

रजामंदी इस मामले में लेना जरूरी होता है। जब तक उसकी रजामंदी हमारे पास न हो, हम प्रेजीडेंट आर्डर निकाल नहीं सकते हैं। इसलिए हम और पार्लियामेंट इस मामले में मजबूर हैं। उसकी रजामंदी हासिल करने के लिए हम सिर्फ़ उनसे वह सकते हैं, उस पर असर या दबाव या ज़ोर नहीं डाल सकते हैं। हम इस सिलसिले में उनसे कनकरेंस हासिल करने की कोशिश कर रहे हैं। जैसे ही वह आ जाएगी, हम प्रेजीडेंट आर्डर को हासिल करके, इसको जम्मू काश्मीर पर भी लागू करने की कोशिश करेंगे।

इन अलफ़ाज़ के साथ मैं प्रार्थना करना हूँ कि इस बिल को पास किया जाए।

MR. CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

MR. CHAIRMAN : The House will now take up the consideration of the Motor Vehicles (Amendment) Bill.

श्री गुरचरण सिंह (फ़िरोज़पुर) : चेयरमैन साहब, श्री रणवीर सिंह जो ने बिना वज़ह जो डफ़्ती मचाई है, वह मैं समझता हूँ कि प्रोसीडिंज़ का हिस्सा नहीं बननी चाहिए और उसको एक्सपेंड कर दिया जाना चाहिए।

MR. CHAIRMAN : Your statement also has gone on record.

श्री कंवरलाल गुप्त : आप मीं कुछ कहिये।

श्री गुरचरण सिंह : हम बंडीगढ़ लेकर छोड़ेंगे। नहीं छोड़ेंगे बंडीगढ़।

श्री रणवीर सिंह : हम लेकर छोड़ेंगे।

श्री गुरचरण सिंह : बंडीगढ़ में देखेंगे।

14.55 hrs.

MOTOR VEHICLES (AMENDMENT) BILL

THE DEPUTY MINISTER IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS, AND IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI IQBAL SINGH) :

Sir, I beg to move :

"That the Bill further to amend the Motor Vehicles Act, 1939, as passed by Rajya Sabha be taken into consideration."

As you are well aware, the subject of mechanically propelled vehicles is covered by entry 35 in List 3—concurrent list—in Seventh Schedule to the Constitution. Under the proviso to article 78(i) thereof, the executive authority in respect of motor transport vests in the State Governments. The operation of motor vehicles is regulated under the Motor Vehicles Act, 1939, which is a Central Act, and the Rules framed by the State Governments thereunder. So far as administration of the Act is concerned, it is the responsibility of the State Governments.

The Motor Vehicles Act, 1939, was last amended comprehensively in the year 1956. During the last few years, road transport made rapid progress in this country and a large number of suggestions for improvement in the working of the Motor Vehicles Act, 1939, were received from time to time from the various State Governments and persons interested in the industry. The nationalised transport undertaking have, on the basis of their experience, also been pressing for some changes in the provisions relating to nationalisation of road transport which were introduced in the Act, in 1956. The Road Transport Reorganisation Committee, 1959, commonly known as the Masani Committee and the Motor Vehicles Insurance Committee, 1962-63 made a number of important recommendations involving amendment of the Act. The present Bill, therefore, seeks to give effect to the recommendations received from the State Governments, the transport undertakings and the above mentioned two Committees and other bodies which were found acceptable by the Central Government. The Bill also aims at removing the difficulties with regard to the administration of the Act which come to the notice

[Shri Iqbal Singh]

of the Government of India from time to time.

This Bill was introduced in the Rajya Sabha in 1965. It was referred to a Joint Committee of both Houses who presented their report last year to the Rajya Sabha. The Bill was passed by Rajya Sabha last year and it has now come before this House.

Regarding the salient features of the Bill, firstly we have provided for the regulation of goods transport and the working of the booking agencies and others. We were receiving numerous complaints in regard to this matter and we have provided for their regulation.

At present, compulsory insurance covers personal injury and death only. Now it has been provided that compulsory insurance of motor vehicles would also be against damage to property of third including public property of a value not exceeding Rs. 2,000. If wilful misrepresentation of facts by a vehicle owner to the insurer or any vexatious attempt by the insurer to repudiate his liability come to notice, these would be penalised.

About payment of compensation, regarding interpretation of the old Act, doubts were expressed by some High Courts that if an accident happened beyond the road by the vehicles getting out of control, it was not covered by that Act. Now, we have provided that whether the accident is on the road or whether the vehicle gets out of control and causes an accident beyond the road, it will be covered by third party insurance.

15 hrs.

In this Bill we have provided for strict tests to the drivers so that we may be able to minimise accidents. It has been mentioned in this House many a time that drivers who are not medically fit are permitted to drive vehicles. Here we have provided that every driver has to give a new certificate of medical fitness after five years. In order to remove the difficulties of genuine drivers we have provided that for the interim period they may be given temporary licences. I am sure this will go a long way in improving the standard of driving and minimising accidents. Provision has also been made

to empower State Governments to frame rules prescribing distinctive badges and uniforms for drivers of public carriers operating on inter State permits. This is designed to reduce hold-up of inter State traffic.

In view of the improvement in road designs and better types of vehicles now in operation, the speed limits have been increased for certain classes of motor vehicles. Since some State Acts have already provided for it this amendment will ensure uniformity of standard throughout India. The increase in speed limit is, however, not such as to endanger road safety.

Coming to inter-State route permits, now it has to be counter signed by so many regional transport authorities. Under this Bill that power has been given to one regional transport authority so that the road transport operators can be saved the trouble of going to many regional transport authorities.

With a view to promoting tourism, provision has been made for grant of regular inter-regional and inter-State permits for vehicles used exclusively for tourists. Operation of these tourist vehicles will be subject to certain special conditions in the interest of passengers. We hope this provision will have the effect of improving tourism.

This Bill further empowers the Central Government to make rules with regard to the following matters, namely, additional conditions under which permit may be granted to a tourist vehicle, the fees on payment of which an appeal against any decision of the Inter-State Transport Commission may be preferred and fees in respect of any matter involving the rendering of any service by the officers or authorities under the Act or any rules made thereunder in respect of which the Central Government is empowered to make rules. It has been provided that the appeal against the Inter-State Transport Commission will be heard by a Tribunal whose member will have the same qualification as that of a District Judge. I am sure this provision will go a long way in removing the complaint that justice is not done by the authorities.

The Bill also empowers the Central Government to exercise the powers conferred on the State Government by Chapter 44 of the Principal Act in respect of a Corporation or a company owned or controlled by the Central Government or by the Central Government and one or more State Governments in relation to an inter-State route or area. The effect of this provision is that the Central Government will have the power to make rules under the provisions of the principal Act in relation to such corporations.

This Bill has been considered in detail by a Joint Committee of both the Houses. Rajya Sabha have accepted only two amendments relating to sections 41 and 54. This is not a comprehensive legislation. We propose to bring a comprehensive legislation soon to remove all the defects in the existing legislation. We will consider all the suggestions for incorporation in the comprehensive legislation in order to completely overhaul the existing Act. With these words I move.

SHRI CHAIRMAN : Motion moved :

"That the Bill further to amend the Motor Vehicles Act, 1939, as passed by Rajya Sabha, be taken into consideration."

The total time allotted is 3 hours. I think, we will have 2 hours for the first reading and 1 hour for the second and third readings. Hon. Members may not take more than ten minutes in the first reading.

SHRI CHENGALRAYA NAIDU (Chittoor) : Mr. Chairman, I am glad that the Government has brought forward some amendments to the Motor Vehicles Act because by bringing forward some amendments they are helping the transport operators though there are some clauses which affect the transport operators.

Whenever we pass any amendments to the Motor Vehicles Act, or any legislation, we must not forget that most of the transport operators are uneducated people and are not well versed with the Motor Vehicles Act; so, in passing such Acts we must take this into main consideration.

Also, in providing for punishments in the Act we must be lenient. The punish-

ment should not be deterrent. Imprisonment should not be there except for rash and negligent driving. For other offences, I request the Government not to impose any imprisonment.

In clause 17 amending section 42 it is said that a vehicle must have a permit to carry goods or passengers on a particular route. That is understandable. If there is no permit to carry goods or passengers on that particular route, he must be punished. But I cannot understand when in this Act they say that the same punishment will be awarded if the vehicle is found on any road even though it may be empty, it may not be carrying any goods, not even passengers. According to this, the same punishment will be awarded to the owner of the vehicle even for plying an empty vehicle on other routes. Is it the intention of Government that they must have the workshop, shed and everything only on this route for which they have given a permit? If a permit is given to a bus to run from one place to another in Delhi city, according to the rules he cannot take the bus to a shed or a workshop on another route; he will be punished and his permit cancelled. I can understand if your intention is that the operator should not run a bus or a lorry on any other route for which he has no permit. But he should not be punished if he wanted to take an empty bus to a shed or a workshop. I think, the hon. Minister will consider this and see that that clause is removed from here.

Then, according to section 58 of the Motor Vehicles Act, the renewal of permit is fixed every three years. If after three years within the grace period or a month before that, a permit holder sends his permit for renewal and the officer in charge of renewing the permit delays the renewal of the permit and renews it after one year, though the permit holder has suffered by not running the vehicle all this time, the permit is renewed only for two years and not three years. In such case the Government must ask the officers, or they must put a clause here, that whenever a permit is renewed, they must renew it for a period not less than three years. That provision must be there.

Then, due to reorganisation of States, the operators have to run their buses from

[Shri Chengalraya Naidu]

one State to another. In some areas, they have to run through two or three States, specially, the goods transport and also the passenger transport. In such cases, the Government says, they are allowed only 8 k. metres in those pockets where they have to go from one State to another. If it is more than 8 k. metres, it is not allowed. After the formation of the linguistic States, there is unfortunately, so much trouble for these transport operators. Though they have a permit, they cannot go more than 8 k. metres. That is not enough. I would request the Government to make it 30 or 40 k. metres. Then there will not be much harassment to these operators and these people need not go for renewal of their permits to other States very often. This suggestion may be taken into consideration. Instead of 8 k. metres, you make it 40 k. metres so that these operators will not be harassed by the transport authorities for renewals.

There is another important clause 41 B. I am not against nationalisation of bus transport. Previously, whenever the Government wanted to nationalise the route and put State buses on the route, they used to notify it and call for objections and then only they took a decision. It was only after that decision, the State buses used to be put on the route and the other operators used to withdraw their buses. Now, according to the new amendment, if they merely publish that on such and such route the Government intends to run State buses, that is enough. This is not proper. Without any notice to the operator who is already on the route, without calling for any objection from him, if you merely publish all of a sudden that you are going to run the State buses on that particular route, that is not a proper thing to do. So, this clause puts the operators to hardship. I would request the Government to consider and see that the previous arrangement of calling for objections is there and then only a decision is taken. According to the new provision, it becomes an *ex parte* decision. Some High Courts have also remarked that the way in which the Government is announcing and nationalising the routes is not proper. They have remarked that operators must be given enough time and objections should be called for. I hope the hon. Minister will consider it and do it.

Coming to clause 52, Section 93 of the principal Act, there they have said that if

the bridges or culverts of trees on the road are damaged, they are to be treated as third-party property. I cannot understand. This is Government property, or public property. This cannot be treated as third-party property, or party property. This is included in the insurance. Even if due to a mistake on the part of the engineer, a bridge gives way, he will say that the lorry fellow is responsible and that it is on account of him that it has been damaged. There is no evidence for the lorry fellow to say that his lorry has not damaged it and that some other lorry may have damaged it. They can say that this lorry fellow has damaged it. It will be very difficult to find out which lorry has damaged the bridge or road or tree. So, this also must be taken into consideration.

Now, I come to clause 71 at page 33 seeking to amend section 130. All these years, when the operators plead guilty before a court they are only fined or when the magistrate says 'there is a cause against you. Will you agree to it or do you plead guilty? If you agree, then you must compound so much', the operators used to agree and the fine used to be collected, and the operators used to send the money by money order or some such thing. But now it is proposed that they will not only be fined but they will also be subjected to imprisonment. This is a very strong penal section. I hope the hon. Minister will consider this matter again.

Section 71 of the Act prescribes the driving of a motor vehicle within the maximum speed limit, and under section 151, punishment is also given for contravening that section. If the driver of a transport vehicle drives it fast, then it is the mistake of the driver and not the owner who sits somewhere far away in his house and who is not sitting in the vehicle to find out whether the driver is driving it fast or slow. That is not the business of the owner. It is the business of the driver. If the driver commits an offence by driving the vehicle fast, then it is the driver who should be punished and not the owner; punishment should not be visited on the owner by suspending his permit.

I now come to section 72 relating to overloading of these vehicles. After all it is not the owner who runs to bus or goes in the bus. The owner will entrust it to the driver and conductor and expect them to run the bus. He will ask them to run the bus

according to the rules and ask them not to overload the bus. But if the driver and conductor join together and they overload the bus and run it, then it is only the driver and the conductor who should be punished. After the maximum capacity in the bus is reached they would not issue further tickets, and they will pilfer that extra amount. So, it is they who are to be punished and not the owner, and the permit of the owner should not be cancelled for the fault of the driver and the conductor. It is only when it can be proved that the driver and conductor have overloaded the bus on the instructions of the owner, that the owner may be punished or his permit may be cancelled. If that cannot be proved, then the driver and conductor are responsible and it is only they who are to be punished.

SHRI UMANATH (Pabakkottai) : How to prove it ?

SHRI CHENGALRAYA NAIDU : Even if the owner says so the drivers and conductors might be asked not to overload the buses.

SHRI UMANATH : If they do not, then they will be dismissed.

SHRI CHENGALRAYA NAIDU : They cannot be dismissed so easily. There is the labour court to which they can go. So, I would request that the owner should not be punished and his permit should not be cancelled for the fault of the driver and conductor. Actually, when they overload the buses the money that they collect by such overloading will not go to the owner but they pilfer this amount. So, this matter also must be looked into.

These things are very important and if they are not taken into consideration, we will not be doing justice in amending the Motor Vehicles Act.

Regarding insurance just now the Minister said that they have increased the time limit from two months to six months. All these days, with regard to third party insurance claim, they had to do it within two months.

SHRI IQBAL SINGH : Now it is six months.

SHRI CHENGALRAYA NAIDU : There is some other trouble also. Some people

may instigate some others and false claims may be made. In this matter, I request the Minister to consider ..

SHRI IQBAL SINGH : You want more or less ?

SHRI CHENGALRAYA NAIDU : Less Sir. It should not be more because these claims may also be made. When the Government is going to nationalise general insurance, instead of preaching socialism to others, I want the Government to nationalise the general insurance and then introduce the Bill so that the Government will benefit. I have no objection to that.

SHRI UMANATH : I support you.

SHRI CHENGALRAYA NAIDU : Till then don't create situations where the insurance people will benefit. I don't want these insurance people to benefit. I want that the Government, instead of preaching socialism, should come forward and nationalise the general insurance. Only then Government will get more money. I want this to be done.

The other thing is : the Minister said that a certificate of medical fitness will be required before driving licence is given. That is a very good proposal. If a bus driver who is not medically fit drives the bus, he can endanger the lives of so many passengers in the bus. This is a very good thing and I support it that a medical fitness certificate must be produced before licence is issued.

Another thing, when you are so much careful the lives of the passengers in a bus, what about the lives of so many millions in this country and so much of property in the hands of the Ministers ? I suggest that Ministers also must get a medical fitness certificate so that they can rule the country.

SHRI UMANATH : We support you on this also.

SHRIMATI ILA PAL CHOUDHURI (Krishnagar) : I find that this Bill has sought to amend the original Act. In so far as it goes, I support the Bill, but I hope the Minister will agree with me that a more comprehensive Bill is necessary.

[Shrimati Ila Pal Choudhry]

In this Bill what has been done ? It is absolutely loaded against the private bus-owners. I am surprised to hear my hon. friend opposite say that most of the bus owners are uneducated people. I am really surprised. In my State of West Bengal this is one of the fields where the educated youth has taken it as a means of earning their livelihood and it is one of the fields where the small entrepreneur can take up some business instead of going into the wilderness seeking for a job which he may not get, no the Government can give him.

15.24 hrs.

[Shri Prakash Vir Shastri in the Chair]

In this Bill there are one or two things I would like to bring particularly to the Minister's notice. There are minutes of dissent in the report and in these minutes of dissent some valid points are made. One is that issue of more permits is refused if you find that the route is overloaded and there are too many buses on that route. If there are too many buses some buses will go out of their own accord. But, let there be a healthy competition so that the bus owner also against whom you are trying to put up all kinds of barricades in his way, may play his role. Let there be a healthy competition and let the travelling public be given the best comforts so that they get the best transport. In the rural areas the bus transport is the only lifeline of the people. You have not railways everywhere and 60% of the passengers and goods are carried by private bus owners.

There is a handicap in this Bill at every stage. Take the insurance question. Here clause 54 amends Section. 95 of the principal Act. Now it is practically third party insurance. They always say that the person who is hurt is responsible for some sort of negligence and so he is supposed to have contributed to the accident. So, if he has to get Rs. 100, he gets only Rs. 60 and the bus owner is made to pay. The insurance companies go scot-free. The bus company will have to pay the amount. I request that the Minister will have to look into this particular matter. This law, I think, has been copied from the British Law of Torts and that is very harsh. They themselves are feeling the harshness of it, and trying to relax

it. On the other hand, we are making more rigid laws for our own people. This is absolutely unnecessary. Secondly, the financiers from whom the bus owners have to get money to buy the buses have been given under scope. When one instalment has not been paid the financier can just go and take possession of that bus wherever that bus may be. It is a very difficult situation for the bus owner. Sir, previously the cost of a bus was Rs. 7,000 or Rs. 10,000, but now it is Rs. 70,000 or Rs. 80,000. The bus owner has to go to the financier for money for buying the bus and he pays in so many instalments. 30% of the money advanced is covered by the interest charges which the financier gets. Added to this is 3 to 5 per cent, finance commission. All these things justifiably reveal that the financiers are amply safeguarded and they are able to realise their capital long before the instalments expire. If the bus-owner just misses paying one instalment the financier will take possession of the bus. That is a very difficult situation for the bus owner.

Thirdly, I wish to say this. When a person asks for a permit he has to pay Rs. 500 security deposit at once. The middle class persons and the small entrepreneurs will not be able to straightway find that amount of Rs. 500 cash deposit just to apply for the permit. I hope the hon. Minister will consider this point and see this is dropped. I have tabled an amendment and I will speak on it when the clauses come up.

Fourthly, on the question of delay by the authorities. Why should the bus owner suffer because the delay is caused by the administrative authorities ? Renewal is for 3 years. When he goes to renew his permit the permission is kept pending for one year and then it is renewed for the next 2 years. Why should he be the loser when the administration is at fault ? When we preach of socialism to the small people, why should we put difficulty for the small businessman, the small entrepreneur ? I have got an amendment on this particular point and I will speak about this when the clause is taken up.

Then, Sir, I wish to say that the recommendation of the All-India Motor Unions Congress have not been accepted. I hope the Minister will look into it and accept whatever recommendations they have made.

Traffic in rural areas is mainly served by the private bus owners. 60% of the traffic is carried by them—whether it be goods or passenger traffic. They must be given every facility to carry on their occupation. This is one of the lines that the small businessman can take up, particularly in West Bengal.

Lastly Sir, the third schedule in the Act puts down the criteria of what the driver must know. I am horrified to see that in the case of invalid cars Clauses 7, 8, and 9 are not applicable. Here they talk of driving the vehicle backwards and forwards. He has not to do it. He need not know how to do it. Then they say 'cause the vehicle to face in the opposite direction...'. He need not know how to do it. Then we find 'give by hand and by mechanical means (if fitted to the vehicle) or in the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand.' Are all these things, necessary? I am horrified to see these things. For the invalid driver, If he is an invalid driver, I have not seen one myself—I daresay there are mechanical aids.

I hope the hon. Minister will look into it because transport is the lifeline. If 'invalid' cars are going to be used more and more for transport and invalid or disabled people are up to drive and if invalids are to driven in them, then they must have much better driving competence than any other bus driver or public carrier driver.

I hope the dice that is loaded against the private carrier will now be taken into consideration and an comprehensive Bill may be brought so that the private operator does not feel left out in the cold, completely unable to pursue a trade by which he is able to earn some sort of a living and he does not have to run around in circles seeking a job he cannot get.

SHRI S.K. TAPURIAH (Pali): I am glad this Bill has come up for discussion today as it will give us an opportunity to discuss this important road transport industry.

There is nothing at all to appreciate in this Bill which, as the Minister himself has admitted, is not comprehensive. It is the characteristic of this Government not to be true even to itself. It is a slipshod, half-baked arrangement because they could not

find themselves capable enough to bring forward a comprehensive measures.

If a comprehensive Bill is to come at a later date, what is the use of this Bill? Could not they have waited? Or if it is in their mind to delay further a comprehensive Bill, I would recommend that all the amendments that have been tabled by various members should be accepted by Government so that while they delay the matter again, the serious lacunae that remain in this Bill are corrected and not allowed to continue.

As I said, I would crave your indulgence to speak more on the road transport industry which though it plays an important role in our national economy, has always been getting a Cinderella-like treatment from this Government. Nearly 9 lakh vehicles ply on roads of which 2½ lakhs or a little more are trucks and buses. It gives employment directly to about 18 lakh people and is one of the major sources of revenue to Government because it brings in annually an income of about Rs. 400 crores by way of taxes on fuels, spirits, motor vehicles and roads. When this is such a paying proposition for Government, what steps have been taken to improve the condition of roads?

I am speaking at this stage only for the road transport industry in terms of goods- and passenger-carrying vehicles. When I say that it is getting Cinderella-like treatment, I would say that even Cinderella had her hour under the sun and she could live like a princess till midnight, but this industry has never got anything, not even a minute, from the Government.

Of the Rs. 400 crores that Government get from the road transport industry, only about Rs. 140 crores are spent annually on road development. Hardly anything has been done by way of survey of the areas and requirements whether urban or rural; no attention has been paid to the requirements of food grains movements, goods movements industrial products movements or even passenger movements. You go to any major city. You will find people hanging on to the buses. You will find them waiting for hours for buses. In villages or outlying areas, also you will find people waiting in the sun, rain or blizzard for hours together for a bus. Have they made any

[Shri S. K. Tapuriah]

analysis of the volume of traffic generated on particular routes? Whether it is the nationalised sector or private sector where they are giving permits, have these permits been given only on the basis of requirements which have been determined by a survey conducted and not on the whims of whichever Government exists there and on the basis of some under-the-table money being coughed up for grant of permits? A situation has to be created by Government's legislation and not by slogans where speedier, safer, cheaper and easier travel facilities are made available to the public.

I would like to take this opportunity to expose the two faces of the Government, to explode the myth of Shrimati Indira Gandhi and her new-found love for the poor. Our friends on the Treasury Benches as have many sweet words for the poor people, but when it comes to taking any step, devising any action to mitigate their difficulties, they have nothing to offer, not even tears. You will remember how often in this House we have raised questions or discussions on the subject of tractors, small cars, scooters, fertiliser prices, cheap cloth, anything which has to do which the people even up to the level of the middle income group, how the Government is slow over all the proposals and how nothing even gets done. When does the Government act swiftly? It acts swiftly when manufacturers of cars worth Rs. 20,000 or more raise their prices. Then Government immediately comes out with an ordinance. Have they ever acted so swiftly when the bus or tram prices were raised? That makes me wonder whether when the Government speak of the poor and the Prime Minister speaks of the poor, she is speaking of the poor rich, because it is only the poor among the rich who can afford a Rs. 20,000 car. I do not refer to the super rich or Ministers because they go in for imported cars sold by S.T.C. Who travels by these ordinary methods of transport? Mr. Tata or Mr. Birla does not travel in these. Then, what steps have this Government which says it has so much concern for the poor people we read in the papers about this concern for the poor in the speeches made in the round about in Safdarganj Road daily—taken to make bus travel cheaper? Why is passenger transport so expensive? If Government wants to take the stand that in various States there are different party Governments, here

also till two years back, excepting for a brief period in Kerala, all the State Governments were under the Congress, and the present Governments have inherited this malady from that time and they are carrying on with that. So, if you analyse the position, you will find that it is the wrong policy of Government of relying on slogans of nationalisation, of taxing everything high, that has made transportation expensive. High taxes on fuel, lubricants, spares, etc. hike the price or the operating cost per mile up. If there is real concern for the poor, I have only one question to ask, whether this Ministry will recommend to the Government and Finance Ministry to reduce the duty on diesel oil—let alone petrol which is used by private cars—because the buses and trucks are run on diesel, so that their operating cost is reduced? Will the excise duty on those chassis which are used to build bus bodies later on be reduced so that the initial cost is low, because if the initial cost is low, the prices come down? But I can assure you that these steps you can never expect from this Government, you can only expect cries, and shouts and slogans.

Then there is the notorious slogan of nationalisation of bus routes. Only one nationalised bus route in India has been in the black, all others have been in the red and they are continuing to be in deficit which means either of two things, the State Exchequer is one way or other is financing those corporations, or they have to raise the fares. Government having to levy more taxes to raise revenue from other sources to finance those corporations would also come from the people. So, how does your slogan help, how does nationalisation help when the cost goes up, when efficiency is not there, and ultimately you make the people pay for that small privileged of the use of the modern word 'nationalisation.' Coming to the bus fleet, it is absolutely impossible to nationalise them and run them with profit. I should like to ask one question. Except for one or two groups in the south like the TVS, which of the other twenty and odd rich business houses mentioned by the Dutt Committee are bus owners?

Bus owners are small people, medium income range people who get buses on hire purchase or through other means of borrowing and run these buses, sometimes one or

two or at the most three. If these were to be nationalised, you would be depriving these medium income people of their means of livelihood. Is that the way of ushering in socialism? Is it not what they do for the poor, by having them thrown out of employment by nationalisation? A service like this cannot bear the overhead cost of a nationalised service where you should have so many other persons to maintain things, like the accounts, service, security, etc. That cost has to be added to the total operating cost and the service cannot be cheaper. This slogan would not help. This comes at a time when there are bumper harvests and increased industrial production. We need more trucks and good roads for cheaper, quicker transport of goods. At such time they want to make road transport more expensive simply because they have been unable to run their railway service properly and they want to keep parity between road and rail haulage by raising the tax on motor vehicles, fuels, lubricants, etc. to make road transport more expensive, so that the glaring differences may not become visible. They want to cover their inefficiency in their own section by these methods which is very wrong for the Government to do.

I smell something of this nature in one of their clauses in this Bill on insurance. The LIC is going into a larger sphere of general insurance and they are bringing in this amendment that where a claim is made the insurance company can say that since proper information was not given to it, it will not pay the claim. Nobody forces the insurance company to undertake insurance. Let them maintain the position as they had been doing; let them continue to make all enquiries before they agree to take up insurance before they issue a cover but the moment they have done so they cannot back out of it, they are responsible for it.

Much has been said in this House about octroi and the previous Minister Mr. V.K.R.V. Rao showed great interest in having it scrapped. There are meetings of various State Ministers connected with road transport. There has been near unanimous demand for the abolition of this out-dated method of revenue which creates complications and delays and breeds corruption. The Government has not taken any steps to persuade

or at least substitute it by any other modern method so that there may not be harassment to the operators. If the Ministry here fails to persuade the State Governments to abolish this, will they take steps to bring on amendment of the Constitution for taking away the power of levying octroi from the hands of the State Governments?

There are various other items and I shall speak on them when I move my amendments.

श्री तुलशी दास जाधव (वाराणसी) : सभापति महोदय, यह मोटर वेहीकल्स बिल लाकर सरकार ने एक ऐसा मौका दिया है कि उसमें क्या दिक्कतें हैं, उन के बारे में हम कहें। दूसरी चीजों के साथ-साथ जो एक अच्छी चीज मैंने हममें देखी है वह यह है कि आर०टी०ए० से जो हर स्टेट में परमिट लेना पड़ता था, वह अब एक जगह से ही मिल जाएगा। यह मांग हमारी ट्रान्सपोर्ट आपरेटर्स फंडेशन की तरफ से थी। उस फंडेशन का अध्यक्ष होने के नाते, उनकी दिक्कतें हैं, वे मुझे मालूम हैं। इस बिल में जो कुछ सुधार किये हैं वे उन को दूर करने की गज से किये हैं। देश में जहां तक मुझे मालूम है और जो मालूमता मुझे फंडेशन से मिली है उनके अनुसार तीन लाख लारियां चलती हैं। इन लारी वालों के लिए कई लोगों के दिल में एक शक है कि वे कोई कंटेनेलिटस लोग हैं। हो सकता है कि इस में से 10, 15 प्रतिशत ऐसे ओनर्स हों। वे बहुत थोड़े हैं लेकिन ज्यादातर 90 परसेंट ऐसे लोग हैं जो कि एक एक लारी चलाने वाले हैं और कहीं कहीं पर तो ऐसा है कि एक एक लारी में दो तीन हिस्तेदार होते हैं जो कि छोटे छोटे लोग होते हैं। यह छोटा बंधा है जिसमें छोटे कार्तकारों को भी जब उन को अपनी कार्तकारी से गुजारा नहीं होता है, तो इससे सहायता मिलती है। तो यह एक ऐसा छोटा बंधा है जिसके लिए बहुत प्रोटेक्शन की उम को गज हैं। इस में जितने डाइवर्स हैं या बलीनर्स हैं वे तो बहुत मामूली आदमी होते हैं और उनको लारी चलाने में बड़ी तकलीफ होती है। वह इस नीति से ज्यादा

[श्री तुलसी दास जाधव]

करते हैं। गाड़ी में वेट ज्यादा हो या कम, उस की स्पीड कम हो या ज्यादा, इसमें पुलिस वाले उनकी परेशान करते हैं। पुलिस वालों के पास कोई ऐसा यंत्र नहीं कि वे उस से देखें कि कितनी स्पीड है। हर जगह पर जहां जहां भी गाड़ी जाती है वहां उन को इतनी तकलीफ होती है कि इधर उधर किये वगैर छुटकारा नहीं मिलता है। मेरी दृष्टि से सरकार के लिए भी इसको रोकना मुश्किल सा ही है क्योंकि भ्रष्टाचार का जो मामला है वह देश में नाखून से सर के बाल तक फैला हुआ है, लेकिन मेरा कहना यह है कि जहां तक हो पुलिस को ऐसा मौका न मिले, इस का इन्तजाम करना चाहिए (व्यवधान) ठीक है, आप बकालत करते हैं। जो रफनेस होती है वह क्यों होती है जोर से वह गाड़ी क्यों चलाता है? गाड़ी वाले को तीन तीन दिन खर्च भी नहीं मिलता है और जो किराया मिलता है वह कम मिलता है। घाज तो डीजल की, पार्ट्स की ओर टायर्स और ट्यूब्स की इतनी कीमत बढ़ी हुई है कि ट्रक चलाना या लारी चलाना बड़ा मुश्किल होता है। इस चीज को हम जानते हैं।

अभी अभी इस गवर्नमेंट ने, इन्दिरा जी ने जो बैंको का नेशनलाइजेशन किया है, उस में हम लोगो ने फंडरेजेशन की तरफ से उन से कुछ चर्चा की, बैंको से पैसा ले कर छोटे छोटे ड्राइवरों और ब्लॉनर्स को देते हैं गाड़ी खरीदने के लिए। लेलैंड या डोज गाड़ी जो होती है ये 50 हजार या 40 हजार रुपये की होती है। हम 1 रुपये लेकर उन को गाड़ी देते हैं, लेकिन वह पैसा मिलता है तो चेसिस की कीमत, पार्ट्स, की कीमत आदि इतनी महंगी होती जाती है कि बैंक का पैसा लेना और उस पर घाज और इन्ट्रेस्ट देना और पैसा लेकर उस के इन्स्टालमेंट देना मुश्किल हो जाता है। मालूम नहीं कि फंक्टरी वाले क्योंकि बैंक से पैसा मिलता है इसलिए या और किसी दूसरे विशेष कारण से, उनकी कीमत बढ़ा देते हैं। सरकार से मैं विनती करता हूं कि टायर्स और ट्यूब्स और जो दूसरे पार्ट्स हैं उन की बिक्री का कोई

इन्तजाम करे, उन की बिक्री के लिए कोई सरकारी दूकान खोले। अगर ऐसा नहीं हो सकता तो लारीवालों की एक सोसाइटी बन जाए, 10 ट्रक और 25 ट्रक वालों की एक सोसाइटी बन जाए और वह सोसाइटी पास देने में और टायर और ट्यूब्स आदि की कीमत तय करने में मदद करे। इस रीति से यह हो और जो उस सोसाइटी मेंबरान हों उन को टायर्स ट्यूब्स और पार्ट्स लेने में कोई दिक्कत न हो।

दूसरी बात यह है, जैसे कि इन्टर-स्टेट परमिट के लिए आप ने किया, उस के लिए मैं आप को धन्यवाद देता हूं, वैसे ही आक्टूअल ड्यूटी के लिए भी आप करें। जगह जगह पर म्यूनिसिपैलिटी हो, ग्राम पंचायत हो, वहां पर गाड़ी को खड़ा रहना पड़ता है और इस तरह से उसको ज्यादा बक्त बिताना पड़ता है। बम्बई से दिल्ली तक अगर किसी ट्रक को आना है और 7, 8 या 15 दिन लग जाएं तो फिर गाड़ी वाले को कोई मुनाफा नहीं होता है और उस का खर्च भी नहीं निकल पाता है। इसलिए आक्टूअल ड्यूटी हर जगह पर जो बैठी हुई है, वह आक्टूअल ड्यूटी आप निकाल दीजिए और जैसा कि आप रील्स टैक्स या दूसरी ड्यूटी हर स्टेट में न होते हुए या आबकारी ड्यूटी हर स्टेट में लगा कर एक जगह पर आप वरते हैं और फिर उस में से स्टेट्स को हिस्सा देते हैं, ऐसे ही आप इस में भी कर सकते हैं। ऐसा चाहें तो कर सकते हैं कि हर म्यूनिसिपैलिटी या हर स्टेट उसकी जो आक्टूअल ड्यूटी हो और वह सेंट्रल गवर्नमेंट से ले ले। यहां आक्टूअल ड्यूटी के लिए हर फ्लीट के लिए, हर लारी के लिए खड़ा रखना और आक्टूअल ड्यूटी देने के लिए आधा-आधा घंटे खड़े रखना आजकल की इकानामी में ठीक नहीं है। हमें अगर बीस-बीस मील से लारी चलानी पड़े और यहां खड़ा रहना पड़े तो हमें उसको बेचना होगा। जैसा मैंने कहा सिगापुर में और मलाया में मैंने देखा कि मोटर गाड़ियों के लिए सात मजिरी इमारतें खड़ी हुई हैं जो यहां पर हमारे इंसानों के लिए भी नहीं हैं। इकानामी स्पीडली बढ़नी

चाहिए। टैंक्स हर प्रान्त में अलग-अलग नहीं होने चाहिए। डीजल के लिए यहां एक टैंक्स है, महाराष्ट्र गवर्नमेंट ने उसके ऊपर टैंपरेरी टैंक्स बैठाया लेकिन वह परमैनेंट कर दिया गया।

दूसरी बात गुड्स आफिस की है। हर जगह पर चाहे कोई भी गुड्स आफिस खोलता है, तो उसको परमिट चाहिए। हर गुड्स के लिए रेट भ्रमण होते हैं और बीच में वह पैसा भी लेते हैं। गुड्स आफिस के लिए कुछ नियम बनाना चाहिए।

तीसरी बात यह कहता हूँ कि सरकारी काम होता है तो वह जहाँ सोसायटी हो लारी वालों की उसको प्रॉपर्टी दें। सरकारी माल जो होता है उसकी ले जाने के लिए उनको दें। स्पीड के बारे में उनकी परेशान न करें। बोझ की बात भी आती है। उसका बोझ भी ज्यादा हो तो उसको तकलीफ पड़ता है। बोझ से गाड़ी का ऐक्सिडेंट नहीं होता। गाड़ी का ऐक्सिडेंट होता है जब रोड़ साफ नहीं होती है, बीस फुट की डामरी सड़क होती है बाकी कच्ची होती है। सामने से अगर कोई गाड़ी आ जाए तो एकदम उसका ऐक्सिडेंट होता है। इसके लिए रोड़म चौड़ी करनी चाहिए। मैं देखता कि बम्बई से हैदराबाद का रोड़ है उसमें इतना लोड होता है जब टैंक्स लेने हैं तो रोड़ भी अक्छी हों और उसका भी इन्तजाम आप करें।

जो बलेम करने का 60 दिन के बजाय 180 दिन किया है यह ठीक नहीं है।

"Clause 54--Amendment of section 95-of the Motor Vehicles Act decided to increase the total liability of an owner of a vehicle for the passengers carried from the present Rs. 20,000 to Rs. 50,000 and above."

इससे इन्श्योरेंस की कीमत बढ़ती है। मालिक को आपने जवाबदार बनाया। है मालिक तो घर में रहता है। दो तीन गाड़ियाँ हों

तो खुद चलाता है, लडका भी चलाता है। उसको जवाबदार बनाना भी ठीक नहीं है क्योंकि कि ड्राइवर तो वहाँ रहता है।

मेरे भाई नाइडू ने कहा कि तीन वर्ष से पीरियड कम नहीं करना चाहिए। जिस समय से आप परमिट देते हैं तो वहाँ से पीरियड गिन लीजिए। वहाँ भी परमिट लेने के लिए उसको कुछ देना पड़ता है।

मेरे भाई नाइडू ने कहा कि मेरी तरफ से जो अमेडमेंट आई है वह उनकी तरफ भेजी गई है। आठ किलोमीटर का अन्तर दो स्टेट के दरमियान बहुत छोटा है। उसको कम से कम 60 किलोमीटर होना ठीक है जिससे उनकी तकलीफ नहीं।

मैं आपका ज्यादा वक्त नहीं लेता। मेरी एक बिनती है कि सेंट्रल गवर्नमेंट को हिन्दुस्तान में जितने भी छोटे छोटे घड़े हैं जिसको कि डि-सेंट्रलाइजेशन आफ इकानामा कहते हैं, उनमें से छोटे-छोटे लोगों को काम करने के लिए सहूलियतें देनी चाहिए। आपको खुश करने के लिए मैं नहीं कहता लेकिन यह ट्रक और लारी के ऊपर धंधा करने वाले भाई पंजाब के सिल मद्रस में आकर गाड़ी चलाते हैं वह प्राइवेट भी दूसरों के नामने है। जब राजा के गांवों में हम जाते हैं तो वहाँ हर गांव में उद्योग मिलते हैं। इस तरह से मेहनत करके, अग्नि के ऊपर काम करने वाले जो लोग हैं, यह उन की रोटी है। ऐसी मेहनत की रोटी कमाने वाले इस देश के लिए अभिमान हैं। मैं अपने पंजाब के सिल भाइयों तथा दूसरे मेहनत करने वालों की ओर से बिनती करता हूँ कि जो मेहनत करके अपना जीवन चलाते हैं उनको ज्यादा से ज्यादा सहूलियत दी जाए। इतना ही मेरा आपसे निवेदन है।

श्री प्रोम प्रकाश श्यामी (मुरादाबाद) : समापति महोदय, मैं कुछ कहने से पहले व्या-इंट आफ आर्डर चाहूँगा कि अभी तक यहाँ यह प्रथा रही है कि हाउस में गवर्नमेंट जिस

[श्री श्रोम प्रकाश व्यागी]

पार्टी की है उसके सदस्य ज्यादा होते थे, इसलिए उनको आधा टाइम दिया जाता था। अब वह सरकार अल्प संख्या में है उनके आधे मेंबर इधर बैठ गये हैं तो क्या अभी भी उनको वही समय दिया जाता है ?

सभापति महोदय : यह जो समय नियत किया जाता है वह पार्टी के सदस्यों की संख्या के आधार पर नियत किया जाता है। जिनकी जिस पार्टी के सदस्यों की संख्या है उसके आधार पर ही उनको समय दिया जाता है, और दिया गया है। आप अपना मापण आरम्भ करें।

श्री श्रोम प्रकाश व्यागी : सभापति महोदय, मुझे हार्दिक खेद है कि इस देश में परिवहन के सम्बन्ध में बड़ी उपेक्षा हुई है। किसी देश की प्रगति आधारित होती है उसके परिवहन पर। 1939 में ब्रिटिश गवर्नमेंट ने इस मोटर बीहकल ऐक्ट को बनाया था। लेकिन 1939 के पश्चात् से गवर्नमेंट ने इस पर कोई ध्यान नहीं दिया कि इसके बारे में कुछ होना चाहिए। इसके बाद में सन् 1956 में इस प्रकार का एक ऐक्ट लाया गया जिसकी 102 क्लोजेज थीं लेकिन वह वही की वही रखी रह गयी और उसमें कुल 22 क्लोजेज रह गईं। उसके पश्चात् सन् 1960 में एक छोटा सा बिल उपस्थित किया गया और तत्पश्चात् अब सन् 1965 में लाया गया और मंत्री महोदय ने अभी लड़े होकर कहा कि हम एक कंफ्रिहेंसिब बिल लायेगे मैं पूछना चाहता हूँ मंत्री महोदय से कि 1947 के बाद 22 साल हो गये, और इन 22 सालों के बाद वह कंफ्रिहेंसिब बिल क्यों नहीं ला सके। अब तक उसके लिए फीन सी कमी रह गई थी, इसका जवाब दें।

सभापति महोदय, इसके सम्बन्ध में मैं कुछ बातें और कहना चाहता हूँ और वह यह कि इसमें सबसे बड़ी चीज परमिट प्रणाली है। सभापति महोदय, इस समय देश में परमिट प्रणाली में जितना भ्रष्टाचार है उतना कहीं भी नहीं और इस भ्रष्टाचार की प्रणाली को देखना है तो

कहीं भी चले जाइये कि बीस हजार पचास हजार और एक लाख में आपका परमिट मिल जाएगा। परमिट पहले जब गवर्नमेंट से लिये जाते हैं तो गवर्नमेंट में घूम चलती है और परमिट मिल गया तो सरे ग्राम बाजार में बेवकर परमिट वाले घर बैठ जाते हैं।

सभापति महोदय : आप अपना मापण कल जारी रखें क्योंकि चार बजे राजस्थान की सूखाग्रस्त स्थिति पर विचार प्रारम्भ होना है। लेकिन विचार प्रारम्भ करने से पहले मैं सदस्यों से अनुरोध करूंगा कि राजस्थान की सूखाग्रस्त स्थिति पर सहानुभूति व्यक्त करने वाले सदस्यों की संख्या बहुत पर्याप्त है। इसलिए अधिक अच्छा हो कि बोलने वाले संक्षिप्त रूप में अपने विचार व्यक्त करें।

15. 57 hrs.

DISCUSSION RE. DROUGHT AND FAMINE CONDITIONS IN WESTERN RAJASTHAN

सभापति महोदय : सब से पहले श्री अमृत नाहाटा अपना भाषण दस या बारह मिनट में समाप्त कर लें।

डा० कर्णोसिंह (बोकानेर) : जो लोग राजस्थान के हैं वह ज्यादा परिचित हैं कि राजस्थान की स्थिति क्या है। हमें इसकी बड़ी खुशी है कि अन्य इलाकों के लोग भी हमें मदद देने को तैयार हैं, लेकिन राजस्थान के लोगों को थोड़ा अधिक समय मिलना चाहिए।

सभापति महोदय : जहां तक दूसरे दलों का सम्बन्ध है उन्होंने जो नाम भेजे हैं वह अधिकांश ऐसे हैं जो राजस्थान से सम्बन्धित हैं। फिर भी राजस्थान देश का ही इलाका है। वह लोग आपकी समस्या को भी अपनी ही समस्या मानते हैं। फिर भी मैं मानता हूँ कि आप अपनी बात कह सकेंगे।

श्री रा० कु० बिड़ला (भूँकनू) : यह ठीक है कि हिन्दुस्तान के सभी प्रतिनिधि