

MR. DEPUTY SPEAKER: The question is:

"That clauses 4 and 5 stand part of the Bill."

The Motion was adopted.

Clauses 4 and 5 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI RAVINDRA VARMA: I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

The Motion was adopted.

15.03 hrs.

MOTOR VEHICLES (AMENDMENT) BILL.

MR. DEPUTY SPEAKER: Then there is the Motor Vehicles (Amendment) Bill. Before the Minister moves it, I must make at least one remark, that is, I had been receiving amendments till this morning which is not good in practice. According to the rules, they should come at least one day before. Otherwise, we just cannot circulate these amendments to the Members, although an attempt has been made today to circulate cyclostyled copies of the amendments. They have been circulated. In any case, in future, we will be very strict in case of amendments and Members should be vigilant about sending their amendments in time. As soon as the Bill is circulated they should send their amendments. Even the Government amendments have come only today. I think both the Government and the Members should be vigilant about it and they should send their amendments in time.

Mr. Minister.

THE MINISTER OF STATE IN-CHARGE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI CHAND RAM): I beg to move:

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

While moving this Bill for consideration before this Honourable House, I wish to say a few things by way of amplification of purposes of this Bill. In the beginning of 1976; the amending Bill was brought before this House to enable the Government to implement the policy regarding national permit. Again in July, 1977, another Bill was brought before this House whereby certain amendments were effected making punishment stringent for drunkard drivers. It also made wearing crash helmets compulsory for drivers of two seater vehicles.

The purpose of this Bill had been explained in the Statement of Objects and Reasons and I do not like to take more time of the House in amplifying that. One promise was made by the Janata Party in the election manifesto in 1977. On page 22 of that; under the heading, 'New deal for weaker sections', it says:

"It is a matter of deep shame that ever after three decades of advent of Independence, the social and economic conditions of the weaker sections of the society, particularly the Scheduled Castes and Tribes, continue to be abject. They are still subject to many forms of discrimination and have been victims of foul atrocities."

In the next para, it says:

"The Janata Party believes that the disparities that separate these members of society from the more educationally and economically advanced sections cannot be radically reduced without a policy of special treatment in their favour. It will accordingly provide preferential opportunities for education and self-employment to these sections."

In 1962 a meeting of Ministers in charge of welfare in the States was called by the then Home Minister Shri Lal Bahadur Shastri and a decision was taken that if we wanted to effectively improve the conditions of the Scheduled Castes and Tribes, the state governments and the Central Government shall have to make reservations in the general sector also. There is a special sector meant for the members of the Scheduled Castes, the provision of funds, etc. The concession that are given are very limited. That is why the condition of these classes has not improved effectively. It was therefore decided that as against the special sector, the same principle of reservation should be applied in matters of divisible, individual items where the government machinery the state government or the Central Government gives certain benefits to the society.

I am one of these who had been a Minister in the state government. I have been very keen that the state government should also provide for reservation in matters of divisible individual benefits in the general sector. But somehow the state governments have not been agreeing. Some state governments did enact some provisions. Andhra was one State, some other states also took measures to see that certain reservations were made in the matter of divisible, individual benefits. After coming to power, the Janata Party further passed a resolution in November 1977 that this principle of reservation would be extended to individual items also in the general sector. It is in pursuance of that resolution that this Bill had been brought forward.

As I said the main purpose of the Bill is to make reservations in favour of the scheduled Castes in the matter of national permits, public carriers, state carriage permits. This principle of reservation and giving benefit is also for the economically poor sections, i.e. those sections which are econo-

mically weaker sections. There has been much talk of giving some kind of preferential treatment to those people who are economically poor. There are people in society who are socially, educationally and economically backward. But only lip sympathy has been shown to these sections and no tangible steps have been taken to remove their backwardness. In the Bill an attempt is being made to see that these sections also get some kind of preference or reservation which may be decided by the State Governments.

There are other purposes of the Bill also. For example we are going to make some stringent punishment for the offence of ticketless travel. To my friends it may appear that we have provided some strong action or stringent measures—because we have provided a fine of Rs. 500 or ten times the fare whichever is less and that may appear harsh to some of the hon members. But in order to prevent ticketless travel, it is a necessary step.

SHRI R. VENKATARAMAN (Madras South): Whichever is less or more?

SHRI CHAND RAM: Rs. 500 is the maximum or ten times the value of fare. It means 'less'.

We are also making provision for grant of separate licence for driving buses and trucks. We are also providing to increase the period of validity of driving licences, other than those of professionals, from three years to five years.

Attempt has been made to ask the State Governments to prescribe minimum educational qualifications for persons to whom licences to drive—i.e. transport licences—are issued.

There are some consequential amendments also to which I will not like to dilate and touch. I hope the hon. members will give their unstinted support to this Bill. This Bill

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is very simple and a non-controversial Bill.

If need be I will reply to the various suggestions and observations of the hon. members.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

SHRI VINAYAK PRASAD YADAV (Saharsa): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 5th January, 1979." (22).

SHRI R. VENKATARAMAN (Madras South): The Motor Vehicles Act was passed in 1939 and forty years have elapsed since then. If one takes this Act and tries to go through it, he will find it like a banyan tree, with so many aeral roots consisting of hundreds of amendments to this Act. It is almost impossible for a person to get the correct position and the state of the law. Since then it has been amended to often and so much that it has lost some of the original virtues it had. My first suggestion to the Government, therefore, is that it is time that they brought forward a consolidated amending Act, putting all these things into a proper shape and re-examining the various aspects in relation to the issue of permits, the inter-State routes, the position of goods traffic in relation to the inter-State as well as the inter-State traffic and all matters like taxation, etc. in one compass.

The Government have appointed a committee under Mr. B. D. Pande to examine the transport policy. I hope, Government will seriously take into consideration the need for revising the entire law in relation to the Motor Vehicles Act.

I shall briefly touch one or two points because the whole Act is not before

us for consideration. In the first place, the Railways have not been able to carry the traffic that is offered in this country. Time and again, the House has very strongly and severely criticised the inability of the Railways to carry goods particularly carry coal to various parts of India, inability to provide transport for carrying salt from South India to the north and several such complaints have emanated in this House. It should be the policy of road transport, therefore, to come to the aid of a proper distribution system in this country whereby shortages will not develop, not because there are shortages of goods but because there are shortages in transport. It is a pity that when goods are available, certain parts of the country should be starving because the transport is not able to fulfil its functions. The transport is not able to do its duty to the country. Therefore, the time has come when we should look upon road transport as one of the essential transport system of this country and try to strengthen it so that it can function as another limb of transport organisation of the country and satisfy the needs.

Those who know the history of the Motor Vehicles Act know that the regulation of road transport was undertaken very largely to prevent competition between the road and the railways. In fact, the expression used was co-ordination between railways and road transport; it was more or less a formula used for the purpose of curbing the growth and development of road transport to enable the railways to survive and make profit. From those days we have travelled very far. Both railways and the roadways are not able together to serve the needs of the country, and there are shortages in the country, because the two systems even together are not able to fulfil the transport needs of the country. Therefore, road transport should be taken up on an urgent basis and developed without any reference to its impact on railways.

In the earlier years it was stated that transport over long distances must be reserved for railways or the road transport should not be allowed to take up these long distance traffic. Therefore, the issue of permits was regulated in such a way that the road transport was under a handicap and it was not able to carry traffic over long distances. The present position is that the road transport has to be encouraged to take up long distance haulage and see that it serves the needs of the public so that both the railways and the road transport together are able to meet the needs. This is my first suggestion and I hope the Transport Minister will give his serious attention to this, because this is very urgent. We should not go by the rut; we have been travelling on the rut too long we have got to see that the rightful role of road transport, more particularly in the field of transport of goods, is given all encouragement.

The second point I would like to emphasize is that the nationalisation of road transport has received very scant attention in recent years. The object of nationalisation of road transport was that regardless of profitability of any particular route or any particular area, the nationalised units would be able to discharge the functions of transport, without taking into account the overall profitability as such. For instance, it is well known that in suburban and urban traffic, the transport is not profitable. It is well-known that the city operation of buses is not profitable. The reason is buses in the rural areas operate over long distances as much as 300 miles per day, while the city and suburban buses do not operate for more than 150 miles a day, because the city buses have constraints like road blocks, traffic lights, stoppage at every bus stop and so on. Therefore, it is not possible for a city bus to operate for more than 120 to 150 miles a day. Therefore, when the vehicle utilisation becomes less, the profitability also goes down. So, it is found that the city and suburban

operations are not as profitable as the long distance operations in the rural areas.

In most of the cities and urban areas we have nationalised transport, because it serves the needs of the public, irrespective of the profitability of that particular undertaking. Unfortunately, now this principle has almost been given the go-by and the urge for nationalisation of transport is slowly weakening. I would like the hon. Minister to take up this question of having more nationalised transport in the country, for the purpose of serving the needs of the people and this principle should receive a certain amount of priority and also assistance from the Planning Commission.

The third point which I would like to mention generally is the question of vehicle availability. It is now found that we are unable to get trucks and buses for our use. This country has gone through cycles of surpluses and deficits. Hardly two years ago we are told that there was a surplus of vehicles in our country, that there was no off-take and that the vehicle production must be cut down, but today the position is that vehicles are not available. There is a premium on trucks with all the attendant evils. Whenever there is a shortage, there is a premium and black market. Therefore, though it is not within the Transport Ministry, they should work in co-ordination with the Industries Ministry to anticipate the rate of growth in traffic and the number of vehicles that would be needed, and on that basis plan the production of commercial vehicles. If we are going to have a policy of hand to mouth existence, just providing whatever the market would take at the moment, we are bound to go through the same cycle of shortages resulting in black market, premium and all the misfortunes that afflict the country, followed by a certain period of surplus and so on. Therefore, my suggestion is that there should be better co-ordination between the

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Transport Ministry and the Industries Ministry with regard to the manufacture of commercial vehicles so as to have planned production to take care of the needs of the country.

After making these preliminary observations, I would like to refer to the Bill. I welcome some of its provisions. For instance, the provision for a separate licence for driving trucks and for driving buses is welcome. The kind of skill and experience as well as the trainings required for driving these two vehicles differ, and it is good we have in this Bill such a provision.

There is also a provision in the Bill for giving licences for driving private vehicles as paid employees. Today the drivers of private vehicles need not take licence. It is enough if he has a owner-driver licence. This is a very salutary provision and I welcome it.

I also welcome the provision relating to educational qualifications in respect of drivers, but I hope the Minister will not say that the driver must have passed the SSLC or some such examination. The qualification should be such that he is able to read the road signs and understand the traffic regulations. He may be asked to pass a test about such knowledge rather than pass the eight or tenth standard and the like.

Also I would like to caution because when we introduce a new rule, we forget the difficulties of the existing people. There are a number of drivers who are over 45 and 50 years of age. If you say that those drivers must also get the educational qualification, then most of them will be deprived of their jobs and they will become unemployed. We have to make a provision in the rules that such a rule will not apply to persons who are over 45 years of age, so that persons who are now

earning their livelihood as drivers are not affected by the new rule that we provide.

Then there is a new provision with regard to registration of re-built vehicles. I do not know the Minister was cursory when he introduced the Bill, he did not refer to many of the provisions. There are certain things which should be brought to the notice of the hon. members, even at the time of consideration of the Bill, because what we debate in the House and what we explain in the House may become the guidelines for those who administer and implement the legislation later. So far as the rebuilt vehicles are concerned...

SHRI CHAND RAM: They are explained in the objects and reasons.

SHRI R. VENKATARAMAN: I do not know who drafted it. I am sorry, I wish I could have commended it; it is not enough, it is very cursory and it does not bring out the salient features of the Bill. Of course, the Bill contains very many good points and it is for the Government to take credit for some good points, although we are going to say that there are weaker points. Well, that is beside the point.

My point is that a rebuilt vehicle, which is a cannibalised one—you take engine from somewhere, parts from somewhere else and put them all together and then make it a vehicle, which we call in technical language a cannibalised vehicle—must be road worthy. There is no provision, when you say that a re-built vehicle registered, that it must be road worthy, whereas in the case of other vehicles, they must be road tested and it must be approved. Before you grant an industrial licence, for a vehicle, the engine is put to a road test and it has to pass through the test and it is only when it is approved, it can be fitted in. The vehicle has to go through the road test before it is approved and then only it can be marketed. In respect of the

re-built vehicles, there is no such test. If we put these vehicles on the road without the test, they will surely be engines of destruction rather than of transport. In this case we should not go every liberally towards the rebuilt vehicles and we have to take a lot of care in respect of the registration of re-built vehicles.

Now you have suggested in the Bill that when the vehicle is transferred from one State to another a no-objection certificate is to be obtained. So far so good. There will be no objection. You have also stated in the Bill that even in other transfers, intra-state transfer there should be a no-objection certificate. The reason in the case of the inter-State transfer is that a vehicle may be stolen or the taxes due thereon may not have been paid. For these reasons, you must insist that a no-objection certificate should be obtained. But when you come to intra-state transfer, why should there be a no-objection certificate? Today, without any such certificate, by just filling up the forms by the transferor and the transferee, the vehicles are transferred. But when you say that you must get a no-objection certificate, it is going to be a hurdle in the way of smooth transfer intra-State. Therefore, I am going to oppose that clause when it is put to vote.

As regards hire-purchase, I am sorry the amendment has just been circulated, a few minutes back, and I have not had the time to fully examine it. There is a great deal of hardship caused, on the one side, by the unscrupulous hire-purchasers and, on the other side, by the unscrupulous lenders who give money and take the vehicle. In each case, it depends on the facts of the case. In the Bill, you have assumed that the fault lies always with the purchaser. You have said that if he does not deliver the certificate within time or as soon as the vehicle is taken over then the transport authority can cancel the previous registration

certificate and issue a new certificate. There must be some adjudication as to who was at fault. Sometimes it is not the companies which really advance money. Most of the trucks and buses are financed by a class of people who are professional and hereditary money-lenders, do not want to mention any category of them because I do not want to offend anybody. It is well-known that a class of professional and hereditary money-lenders lend money for hire-purchase of trucks and buses and they seize these things at the slightest opportunity. They go to the registration authority and say that the registration certificate should be cancelled and a new registration certificate should be issued.

In the Bill, you have now provided that if he goes and say that in the hire-purchase agreement he has defaulted and he has seized the vehicles, then, without any adjudication as to who was at fault, whether the other person has any objection or any reasons therefor or any grounds for his case, as is provided here, to the registering authority can cancel the registration certificate and issue a fresh certificate. Therefore, in the treatment of hire-purchase, I would urge that there should be an adjudication as to who was at fault, whether it was the borrower or the lender. Then only, a fresh certificate should be issued.

Lastly, I come to the provision for reservation of permits for the weaker sections. On principle, everybody will welcome it. Nobody will object to it. Is it practicable. Are you really going to satisfy anybody of this class? A bus today costs about Rs. 1 lakh, a truck today costs about the same. Which member of the weaker sections of the society, which member of the Scheduled Castes and the Scheduled Tribes would be able to invest this much money and buy a vehicle for himself? This will, definitely, lead to only benami transactions. The persons who cannot afford really to put these vehicle on the road by paying

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even an initial deposit will lend their names and there will be great abuse. On the contrary, I have a suggestion to make. We have now a provision that the cooperative societies must be given a preference in the issue of permits. It is in the Motor Vehicles Act. Provision may be made for the weaker sections of the society and the Scheduled Castes and Scheduled Tribes forming cooperatives, to whom cooperative institutions may lend money. Thereby, they will be enabled to run these buses. A more provision that the weaker sections of society or the Scheduled Castes and Scheduled Tribes will have preference in the matter of grant of permits will, in the ultimate analysis, lead to greater abuse rather than help those classes whom you want to help

Now, this is the most important part of the Bill and, when I say this, it should not be understood that I am in anyway against the provision. What I say is that this provision will not really help the weaker sections or the Scheduled Castes and Scheduled Tribes. If you really want to help them, the other way is to enable cooperatives being formed of these people. We may put in a clause saying that cooperatives of weaker sections of the society and cooperatives of Scheduled Castes and Scheduled Tribes will be entitled to certain assistance. Instead of this preference, you can say that they will have preference over other cooperatives. Even now in another clause you have said that cooperatives will have a preference; you can put in a clause saying that cooperatives of Scheduled Castes and Scheduled Tribes and of the weaker sections of society shall have a higher priority over other cooperatives, in which case your object will be fulfilled. As it is, this will not serve any purpose. They will become mere name lenders. There will be an enormous number of 'Benami' transactions and ultimately this will lead to abuse and then you will come up with an amending Bill either withdrawing

this provision or deleting this clause.

15.43 hrs.

[SHRIMATI PARAVATHI KRISHNAN in the Chair]

SHRI SHAMBHU NATH CHATURVEDI (Agra): The importance of road transport needs no emphasis but at the moment we find that it is in a state of complete anarchy. There is no sort of discipline. The Administration has not been able to give an efficient, honest and expeditious transport to the people.

Madam, here even in the capital city, in regard to city transport, particularly the scooters, taxis and also buses, we find no dearth of complaints, both of cheating and other malpractices. A visitor coming for the first time to Delhi finds himself completely at their mercy.

Meters are set working from before and the passengers are also taken by a circuitous route. Further, the metres have no lights and, in the night, you can never know what exactly is the fare that has been recorded. Thus the public is cheated in every way.

Again, taxis and scooters freely refuse to take passengers if it does not suit them. They stand at the stands but, still, when they are asked to go along, they ask 'What is your destination' and if the destination is not distant enough or if it does not suit their convenience, they refuse and one is completely stranded, especially at nights. In spite of the fact that this is the capital city, such is the condition. I do not know what impression the foreigners get when they come to this city, because, as I said, cheating and malpractices are so common that one feels disgusted about them. No one is spared, but the outsiders and strangers naturally suffer more.

Another difficulty which, of course, has nothing to do with this Bill is about the goods transport. There are

road-blocks at every stage in the shape of tax and octroi barriers. In the mofussil areas, this has become a very sore point. This prolongs the time taken for the journey, at every stage you find the goods trucks standing in a queue for an hour or two hours. There is lot of corruption; money is passed and then they are allowed to go without paying the tax. Otherwise, they are harassed. So, all these matters need to be attended to.

In the mofussil towns, things are much worse. For example, in Agra—and in many other places also—the meters have been fixed, but nobody charges according to the meter. The meters are not worked at all, and charges for the journeys are sometimes four times or even more, just at the pleasure of the taxi or scooter driver. There is thus complete anarchy so far as the administration of this Act is concerned.

In buses, there is over loading even where the service is nationalised. I think, the experience of the common man is that wherever a route is nationalised, the good points come into view, only so long as the buses are new, but shortly thereafter, things start deteriorating. The buses which are run on roads in the rural areas and in the mofussil towns are not even properly cleaned, their maintenance is extremely poor, they exude fumes, the fumes come into the bus itself, and I dare say that the life of the conductor and the driver is shortened at least by a few years. The ordinary passenger also feels a heavy load on his chest because of these fumes. As I was saying, the maintenance of the buses is extremely poor, they are full of rubbish and dust. This is the condition of the nationalised road transport that we see in the countryside. Whenever it is supplemented by private buses, the preference of the ordinary passengers is or those private buses because they are better maintained. Why this deterioration takes place is because of monopoly and absence of competition, and the result is that things go as they

please; nobody is bothered about them; the result is that Government loses and the public suffers. So, the nationalised transport is very good on paper, but in actual fact, I think, the private companies which are well organized work much better. Of course, there is the question of earning more profits. But that is a different matter. But if you make it as a monopoly, then certainly things are bound to deteriorate as they have done. This is the experience, I think, everywhere.

With regard to the other provisions of the Bill, as Mr. Venkataraman said, there has been a plethora of amendments and one is at a loss to find what is the correct position in any matter. Here again, not only I would plead for consolidation but also for simplification. Here I will cite one or two instances how procedures have been made more complicated. In our State of Uttar Pradesh, the State Government have made their own rules under which issuing of driving licence, renewal of driving licence and registration—all these have been concentrated at the Divisional Headquarters. Now imagine a man residing, say, in Mainpuri. He has to send his driving licence and registration certificate to Agra for renewal and also take his vehicle for inspection. This used to be done at the district headquarters previously by Gagged Police officers. All these things need to be remedied.

Again, in regard to the provisions in this Bill about transfer ownership, as Mr. Venkataraman has pointed out, why should the State require a no-objection certificate for intra-State transfers? My point is that even for inter-State transfers it should be the duty of the registering authority to verify the antecedents of the vehicle or of the transferor and the transferee. Why should the onus be laid on the person who is effecting the transfer? This is a very ordinary matter, but it gives such a lot of trouble. It gives more and more opportunities for corruption. Sometimes the Police report is not coming and one has probably

[Shri Shambhu Nath Chaturvedi] run about to get it expedited. Then the office itself is delaying the report to the other registering authorities. All these things happen and there is a lot of corruption. I would plead, you delete clause 29(A). If you want any sort of verification, it should be done by departmental officers. The transferor and transferee should only be required to inform the registering authority that the transfer has taken place. Beyond this there should be no obligation on them. The verification should be done by the registering authority itself, which has a very large office and staff for the purpose. Here you put this onus on the private individual who has sold his car. What offence has he committed for which he is penalised. I will plead for deletion of this clause and the consequential amendments. I have given notice of some amendments but unfortunately, they were given late. I do not know whether they will be circulated or not. I will plead that if you are anxious that the administration of this Bill should be more efficacious and effective, then please see that the individual owner of the vehicle is not put to unnecessary harassment and the provisions are simplified. Madam, Chairman, I will particularly emphasise that such provisions should be deleted from the Bill. Then, I fail to understand why differentiation is made between 'goods vehicle' or transport vehicle' when both types of vehicles are driven in the same manner? If anybody is competent to drive one, he can easily drive the other. I can understand the distinction between a light and a heavy vehicle. But I fail to understand the difference between the goods and the passenger vehicle when both of them are heavy vehicles.

These will only complicate the matter and lead us nowhere.

MR. CHAIRMAN: You will conclude now.

SHRI SHAMBHU NATH CHATURVEDI: The other difference made is between a private driving licence and

a public driving licence. The only advantage conferred is that a private driving licence can be renewed for five years whereas a public driving licence is renewed for only three years. I do not know whether it has a great advantage.

MR. CHAIRMAN: You have made that point. You will kindly conclude now. There are large number of speakers.

SHRI SHAMBHU NATH CHATURVEDI: I only plead with the hon. Minister that those provisions should be removed from this Bill as these will only complicate matters. So, another Bill consolidating or rationalising the provisions should be brought forward so that the people know where they stand in regard to those provisions. Administration should be made more effective and more efficient.

MR. CHAIRMAN: Mr. Ravi.

SHRI VAYALAR RAVI (Chirayinkil): Madam, Chairman, this is a good sign in the thinking of the hon. Minister that he would like to give more preference to the scheduled castes and scheduled tribes and other weaker sections of the society. He wants to regulate the Act by certain provisions

There are two to three points on which we need clarifications. First of all, the minister in his statement of objects and reasons has clearly explained that one of the major objectives is to give preference to the applicants belonging to the scheduled castes and scheduled tribes as well as the society as a whole. But, Madam, Chairman, here the provisions could be misused by the people who can afford to pay and purchase vehicles and apply for the registration. There may be benami names in regard to the scheduled castes and tribes. I say that there should be some other method to follow this up. There is no proper guidance given. Without that and without the proper financial assistance to these weaker sections, it is not possible to implement your pious wish. That is the point I am making out.

I would like to know from the hon. Minister as to what are his proposals before him in that regard and how he is going to implement this legislation so as to help the weak sections of the society. Have you got any plan in this regard? Otherwise this can be misused by the people by putting in applications in benami names or by giving more money for putting in their signatures. Some people who can afford to pay will do that and individual applications might be misused by putting them with the benami names. This is my point number one. Secondly, as far as the assistance is concerned, we welcome this proposal to encourage these people in forming the cooperative societies. My point is that you should ensure that the scheduled castes and scheduled tribes people get preference. My point is; they should get preference in the matter over the other society. But, how is to be ensured? That is my point. I wish the minister to look into it

Then, there are other provisions about the punishment, that is, impounding of the licence. You have mentioned that in the principal Act also there is a provision about surrendered and cancellation of the licence. Before coming to that, Mr. Venkataraman was mentioning about the educational qualification. I agree with him that no educational qualification of a person should stand in anybody's way who is unemployed, to learn the technicalities of the driving and in getting a licence and getting himself employed. At the same time, I agree with the view that they must read and write and know about the traffic rules and regulations. Moreover they must have some kind of value for the lives about which the ruffians do not care. They never care for the pedestrians on the roads, and they never care for human life. Accidents are taking place at an alarming rate in our country and there seems to be no control. Although we have passed the Bill—it was piloted by the Prime Minister—that those found driving being drunk will be punished yet, I am afraid, if the Minister looks

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into it he will find not many persons have been arrested under this provision. He will also find not many licences have been cancelled on this account. As far as my information goes only a very nominal number of drivers have been punished on this account. It means that you have not been able to implement the law.

16 hrs.

Now, Madam Chairman, providing of educational qualifications will have some kind of thinking in their mind about the value of human life and they will refrain from rash driving. It is a welcome feature that you are introducing but you should not prescribe such qualifications that it may prove a barrier for getting a driving licence.

Now, Madam Chairman, clauses 15 and 16 say about the disqualification of a person and impounding of a driving licence. Clause 15(a) talks about habitual criminals and habitual drunkards but, I believe, Billa and Ranga still have licences. So, what is wanted is that you should give strict instructions to the State governments to implement these provisions. My point is that you should make a specific provision that if any person who has been convicted under section 304A of the IPC, his licence will be cancelled. In Moscow they have got a system whereby if you make one offence the traffic constable makes one punch, if you make a second offence then second punch is made. On third punch they cancel the driving licence automatically. So, here also we should not take it lightly and if a person is convicted under section 304A IPC there should be a provision that his licence will be cancelled automatically. Strict punishment should be awarded to those who are involved in rash accidents that kill persons. Not only they should be imprisoned but their licences should be cancelled. Sections 72, 74, 16 and 124A only give nominal punishment. Section 72 says that State governments may make some provision about limits of weight and limitations on use. There are many more offen-

[Shri Vayalar Ravi]

ces. So, you have to identify the offences and also see that punishment is incorporated.

That is why Madam Chairman, I urge upon the hon. Minister that he may bring in more amendments next time, if not now, in this regard.

I am sorry my time is limited and I cannot elaborate much. Madam Chairman, I would say a word about the Delhi Transport, because, the hon. Minister is dealing with it. The Minister made a statement once upon a time that it is running at a loss. It is up to him to decide how to help the Delhi passengers with more road transport. You must have seen, Madam Chairman, a report which has appeared two days ago. It says that a century has been wasted by the Delhi citizens in waiting for the bus alone. It said that 2.8 million of Delhi passengers have been spending about a century time just in waiting for their buses. This is the problem here and this difficulty is being faced by the commuters. They are facing this problem because the proper organisation is just not there.

Madam Chairman, you come from Tamil Nadu and you know that 5 to 7 corporations have been formed for road transport in Tamil Nadu which have been running very efficiently. Nationalisation of road transport as suggested by Mr. Venkataraman has been done very efficiently by the Tamil Nadu Government by forming these seven corporations. There is not one corporation but there are seven corporations there which have been formed by the Tamil Nadu Government. They make them compete with each other. They are all public sector corporations. This is where Kerala is suffering. There is only one corporation and we are suffering the loss. By creating different corporations you make the people feel that nationalised transport is much better than the private transport. That has been done by the Tamil Nadu Government.

I would even like to suggest to the hon. Minister: Why cannot you try this for Delhi? Regarding Delhi Transport system, well, I cannot say, it is inefficient—I don't want to make any sweeping comment. I would say: Please have a look into the problem.

MR. CHAIRMAN: Almost non-existent!

SHRI VAYALAR RAVI: Yes, Madam, almost non-existent! It is a real problem for the people concerned. You have got to reorganise the whole system. Merely going by the report of the officers who are saying that it is running at 18 crores loss and so on will not help you at all. You have to reorganise the whole system and you have to see that people are helped more and more. You have to see what are the ways and means to do these things. You have to find them out. I don't want to suggest anything, but I only want to say this. If anybody calls the DTC bus as a death-warrant on the road, don't get agitated; don't get angry. It is a fact. Nobody else can drive; nobody else is safe on the road. There is rash driving. They never look at the traffic rules at all. Please see that these traffic rules are implemented in Delhi not only by the police but your own departmental drivers. The drivers who resort to such rash driving should not be allowed to these buses again. That is the strict way with which you have to deal with it. You ask any passenger on the road. He will say, DTC is a death-warrant. This impression should go.

I conclude with these words, Madam Chairman; I do not want to take much of the time. There have been comments made about amendments and certain points which were made in the course of speeches which must be appreciated. You have to see how it is properly implemented. With these words, Madam Chairman, I conclude my speech and I support the Bill. Thank you.

श्री राम दास सिंह (गिरिबोह) : मोटर यान संशोधन विधेयक का मैं हादिक स्वागत करता हूँ और इसको लाने के लिए मंत्रालय को धन्यवाद देता हूँ। मुझे खुशी है कि कुछ समस्यायें जो थीं उनकी और उसका ध्यान गया है और उनका उसने निराकरण करने की कोशिश की है।

सबसे पहले तो मैं इस बिल का इस वास्ते स्वागत करता हूँ कि कमजोर तथा प्राथिक दृष्टि से पिछड़े हुए लोग हैं, हरिजन या जन जाति के लोग हैं उनको लाइसेंस देने के मामले में सरकार ने प्राथमिकता बरतने का फैसला किया है। यह बहुत आवश्यक था। लेकिन उस में पढ़ाई वगैरह की शर्तें रखी गई हैं जिन का दुरुपयोग हो सकता है। हमारे पूर्व वक्ता ने इस चीज को बड़ा स्पष्ट कर दिया है कि कितनी पढ़ाई की आवश्यकता है उनको लाइसेंस देने के लिए। मैं समझता हूँ कि सही रूप से और व्यावहारिक ढंग से इस चीज को लागू किया गया तो इससे उन लोगों को लाभ ही होगा जो कि आपका मंशा भी है।

मैं खास तौर पर ग्रामीण क्षेत्रों का जिक्र करना चाहता हूँ। वहाँ से माल के यातायात का साधन केवल ट्रक ही होते हैं। जितने वहाँ उद्योग धंधे हैं उन सब का सामान ट्रकों द्वारा ही भ्रामा जाता है। इस वास्ते मैं समझता हूँ कि इसके राष्ट्रीयकरण की अति आवश्यकता थी जिस का कोई भी जिक्र मंत्री महोदय ने नहीं किया है। बहुत बड़े विद्वान होने और कानून में संशोधन करने पर भी बहुत बरसों से ग्रामीण क्षेत्रों में उद्योग का विकास क्यों नहीं हो पा रहा है, उसका एक खास कारण यह भी है कि जिनके पास बसें और गाड़ियाँ हैं, वह तो अपना सामान ला सकते हैं, बेच सकते हैं, लेकिन जो गरीब लोग हैं जो खासकर सहकारी माध्यम से थोड़ा रोजगार करते हैं, वह देहात के रोजगार को छोड़कर फिर शहर की ओर भाग रहे हैं। ऐसी संकड़ों रिपोर्टें आई हैं कि किन वजहों से देहातों का डैवलपमेंट नहीं हुआ, वहाँ उद्योगों का प्रसारण नहीं हुआ। मुख्य कारण यही है कि वहाँ माल ले जाने और लाने का कोई भी साधन नहीं है। इसलिये जो ट्रेफिक है इनको सुधार कर के नियमों का सरकारीकरण बहुत जरूरी है। जो समाज के प्राथिक दृष्टि से कमजोर लोग हैं, उनको को-ऑपरेटिविज्ज के जरिये गाड़ी वगैरह सरकार को देनी चाहिये।

जो आज के पूंजीपति लोग हैं जो कर्ज के रूप में रुपया देते हैं, उनका सूद बहुत ज्यादा होता है और उसका नतीजा यही होता है कि उनकी मदद से अगर कोई गरीब गाड़ी लेता है तो किसी न किसी रूप से वह गाड़ी उन बड़े लोगों के पास ही चली जाती है।

जिस तरह से धारक्षण ड्राइविंग लाइसेन्सेज देने में किया गया है, उसी तरह से किसी कानून की ऐसी व्यवस्था होनी चाहिये जिसके माध्यम से उन लोगों को गाड़ी मुलभ किरतों में दी जा सके जिससे वह उसको अपना बना सकें।

यह देखना चाहिये कि रेलों के जरिये ही माल नहीं जाता है। हम लोग कोयला क्षेत्रों से भाये हैं।

कोयला क्षेत्र में जहाँ 84 रुपये से 72 रुपये टन तक कोयला मिलता है, वहीं पंजाब और दिल्ली में देखिये 10 गुना अधिक कीमत पर मिल रहा है। जिसके पास बसें या ट्रक हैं, वह लोग माल ले भाते हैं और जिनके पास नहीं हैं, वह नहीं ला पाते हैं। अगर सरकारी व्यवस्था वहाँ पर देखी जाय तो रेलों के साधन पर्याप्त नहीं हैं और जो सड़क के द्वारा माल लाया जाता है, वह भी पर्याप्त है। देश के एक कोने से दूसरे कोने में माल ले जाना जो अत्यावश्यक है, उसके लिये भी सुविधा नहीं है।

इन तमाम बातों को देखने के बाद जो सन् 1939 के कानून बने हुए हैं वह बहुत पुराने हैं उनकी जगह पर नये कानून लाकर समुचित व्यवस्था की जानी चाहिये। मैं मंत्री महोदय से अपील करना चाहता हूँ कि इन राहत के कामों के लिये थोड़े से संशोधनों से काम चलने वाला नहीं है, आज जितनी आवश्यकता है, उसके लिये यह कानून पर्याप्त है, इनको बड़े गौर से देखकर नये ढंग से कानून लाने चाहिए।

जहाँ तक बिना टिकट वालों पर जुर्माने और शराब पीने वालों की दण्ड देने की बात है, यह जरूर होना चाहिये। इसके बिना काम नहीं चलेगा। आज जितने एक्सीडेंट्स होते हैं, उसके हरेक के समाचार में यह सुनने को मिलता है कि ड्राइवर नशे में गाड़ी चला रहा था। इसमें जो उसके लिये कड़ाई और सजा का प्रावधान किया गया है वह ज्यादा नहीं है, बल्कि कम है। इसलिये हर जगह सुविधाएं उपलब्ध कराने के लिये यह बहुत जरूरी है, लेकिन सबसे बड़ी चीज जो आज देखने की है, वह यह है कि बसों और ट्रकों में ओवर लोड इतना ज्यादा होता है कि उसकी कोई सीमा नहीं है। इसके लिये भी कोई सीमा होनी चाहिये। जो लाइसेंस की पद्धति हमारे मंत्री महोदय लाये हैं, इसको और दुस्त करना चाहिये। वहाँ लाइसेंस एग्जामिनेशन ले कर या ट्रायल दे कर के नहीं दिया जाता। वहाँ तो लाइसेंस खरीदा जाता है। जिसके पास पांच सौ रुपया होता है उस को घर बैठे लाइसेंस मिल जाता है। उस को ट्रायल के लिए भी नहीं जाना पड़ता है। कुछ रिपोर्टें छोटा नागपुर के बेल्ट में पूर्व में एन०सी०डी०सी० की कोलियरी में हुई थीं, उस में पन्द्रह बीस केस पकड़े गए थे लेकिन आज तक गलत लाइसेंस देने वाले पदाधिकारियों के ऊपर कार्यवाही नहीं हुई। इसी कारण ज्यादा दुर्घटनाएं होती हैं क्योंकि जो उन को लाइसेंस दिया जाता है वह बिना उन का टेस्ट लिए दिया जाता है, ड्राइविंग क्ला को वह पूरी तरह से जानते नहीं हैं। इसलिए यह जो प्रवृत्ताचार इस की व्यवस्था में और प्रशासन में है उस और कड़ाई करनी चाहिए थी। इस ढंग का कोई गलत लाइसेंस ईश्यू हुआ और इस कानून का उल्लंघन हुआ तो सिर्फ जो गाड़ी चलाते हैं और माल ले जाते हैं उन पर तो कार्यवाही होती है लेकिन जो प्रशासनिक अधिकारी वहाँ हैं उन के खिलाफ आज तक कोई भी कठोर कानून बना कर उन पर कोई ऐक्शन नहीं लिया गया जिस की वजह से जितनी भी गलतियाँ होती हैं प्रशासन विभाग समझता है कि यह हमारे लिए कमाने का एक जरिया है, इसलिए गलतियों को और प्रोत्साहन देता है। इसीलिए हम आप से यह प्रार्थना कर रहे हैं

[श्री राम दास सिंह]

कि धाप इस के ऊपर भी ध्यान दें। कुछ तो इस के जो मुद्दे हैं उस के लिए धाप प्रशंसा के पात्र हैं लेकिन कुछ व्यवस्था इस में धोर करनी चाहिए थी जिम का बहुत बड़ा प्रभाव है। प्राज पहली बार इस मंत्रालय ने इस धोर थोड़ा ध्यान दिया है और चार पांच जो इस के मुद्दे हैं जैसे गरीब लोगों को लाइसेंस देना, शराब पीकर गमती करने वालों को मजा देना और बिना टिकट चलने वालों के लिए जर्मनी का प्रावधान करना, इन मारे मुद्दों का मैं स्वागत करना हूँ और एक धारील करता हूँ मंत्री महोदय से कि पूर्ण रूपेण इसकी छानबीन कर के एक नया बिल वह भविष्य में इस के लिए लाएँ जिस से कि इस मारी व्यवस्था में सुधार हो सके। इन्हीं मन्त्रों के साथ मैं इस बिल का समर्थन करता हूँ।

श्री भगत राम (फिल्लौर) : सभागति महोदय, पिछले समय में कई बार इस मोटर वैडिकल्स ऐक्ट का प्रमेंडमेंट हो चुका है। पिछले साल जुलाई में भी इस का एक प्रमेंडमेंट हुआ था जिम में शराब पीकर चलाने वालों को सक्त सजा देने का प्राविकन किया गया था। लेकिन मैं पूछता हूँ कि क्या उस बिल के पास होने के बाद जो ड्राइवर वगैरह शराब पीकर मोटर गाड़ियाँ या बसों को चलाते थे उन की संख्या घटी है? क्या ऐक्ससीडेंट घटे हैं? वह घटे नहीं हैं बल्कि धोर बढ़े हैं। क्यों कि उन की जो बर्किंग है धोर जो उनकी सर्बिस कन्डीशन है वह बिल्कुल नहीं बदली है, वह धयेबों की जमाने की बिलकुल गुलामी जैसी है। उस में कोई फर्क नहीं पड़ा है। उन की सर्बिस में कोई सिम्बोरिटी नहीं है। उन का वेतन भुखमरी का वेतन है और उन के जो काम के घंटे हैं वह बहुत ज्यादा हैं। कई जो लोभर स्टाफ के लोग हैं उन को सोलह घंटे काम करना पड़ता है। इसी तरह से उन के लिए कोई रेस्ट हाउस नहीं है। ट्रैफिक पुलिस धोर को बहुत तंग करती है, उन से जैसे मांगती है और भ्रष्टाचार करती है। मोटर टैक्स की धोर किरायों की कोई यूनिफार्मिटी नहीं है, सब जगह वह एक जैसा नहीं है। ऐसी बहुत सी प्राबलम्स हैं जिन का सामना रोड ट्रांसपोर्ट के बर्कस को करना पड़ता है। इसलिए इतने प्रमेंडमेंट होने के बाद भी कोई खास सुधार हालत में नहीं हुआ है। इसलिए वह जरूरी है कि इस ऐक्ट को ठीक ढंग से प्रमेंडमेंट किया जाय धोर एक काम्प्रीहेंसिव बिल लाया जाय जिस में ये सभी प्राविकन हों ताकि ये सभी मामले ठीक ढंग से चल सकें।

इस बिल का जो मकसद है वह है स्टेज नेशनल परमिट्स, कैरियर्स धोर ट्रांसपोर्ट में शेड्यूल्ड कास्ट्स, शेड्यूल्ड ट्राइब्स धोर धार्थिक तौर पर जो पिछड़े हुए लोग हैं उन को रिजर्वेशन देना धोर इस के भलावा जो बिना टिकट यात्रा है उस को खत्म करना। इस बिल की जो भावनायें हैं वह बिल्कुल ठीक हैं लेकिन मुझे भ्रफसोस है कि वह भावनाएं इस बिल के द्वारा पूरी नहीं होंगी। शेड्यूल्ड कास्ट, शेड्यूल्ड ट्राइब्स धोर धार्थिक तौर पर पिछड़े हुए लोगों को रिजर्वेशन देने के लिए इसमें जो प्राविकन हैं उसके जरिए से सिर्फ

यह मंशा पूरी होने वाली नहीं है। हमारे ट्रांसपोर्ट मिनिस्टर साहब भी उन्हीं जातियों में से हैं और उनको अच्छी तरह से पता है कि उन लोगों की क्या हालत है। वे लोग किम तरह से बेहिकल्स खरीदेंगे—इसके लिए इसमें कोई भी प्राविकन नहीं है। उनको कैसे फाइनेन्स किया जायेगा—इस बात का कोई खिक नहीं है। ऐसा न होने की वजह से इसमें बेनामी सीदे होंगे क्योंकि वे लोग तो, खरीद नहीं पायेंगे। जो बड़े बड़े ट्रांसपोर्टर्स हैं वही लोग शेड्यूल्ड कास्ट धोर शेड्यूल्ड ट्राइब्स के लोगों के नाम पर खरीदेंगे धोर इस तरह से इससे भ्रष्टाचार बढ़ेगा। ऐसी हालत में मैं मजेस्ट करना चाहता हूँ कि अगर धाप वास्तव में इन जातियों को फायदा पहुंचाना चाहते हैं तो उसके लिए जरूरी है कि जो ट्रक धोर मोटर चलाने वाले ड्राइवर धोर कंडक्टर हैं या जो मकैनिक हैं जोकि ज्यादातर इन्हीं जातियों से सम्बन्ध रखते हैं, उनकी कोम्पारेटिव सोसायटीज बनाई जायें धोर उन्हीं को लाइसेंस दिए जायें। अगर धाप ऐसा नहीं करते हैं धोर जो लोग ट्रक पर काम नहीं करते हैं, उन्हीं को लाइसेंस दे देंगे तो लाजिमी है कि इन जातियों के लोगों को कोई फायदा नहीं पहुंचेगा धोर इन फायदे का उठाने वाले कोई दूसरे लोग ही होंगे जिनके पास कि पहले से ही काफी ट्रांसपोर्ट के लाइसेंस हैं। ट्रांसपोर्ट कम्पनियों में जो लोग काम करते हैं उनमें बहुत से लोग इन्हीं जातियों से सम्बन्ध रखते हैं धोर उनकी जो हालत है वह बड़ी दयनीय है। उनको ठीक ढंग से वेतन भी नहीं मिलता है। अगर धाप उनकी हालत को सुधारना चाहते हैं तो उसके लिए धापको एक धोर बिज लाना पड़ेगा धोर नेशनलाइजेशन करना होगा।

बिना टिकट यात्रियों को पांच सौ रुपये तक की सजा देना का प्राविकन इस बिल में रखा गया है इसके बारे में मैं कहना चाहता हूँ कि सरकार इस बात को मानती है कि हमारे देश में 65 परसेंट से ज्यादा लोग धर्षिभित हैं, धनपढ़ हैं। कई बार ऐसा होता है कि ट्रांसपोर्टर्स टैक्स की चींरो करने के लिए टिकट नहीं देते हैं। वे धपने कन्डक्टरों को कम टिकट देने के लिए हिवायत दे देते हैं। स्टेट ट्रांसपोर्ट में भी कई बार कंडक्टरस टिकट नहीं देते हैं धोर वे धपनी मजबूरी बताते हैं कि धार्फिसस को पैसा देना पड़ता है। ऐसी हालत में धाप जो 500 रुपए का जर्माना करने जा रहे हैं वह भी इन्हीं लोगों पर होगा जोकि धनपढ़ हैं, गरीब हैं। एक तरफ तो धाप रिजर्वेशन करके धनुसूचित जातियों तथा जनजातियों को फायदा पहुंचाने की बात सोच रहे हैं धोर दूसरी तरफ 500 रुपए का जर्माना करने की सोच रहे हैं जोकि ज्यादातर इन्हीं हरिजनों धोर गरीब धनपढ़ लोगों पर ही होगा क्योंकि अधिकतर इन्हीं लोगों में ज्यादातर लोग धनपढ़ हैं। इसलिए मैं कहना चाहता हूँ कि इस के बारे में भी धापको अच्छी तरह से सोचना चाहिए। जिस भावना से यह बिल लाया गया है उस से तो मैं सहमत हूँ लेकिन इसको प्रबिस्ट में लाया जा सकेगा—इसमें मुझे शक है। एक तरफ धाप रिजर्वेशन करके धनुसूचित जातियों तथा एकोनामिकली पिछड़े हुए लोगों को फायदा पहुंचाने की बात कर रहे हैं धोर दूसरी तरफ

500 रुपए का जर्माना ज्यादातर उन्हीं होगा।

इस नियम में माननीय मंत्री महोदय से अपील करूंगा कि इस बिल की भावनाओं को प्रेक्टिकल रूप देने के लिये जरूरी है कि इस बिल को ज्वाइंट मिलिट कमेटी को सौंप दिया जाय, ताकि वहां पर घन्ठी तरह से सोच विचार करने के बाद जो धाप की भावनायें हैं, उन को पूरा किया जा सके।

श्री रीतनाज प्रसाद बर्मा (कोडरमा) : सभापति महोदय, मैं इस विधेयक का समर्थन करने के लिये खड़ा हुंगा हूँ। यह विधेयक जो तो 1939 में बना था और पिछले तीन सालों में समय-समय पर परिस्थितियों के अनुसार, सड़क परिवहन की आवश्यकता के अनुसार इसमें परिवर्तन होते रहे। लेकिन 1976 में एक परिवर्तन आया—नेशनल एरमित स्कीम को लागू करने के लिये। उस के साथ जब जनता सरकार आई तो दो बार इस में परिवर्तन हुए और अब हमारे परिवहन मंत्री जी ने जो प्राथमिक कदम उठाया है—बात तोर से उन लोगों के लिये जो आज तक उपेक्षित रहे—वह बहुत ही सराहनीय कदम है।

यह जान सही है कि पूरे देश में यातायात की व्यवस्था को सुलभ बनाने के लिये बसों, ट्रकों तथा अन्य प्रकार की तेज चलने वाली सवारीयों की बहुत आवश्यकता है। देश की आवश्यकता के अनुसार रेलों की व्यवस्था भी पर्याप्त नहीं है। आज भी देश के अन्दर बहुत से ऐसे भाग हैं—जहां रेलें नहीं पहुंच पाई हैं, वहां सड़क यातायात ही ऐसे साधन हैं जिनसे पहुंचा जा सकता है। मंत्री महोदय ने जो कदम उठाया है, उस के द्वारा अब समाज के पिछड़े वर्ग के लोगों—प्रादिवासियों, हरिजनों, प्राथमिक-सामाजिक और शैक्षणिक दृष्टि से पिछड़े लोगों को भी अब इन बसों, ट्रकों, मशीनों गाड़ियों आदि के परमिट मिल सकेंगे। इस दृष्टि से यह प्रावधान वस्तुतः सराहनीय कहा जा सकता है। लेकिन मैं ऐसा अनुभव करता हूँ कि इस में अभी भी कुछ कमियां रह गई हैं। हमारे समाज में ऐसे बहुत से दुर्बल लोग हैं जो प्रकृति इन ट्रकों को खरीदने में सक्षम नहीं होते। पहले इस तरह की व्यवस्था हुआ करती थी—यदि ये लोग अपनी सहकारी समाज बना लें, तो उन्हें ये सुविधायें दी जाती थीं। मैं चाहता हूँ कि इस बिल में भी ऐसा प्रावधान जोड़ दिया जाय कि 5 या 10 लोग मिल कर, जो शिक्षित बेरोजगार युवक हैं, प्रादिवासी हैं, हरिजन हैं, यदि वे अपनी सोसायटी बना लें, तो उन्हें भी मेशनल परमिट मिल जाय। इस तरह की व्यवस्था कर देने से उन प्राथमिक रूप से पिछड़े लोगों को मदद मिल जायगी तथा इस से यातायात की व्यवस्था में भी सुधार हो सकता है।

आज सभी नगरियों में लोग उन की निर्धारित क्षमता से ज्यादा भर कर जाते हैं। यद्यपि इस सम्बन्ध में कानून की व्यवस्था है, उन का खालाब किया जा सकता है, दण्ड दिया जा सकता है, लेकिन ऐसा होता नहीं

है। एक तरह से ये अष्टाचार का बहुत व्यापक अंश बन गया है। बीसों, प्राइवेट कारों में तो लोग धाव तोर से निर्धारित संख्या से अधिक भर कर जाते हैं, धाप क थककर, सिपाही, पुलिस सब देखते हैं—उन के खिलाफ कोई कार्यवाही नहीं होती है। जीप में 5 सीटें होती हैं, लेकिन प्रकसर 5 की जगह 10 लोग चलते हैं। बहुत सी ऐसी जीप गाड़ियां भी चल रही हैं, जो किराये पर चलाई जाती हैं—उन की कंपैसिटी यद्यपि 5 सीटों की है, लेकिन उन में 10—15 लोग भर कर जाते हैं। इसलिये बैरा बहुत मुजाब है कि इन गाड़ियों के लिये जो प्रावधान है—उन में सीटों की संख्या कुछ बढ़ा देनी चाहिये। क्योंकि यह देखा जाता है कि जितनी सीटें बाहन में निश्चित की हुई होती हैं उससे अधिक ही लोग उनमें चलते हैं। सभी बसों में ऐसा पाया जाता है। इस का खान उठा कर पुलिस विभाग को अष्टाचार का अंश मिल जाता है। इसलिये इनको रोकने के लिए यह बहुत आवश्यक है।

मैं एक बात और कहना चाहूंगा। आपने गाड़ियों का वर्गीकरण कर के बहुत अच्छा काम किया है। परिवहन गाड़ियों पर सफेद पट पर काले अक्षर रहेंगे, प्रस्थायी रूप से पंजीकृत गाड़ियों पर पीले पट पर लाल अक्षर रहेंगे, बिजनेस वाली मोटर गाड़ियों पर लाल पट पर सफेद अक्षर रहेंगे और दूसरी तरह की गाड़ियों पर काले पट पर सफेद अक्षर रहेंगे। इस से गाड़ियां बड़ी आसानी से डिस्टिक्ट हो सकेंगी।

इस के साथ साथ मैं मंत्री जी से यह भी कहूंगा कि इस में और अधिक प्रावधान होना चाहिए। अल्पमे इस बिल में बिना है कि एक ही इन्ड्रर यदि बारबार अवर्राध करता है तो उसे बीबाई सजा होनी चाहिए। मैं कहता हूँ कि इस से अधिक की सजा होनी चाहिए। जो इन्ड्रर अक्सर अरारर पीकर बेहोशी की हालत में बाहन चलाते हैं उनको भी कड़ी सजा का प्रावधान इस में होना चाहिए। ऐसे इन्ड्ररों को एकड़-एकड़ नहीं होती है। इसलिए इस सम्बन्ध में कारगर कदम उठाने की जरूरत है।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ।

*SHRI P. THIAGARAJAN (Sivaganga) : Madam Chairman, on the Motor Vehicles (Amendment) Bill, I rise to express my views.

The suggestions of the State Governments, the opinions of the State Transport Corporations and the views of the private sector transport organisations as also the recommendations of the Standing Committee for Road Transport have become the basis for

[Shri P. Thiagarajan]

this amending Bill. This Bill is sought to be introduced for the purpose of plugging some loopholes in the parent Act. At the very outset, while I wish to express my views, I would like to refer what has been recently mentioned by the Prime Minister about road transport and its development.

Only two days back the Prime Minister has stated that he has demanding the nationalisation of road transport from 1946, and if that is not done the interests of Railways will be jeopardised. If this is the view of the Prime Minister, I am unable to appreciate the introduction of this amending Bill. Why should not the Central Government issue a directive to the State Governments as is done in many other matters, for implementing the views of the Prime Minister of the country? This is not a wayside remark of the Prime Minister. He has made these remarks in his address to the Road Development Council. I don't think that our Transport Minister can afford to brush aside the views of the Prime Minister. The Prime Minister has also stated that he is not in favour of allocating more funds for road development. Here it is relevant to refer to certain statistics furnished by the Central Government.

If one unit is invested in the Roads, it will generate 100 job opportunities and the same unit invested in the Railways and in the small industries will generate only 19 and 17 job opportunities respectively. If Rs. 100 crores are invested in road development, 5200 man-years will be obtained—this is the result of the study conducted by the Government. The road development has got the greatest potential for generating employment opportunities in the country. It is inexplicable to me how these essential factors have been overlooked by the Prime Minister. The Prime Minister

has also mentioned that the road transport is full corrupt practices, black-marketing, smuggling etc. This also needs to be looked into by the hon. Minister of Transport.

It must be stressed here that the octroi check-posts do hold up the transport inordinately and this leads to many undesirable practices. The Centre seems to be keen in abolishing the octroi, but is conveniently silent about supplementing the loss of revenue to the States.

I would also refer to the absence of provision in this Bill about paying compensation to the families of victims of road accidents. It is really regrettable that while the families of victims of Plane accidents, naval accidents and rail accidents get substantial sums of money as compensation, the families of victims in road accidents do not get a single pie. The hon. Minister of Transport must look into this aspect also. Similarly, there must be insurance facility for the goods transported through road.

There are still certain lacunae and loopholes even in this amending Bill about the number of drivers on all-India routes, about their minimum educational qualifications prescribed for the drivers and also about the provision in the parent for punishing the drunken drivers, as has been effectively put forth by my hon. colleague Shri Ravi who preceded me. I am sure that the hon. Minister of Transport will bring forward a consolidated Bill removing these deficiencies.

Before I conclude, I would refer to the necessity of constructing the East Coast Highway in Tamil Nadu, which has got tremendous traffic potential. The investment made in this highway will yield more than adequate revenue to the Centre as also to the State of Tamil Nadu.

Before I conclude, I would reiterate that since the road transport and its

development has got great potential for generating employment opportunities more funds must be allocated by the Central Government. With these few words, I conclude my speech.

SHRI PABITRA MOHAN PRADHAN (Deogarh): I rise to support the Bill for the reason that it has the purpose to delegate certain powers to the State Governments for the smooth running of the administration and the work. It has given preference to adivasies and harijans, the weaker sections of the people, to serve in the Department and also to own vehicles.

The third is that some punishment is prescribed for the wrong-doers i.e. those who travel in the buses and other vehicles belonging to Government, without tickets. These are good points on which no one can have any dispute. But I find that there are some lacunae also in the Bill. The main thing is that the Bill is silent about the mixed business that is, business by the public sector meaning the Government on the one hand and the private sector on the other. There must be competition between the private sector and the public sector. Without that the public sector becomes monopolist and they behave in any ugly manner as they desire. So, there must be both the sectors in business. We find that the private sector manages better than the public sector in many respects. If there is competition and the private sector is making some profits and the public sector is not making profits, then the public sector is to be denounced and it should be condemned. So, there must be competition.

There is one point which may not cent per cent fit in this matter but this is a subject which should be discussed here. There are so many accidents by the motor vehicles. One thing is that the truck drivers do not give way to the smaller vehicles. The

truck drivers while coming from the opposite direction, do not give an inch to other vehicles and sometimes they—smaller ones—go to the left with the result that the other vehicle does not have space on the road and sometimes even falls into the drain. A particular section of the drivers behave like that. While coming from behind they virtually thrust the smaller vehicle. So, there must be very strict rule about it.

A good thing has been provided in the Bill that passangers, without ticket should be punished. I heard some hon. Members saying that the poor people should be given some benefit in this matter. I think the poorest man, the most illiterate man, the most un-civilised man knows that without a ticket he cannot travel in the bus or any other conveyance. So, I do not accept that version of the hon. Member who pleads that the poor people have no knowledge or money and so, they will not buy tickets. If such permission is given to them, then 50 per cent of the people will travel without tickets on the plea of poverty.

Sometimes because of dearth of tyres and tubes Government vehicles do not run. This Department must impress upon the Industrial Development Department or the whole Government so that tyres and tubes are made available in adequate quantities in different parts of the country and at cheaper rates. A truck tyre costs Rs. 4,000 to 5,000 and sometimes in the black even Rs. 6,000. How can the country run its transport department and make any profit, or any individual person owning any transport can run them and make any profit so that the people in general can get the benefit of the increased transport?

I hope the Ministry will take note of these suggestions and try to ameliorate the grievances and difficulties which both the people and the department are put to.

SHRI K. A. RAJAN (Trichur) : Madam Chairman, the motor industry is a vast and fast developing industry, both in the fields of goods traffic as well as passenger traffic. It is a major industry in both the public sector and also private sector. The parent Act on this subject was enacted in 1939 and further amendments came off and on, the last one being in 1976. Now the Motor Vehicles (Amendment) Bill, 1978 is before us for consideration.

My first submission is, taking into consideration the vast expansion of this industry and also the new technological improvements which have come in regarding motor vehicles, Government have to consider the various aspects and come forward with a comprehensive Bill, which is in conformity with the new developments that have taken place in this industry.

Then I come to the implementation of this Act in the different States by the various State Authorities. We have to see whether the provisions of the Act are properly implemented. The actual state of affairs in these Authorities is that they are steeped in corruption. It is an open secret that if an ordinary individual wants to get a permit, he has to approach everyone in that Authority and grease their palm. It is even said that there is a scheduled rate from top to bottom. People are in difficulties because in the Transport Authority nothing will move without the payment of money. Unless you streamline the organisation and see that corruption is rooted out, I do not know how the implementation of the provisions of this Act can ever be successful.

There are lakhs of workers who are manning these vehicles, whether goods or passenger. After the advent of the new types of vehicles and the increase in tonnage and the speed of the vehicles, there is every justification for reduction in the hours of work. But now the man on the wheel has to work for hours together in the national highways which are heavily congested.

Because of the hazardous nature of their work, their working hours should be reduced.

Coming to the reservation for the weaker sections, I welcome this idea. But I would share the anxiety which has been expressed by some hon. Members as to how far this will really be beneficial to the weaker sections in practice. We should ensure that transactions do not take place so that this benefit will really go to the weaker sections. An ordinary motor vehicle will require an investment of more than one lakh of rupees. Will it be possible for people belonging to the weaker sections to get that much of finance to own a vehicle? In many matters preference is given to co-operatives. In the same way, if there is a cooperative of Scheduled Castes or Tribes running a transport service, it should be given preference and all facilities so that this reservation can really be effective, as contemplated in this Act.

Drivers can man their vehicles efficiently only if they have a proper knowledge of the mechanical devices of the new trucks. So, I think the provision for separate driving licences for trucks and buses is a good one.

Regarding minimum educational qualifications, it should not be stipulated that a driver should possess a particular academic qualification for running a vehicle. It should be enough if he has primary knowledge of the vehicles and traffic rules and is able to read and write. Otherwise, it will be to the serious disadvantage of those in service and those aspiring for employment as drivers.

I personally feel that the provision for a no-objection certificate by the transferor or owner of the motor vehicle from the registering authority should remain, because unless some sort of authority is there to show that it has been transferred, the workers will not be able to maintain their claims.

श्री लक्ष्मीनारायण नायक (खजुराहो): माननीय सभापति महोदय, माननीय मन्त्री महोदय ने जो मोटरवाहन (संशोधन) विधेयक, यहां पर प्रस्तुत किया है, मैं उसका समर्थन करता हूं। इस संशोधन विधेयक में प्रावधान रखा गया है कि हरिजन आदिवासियों के लिए भी बस पॉन्ट देने में आरक्षण रहेगा—यह बात बहुत ही स्वागत योग्य है। इस संशोधन में मैं कहना चाहता हूं कि सभी जिस तरह से मौक़ारियों में हरिजन आदिवासियों को संरक्षण देने की बात है....

MR. CHAIRMAN: I had called Vinayak Prasad Yadav, and he is not here. Anyway, you please conclude quickly because your name was last in the list.

श्री लक्ष्मीनारायण नायक: मैं यह निवेदन कर रहा था कि जिस तरह से मौक़ारियों में हरिजन आदिवासियों को संरक्षण देने की व्यवस्था है लेकिन बाकि व पद-लिखे नहीं होते हैं इसलिए रिजर्वेशन के होते हुए भी उनको उपयुक्त स्थान नहीं मिल पाता है उसको देखते हुए मैं चाहता हूं कि इस काम के लिए उनकी सोसायटीज बनाई जायें और सरकारी तौर पर ट्रक देकर उनको संपन्न बनाया जाये तभी वे अपनी बसें चला सकेंगे और इस उद्योग में शामिल हो सकेंगे। इस सम्बन्ध में सरकार को पतन करनी चाहिए ताकि हरिजन आदिवासियों के लिए इस बिल में प्रावधान रखा गया है उसका पालन हो सके।

मैं एक निवेदन और करना चाहता हूं—हमारा जो ट्रांसपोर्ट विभाग है—चाहे प्रान्तीय ही या केन्द्र के अधिकारी हों—हमारे यहां जो कानून है कि अधिक सवारियों ले जाने पर उस का खालान किया जा सकता है, उस को बर्णित किया जा सकता है—वे उस कानून का पालन नहीं करते। मैंने तो यहां तक देखा है कि ये अधिकारी उन बस-मालिकों के मकानों में जा कर ठहरते हैं और वे लोग ही उन के लिये सब इन्तजाम करते हैं। ऐसी स्थिति में आप स्वयं अनुमान लगा सकते हैं कि उन अधिकारियों से सही न्याय कैसे मिल सकता है। क्या वे सही देख-रेख रख सकते हैं? इस लिये मेरा निवेदन है कि आप इस चीज को देखें—ताकि जो अधिकारी जांच के लिये जायें, वे सही तरीके से वाप कर सकें। आज बड़े-बड़े बस मालिकों का कमी खालान नहीं होता, अगर बोझा-बहुत खालान के लिये खालान करना भी होता है तो कमजोर आदमियों का खालान कर दिया जाता है, लेकिन बड़े मालिकों के लिये कोई रोक-टोक नहीं है।

आप आप देखिये—सब से ज्यादा एक्सीडेंट्स आपको के होते हैं—इस का कारण क्या है? ये बस और ट्रक मालिक बड़े होशियार होते हैं—वे अपनी गाड़ियों का बीमा करा लेते, जिस से एक्सीडेंट होने पर उन का कोई नुकसान नहीं होता। एक्सीडेंट होने पर उन को तो पसा मिल ही जायगा। मैं चाहता हूं कि इस सम्बन्ध में भी सरकार कोई ऐसा प्रावधान करे—जिस को एक बार एक्सीडेंट होने पर भी

का पसा मिल गया है—उस को दोबारा एक्सीडेंट होने पर पसा नहीं मिलना चाहिये। अगर इस तरह का प्रावधान हो जायगा तो आप देखेंगे कि कोई भी ट्रक चलाने वाला तज रफ़्तार से नहीं चलायेगा, क्योंकि उन को यह डरना रहेगा कि हमारी 80 हजार या एक लाख रुपये की बस है, अगर इस बका एक्सीडेंट हो गया तो इस का पसा नहीं मिलेगा।

MR. CHAIRMAN: Mr. Nayak, you must conclude now. You please resume your seat. I am calling the next Speaker.

Mr. Banatwalla.

SHRI G. M. BANATWALLA (Ponnani): Madam Chair-person, this Amendment Bill first gives us an opportunity to seek an important and timely clarification from the Government on an important aspect of the Transport Policy. The truck operators are agitated. Today, itself there is a strike and thousands of trucks are off the road in Bombay. There is also a threat of such chain strikes in other parts of the country also. Among others, the truck operators are expressing themselves against nationalisation proposal reported to have been made by the Prime Minister. It is necessary that the Government today takes this House into confidence and clarify its stand with respect to any immediate proposal for the nationalisation of road transport of goods.

Now after seeking this clarification from the Government we may examine a few provisions of the Bill.

MR. CHAIRMAN: Mr. Banatwalla, just one minute, the time allotted to this Bill was two hours and in about two minutes, the two hours will be over. Is it the pleasure of the House that we extend the time slightly?

SEVERAL HON. MEMBERS: Yes.

AN HON. MEMBER: By two hours.

MR. CHAIRMAN: I am sorry, I do not think that it will be possible, because there is a large amount of business to go through. So, I would suggest that we extend the time by not more

[Mr. Chairman]

than half an hour. The Minister will require about 25 minutes.

SHRI K. RAMAMURTHY (Dharmapuri) : I suggest that the time be extended by one hour.

MR. CHAIRMAN : At half past five there is an half-an-hour discussion. If we extend it by one hour, then it will continue tomorrow. Is it the pleasure of the House that we extend the time by one hour?

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN : But I would request all the speakers to cooperate because the Minister will require about 25 minutes, since there are some amendments to go through, it will continue tomorrow. Now, Mr. Banatwalla, you can continue.

17.00 hrs.

[**SHRI DHIRENDRANATH BASU** in the Chair]

SHRI G. M. BANATWALLA : There is a welcome provision in the Bill for reservation for Scheduled Castes and Scheduled Tribes and for preference to persons belonging to economically weaker sections of the society....

SHRI CHAND RAM : I will not be here tomorrow. It will be better if it could be finished today.

MR. CHAIRMAN : The time has been extended by one hour. There is a Half-An-Hour discussion at 5.30 P.M. So, it will not be possible to finish it today. Then, it will be taken up on the following day, that is, on the 29th.

SHRI CHAND RAM : It is all right.

SHRI G. M. BANATWALLA : It is, however, a matter of regret that a differential treatment has been sought to be meted out in the matter of reservation. While it will be incumbent upon the States to compulsorily provide for reservation for Scheduled Castes and

Scheduled Tribes in granting permits, it will not be compulsory for the State Governments to provide for any reservation or preference in the case of persons belonging to economically weaker sections of the society. This is an unfortunate differentiation. The hon. Minister while piloting the Bill said that only lip-sympathy is being paid to the plight of people belonging to the economically weaker-sections of the society. But he has also kept himself open to this charge. A very half-hearted sympathetic treatment has been given out to the economically weaker sections of the society. I plead that even in the case of economically weaker sections of the society, it should be incumbent and compulsory upon the States to provide for reservation or preferential treatment in the matter of giving permits, etc. The differentiation between the two sections of our society, namely, Scheduled Castes and Scheduled Tribes on the one hand and the economically weaker sections on the other hand should be wiped out.

There is another differentiation with respect to the period of validity of driving licence. This period is sought to be increased to five years. But in the case of paid drivers or drivers of transport vehicles, the period is maintained at three years. There is no justification whatsoever for such a differentiation. I am afraid, this merely adds to the harassment of the poorer people, namely, paid drivers or drivers of transport vehicles.

Then, clause 5 of the Bill also stipulates that those who intend to drive private vehicles as paid employees should also obtain proper licence and the State Governments may put certain restrictions and have regulations for the purpose. This, again, is an undesirable aspect of this particular Bill. I do not understand why this provision has been made. We all know from our experience: take, for example, the case of a person who applies for a taxi badge or for a permit as taxi-driver. You know how much of harassment and corruption there is in the issue of taxi badges or taxi-driving

licences. And now, Sir, we are opening a new door, as far as the so-called private paid employees are concerned—a new door for harassment and corruption, without gaining anything in this particular matter. Therefore, I feel that such persons who take licences with the intention of driving private vehicles as paid employees need not be subjected to the further harassment of being required to have a specific driving licence for the purpose.

I may conclude by referring to another important provision that is sought to be made in this particular Bill. This is with respect to the minimum educational qualifications which may be insisted upon for giving licences to drive transport vehicles. Now, great care has to be taken to see that this particular condition as regards the minimum educational qualification does not become a new source of harassment or discrimination against people. I may elucidate my point by a concrete example. In Bombay, if a person applies for a driving licence to drive a taxi, he is compulsorily required to have a proper knowledge of Marathi. I submit that this insistence upon a proper knowledge of any particular language is a discrimination against the linguistic minorities in the particular State. Therefore, while any such type of minimum educational qualifications is compulsorily laid down, the requirement of knowledge of a particular language must be avoided. As it is, in the case of Bombay, the matter was even referred by the linguistic minorities to the Commissioner for Linguistic Minorities, but there was no improvement in the situation. I therefore hope that, while implementing this Clause 8 of the Bill which authorise the State Government to impose any minimum educational qualifications, necessary safeguards should be stipulated to see that there is no discrimination on the basis of language.

I hope that this important aspect will be borne in mind by the Government in the implementation of the Act.

श्री राम मूर्ति (बरेली) : 1939 के मोटर वीहिकल एक्ट में संशोधन किया जा रहा है। मैं इसका स्वागत करता हूँ। यह ऐसा मसला है जिस इंसानों जिन्दगी से सीधा सम्बन्ध है। आज की दुनिया में हालात बड़ी जल्दी बदल रहे हैं। इस वास्ते इस तरह के जो कानून हैं, जो अधिनियम हैं उ. 42 जल्दी जल्दी भी पुर्नोद्धार होता रहना चाहिए। और समय समय पर उन में संशोधन होते रहने चाहिये।

यह अच्छी बात है कि बिजल में अनसूचित जातियों और हरिजन लोगों तथा कमजोर वर्गों के वास्ते रिजर्वेशन की बात कही गई है। लेकिन आपको खयाल रखना चाहिये कि कानून पास करना एक बात है और उस पर अमल कराना दूसरी बात है और यह जो दूसरी बात है यह बड़ी मुश्किल बात होती है और इस पर सरकार को ज्यादा ध्यान देना चाहिये।

इस रिजर्वेशन की आज चर्चा है इस में यह संभावना है कि जो इन गरीब लोगों को परमिट मिले तो वे अमीर लोग ले लेंगे, पैसे वाले ले लेंगे और इसका नतीजा यह होगा कि सरकार का जो मंशा है उसकी पूर्ति नहीं होगी। इस वास्ते अगर हम गरीब लोगों को सही भावों में मबव करना चाहते हैं तो मेरा सुझाव यह है कि जिनको परमिट मिले उन्हें पहले मोटर चलाने की, वीहिकल चलाने की ट्रेनिंग दी जाए। जब वह उसमें जानकारी कर लें, मशीनरी की भी जानकारी कर लें, तो उनकी को-ऑपरेटिव बनाई जाय और फिर सरकार व बैंक उनकी पूरी मबव करें उनको पसा दें। इस बात के लिये न छोड़ दिया जाये कि जब अमीर लोग उनकी पैसा दें तब वह अपने नाम पर परमिट लें और 100, 100 या 200, 200 रुपया उनको मिल जाय और बाकी का सारा मुनाफा पैसे वालों को मिल जाये और वही लोग वीहिकल चलायें। इसमें रिस्क लन की बात नहीं है, ऐसी एजेंसी कायम कर दी जाय जो इन हरिजन एवं कमजोर लोगों से महीने के मुनाफ से फिस्त का रुपया ल लिया करे, इससे उनको सही मायने में फायदा मिल सकता है और उनकी माली हालत संभल सकती है।

जहां तक 500 रुपये जुर्माने की बात है, यह बड़ी रकम है, छोटे सफर पर यह नहीं होनी चाहिये। इतना होना चाहिये कि जहां से बस चलती है और उसका जो टर्मिनस है उसका जितना किराया बनता है, जुर्माना उसका पांचवां गुना होना चाहिये। उनके समरी ट्रायल होने चाहिये, जैसे रेलों में होते हैं और सजा भी होनी चाहिये, इससे लोगों के विभागों पर ज्यादा असर पड़ेगा और बिना टिकट लोग कम चलेंगे।

इसके अलावा जैसे कानून बना है कि ड्राइवर शराब पीकर नहीं चलेंगे, तो बंकि देखने-भालने वाली एजन्सी पुरानी हैं, कोई भी इस बात की परवाह नहीं करता कि ड्राइवर शराब पी कर चल रहा है या नहीं इसीलिए एक्सीडेंट होत हैं। सरकार को यह बात ध्यान में रखनी चाहिये कि जहां सड़कें जा रही हैं, वहां से शराब की मट्टी बहुत दूर होनी चाहिये बनना

[श्री राम मूर्ति]

लोग वहाँ पर रुकने के छोड़े बना लेते हैं और वह अपने आपकी रोक नहीं सकते हैं, खूब पीते हैं।

इसके साथ ही जैसे हर मोटर-साइकिल या स्कटर चलाने वाले के लिये हैल्मेट पहनना जरूरी है, इसे सारे हिन्दुस्तान में लागू कर देना चाहिये। यह सिर्फ दिल्ली के लिये ही नहीं सब के लिये होना चाहिये। वही नहीं, जो पिलियन या पीछे की सीट पर बैठने वाला है, उसके लिये भी हैल्मेट पहनना जरूरी होना चाहिये, क्योंकि जब कोई एम्बीडेंट होता है तो जो चलाता है उसको ही बोट नहीं लगती है बल्कि पीछे बैठने वाले को भी बोट लग सकती है। इसलिये यह जरूरी है कि इसके लिये मैनडेटरी क्लबाइ होना चाहिये कि दोनों हैल्मेट पहने। मैं ने अमरीका में देखा कि वहाँ पर चलाने वाला और पिलियन राइडर दोनों हैल्मेट पहनते हैं। इसलिए यहाँ भी यह लाइमी होना चाहिये।

इसके अलावा जब हम बसों में सफर करने वालों के लिये कुछ सफ़ाईयतें पैदा करना चाहते हैं तो यह जरूरी है कि हमारी एजेंसीयें देखें कि लोग टुकों पर क्यों बैठ जाते हैं? लोग उन पर इसलिये जाते हैं कि इतने अधिक श्रोकल्स नहीं हैं जितनों की जरूरत है। दिल्ली के शहर में देख लीजिये, कंपीटीशन जरूर होना चाहिये। जब सरकारी गाड़ी बन जाती है, तो उसके चालकों में लापरवाही आ जाती है। जब कंपीटीशन को लिपरिट होतो है तो उसको फिर होती है। इसलिये बड़े श्रोकल्स के साथ छोटे श्रोकल्स भी डाले जाने चाहिये जिन्हें मिनी बस कहते हैं जिससे उनमें बोड़े आरामी बैठें और वह अल्दी से चल सकें।

इतिहास की बात है मैं एक जगह सफर कर रहा था और रेल के काटक पर रुकना पड़ा। मैं ने देखा कि एक बड़ी श्रोकल्स वाला 8 घावबो को बँठाकर चल रहा था। मैंने उत्तर का कहा कि ऐसा क्यों करते हो, खतरों की बात है, टायर फट जायेगा तो सब की मौत हो जायेगी। उसने कहा कि मेरी क्या खता है। मैंने कहा था कि 2 बँठ सकते हैं, प्रायः ज्यादा से ज्यादा तीन बँठ जायेंगे लेकिन यह कहते हैं कि सुर्य प्रस्त होने का वक़्त है, सब को जाना है अगर नहीं गये तो झूट जायेंगे। अगर तुम नहीं बँठाओगे तो स्कटर चला नहीं पाओगे। इसलिये सब को बँठाना पड़ा और चलाना पड़ा।

महोदय, यह बेस बहुत बड़ा है। हिन्दुस्तान की आबादी भी बहुत है, मुल्क उत्तर से लेकर दक्षिण तक 32 सौ किलोमीटर है और पूर्व से पश्चिम तक 29 सौ किलोमीटर है। यह एक छोटा-मोटा महाद्वीप है, 62 करोड़ की आबादी है। जहरत इस बात की है कि ज्यादा से ज्यादा श्रोकल्स सड़क पर डाले जायें, उसमें कोई रुकावट नहीं होनी चाहिये। जो कोई भी श्रोकल्स डालना चाहता है, उसको परमिट मिलना चाहिये। मेरे अपने जिले में 31 मील का दस्ता है, जिस पर 53 गाड़ियाँ चल रही थीं, लेकिन सरकार ने बन्द कर दें क्योंकि वह इस तरह से गर कामूनी बना नहीं सकते थे। मिनी बस चलती थीं, नतीजा यह हुआ कि

वह जोरी से पुलिस वालों से मिलकर चलाते थे अब वह बन्द कर दी गई, इसलिये लोग टुकों पर बैठ जाते हैं। आज सबसे बड़ी बात यह हो रही है कि सही तरीके से बस्तुस्थिति का जायजा नहीं लिया जाता है, इससे खराबी पैदा हो रही है।

इस बात को ख्याल में रखना चाहिये कि इस मुल्क के अन्दर पहले रेल एक मील की 10 लाख रुपये में पड़ती थी और अब 20 लाख रुपये में पड़ती है। इस कारण रेलें प्रचुर मात्रा में नहीं बिछाई जा सकती। उस के बरखिलाफ सड़क एक मील 60 हजार के बजाय एक लाख में बनती थी, अब दो लाख में बनती है। इसलिए सरकार यह कोशिश करे कि ज्यादा से ज्यादा सड़कें बनवाएँ। वही एक माध्यम ऐसा है कि जिस क जरिए ज्यादा से ज्यादा लोगों को आराम और सफ़ाईयत मिल सकता है, जैसे चल सकती हैं, धीरे धीरे चल सकते हैं, मिनी बसें चल सकती हैं। इसके अलावा और कोई रास्ता नहीं है। आज ऐसे ऐसे इलाके हैं जहाँ तीस तीस मील तक न कोई सड़क है न रेल है। आज वह पहला मसला है कि जनता पार्टी की सरकार ने 20 करोड़ रुपये इस काम यानी सड़क बनाने के लिए दिया है। अगले सालों में इस काम के लिए रुपये और बढ़ाना चाहिये।

एक और स्कीम पहले चलती थी जिस को रोक दिया गया, उस को भी फिर से चलाना चाहिये। उस के अतिरिक्त अगर एक करोड़ रुपये सेंट्रल गवर्नमेंट देती थी तो एक करोड़ प्रवेश की सरकार देती थी और एक करोड़ रुपये गज़ के सोसाइटीयों फंडेडी और गवर्ना पैदा करने वाले और दूसरे दिया करते थे। इस तरह से बड़ी सड़कें बनती थीं और मैं ने तो अपने यहां इस स्कीम के माध्यम से बड़ी सड़कें बनवायी हैं। अगर इस स्कीम को फिर से चाल कर दिया जाय तो बहुत से लोग उस में मददगार होंगे।

एक बात की और मैं सरकार का ध्यान दिखाना चाहूंगा और वह यह कि जितनी भी हमारी हाईवेज हैं उन को तो 30 फुट से कम होना ही नहीं चाहिये क्योंकि इतनी ट्रैफिक आज के जमाने में है और खास तौर से जो टुक वाले हैं वह तो बचाना चाहत ही नहीं है और उस के कारण जो हलके श्रोकल्स हैं उन को कोई रास्ता नहीं मिलता और वह बड़ी परेशानी का सामना करते हैं। फिर और गाड़ियाँ भी चलती हैं, साइकिलें चलती हैं, घोड़ागाड़ियाँ चलती हैं। इसलिए हाइवेज को तो कम से कम 30 फुट चौड़ा होना ही चाहिये। साथ साथ एक बात और होनी चाहिये कि हर तीस मील पर कोई न कोई पेट्रोल पम्प भी होना चाहिये ताकि वहाँ पेट्रोल मिल सके। साथ साथ यह भी होना चाहिये कि उस के अंदर पेशाबघर और पाखाना भी होना और कोई छोटा-मोटा रेस्त्राँ भी होना चाहिये ताकि लोग चाय भी पी सकें। आज हम अपने यहां 150 मील के सफर से अंदर गजरीला प्राते हैं तो वहाँ चाय पीने का इंतजाम है। और जब शहरों के अंदर से गुजरते हैं तो वहाँ गाड़ों खड़ी करने का कोई स्थान नहीं मिलता। साथ भी नहीं पी पाते हैं। बहुत से मुल्कों में यह कायदा है कि हाइवेज के ऊपर सब जगह बीच बीच में हर तीस मील पर रेस्त्राँ बना होता है,

पेट्रोल मिलने की सुविधा होती है, रिपेयर के भी साधन होते हैं

एक माननीय सदस्य : हरयाने में तो है ।

श्री राममति : हरयाने में है तो और जगह भी बनावें । हरयाने के मंत्री तो हैं, और जगहों के ऊपर भी उन का उम तरह का इंतजाम करना चाहिए । . . . (व्यवधान) पैसे का मवाल है । यह तो कर सकते हैं कि जब पेट्रोल पम्प बने तो वहां पाखाना और पेशाबघर भी बन जाय और जब आप्र इम को एनकरेज करेंगे तो वहां पर छोटे मोटे रेस्त्रा भी बन जाएंगे ताकि लोग वहां चाय तो पी सकें । आप्र कोई प्रबन्ध नहीं है । लोग चाहते हैं कि यह महलियत हो लेकिन वह महलियत उन को नहीं मिलती ।

तीसरी एक बहुत जरूरी बात यह है कि आप्र एण्डर पोल्यूशन बहुत बढ़ता चला जा रहा है । उम को रोकने के लिए इंतजाम होना बहुत जरूरी है । आप्र आप्र फैक्ट्रियों की बिमनियों को तो देखते हैं लेकिन ये हजारों लाखों व्हीकिल्स जो चल रही हैं इन की बिमियां को नहीं देखते, ये बहुत बड़ो पोल्यूशन कर रही हैं खास तौर से जो मोटर वाले हैं जिन के रिम्म खराब होते हैं वह तो कच्चा ही मोबिल आयाल फेंकते चले जाते हैं, काला धुआं फेंकते हैं । तो यह कानून होना चाहिए कि हर 6 महीने के बाद मोटर कार के रिम्म चैक किए जाएंगे । जब तक यह नहीं किया जायगा तब तक वह बिलकुल पोल्यूट करते चले जाएंगे गहरों को और गांवों को । इसलिए इस बात की और जो तौर से भंवी जी को ध्यान देना चाहिए । . . . (व्यवधान) मैं ने कहा कानून बनाने की बात और है लेकिन इस को अमल में लाना जरूरी है । आप्र जो एजेंसियां इस के लिए मौजूद भी हैं वह सब रुटिन बन गई हैं । कोई और बात आप्र को मोचनी पड़ेगी और हम लोगों को भी आप्र मौका देंगे तो हम भी सोच कर बतना सकेंगे कि ऐसी कौन सी एजेंसी निकाली जाय क्योंकि अगर वह नहीं निकालेंगे तो कानून का ठीक ढंग से अमल नहीं हो पाएगा ।

आखिरी बात एक यह कहना चाहता हूं कि ड्राइविंग लाइसेंस लोगों को देते समय पूरी चेकिंग होनी चाहिए ड्राइवर की, उस की कानून बताना चाहिए ड्राइविंग का, नहीं तो आप्र क्या होना है कि जहां लाइसेंस मिलने का कार्यालय है वहां गए, दो तीन ट्रिप उस ने अपने काम के लिए लगवाए, कुछ बैसे लगवाए और उम को लाइसेंस बख्श दिया । यह नहीं होना चाहिए । उस को देखना चाहिए बाकायदा कि वह मशीनरी के बारे में जानता है या नहीं, ड्राइविंग लाइसेंस के उसूल जानता है या नहीं जानता है । हम चले जा रहे हैं, हमारे रास्ते की लाइन बन्द है, हम फिर भी कास करने की कोशिश करते हैं, जो सामने की लाइन खाली है उस के लिए मौका नहीं देते हैं आप्र का । हाने दे रहे हैं, लेकिन कोई रास्ता छोड़ना नहीं चाहता और रास्ता छोड़ना भी तो यह नहीं करेगा कि गाड़ी की स्पीड मन्दी करे, उसी स्पीड से गाड़ी चलाएगा ताकि पूरी रैस हो जाय । तो ये बड़े खतरे की चीजें होती हैं जिस से ऐक्सीडेंट्स होते हैं । इसलिए ड्राइविंग

लाइसेंस देने वक्त पूरी चेकिंग होनी चाहिए, कारो चेकिंग होनी चाहिए, तब किसी को लाइसेंस मिलना चाहिए । अगर यह सब काम किए जाएंगे और ये महलियतें दी जाएंगी तो मैं समझता हूं कि सफर करने वालों को काफी महलियत मिलेगी और ऐक्सीडेंट्स भी कम होंगे तथा इम बिधेयक की जो स्विफ्ट हैं वह भी पूरी हो जायगी, अमल भी ठीक होगा ।

SHRI B. C. KAMBLE (Bombay South Central): Mr. Chairman, Sir, while I would like to congratulate the hon., Minister for the notable provisions in this Bill, especially, those pertaining to the hire purchase as well as the periodicity of it which is extended and on the appointment of Chairman—Clause, 20 of the Bill—I would like to suggest to the Minister and to the Government that the importance of road transport is going to increase very much in this country because the railway lines are limited.

Therefore, a stage would come when the road transport will have to be completely nationalised, if not to-day, at least tomorrow because it is of national importance. There are many passengers who prefer to travel by road rather than by rail. Therefore, road transport is of national importance. This is my first submission.

My second submission is that certain speeches have been made in this House welcoming the provision for reservation of licences for scheduled castes and scheduled tribes and economically weaker sections. An apprehension has been expressed about its applicability. On that point, I would like to suggest that under the Constitution there is no community recognised as economically backward, scheduled castes, scheduled tribes, backward classes and weaker sections are the four classes which are recognised by the Constitution. Economically backward class is not recognised. Such a concept is new to our Constitution. No doubt, there is socially and educationally backward class recognised in the Constitution. For that you can make a provision. I would like to suggest to

[Shri B. C. Kamble]

the hon'ble Minister not to get deterred by the apprehension expressed; otherwise how will you be able to implement it. I want to congratulate the Minister that he has the courage to implement this provision. Now, there are two methods to implement this. Firstly, having made the provision you must establish a development fund for the scheduled castes and scheduled tribes.

SHRI CHAND RAM: How can it be done here. It is a State subject.

SHRI B. C. KAMBLE: Either you try for such a fund or make use of the provision under Clause 24 which relates to Indian tourism development or State tourism development and through these two agencies you can implement the provisions which are made for reservation of licences to scheduled castes and scheduled tribes.

Mr. Chairman, my third point is that you delete the provision with regard to educational qualifications because it is likely to be mis-interpreted. You may prescribe certain minimum requirements to be fulfilled instead of making provision in terms of educational qualifications. Then some provision should be made in order to make the travel of the passengers safe, comfortable and for that there should be enough number of vehicles and good roads. Today the position even in the Capital is that the passengers are huddled like animals in the buses. Therefore, the number of vehicles should be increased and also the roads should be made wider. The passengers who have paid you sufficient revenue—even for more than your investment—their travel should be made more safe, dignified and comfortable.

Finally, I must congratulate the Minister for having brought the provision in regard to hire-purchase. It is very welcome because there have been many cases where people have

been cheated. If in the motor-vehicles accidents claim tribunals the registrars are promoted as presiding officers then so many difficulties will get resolved. I am a practising lawyer and I know how many petitions have got accumulated. If the hon'ble Minister makes necessary provision in this regard it will be a welcome feature. With these words I commend and support the Bill.

MR. CHAIRMAN: Shri Durga Chand.

श्री दुर्गा चन्द (कांगड़ा) : सभापति महोदय, जहाँ तक इस बिल का प्रश्न है—इस में बहुत सारी ऐसी बातें हैं, जिन के लिये मंत्री महोदय की प्रशंसा की जानी चाहिये।

MR. CHAIRMAN: The hon. Minister will reply on the 29th in the first hour...

THE MINISTER OF STATE IN CHARGE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI CHAND RAM): According to the Parliamentary Affairs Minister, it is very difficult on the 29th. There is another business fixed regarding flood relief discussion.

MR. CHAIRMAN: He will take about half-an-hour or 49 minutes and not more than that. In the first hour, everybody will be present.

SHRI P. VENKATASUBBAIAH (Nandyal): You will have better audience!

श्री दुर्गा चन्द : जहाँ तक इस बिल में उन्होंने शेड्यूल्ड कास्टस, शेड्यूल्ड ट्राइब्स, और इकानामिकली बैकवर्ड क्लासेज के लिये जो व्यवस्था की है, उस के लिये मैं उनको बधाई देता हूँ। यह बहुत अच्छी बात है—अगर वे लोग इस से फायदा उठा सकें। लेकिन कई सदस्यों ने जो आशंका प्रकट की है—उस पर भी हमें विचार करना चाहिये। कहीं ऐसा न हो कि बैकवर्ड क्लासेज को जो परमिट दिये जाय या शेड्यूल्ड कास्टस और शेड्यूल्ड ट्राइब्स के लोगों को जो परमिट दिये जाय, ऐसा न होने के कारण वे लोग एक्सप्लाइट न हों। ऐसा न हो कि दूसरे लोग उस से फायदा उठा लें—इस के लिये कुछ अक्स-और-बैलेंसेज की जरूरत है।

जहां तक गवर्नमेंट ट्रांसपोर्ट का प्रश्न है—नैशनलाइजेशन का मकसद यह है कि सारा काम सरकार के अधीन होना चाहिये। इस से जनता को भी फायदा होना है और सरकार के खजाने में भी पैसा आता है। जहां तक इस पालिसी का ताल्लुक है—पालिसी तो ठीक है, लेकिन इस का अनुभव बहुत अच्छा नहीं है। मात्र जितने ट्रांसपोर्ट कारपोरेशन हैं, प्रायः मेरे अपने प्रदेश का ट्रांसपोर्ट कारपोरेशन को ही ले लीजिये—हर साल उस में घाटा होता है। मैंने एक दफा हिमाचल की विधान सभा में कहा था—प्रायः नेशनलाइजेशन के लिये दलील तो देते हैं कि इस में सर्वमित्र के लिये मिक्चोरिटी है, जनता को इस में मुविधा मिलती है, सरकार को पैसा मिलेगा—लेकिन हर साल इन का घाटे का बजट चलता है और लोगों को भी इन से कोई फायदा नहीं होता है। इस में कोई सन्देह नहीं नेशनलाइजेशन जनता के हित में होता है, लेकिन न सरकार का फायदा होता है और न जनता को फायदा होता है। मेरा ऐसा ख्याल है कि जब तक इस में काम्पीटीशन नहीं होगा, तब तक न जनता को फायदा हो सकता है और न सरकार को। यह जो नेशनलाइजेशन का वन-वे ट्रैफिक है, यह डागमैटिक-एप्रोच जैसा लगता है। इस से फायदा पहुंचने वाला नहीं है। अगर काम्पीटीशन रहेगा, तो मैं समझता हूं इस से जनता को फायदा होगा। तब वह एफिशियेन्ट तरीके से फंक्शन करेगी। वरना जैसा बहुत से माननीय सदस्यों ने कहा—उस के मनेजमेन्ट में इनको करप्शन आ जाती है कि वह फायदे में चन ही नहीं सकती।

मुझे अभी एक भाई ने बतलाया—यहां दिल्ली का जो बड़ा बस प्रद्दा है—वहां पर सरकार की तरफ से हर तरह की सुविधाओं का इन्तजाम किया गया है। पनग मिस्टम की लैट्रीन्ज हैं। लेकिन मुझे बताया गया है—वहां हर पसेन्जर से चार घाने चार्ज किये जाते हैं और उस से तीन हजार रुपये की आमदनी होती है जो आपस में बांटी जाती है। सरकार की तरफ से ऐसा कोई प्रावीजन नहीं है कि पैसा चार्ज किया जाय, लेकिन फिर भी चार्ज किया जाता है। न वहां कोई सुपरविजन है और न मनेजमेन्ट का कोई कन्ट्रोल है, पसेन्जर्स लूटे जाते हैं।

गाड़ियों में बहुत ज्यादा कन्जेशन देखने में आता है। अगर आप दिल्ली के हालत को ही देखें—जो भी यहां की बसों में चढ़ता है उस की जिन्दगी सेफ नहीं होती है। बस-बस और बीस-बीस घावमी लटक कर जाते हैं। इस लिये मैं समझता हूं कि इन में काम्पी-

टीशन होना चाहिये और प्राइवेट ट्रांसपोर्टर्स को मौका मिलना चाहिये कि वे काम्पीटीशन में आयें। प्रायः इस के लिये कोई परसेन्टेज मुकर्रर कर सकते हैं, ताकि उस से जनता को भी फायदा पहुंच सके और सरकार के खजाने में भी पैसा आये तथा गवर्नमेन्ट ट्रांसपोर्ट एफिशियेन्टली फंक्शन कर सके।

MR. CHAIRMAN: If the House agrees, we can extend the time by half-an-hour so that the Minister may reply to the discussion and thereafter, we take up the half-an-hour discussion.

SHRI A. R. BADRI NARAYAN (Shimoga): The discussion on this Bill can continue tomorrow. It was already decided by your predecessor.

MR. CHAIRMAN: The Minister will not be here tomorrow.

SHRI K. RAMAMURTHY: This is not an Ordinance, which you have to convert into a Bill within a particular period. It can be taken day after tomorrow or next week.

SHRI CHAND RAM: I will take about half an hour to reply to the discussion on this Bill. I would request that the hon. Members may kindly agree.

SHRI A. R. BADRI NARAYAN: The matter was raised some time back and it was understood that the half-an-hour discussion will be taken at 5.00 when the discussion on this Bill will be closed. It is already decided. Now putting it again to the vote of the House is not correct.

SHRI CHAND RAM: I can reply at 6.00 after the half-an-hour discussion is over.

SHRI K. RAMAMURTHY: It was already put to the House and it was decided by the Chirman that half-an-hour discussion be taken up at 5.30.

MR. CHAIRMAN: The House will now take up half-an-hour discussion. Further discussion on this Bill will be taken up day after tomorrow.