary retirement Pension...Rs.6,000

5. Family Pension...50% of the Pension up to 10 years from the date of the death of the Pensioner

6. Medical Assistance...Rs.1,00,000

7. Children marriage assistance...Rs.25,000

8. Scholarship for children...Rs. 500 to 7,500 From 8th Standard to PG. Minimum marks should be 50%.

9. Financial assistance for those undergoing hospitalisation for at least 72 hours for any illness.. Rs.5,000 Maximum

10. Maternity Financial Assistance...Rs.15,000

11. Financial Assistance in case of natural death of the member...Rs.1,00,000

12. Funeral Expenses...Rs.10,000

Who can be members? All transport workers between 18 and 60 years of age working in the private motor transport sector including self employed can become members of the Scheme. Also members of the scheme who are above 60 years of age can continue their membership in the Scheme up to the age of 65 years on the basis of annual fitness certificate from a medical officer not below the rank of Assistant Surgeon.

**AIRTWF Delegation meeting with
Honourable Prime Minister
Dr. Manmohan Singh
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