

"That leave be granted to introduce a Bill to provide for the ownership of an individual apartment in a multi-storeyed building and of an undivided interest in the common areas and facilities appurtenant to such apartment and interest heritable and transferable and for matters connected therewith or incidental thereto."

*The motion was adopted*

SHRI ABDUL GHAFOOR : I introduce the Bill.

— — —

12.27 hrs.

STATUTORY RESOLUTION RE :  
DISAPPROVAL OF THE MOTOR  
VEHICLES (AMENDMENT)  
ORDINANCE 1986  
AND  
MOTOR VEHICLES (AMENDMENT)  
BILL

[English]

MR. DEPUTY-SPEAKER : The House will now take up the next item, Statutory Resolution regarding Motor Vehicles (Amendment) Ordinance and the Motor Vehicles (Amendment) Bill.

[Translation]

SHRI C. JANGA REDDY (Hanamkonda) : Mr. Deputy Speaker, Sir, the Motor Vehicles (Amendment) has been brought in pursuance of the recommendations made by the State Ministers and the State Committee regarding this Bill. No statement of objects and reasons has been appended to the Bill.

THE MINISTER OF STATE IN THE DEPARTMENT OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : You have got the wrong copy.

SHRI C. JANGA REDDY : You supplied it.

SHRI HARISH RAWAT (Almora) : He is also member of the wrong party ..

(Interruptions)

SHRI C. JANGA REDDY : What objection do you have to supply the correct copy ? Now the States will be in a position to issue unrestricted number of permits under the provision of the Bill or they can issue licences for the movement of transport in other States whereas previously a limit had been imposed. Amendment to this effect has been brought in the Bill. The experts of Transport Committee had said in their report, which was submitted in 1980 :-

[English]

"The Motor Vehicles Act is to be replaced by a comprehensive legislation for promoting adequate, efficient, safe and economic road transport".

[Translation]

What is your opinion regarding this ? They had recommended a comprehensive Bill. The power given to the States to issue unlimited permits will have to be reviewed. I would like to tell you that more than 30,000 road accidents are taking place in a year. The reason for it is that in some Vehicles there is no proper head-light or sometimes there is no proper tail light. The drivers stop their vehicles on the road-side without giving any signal. At some places as many as 200 vehicles can be found parked on the national highway and there is no checking arrangement. There must be some checking either by the Centre or by the States. Vehicles proceeding to South India from Uttar Pradesh, Rajasthan or Punjab or Haryana are generally overloaded. If there is permission to carry ten tonnes of goods in a truck, the transporters carry as much as twelve or thirteen tonnes of goods in it. Sometimes accidents take place due to the height of the loaded goods. In the event of accidents, the Insurance Corporation has to pay insurance claims. The truck-owners change the number plates of their vehicles on the way to Rajasthan from South India. Recently, the number plates of trucks carrying chillies from Warangal to Rajasthan were changed at Kanpur or Nagpur or in Madhya Pradesh and the goods were sold on the way. Thereafter, the trucks disappeared midway. Theft of chillies takes place in transit in trucks from the South. When complaints of theft are lodged in Rajasthan and Delhi, no

positive action is taken on them. Arrangements can be made to apprehend them but it appears that it happens with the collusion of the police. Trucks coming from a distance of 2000 to 3000 Kms. sell chillies or cotton in others' names. The traders telephone from here that so much quantity of goods may be sent and after receiving their order the commission agent sends the consignment but the truck disappears enroute. This is causing concern to the people and you will also have to think about this because a lot of bungling is going on in this regard. There are more than 10 per cent trucks which are being plied without proper number plates, and transport commodities like chillies foodgrains and cotton are sold enroute. This is resulting in the theft of foodgrains. Instead of taking the trucks to the destination these are diverted to some other place and they go on changing their number plates. This is resulting in a lot of bungling. My submission is that while providing national permits, these things will have to be looked into. Trucks will have to be properly checked while allowing the trucks to move from one place to another, from one State to another. My suggestion is that only number plates should not be checked; chassis number and engine number should also be checked. If more national permits are given, then foodgrains loaded in trucks would not reach the real destination and would cause a loss of Rs. 2 to 3 lakhs due to this cheating. This will cause suffering to the traders and the farmers. There is a company in Rajasthan which is indulging in such activities and during the chilli season such activities are carried out on large scale. At the checkpost at the time of checking the national permit, mere number plate of the truck should not be checked, the engine number and chassis number should also be checked. They should be given clearance only after checking all these things so that the people do not become victims of such cheats. I do not find any difficulty in issuing permit nor do I have any objection to this but because of fraudulent activities people are suffering. This should be removed and proper checking should be conducted at the checkposts. Arrangement for flying squads should be made by the Centre and these people should be taught a lesson by awarding the severe punishment. It is quite necessary to do so.

Besides, I would submit that the Com-

mittee had given their recommendations in 1980 and now we are in 1986. We are considering them after 6 years. The President had announced on 31 January that Parliament would be summoned on 20 February. What was the need to issue this Ordinance two days before i.e. on 28th. We had been sitting on it for six years. We could have brought it in the shape of a Bill. To issue ordinances in this manner tantamounts to misuse of the powers of the President. There was no urgency to issue this Ordinance as the Parliament was being summoned after a month. When no hurry was shown in 6 years, what could have happened in one month? I do not understand it. I, therefore, oppose it. Had the Lok Sabha met after two months, it could still have been brought as a Bill at that time. Therefore, you will have to desist from issuing ordinances. That is why I had given a notice of disapproval.

Alongwith it, I want to say that the driving schools should be run either by the State Governments or by the Central Government. In Sholapur and Bombay one gets a licence in three months and in Andhra Pradesh it takes two years to get a licence. At some places driving licences are issued just after two or three months. You should make proper arrangements in the matter of driving licence and I request the Hon. Union Minister to bring a legislation for setting up training schools and a minimum qualification should be prescribed for training. Those who produce matriculation certificate or any other prescribed certificate should be given driving licence and the entire mechanism should be taught in one year so that accidents are avoided. The drivers who drive during the day drive the vehicles during night also. Because of this, they feel sleepy. Therefore, there should be two or three drivers with each vehicle. Only then they should be issued permits. During night driving, the trucks and other vehicles are more prone to accidents. Why? The reason is that around 3 or 4 o'clock in the early hours they feel sleepy and in that condition they go on driving. They fall asleep on the steering wheel which results in accidents. Therefore, permits should be given only when there is an arrangement of 2 to 3 drivers.

SHRI MOOL CHAND DAGA (Pali) :  
You are speaking on the Ordinance or the Bill (*Interruptions*).

**SHRI C. JANGA REDDY :** On both. The driving schools should be run on behalf of the State Governments. People driving in a state of drunkenness should be checked at the checkpoints and they should be prevented from driving. Moreover, the buses of the Government Undertakings, Corporations, RTC, e.g. Delhi Transport Corporation, AP Corporation are overloaded.

[English]

**MR. DEPUTY SPEAKER :** Why are you bringing DTC here ?

[Translation]

**SHRI C. JANGA REDDY :** Buses are overloaded. This also causes accidents. Therefore, my submission is that when we were going to meet in a month, what was the need of issuing the Ordinance ? The Bill which has been presented three days ago, when the President...

**SHRI GIRDHARI LAL VYAS (Bhilwara) :** What loss have you suffered as a result of the issuance of the Ordinance ?

**SHRI C. JANGA REDDY :** There has been no loss but it is not proper to involve the President unnecessarily.

[English]

With these words, I move the following Resolution :

“This House disapproves of the Motor Vehicles (Amendment) Ordinance, 1986 (Ordinance No. 4 of 1986) promulgated by the President on the 28th January, 1986.”

**MR. DEPUTY SPEAKER : THE MINISTER.**

**THE MINISTER OF STATE IN THE DEPARTMENT OF SURFACE TRANSPORT (SHRI RAJESH PILOT) :** I beg to move :

“That the Bill further to amend the Motor Vehicles Act, 1939, as passed

by Rajya Sabha, be taken into consideration.”

With your permission, Mr. Deputy Speaker, I would like to say a few words.

The scheme for National Permit for public carriers was introduced in 1975 in terms of the relevant provisions of the Motor Vehicles Act, 1939. The State Government were authorised to issue National Permits to the truck operators upto the number as may be specified by the Central Government. The truck operator operating his vehicle under the National Permit was given the facility of uninterrupted movement throughout the territory or the States/Union Territories opted by him without the requirement of any counter-signature of other States and also the facility of single point taxation in the home State. Sir, the system of National Permit had been welcomed by all. There had been constant demand for increase in the number of National Permits. Though the Central Government had been effecting certain increases from time to time in the allocations to the States/Union Territories, it had, however, been found that the restriction on the number of permits was causing avoidable hardship to the operators. The restriction had also proved as impediment in the natural development of goods transportation by road. The National Transport Policy Committee in its Report had recommended removal of the restrictions on the number of vehicles to be allotted such National Permits. The Transport Development Council also, which has Transport Ministers of all the States and Union Territories as members, had in its recent meeting in October, 1985, unanimously resolved that the restrictions on the number of National Permits should be removed and suggested immediate action by making suitable amendments in the Motor Vehicles Act, 1939.

Taking into consideration all these factors and in the interest of facilitating smooth and uninterrupted movement of goods vehicles in the country, immediate removal of restrictions on the ceilings of National Permits to be issued by each State was considered essential.

The required amendment to the Motor Vehicles Act, 1939, has been made through

the Ordinance promulgated by the President on 28-1-1986. The present Bill is to replace this Ordinance. The Motor Vehicles Act (Amendment) Bill is an important step towards liberalisation of the permit system and for meeting the needs for quick transportation of goods, and I commend it to this House for acceptance.

MR DEPUTY SPEAKER : Motions moved :

“This House disapproves of the Motor Vehicles (Amendment) Ordinance, 1986 (Ordinance No. 4 of 1986) promulgated by the President on the 28th January, 1986.”

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

SHRI M. RAGHUMA REDDY (Nalgonda) : Mr. Speaker, Sir, as Shri Ranga Reddy said when the House was to meet on 20th February there was not any urgency for the Hon. Minister to promulgate an ordinance and unnecessarily misuse the powers of the President. This is not such an urgent issue that they had to promulgate an ordinance. This is my only objection.

I welcome the Bill. Now the States have been given powers to issue permits as per their needs to facilitate transport from North to South and *vice versa*. The railway transport facilities have not so much developed as to reach the rural areas and it is a fact that where there is a transport there is a development. In the rural areas the agricultural produce has to reach the market and the farmers face a lot of difficulties in selling their produce. Further sometimes the rates in the local market are low and, as such, the farmers have to move their produce to other markets far away and, as such, the present legislation will help the farmers and also the industrialists.

In this connection I would like to request the Hon. Minister that there should be some guidance to the States as they have been given now powers to issue any number of permits irrespective of their needs. This may create some problems to the operators,

Further, as Mr. Janga Reddy also said there must be a training school for the drivers. We find everyday so many accidents take place involving especially private operators and public carriers. This has to be restricted and, as such, traffic rules should be further strengthened even in the States. I request the Hon. Minister to advise the State governments to strengthen the motor vehicles rules so as to minimise the accidents in future so that innocent people may not unnecessarily get killed on account of drunken condition of the drivers and also because they know nothing of the motor vehicles rules on account of their illiteracy. I request the Hon. Minister that in every State there should be a training school for the drivers. Government of India should issue the guidelines that only those drivers who pass from such training school will be given national permits.

It is a common thing in Andhra Pradesh that whoever goes to Poona gets a permit by spending Rs. 2000 to Rs. 3000 through a broker and then they are approaching the State Government to give them employment. This is causing lot of harm. It should be stopped forthwith. Some minimum rules and norms should be followed. A minimum qualification of SSLC should be prescribed for issuing a driving licence. There are many educated people willing to become drivers. If the above-mentioned guidelines are followed I welcome the introduction of this Bill which will facilitate the transport in the rural areas. Thank you.

#### Translation

SHRI VIRDHI CHANDER JAIN (Barmer) : Mr. Deputy Speaker, Sir, I rise to support the Motor Vehicles (Amendment) Bill, 1986 brought in the House Government have brought the Bill here on the basis of the recommendations made by the National Transport Policy Committee and the Transport Development Council and now more national permits can be issued.

In India, agricultural and industrial production is increasing but there are certain far-flung areas, desert areas where means of transportation are scanty. With the issuing of national permits in more number, the goods will be properly transported to these areas. I, therefore, welcome this Bill.

[Shri M. Raghuma Reddy]

There are certain problems towards which Opposition Members have also drawn attention. One of these is of driving in a state of drunkenness. Many of our drivers do not drive cautiously. They remain drunken and drive the vehicles in a state of drunkenness. It is necessary to provide in the law strict action against them and to prohibit driving in a state of drunkenness. Now-a-days accidents occur quite often due to driving in a state of drunkenness and we suffer losses. But the provision in the rules is such that causing death through accident is a bailable offence because of which severe punishment cannot be awarded to the driver concerned. In this way, they get adequate relief. Unless it is brought in the category of cognizable and non-bailable offence and provision is made to punish the offenders, the situation will not improve. Only then the drivers will be afraid of driving in a state of drunkenness. I want that we should take immediate steps in this direction.

I want to point out another thing, which I had emphasised earlier also, that some big officers like collectors etc. ask the drivers to take the back seat and they themselves start driving. Because they are not experts in driving, they often cause accidents and put the blame on the drivers. One such instance came to light on 23-11-1985 in Gujarat where the collector himself was driving and after the accident he put the blame on the driver. I want to submit that no officer should drive himself, if the driver is present. If he does not follow this practice, strict action should be taken against him. When in case of accident he puts the responsibility on the driver, the situation becomes very serious. We should make provision in the law to check this practice.

A situation which the permit holders have to face in particular is the problem of octroi. In this connection, perhaps, a decision has already been taken and the octroi system should be abolished. But so far only few States have abolished this system and it is still in vogue in other States. The Central Government should create a national consensus and take some action in this regard because it creates many difficulties and prob-

lems and much time is consumed as a result of it. This encourages corruption also. Concrete steps should be taken in this direction and the Central Government should compensate the States for the losses they will suffer due to abolition of this system.

I have observed that certain National Highways are very important from our defence point of view, for example, National Highway No. 15, Barmer-Jaisalmer Highway, Barmer-sector, from Jaisalmer-Pokharan to Bikaner and from Pathankot to Kandla National Highway, they all come in the category of defence roads.

The defence roads are being widened one and half times or are being doubled but the roads which are 12 feet wide should be widened. It is necessary to do so because Army vehicles ply on these roads and these are quite heavy vehicles. When these vehicles are driven, the public drivers plying public vehicles have to be very cautious. Only then they can save themselves. Otherwise, the danger of accidents on these national highways is always there. Now as the surface transport and the Railways both have been brought under one Department, this job should be looked after by both the Departments. As those roads are being used for military vehicles, these should be widened. If these are not widened, there is always the likelihood of a serious accident. Public drivers at the sight of military vehicles become cautious and drive very safely. Therefore, the number of accidents on those roads is less. Otherwise, their life is always in danger. I, therefore, urge the Government that those roads should be widened and this work should be done on priority basis so that accidents do not occur.

Mr. Deputy Speaker, Sir, regarding licence I want to say that only competent drivers should be given driving licence. About three or four Sections deal with training. Other Hon. Members have also expressed their views in this regard. Most of the accidents take place at level crossings. It so happens that buses crossing the level crossing generally collide with the train and in this way accidents take place. Government should adopt measures to avoid accidents at the railway crossings.



Sir, I would like to request that either over-bridges should be constructed on such level crossings, or they should be manned. Only then accidents can be prevented. Both the transport as well as the Railway Department should make provision for funds to make the railway crossings safe so that accidents may not take place.

With these words, I support this Bill.

\*SHRI SATYAGOPAL MISHRA (Tamluk) : Mr. Deputy Speaker, Sir, I support this Motor Vehicles (Amendment) Bill 1986 and while supporting it generally, I will like to make a few comments on it. On the 28th January, 1986 an ordinance was issued by the President and today we are going to approve that in the form of a Bill. The hon. Minister did not mention clearly anywhere in his speech what was the serious development or urgency which necessitated the issue of an ordinance by the President in this regard just 22 days before this commencement of this session. The reason has not been explained by him anywhere. This is not the only instance where the Government resorted to issuing of an ordinance by the President, they are forming a habit of issuing ordinance even in petty matters evading the Parliament to carry on their activities. I hope the hon. Minister will explain in his reply what was the urgency that compelled him to get this ordinance issued.

Sir, when the original Motor Vehicles Act was passed in 1939 during the British rule, it had a specific purpose behind it. That was to give more importance to the Government regulated Railway Transport over the existing privately owned road transport system. Through an amendment to that Act in 1975 it was found that efforts were afoot to gradually turn over the transport system in the hands of private transporters. Through the present Bill, that process is sought to be completed. The Government had a proclaimed policy of developing the state controlled railway transport system and of spreading the network to all corners of the country. But in the recent Railway budget also we found that the Government is deviating from that policy of developing the railway trans-

port and are trying to handover the transport system to private transporters more and more. The present Government has set in a process of privatisation and this Bill is an instance among several other measures towards that end. As a result of this the country's transport system will gradually pass in the hands of private transport operators. When the transport system is owned and controlled by private operators, it will gradually assume monopolistic shape and once that happens, naturally the transport cost will rise through their better bargaining power. This will inevitably raise the cost of goods transportation in the whole country. Due to rise in transport cost, the prices of all commodities will go up. The country is being slowly pushed towards that crisis.

Another thing I do not understand Sir. Recently the prices of petrol, diesel etc. was raised and the Hon. Finance Minister justified that step by saying that our debt deficit has gone up tremendously and it was felt necessary to reduce the consumption of petrol, diesel etc. That was why the prices were raised to cut down the consumption and import of these items. But is there any consistency between that proclaimed policy of the Finance Minister and this Bill. How does he reconcile the two? By issuing unrestricted licences the private road transporters are being invited to take increasing part in our transport system. This will naturally increase the consumption of petrol and diesel. So, how are these two policies consistent? This may please be explained.

One other thing Sir, there must be a proper system of verification of the goods transported from one State to another. What are the nature of the goods transported, what is their weight, who are the transporters etc. unless there is a system of verification at different check posts, smuggling may increase, overloading may increase and various other malpractices may also increase. This aspect may kindly be looked into.

13.00 hrs.

Sir, the national transport policy committee had made several recommendations. It would have been much better if a comprehensive Bill was brought forth incorporating

\*The speech was originally delivered in Bengali.

[Shri Satyagopal Mishra]

all the recommendations made by them. But instead, the Government has picked up one general recommendation made by them and has brought forth this Bill to hand over the transport system to private operators gradually, jeopardising the interests of the people. They are not thinking of bringing a comprehensive Bill covering all aspects. I will mention one thing in this context. There are many workers and employees in the privately owned transport companies like drivers, helpers, cleaners etc. Now what guarantee of employment have they got? At the time of appointment one must be offered minimum service conditions. He must be given an appointment letter, guarantee of service, medical facilities, gratuity, pension and other retirement benefits etc. There is no law whereby these minimum service conditions of the workers employed in private transport companies or by private operators can be regulated or enforced. I will request the hon. Minister to bring forth such a legislation to regulate the service conditions of these workers in private road transport companies. I do not wish to go into the details of this Bill, because I am supporting it generally. With that I conclude.

[English]

MR. DEPUTY SPEAKER : We adjourn for lunch and reassemble at 14 00 hrs.

13.01 hrs.

*The Lok Sabha then adjourned for  
Lunch till Fourteen of the Clock.*

*The Lok Sabha re-assembled after  
Lunch at six minutes past Four-  
teen of the Clock.*

[MR. DEPUTY SPEAKER in the Chair]

MR. DEPUTY SPEAKER : We now take up Private Members Business : Item No. 10.

COMMITTEE ON PRIVATE MEM-  
BERS' BILLS AND RESO-  
LUTIONS.

[English]

Eleventh Report

SHRI HAFIZ MOHD. SIDDIQ (Mora-  
dabad) : I beg to move :

“That this House do agree with the Eleventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 26th February, 1986.”

MR. DEPUTY SPEAKER : The ques-  
tion is :

“That this House do agree with the Eleventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 26th February, 1986.”

*The motion was adopted.*

14.08 hrs.

RESOLUTION RE. DEVELOPMENT OF  
THE HILL AREAS—CONTD.

[English]

MR. DEPUTY SPEAKER : The House shall now take up further discussion on the following Resolution moved by Shri Harish Rawat on the 2nd August, 1985 :

“This House is of the opinion that in order to develop hill areas of the country, the Union Government should undertake to bear the entire expenditure for their development and

(a) set up hill area development cells in concerned Ministries ;

(b) set up electronics industries in such areas only ;

(c) enhance transport and investment subsidies for setting up of industries beyond a particular altitude ; and