

AS

INTRODUCED IN LOK SABHA

Bill No. 137 of 2021

THE AMBULANCE DRIVERS AND HELPERS (WELFARE) BILL, 2021

By

SHRI M.K. RAGHAVAN, M.P.

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BILL

to provide for the welfare of ambulance drivers and helpers and for matters connected therewith.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Ambulance Drivers and Helpers (Welfare) Act, 2021.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "ambulance" means a vehicle registered under section 66 of the Motor Vehicles Act, 1988 and as defined in the National Ambulance Code provided by the National Injury Surveillance Trauma and Registry and Capacity Building Centre (NISC); 59 of 1988.

(c) "ambulance driver" means the driver of an ambulance who holds a valid driving license and registered with the Ambulance Registry of the State Transport Department concerned; 5

(d) "beneficiary" means an ambulance driver or a helper registered with the registry under section 6;

(e) "dependent" includes the parents, spouse, children or siblings of any ambulance driver or helper, as the case may be; 10

(f) "prescribed" means prescribed by rules made under this Act;

(g) "registry" means the registry of ambulances within the State maintained under section 6; and

(h) "Scheme" means the Insurance Scheme for the Welfare of Ambulance Drivers and Helpers formulated under section 3. 15

Formulation of Insurance Scheme for the Welfare of Ambulance Drivers and Helpers.

3. The Central Government shall, by notification in the Official Gazette, formulate an Insurance Scheme for the Welfare of Ambulance Drivers and Helpers.

Payment for premium for Insurance.

4. The payment for the annual premium in respect of the Insurance Scheme formulated under section 3 shall be borne as under:— 20

(a) the Central Government – thirty-five per cent. of the total insurance premium;

(b) the State Government – forty-five per cent. of the total insurance premium; 25

(c) the hospital or the trust which runs the ambulance – ten per cent. of the total insurance premium; and

(d) ambulance drivers – ten per cent. of the total insurance premium.

Implementation and Monitoring of the Act.

5. The appropriate Government shall designate an authority not below the rank of State Transport Commissioner to implement and monitor the provisions of this Act. 30

Registry.

6. (1) The appropriate Government shall maintain an online Registry of the ambulance drivers and helpers under their respective jurisdiction.

(2) The Registry maintained under sub-section(1) shall contain details of the — 35

(a) ambulance drivers and helpers including their dependant family members; and

(b) entry of transfer of each patient undertaken by every ambulance driver. 40

7. (1) The appropriate Government shall enter into an agreement with such Insurance Company, as it may deem appropriate, to extend health and life insurance coverage to every beneficiary.

Agreement with Insurance Companies and private hospitals.

(2) The Insurance Company shall enter into agreement with privately owned hospitals to provide healthcare services to the beneficiaries.

(3) The Insurance Company shall,—

(a) make payment to private hospitals at such rate, as may be agreed upon by both the parties, for providing healthcare services to the beneficiaries;

(b) make payment for annual full body medical checkup of every beneficiary;

(c) extend life insurance cover upto rupees fifty lakh to each beneficiary against personal mishappening or accident; and

(d) extend health insurance cover upto rupees ten lakh to the beneficiary and his dependent family members.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide in each financial year such sums of money to the State Governments and Insurance Companies as it thinks necessary for implementation of the provisions of this Act.

Central Government to provide fund.

9.(1) Any Insurance Company which has entered into an agreement with private hospital under section 7, may either itself or through an agency designated in that behalf, inspect privately owned hospitals from time to time to ensure that provisions of this Act are complied with.

Inspection of hospitals.

(2) If any hospital does not comply with the provisions of this Act, such hospital shall be liable to pay such compensation, as may be prescribed in the agreement under section 7.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Act not in derogation of any other law.

11. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Ambulances are categories of special vehicles as defined under section 66 of the Motor Vehicles Act, 1988. These life saving vehicles ply on road at a high speed. Even though the ambulances are emergency life saving vehicles, there is no safety of drivers and helpers lives who drive to save lives of others. Most of these vehicles have helpers who takes care of emergency needs of the patient being transported.

India has a large number of driving professionals who are registered as ambulance drivers. Unfortunately they have not been provided any social security by the Government. Even though the new Labour Code takes gig workers into consideration, it neglects a large number of such ambulance drivers who saves thousands of lives every day. There is imminent threat to their own life considering the speed at which they undertake their journey. Hence considering the importance of service they render to humanity, the State has the responsibility to protect them.

The Bill, therefore, seeks to provide for formulation and implementation of an health and life insurance scheme for the welfare of ambulance drivers and helpers in the country.

Hence this Bill.

NEW DELHI;
July 7, 2021.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of an Insurance Scheme for the Welfare of Ambulance Drivers and Helpers. Clause 4 provides for the Central Government to contribute thirty-five per cent. of the total amount of insurance premium for the Scheme. Clause 6 provides for the appropriate Government to maintain an online Registry of the ambulance drivers and helpers under their respective jurisdiction. Clause 8 provides for the Central Government to provide funds to the State Governments and Insurance Companies as it thinks necessary for implementation of the provisions of this Act. The expenditure in respect of States shall be met out of the Consolidated Funds of the State Government concerned. The expenditure in respect of Union territories shall be borne by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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