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राष्ट्रीय मानव अधिकार आयोग
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NATIONAL HUMAN RIGHTS COMMISSION
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D. O. No. R-20/2/2022-PRP&P (RU-3)

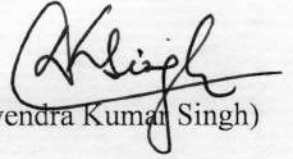
Dated: 27th June, 2022

Subject: Advisory to Protect Human Rights of Truck Drivers

Sir,

The National Human Rights Commission (NHRC) is mandated by the Protection of Human rights Act, 1993, to protect and promote the human rights of all the citizens in the country.

2. Towards the fulfillment of the above mandate, the Commission, in consultation with the domain experts, has examined the issues and challenges faced by the commercial truck drivers in India.
3. On the basis of a detailed analysis, the Commission issues "Advisory to Protect Human Rights of Truck Drivers". A copy of the same is enclosed for necessary follow up action.
4. All concerned authorities of Union/ State Governments/ UTs are advised to implement the recommendations given in the said advisory and send an 'Action Taken Report' (ATR) within three months for information of the Commission.


(Devendra Kumar Singh)

Encl.: As above

To,

1. The Secretary
Ministry of Home affairs
North Block, New Delhi – 110001
2. The Secretary
Ministry of Road Transport and Highways
Transport Bhawan, Parliament Street
New Delhi – 110001
3. The Secretary
Ministry of Labour and Employment
Shram Shakti Bhawan, Rafi Marg
New Delhi – 110001
4. The Secretary
Ministry of Health and Family Welfare
Nirman Bhawan, New Delhi – 110011
5. The Secretary
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NATIONAL HUMAN RIGHTS COMMISSION

NHRC/Advisory/02/2022-23/

Dated June, 2022

Advisory to Protect Human Rights of Truck Drivers

Road transport carries about two-third of the country's freight traffic. The road transport sector plays a significant role in our economy. Due to fragmented, informal and unorganized nature of truck business, truck drivers experience variety of problems and difficulties. In spite of playing a very important role in making available essential goods in various parts of the country, truck drivers are subjected to exploitation by various agencies and anti-social elements.

Truck drivers are an important component of the country's labour force. Majority of them, however, do not get social security benefits, such as provident fund, pension, health insurance, life insurance, gratuity, etc.

Long working hours, lack of adequate rest and sleep, long absence from family, low salary, non-availability of clean and healthy food in time, constant threat of exploitation by law enforcement agencies and anti-social elements and high risk of road accidents makes truck drivers prone to physical and mental stress, drug addiction and irresponsible sexual behaviour.

To protect the human rights of truck drivers, the Commission issues this advisory.

I. In Re: Protection from Exploitation

1. The Union and State Governments should endeavour to:

(i) Minimise physical interface between truck drivers and law enforcement agencies by providing online facilities for:

(a) Grant and renewal of registration certificates, fitness certificate, permits and licences.

(b) Payment of taxes, fees, penalties and other levies.

(c) Centralised storage and retrieval of vehicle related documents.

(d) Extension of validity of e-way bills.

(ii) Designate areas for inspection of trucks and other commercial vehicles by law enforcement agencies, provide CCTV coverage to toll booths, inter-state checkpoints and all such inspection areas.

(iii) Prohibit collection of fine in cash.

(iv) Use technology to enforce discipline in truck business by:

(a) Installation of weigh-in-motion weighbridges at regular intervals, especially at toll booths and integrated check gates, to detect overloading.

(b) Mandatory offloading of excess pay load in case it exceeds five percent (5%) of the permissible limit.

- (c) Establishment of warehouses at toll booths for safe custody on payment basis of the offloaded excess payload.
- (d) Making it mandatory for law enforcement agencies to wear body camera while undertaking inspection of trucks and other commercial vehicles.
- (e) Installation of speed cameras at regular intervals along highways for detection and auto-generation of challans for over-speeding.
- (f) Mandatory installation of tamperproof speed governors in each truck and other commercial vehicle.
- (g) Mandatory installation of vehicle location tracking devices in each truck to track and detect over speeding.
- (h) Installation of automated driving test tracks to assess driving skill before grant or renewal of driving licence.
- (i) Making it mandatory to undergo basic driving course organised free of cost by the Government before issue and renewal of a driving licence for a heavy motor vehicle.
- (v) Establish an online portal and a round the clock helpline to receive complaints along with evidence (photographic, videographic and documentary) from truck drivers.
- (vi) Develop a standard operating procedure (SoP) to deal with complaints and evidence received on the online portal and helpline. The SoP may, *inter-alia*, provide for public disclosure of actions taken on the complaints received on portal and the helpline.

- (vii) Display at conspicuous locations on toll booths, parking areas and prominent places along the highways, the procedure to submit complaints on online portal and helpline.
- (viii) Provide facility to drivers to record online feedback on physical interaction with the inspecting officers and use of the feedback in annual performance appraisal of such officers.
- (ix) Install signboards at conspicuous locations to display no-entry zones for trucks to prevent accidental entry of drivers.
- (x) Install signboards displaying permissible speed for vehicles of different types at regular intervals.
- (xi) Provide road signage in at-least three languages, viz., Hindi, English and local language.
- (xii) Install CCTV cameras at parking lots along the highways and in city centres.
- (xiii) Appropriate amendment of the Motor Vehicle Act, 1988 to provide for imposition of penalty on the consignors and/or booking agents who overload trucks at the point of despatch.
- (xiv) Create awareness on perils of irresponsible and drunken driving, documents to be obtained from the consignee while accepting payload of different types, care to be taken to prevent loading of illegal consignment and remedies available against harassment.
- (xv) Deployment of highway patrols in the areas vulnerable to exploitation by anti-social elements.

- (xvi) Initiate punitive measures against financial institutions involved in engagement of bouncers for recovery of outstanding instalments.
- (xvii) Do away with the current practice to fix monthly, quarterly and annual targets for collection of fines by law enforcement agencies.
- (xviii) Formulate all SoP to govern seizure of trucks and arrest of drivers, co-drivers and helpers in cases involving road accident, overloading and violation of other laws. The SoP may contain, *inter-alia*, an exhaustive list of cases where arrest of drivers or seizure of truck may be made.
- (xix) Amend the Criminal Procedure Code, 1973 to dispense with the requirement to furnish surety/security by a local resident for release of vehicle/driver.
- (xx) Undertake review of all existing laws providing for confiscation of trucks.
- (xxi) Establish a central database to record information on all relevant parameters such as traffic violations, accidents, driving pattern *etc.* to rank and rate the drivers.
- (xxii) Institute award and cash incentives to honour drivers obtaining higher ranks.

II In Re.: Provision of Amenities To Drivers

1. The Union and State Governments should endeavour to:
 - (i) Establish and maintain driver rest stops and lay byes consisting of parking area, furnished rest rooms, toilets/wash rooms, restaurants providing food

and beverages at reasonable rates in clean hygienic environment, mechanic shops, medicine shops, doctor's clinics, *etc.*, at regular intervals, not exceeding 40 kilometres, along National Highways and at prominent locations along the State Highways and other major district roads.

- (ii) Establish and maintain driver amenities zones consisting of parking area, furnished rest rooms, wash rooms, restaurants providing food and beverages at reasonable rates in clean hygienic environment, mechanic shops *etc* at each notified Industrial area, individual industry and truck terminals (transport nagars) dealing with more than 100 trucks in a month.
- (iii) Establish fully equipped Trauma Centres at regular intervals along highways to extend emergency treatment to victims of road accidents.
- (iv) Make appropriate rules to the effect that earmarking of adequate land for establishment of truck terminals at appropriate locations shall be an essential requirement for approval of a Master Plan for Towns and Industrial areas.

III. In Re: Socio Economic Security

1. The Union and State Governments shall endeavour to:

- (i) Amend the Motor Vehicle Act, 1988 to provide for mandatory purchase of personal accident cover for an amount not less than Rs. 15 lakh for each driver, co-driver and helper of a commercial truck.
- (ii) Monitor the timely purchase of insurance cover, including personal accident cover for driver, co-driver and helper by linking insurance portals with the online *Vahan* portal.
- (iii) Ensure that, in case of accidental death or permanent incapacitation, insurance benefit to the affected driver, co-driver and helper or their *next*

of kin, as the case may be, is disbursed within fifteen days of the receipt of the death/disability certificate.

- (iv) Provide cashless treatment to drivers, co-drivers and helpers injured or incapacitated in road accidents.
- (v) Launch a special drive to register all truck drivers, co-drivers and helpers to avail benefits of Pradhan Mantri Ayushman Bharat Jan Arogya Yojana (PM-ABJAY). Commercial driving licence should be considered as an admissible documentary proof to avail benefit of PM-ABJAY.
- (vi) Notify establishments employing minimum ten (10) drivers for commercial transportation located in areas having adequate Employees State Insurance support facilities for applicability of the Employees State Insurance Act, 1948.
- (vii) Create a mechanism to link driving licence, bank account, ESI and EPF database to monitor timely payment of minimum wages and ESI and EPF contribution of commercial truck drivers and take appropriate remedial measures in case of any default or delay or shortfall in payment.
- (viii) Launch a Group Insurance Scheme providing for life as well as health cover for commercial truck drivers, co-drivers and helpers on payment of a nominal subsidised subscription.
- (ix) Launch a special drive to register all truck drivers, co-drivers and helpers on e-Shram portal. Commercial driving license should be considered as an admissible documentary proof for registration on e-Shram portal.
- (x) Create awareness among truck drivers, co-drivers and helpers to avail benefits of social security schemes such as Life and Disability cover

under Pradhan Mantri Jeevan Jyoti Bima Yojana (PM-JJBY), Pradhan Mantri Suraksha Bima Yojana (PM-SBY) and Old Age Protection under Pradhan Mantri Shram Yogi Mann Dhan (PM-SYM).

- (xi) To ensure and enforce provisions for monthly paid holiday to truck drivers, co-drivers and helpers.
- (xii) Make it mandatory to make payment of monthly wages to drivers, co-drivers and helpers through bank accounts.
- (xiii) Create a special fund to provide loan to truck drivers at liberal terms (low interest rate, long repayment period and liberal procedural requirements) to purchase his own truck.
- (xiv) Provide facility to truck drivers to cast postal ballots during elections.

IV. In Re: Physical and Mental Well Being

1. The Union and State Governments should endeavour to:

- (i) Monitor the driving pattern of trucks by installation of vehicle location tracking device and arrange special counselling for drivers who are found to drive continuously for long hours.
- (ii) Amend the Motor Vehicles Act, 1988 to provide for mandatory provision of air conditioned driver cabin and installation of first aid box, fire extinguisher and tool box in all commercial trucks.
- (iii) Encourage owners to install automotive crash avoidance system in commercial trucks.
- (iv) Create awareness about ill effects of tobacco chewing, smoking, drinking and consumption of drugs and other psychotropic substances, continuous

driving for long hours without adequate rest and sleep and irresponsible sexual behaviour by installation of sign boards at toll booths, parking lots and other prominent locations along highways.

- (v) Counsel truck drivers addicted to tobacco chewing, smoking, drinking, drugs and other psychotropic substances to avail treatment at de-addiction centre.
- (vi) Undertake regular preventive health check up and testing of truck drivers and counsel the drivers to avail proper treatment in case preventive health check up reveals any physical or mental disease.
- (vii) Expand the existing network of intervention centres dealing in distribution of condoms and information booklets on precautions to be taken to prevent HIV infection and other sexually transmitted diseases to cover all high risk/vulnerable areas.
- (viii) Create awareness among drivers about the need to avail regular rest/leave.
