

# THE PRIVATE TRANSPORT WORKERS (WELFARE) BILL, 2022

BY

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A BILL

to provide for the welfare of private transport workers  
by constituting a Fund to be known as the Private Transport Workers Welfare Fund  
and for matters connected therewith.

BE it enacted by State Assembly in the Seventy Second Year of the Republic of India as follows:—

1. (1) This Act may be called the The Mizoram Private Transport Workers (Welfare) Act, 2022.  
(2) It shall extend to the whole state of Mizoram  
(3) It shall come in to force on such date as the State Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
  - a. "appropriate Government" means the State Government;
  - b. "private transport workers" means a person who is skilled as a driver and possesses an appropriate valid driving license issued by an authority of the appropriate Government and who offers his/her service as a driver or a driver's mate/assistant to any vehicle owner for personal use or for commercial purposes and registered under the Mizoram Private Drivers Welfare Fund but does not include a person who is enrolled on the payroll of a company registered under the Companies Act, 2013 or enrolled as a regularised employee under the Central government or any state government in India or under any agency who provides health insurance below certain amount prescribed from time to time.
  - c. "employer" means a person who takes the services of a private transport worker either for personal use or for his commercial vehicle.
  - d. "Fund" means The Mizoram Private Transport Workers Welfare Fund constituted under section 3;
  - e. "prescribed" means prescribed by rules made under this Act.
  - f. "member" means the member of the Fund and includes any person eligible to become a member of the Fund.
  - g. "self employed person" means a person other than an employee who is engaged in the profession of a motor transport undertaking by actually operating the vehicle and depending mainly on such a motor transport undertaking for his lively hood.
3. (1) The State Government shall constitute a Fund to be known as the Mizoram Private Transport Workers Welfare Fund.  
(2) The Fund shall consist of contributions from the private transport workers, the State Government and the employers.  
(3) The Fund shall be administered by a Board consisting of :—
  - (a) a Chairperson to be appointed by the State Government;

- (b) two expert members appointed by the State Government;
  - (c) two members representing the private transport workers; and
  - (d) one officer, not below the rank of Joint Secretary in the state Departments, connected with transport workers.
- (4) The salary and allowances payable to, and other terms and conditions of the service of Chairperson and members of the Board shall be such as may be prescribed.
4. (1) The Board shall determine the purposes for which the Fund shall be utilized.
- (2) Without prejudice to the generality of the provision of sub-section (1), the Fund shall be utilized for private transport workers as well as self employed persons for the following purposes, namely:—
- (a) payment of old-age pension at the rate prescribed for private transport workers who have attained the age of sixty years;
  - (b) healthcare facilities at subsidized rate to private transport workers and their dependent/family members at the designated Government and private hospitals;
  - (c) free life insurance cover with prescribed sum assured of at least 1 lakh in the name of the transport worker.
5. Every private transport driver shall be entitled to get assured minimum wage as such rate, as may be determined from time to time, by appropriate Government.
6. (1) No private transport workers shall, except the time taken for meals and leisures, be required to work for more than—
- (i) eleven (11) hours in a day;
  - (ii) fifty five (55) hours in a week; and
  - (iii) five (5) consecutive hours in a day or eight (8) consecutive hours during night.
- (2) Every private driver shall be entitled to—
- (i) one (1) hour of rest after every five (5) hours of consecutive work;
  - (ii) one (1) day of rest per week; and
  - (iii) holidays on such occasions, as may be specified by the State Government.
7. Any employer who fails to contribute to the Fund in accordance with the provision of section 3 or who contravenes the provisions of section 5 shall be punished with a fine which may extend up to rupees one lakh or an amount equal to one year's assured minimum wage, whichever is higher.
8. The State Government shall provide adequate funds to the Board for carrying out the purposes of this Act.
9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.
10. The State Government may, by notification in the Official Gazette, make rules for carrying the purpose of this Act.