

**New Year greetings to all the Road Transport Workers**  
**Get ready to fight against the anti-worker provisions in**  
**Bharatiya Nyaya Sanhita 2023**

**Dear Sisters and Brothers,**

All India Road Transport Workers' Federation extends New Year Greetings to all the Road Transport Workers and their families and to all.

As New Year gift, Central Government has decided to punish heavily people in general and the road transport workers in particulars. Parliament passed an Act called Bharatiya Nyaya Sanhita, 2023 replacing the Indian Penal Code on 21<sup>st</sup> December, 2023. President of India gave her assent immediately. Though it was published in the official Gazette, the date of implementation has not been notified.

Though nowhere, thus far, we could find the term 'hit and run' in any criminal laws including the BNS- the new avatar of IPC- but it prescribes stringent punishment to a driver who causes the death of a person by 'rash and negligent driving'

Earlier u/s 304A of IPC it was defined as causing death by negligence. It says that "whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both". No word of driving. In the name of amending the IPC, the terms "rash and negligent driving" have been inserted with ulterior motive to punish the gullible drivers with imprisonment up-to ten years.

Similarly, In the Motor Vehicles Act, the punishment for first offence: imprisonment up to 6 months, and/or fine up to Rs 5,000. Subsequent offence within three years: imprisonment up to 2 years and/or a fine up to Rs 10,000.

Modi regime wants get rid of all these Acts and wants bring in new one to hoodwink every one. Section 106 (2) BNS says "whoever causes death of any person by rash and negligent driving of vehicle not amounting to culpable homicide, and escapes without reporting it to a police officer or a Magistrate soon after the incident, shall be punished with imprisonment of either

description of a term which may extend to ten years, and shall also be liable to fine”.

Not only all drivers, the common vehicle driving public and the entire Road Transport sector people are in a most panic situation and virtually going to be in a mental trauma permanently besides the hanging of Damocles’ sword of heavy penalties and punishments. AIRTWF appeals to all the Road Transport Workers to get ready to fight against the draconian changes made in the Bharatiya Nyaya Sanhita-2023. Already drivers in almost all the Hindi states are on struggles.

Immediately after introducing in the Lok Sabha on 11<sup>th</sup> August, it was referred to the Parliament Standing Committee on Home Affairs. It has to be noted that it has recommended reconsidering this section 104(2). The para 3.20.5 of the recommendation of the Standing Committee says that “The Committee is of the view that clause 104(2) may be against the Article 20(3) of the Constitution of India which says - ‘No person accused of an offence shall be compelled to be a witness against himself’. But, the Supreme Court has widened the scope of this immunity by interpreting the word ‘witness’ to include oral as well as documentary evidence so that no person can be compelled to be a witness to support a prosecution against himself. Hence, further contemplation is required, if the Government still seeks to retain this new provision”.

Given this governments’ scant respect to Parliamentary democracy we cannot expect them to listen to any such collective wisdoms. Accordingly, they retained the ten years’ imprisonment with a new provision (104(2)) adding the term ‘driving’ with rash and negligent act against the spirit of Indian Constitution and the Recommendation of Parliamentary Standing Committee.

It is important to remind all that in the original Bill that was tabled in the Parliament there was a general provision for the offence of rash and negligent acts like bridge/ tunnel/ collapse or doctors’ negligence etc., with seven years’ imprisonment. While medical practitioners’ community is more vocal and articulate they could be able to retain the old two-year imprisonment punishment and got escaped from this draconian law and for the rest of them also it was brought down to five years’ imprisonment. As far as the motor drivers and the increasing vehicle driving general public are concerned it was unambiguously enhanced to ten years’ imprisonment.

All India Road Transport Workers' Federation will never tolerate any wrong doings. It is the responsibility of the organisation or the Government to study the reasons and come out with suitable remedies. It is the ground reality that the Drivers are being ill-treated and even manhandled brutally in many cases. The Police, Transport Department Officials are humiliating and considers as slaves. The Drivers have no respect for their own skilled profession. This environment has to be changed forthwith. Further, the service conditions, working conditions, wages, social security benefits and other statutory benefits are to be guaranteed to the Road Transport Workers, particularly to the unorganised Road Transport Workers. By doing so only confidence can be build up among the Drivers. Without doing the required things simply blaming and punishing the drivers will not give results.

In the light of the above, it is clear that the Government which came to power with the votes of the common people and the working class is hell-bent to serve the Corporates at the cost of the people who voted to them.

The united and consistent struggle is only the way to combat the draconian laws and actions. AIRTWF appeals to all the concerned that this is the right time to come together for united fight to save the Transport sector and the livelihood of the ordinary road transport workers, besides common people at large.

**-All India Road Transport Workers' Federation**