

[*Translation*]

(vii) **Need to improve sanitation and removal of accumulated rain water in Delhi**

SHRI BHARAT SINGH (Outer Delhi) : Mr. Deputy Speaker, Sir, there is acute shortage of drinking water in Delhi. Due to low pressure, water does not reach first and second floor in old settlements and the houses situated at higher level in villages. The pressure of water is quite low. The epidemics like gastroenteritis and cholera broke out in Delhi due to non-availability of pure drinking water and inhygenic conditions in re-settlement colonies. The Government inoculated lakhs of persons in order to check the epidemic but even today we can see lot of rainy water accumulated in Dakshinpuri, Madangir, Tigri, Hasthal, Pankha Road, Nangloi, Jawalपुर, Sultanपुर, Mangolपुर, and Shukurपुर. Heaps of filth is lying in Haidarpur, Shalimar and Rajपुरa and villages dirty water is accumulated as their no drainage system. The cleanliness operation in trans-Yamuna areas started only after the visit of our young Prime Minister in that area. Although cleanliness operation is still on but they let the dirt of safety tanks of latrines pass in 'nallas', Shukurपुर, Mangolपुर and on the roads as well. In case immediate steps are not taken for the supply of fresh drinking water and for the drainage of accumulated water, the lives of lakhs of residents will be threatened by the epidemic which may break out. Therefore the Government is requested to take immediate and concrete steps in this direction.

(viii) **Need to enforce prohibition throughout the country**

SHRIMATI PATEL RAMABEN RAMJIBHAI MAVANI (Rajkot) : Mr. Deputy-Speaker Sir, the use and-trade of narcotics is increasing day by day in the country. This adversely affects the physical and mental health as well as the economic conditions of the masses in general and the new generation in particular. There is a demand from all quarters to enforce prohibition throughout the country.

The use and trade of narcotics is detri-

mental to the national character. Some of the states have taken commendable steps to combat this menace while some others are going to adopt the same. Prohibition is being enforced in the states of Gujarat, Maharashtra, Tamil Nadu and Andhra Pradesh.

The Government should issue an ordinance banning the use of narcotics at least in colleges, schools, temples and other religious places and hospitals and nearby areas. There should be a ban on smoking by the Employees of Government and public-sector undertakings and using narcotics in offices. Such steps will boost our national character and morale.

12.24 hrs.

MOTOR VEHICLES BILL—*Contd.*

[*English*]

MR. DEPUTY SPEAKER : Now we shall go to the next item—further consideration of the following motion moved by Shri Rajesh Pilot, on the 18th August, 1988, namely :

“That the Bill to consolidate and amend the law relating to motor vehicles, be taken into consideration.”

Shri Tombi Singh to continue his speech .

SHRI N. TOMBI SINGH (Inner Manipur) : Mr. Deputy Speaker, Sir, we are discussing this Motor Vehicles Bill in the background of the fact that the growth in the number of vehicles, taking all the categories together—speedwise, tonnage-wise and size-wise—has not been matched up by the growth of the roads all over the country. The other day in reply to a Starred Question, the hon. Minister had agreed that the present length of the National Highway is not enough to meet the requirement of the increasing number of vehicles of various categories. As I said in my opening remarks the other day, I am concerned with the islands of isolation, one of which I belong to, that is, Goa, Kashmir, Himachal Pradesh, Sikkim, Arunachal, Pradesh, Meghalaya, Nagaland, Manipur, Mizoram and Tripura.

These are some of the places where roadways are the lifelines and there is no other means of mobility in these places. I would like to draw the attention of the hon. Minister to a very important aspect of this matter. Although this Bill concerns only the vehicles, but the movement of the vehicles their safety and the road safety, the most important precondition is that we should have enough roads breadth-wise, length-wise and quality-wise. I would like to mention that the chicken-neck corridor at Siliguri in North-Bengal sector which connects the Eastern India with the rest of India is very important from civil as well as defence points of view, and also from the point of view of movement of passengers and goods to and from the Eastern region.

Sir, the region requires more roads in addition to the existing ones. Those of us who go by air to cover distance and negotiate distances by trains to visit different places may not have an idea of the difficulty being faced there. I had the opportunity of travelling by surface along this road quite a few times. This requires were by-passes and alternative and additional roadways because there is a lot of congestion here. On the one hand accidents are taking place very frequently all of which do not come in the newspaper Reports while on the other hand the movement is very slow—day in and day out all the categories of the vehicles are just crowded on the highway. In this sector this difficulty has to be removed on priority basis.

Then, Sir, coming to my own region, I would like to submit that Manipur is served by two National Highways—Dimapur-Imphal-highway and Silchar-Imphal highway. The Dimapur-Imphal highway is passing through Nagaland and 50% of this highway passes through Nagaland. I have nothing to say against Nagaland Police and their peculiar behaviour to outsiders, because they have their own rules and regulations to suit their region. But this is not favourable and attractive to the outsiders who are mostly tourists going to our state. Therefore, we have already suggested a number of times that we should be provided with an alternative highway beginning from a point in Assam on the railway line touching a point of this National Highway No. 39 without

touching any territory of Nagaland so that people going to Manipur side may not have to experience any harassment at the hands of the Nagaland sector. I understand that some survey has been made in this regard.

Then, Sir, the present Silchar-Imphal Highway is giving quite good service and has justified its existence but then this cannot serve the purpose of any alternative to this Imphal-Dimapur highway because in the case of Imphal-Silchar highway, Silchar is quite out of the way and people generally would not like to go by this route to Silchar and then go to the other parts of the country through the tunnels and M.G. railway route to. This is a new road quite narrow and suffering from frequent landslides. The road is closed to regular traffic, most of the time due to landslides and permanent bridges yet to be constructed at many places.

Sir, coming to another point, a capital city like Imphal needs more roads particularly a ring-road to connect the two highways Nos. 53 and 39. Even now there is no connection between the highway No. 39 and 59. The No. 39 highway passes through the busy city of Imphal, this requires a by-pass so that it may not pass through the busy city. Similarly, there might be other highways passing through various cities in different parts of the country. As far as possible, the highways passing through the bus market places and cities all over the country should be diverted *via* by-passes. I think this will solve a lot of congestion and accident problems all over the country.

Sir, in this Bill care has been taken regarding an aspect. According to Clause 110 under Chapter VII, the Central Government can make the rules on certain matters and one of such matters is the emission of smoke, visible vapour, sparks, ashes, grit or oil and mention also has been made of reduction of noise. It is quite in the fitness of things that Government's attention has been paid to this aspect because when the number of vehicles increase and the sizes of vehicles also increase, there is need to control pollution in every sector of the roads. The emission of smoke, visible vapour, grit

[Shri N. Tombi Singh]

and oil and also the excessive noise create disturbance to people sitted of the roadside as well as to other vehicles passing alongside the vehicles making great noise. I think the Government should take proper care to implement these provisions in this regard effectively.

I would like to make another mention with your permission. The construction of National Highways in our part of the country is very expensive because the quality of road construction material is very low and labour is very expensive nevertheless the only means of movement is the road. The Central Government may consider more allocation of funds to such areas where construction material and labour are costly. And side by side with that, I would like to say, Sir, that the State Capital Imphal should have a ring road encircling it for which special grant may be given. We also still do not have an inter-State bus terminal which could also be used as an inter-district bus terminal. For that, in the periphery of the greater Imphal area we should have an autonagar for which the Government of India may kindly consider giving special grants. We are small States financed more or less 10 per cent by the Centre. So, when I make this proposal, I know that the State Government is a regularly constituted democratic government. The Chief Minister of Manipur the other day in a press conference said that the state transport Corporation is in shambles there and it needs a thorough reorganisation. So, I am sure that when the State Government makes a proposal in this behalf, frankly admitting failures, if any, the Central Government will give sympathetic consideration and make sure that more allocations are made. Similar sympathetic consideration may be given to the islands of isolation, as I mentioned earlier, like Kashmir, Himachal Pradesh, Sikkim and other places.

With these words, Sir, I support this Bill.

SHRI I. RAMA RAI (Kasaragod) : Mr. Deputy-Speaker, Sir, at the outset I would like to congratulate the Minister for having brought forward the comprehensive Bill in spite of the tremendous pressure brought by the transport mafia in getting the Bill

delayed. They are even trying to get it delayed by sending it to the Joint Select Committee. Attempts are still being made to delay it even at this late hour. That is what we read from today's newspapers.

Nearly 21 amendments have been made to the original Act of 1939 and without the help of the lawyer, it is very difficult to understand some of the amendments also. At present we have a large number of vehicles and so many accidents are going on. There is a complaint of atmosphere pollution also and all necessary steps are taken against all such things by this Bill. For example, about pollution in the cities where more than 5 lakhs people are there, the Central Government has enabling powers to issue notification to restrict the number of permits. The earlier Act of 1939 vested wide-ranging powers in the Regional Transport Authority including fixation of number of vehicles, for which State carriage permits are to be given on each route. This made some of the transport Mafias to monopolise the transport sector and corruption also multiplied in this sector.

Now, coming to clauses, clause 7 of the Bill is regarding driving licence. There is, of course no distinction made between heavy goods vehicle and heavy passengers vehicle while issuing driving licence. I suggest that for issuing a driving licence to passenger bus driver, at least two years' experience of driving heavy vehicles like trucks, lorries must be insisted upon and that during that period, he had not committed any type of accident. It is because, bus driving is really a responsible job. Now, the present drivers at least must be checked by competent authority. The DTC drivers—we can see the condition, when we actually travel—should be sent in batches to Bombay to study the BEST conditions and other things. DTC bus drivers and conductors should be sent there for training.

SHRI P. KOLANDAIVELU (Gobichettipalayam) : Why do you not send them to Tamil Nadu ?

SHRI I. RAMA RAI : Yes, Tamil Nadu also. After all, we know that the perfect condition of driving comes only by experience. At the age of 40 or 45 years—

all of use are car owners and driving licence holders—we get the maturity or experience of driving. The young-sters always do some mischief and go with a minor or major accident. So, why at the age of 40 or 45 years, when he has the maturity and experience, medical certificate is insisted upon. You know, how easily one can get medical certificate. One can pay something and at any moment, one can get it. Instead of medical certificate, I suggest, let there be some compulsory insurance policy and some other thing. Insurance means, they will automatically have medical check up side by side.

Coming to clause 48 regarding transfer of ownership, no objection certificates shall be produced along with an application for assignment of new registration mark on transfer of ownership. No objection certificate for the transfer of vehicle will not be issued by the transport authority unless you look after them properly, unless you grease their plam. Again clause 62 empowers the police to inform the State Transport Authority about the stolen vehicles and also of vehicles that have been recovered and under *supar dari*, as there are stamps on registration books of all these vehicles.

Again another difficulty experienced by almost all drivers, especially private vehicle owner-drivers is this. Police says that the registration book, driving licence should be produced on demand. Registration book is a valuable document just like title deed for the property. There is every possibility of getting it stolen or lost. So a weak's time should be given to produce such a valuable document, at least in the case of private vehicle owner-driver.

I am touching only a few clauses. I come to clause 122. About the parking of vehicles in non-parking places, the Traffic Police in Delhi is very alert. No Parking sign board is not easily displayed at such places that one has to go in search of such boards, especially in Chanakyapuri road. They do not even indicate whether the whole road is closed for parking or not. They drivers are easily trapped and the sign board will not be conspicuous. Whereas in Bombay, the sign board is painted in yellow colour and placed in such a place, it is displayed prominently.

About the tribunal, even now the accident cases under Clause 168 are delayed and the victims or the relatives of the victims of the road accidents have to spend lot of time and money to claim compensation. Therefore, a simpler procedure should be adopted for getting intermittent relief.

Coming to Chapter VI regarding transport undertakings. I request the hon. Minister to set a maximum limit on the number of passenger vehicles that a State Transport Undertaking can own. In this context, I can cite the example of the State of Tamil Nadu. In the anxiety to nationalise, the State Transport Undertakings own a large number of vehicles without providing an efficient service and the very purpose of Clause 99 in providing an adequate, efficient and economical service is defeated. The State Transport of Tamil Nadu is split up into a number of smaller corporations and they have healthy competition among themselves. They are giving very good service to the public. It seems they are making profit also and even incentive bonus is given to the workers. We have to study such things in our country. There are a number of State Transport Undertakings in the whole country but only the corporations in Tamil Nadu Transport Corporation are making profit. That is what I heard.

So, I request the hon. Minister to study the working of the Tamil Nadu Transport Corporation and then set it as an example to the other transport corporations.

The towns falling within the metropolitan region such as national capital region in Delhi would be excluded from inter-State roads. I myself being a border area man, I know what is the difficulty in inter-State border areas.

Most of the points are covered by this Bill and some of the salient features I just want to point out to complete it. Anybody having a transport vehicle and wanting to ply on non-nationalised route shall be entitled to get permit. By it, the whole affair becomes a commercial decision. That will help most of the unemployed people to come to the field and get some jobs for them. The existing transport operators or any other new operators will not be able to monopolise the business. An individual shall

[Shri I. Rama Rai]

not be entitled for more than five permits and a company for not more than ten. Again, no ceiling on the number of permits on the All India Tourist vehicles to be issued in particular State but there will be a ceiling on the holding of such permits by individuals and firms. That is also a very good suggestion under this Bill. Twin purposes are served by providing additional buses for public comfort and breaking the monopoly of the existing system. State Governments have powers to nationalise routes or regions.

By all these amendments and by inclusion of all these Clauses, I think that this Bill will serve the purpose of the people of this country.

SHRI ATAUR RAHMAN (Barpeta) : Sir, I would like to highlight the importance of this Bill by quoting a figure. The figure is that every year, 24,000 people are killed on the roads in India. This was a figure which held good three years ago and I am pretty sure that it has increased to around 25,000 or 40,000 now. I think it has come to that now. This further reinforces my argument. This is a very very important Bill and this alone is not good enough when you consider that an equal number—obviously 60000 to 70000—of people would be maimed and injured every year. So, this is indeed a very very important Bill. As some of my fellow Members have said, of all the Bills, this Bill really should have been referred to the Joint Committee. We have heard in this House many of the Members have given very good suggestions. But since the Bill is already drafted as it is before you and the bulldozing majority is there what is the use of suggesting anything? Now, it is too late probably. But then, instead of sending the whole Bill, atleast certain chapters could be discussed in a Committee, probably and that would be better.

Sir, I must say that this Bill does contain some innovations which are very good. But it is not good enough to the desired extent. At the very outset, the hon. Minister has stated that a Working Group had consulted Committees like the Road Transport and Automobiles etc. But then,

one serious omission has been in not consulting the people who would really implement the provisions of this Bill on the ground and those authorities are the Magistrates, the Police on-the-spot, the District Transport Authorities who handle the matter, who know the weaknesses of the provision of the Bill, they have not been consulted. But the Ministers have been consulted. I would like to know the Ministers who attended the meeting here in Delhi and how many of them have legal background to give concrete and practical suggestions. I think that our friend Shri Pilot, in his exuberance, has thought of getting this Bill passed which sounds like any kind of unholy alliance...*(Interruptions)* Now, in the training institutions like the institutions for the Police, institutions for the Magistrates, there are two or three acts which are commonly taught, and a lot of importance has been given to these acts. One is the Indian Penal Code, the second is the Criminal Procedure Code and the third is the Motor Vehicles Act. So, the provisions of Motor Vehicles Act are ingrained at an early stage and what happens after that? As the law exists in our country, the cases are divided into cognizable cases and non-cognizable cases. Cognizable cases are important cases and non cognizable cases are unimportant cases. Most of the provisions of this Act are considered non-cognizable, that means, unimportant. In a country where 40000 people are killed, in a year, in road accidents and as many number are maimed, how do you treat many of these provisions non-cognizable? In the Courts also I have seen myself that non-cognizable cases under the Motor Vehicles Act are not seriously taken. Once I was asked by one of the VVIPs as to how there was no real traffic control in the town or in the city. Then I told him: if in one court 20,000 traffic offence cases can be field, where can you get the traffic control? The law is so toothless that one cannot help it. The same position holds good for the whole country. If you take a survey of disposal of traffic offence cases throughout the country, you will find that only 10 to 20 per cent cases are tried and all others are disposed of as just filed; thus there are lakhs and lakhs of cases which are just filed. The magistrates are overloaded with cognizable offences which are serious offences. As Under the

Motor Vehicles Act, most of the offences are non-cognizable offences. So, they do not care. The Railways have their own magistrates and they have their offences tried by those magistrates. I must say that Mr. Chidambaram has brought in a good provision recently in anti-corruption cases; he has said that we would have special courts. But I am not asking for any special court here. There should be a provision for separate magistrates under the Motor Vehicles Act. But that has not been done. That means, all those cases which are registered will never be tried. I would, very seriously, ask our Minister for Surface Transport to find out whether any survey could be taken about trial of cases under the Motor Vehicles Act because there are lots of cases just lying...

MR. DEPUTY SPEAKER : Please try to conclude.

SHRI ATAUR RAHMAN : I have just started, Sir.

Whatever amendments are brought under this Act will hold good for the next 40 or 50 years. We want that we should not be blamed for that later by posterity in spite of getting a second chance to modify this Act, nothing worth has been modified in the matter of trial of cases. In foreign countries, for example, the police are not treated as magistrates but I have seen that, whenever a police car is seen at a distance of, say, a mile, all the vehicles stop or slow down. But in our country they know that the police cannot do anything, they just register the cases they do not do anything...

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : It is not that the people feel that the police cannot do anything. It is the other way. The police demand something and get away with it. That is the feeling. In other countries the police is strict. You have been a police officer. People like to be posted in traffic; they would not go to reserve police or somewhere; they would prefer their posting in traffic. Please enlighten the House on those things, so that we can have the benefit of your experience.

SHRI JAGAN NATH KAUSHAL (Chandigarh) : He knows all these things.

SHRI ATAUR RAHMAN : I know all those things ..

SHRI RAJESH PILOT : Tell us about those things so that we can take action.

SHRI ATAUR RAHMAN : You have separate magistrates under the Motor Vehicles Act and give the teeth to the police so that they can be effective.

SHRI RAJESH PILOT : It is a good suggestion.

SHRI ATAUR RAHMAN : Clause 200 is good; there has been a lot of improvement brought about under this. But still the policeman suffers from lack of trust of the people and of the higher-ups. Trust begets trust. Without trust, the policeman is helpless. Since most of the cases are not tried, I would suggest departmental handling by police; as some of us feel, power should be given to the police. I gave a suggestion that Superintendent of Police at least should be trusted. If you can trust a Motor Vehicles Inspector who plays a very vital role in the implementation of this Act, why can't you trust the Superintendent of Police ? If you can trust a private organisation—in this Act, there is a provision for private garage—why can't you trust the Superintendent of Police whom you trust in all other fields ?

There are suggestions for enhanced punishment. But in the court, the Bench Assistant who maintains the register, which is called a 'non-affair register'; never logs in it or knows if a man was convicted ten years ago. Why don't you bring in computerisation in recording convictions in various courts in India ?

SHRI RAJESH PILOT : We have done that.

SHRI ATAUR RAHMAN : That is very good if you have done it. Then touting in the motor vehicles office. There is a parallel organisation going on under the shadow of Motor Vehicles offices in the motor licensing office, registration etc. and, that is, touting by various people with the connivance of the officers. There are two...

[Shri Ataur Rahman]

kinds of driving licences. One in which you go through the regular tests and the Motor Licensing Officer gives you a licence. But the other is also true which I have personally seen, that the clerk in the motor vehicles office with the connivance of the Motor Vehicles Officer issues a private driving licence taking bribe. That is the other way. If you ask me how can it be stopped, I will say that whoever comes for registration to get driving licence, he should be registered against serial number one, two, three and so on. And one should go according to the registration. Then the Motor vehicle clerk will not be able to issue private licence unless the name is registered. This may kindly be considered.

Regarding the revoking of licence, it is never done. It will be of help to you if you bring in computerisation.

Regarding fitness certificates, these are important documents. But, as you know, many Members have voiced their feeling about these fitness certificates which could be got by paying a little amount or whatever the amount is charged under the Table.

Then overloading. I hope that matter has been treated with due seriousness because you will find in the villages that people travel on the roof-tops also. There should have been a provision in the Act that drivers who find the vehicles overloaded with the people on the roof-tops should be given enhanced punishment. There is no provision for it. But then it brings us to another aspect, that is of shortage of buses in the rural areas for people going to *hats* and bazars. Liberal issue of transport buses should be considered.

13.00 hrs.

I have given some amendments; but I am not sure whether they will be accepted. I will say that we should foresee that in due course we will have to bring in the question of lane system in our traffic. I have suggested that we should have parallel lanes as in foreign countries to indicate that beyond a particular lane one is not supposed to cross. Confinement to lanes is an important matter which should have been

provided for here. I hope my amendments will be accepted.

Before I conclude, I would seriously request the Minister of Transport to set up a separate magisterial bench to implement Motor Vehicles Act and to trust the Superintendent of Police more than the MVIs.

SHRI SOMNATH RATH (Aska) : Mr. Deputy Speaker, Sir, I rise to support the Bill. In the statement of Objects and Reasons it has been stated that the Supreme Court's suggestions in *M.K. Kunhimohammed vs. P.A. Ahmedkutty* as reported in AIR 1987 S.C. Page 2158 have been taken into consideration to give relief to the persons who have met with accidents in hit and run cases.

In Clause 161 of the Bill special provision as to the compensation in case of hit and run motor accidents is envisaged. Also in Clause 161 the power of the Central Government to make rules is there.

In Chapter XII, how the Claims Tribunals have to be instituted is mentioned. It is left to the State Government. I would suggest that while giving compensation relief to these persons who die or receive injuries by way of accidents, the following aspects should be seriously thought of.

No sooner accidents take place, either some middlemen or a lawyer is at the spot and they take into confidence the relatives of the victims and they fight the claim petitions before the tribunals or the courts taking huge amount from them or getting an assurance that after the compensation is given by the tribunals or decrees passed by the courts, about 70% to 80% they will take and hardly 20% goes to the relief of the victims or their legal heirs.

Since in our country we have got Lok Adalats for quick disposal of cases and also we have construed legal cells to provide assistance to the poor people. Since Government is keen about disposal of cases and, as such, has formed Lok Adalats and also assistance is given to poor people through legal cells may I suggest in respect of compensation cases before the tribunals and courts the Assistant Public Prosecutor in

the first class magistrate courts and Public Prosecutor or Additional Public Prosecutor in the district courts and government advocates in High Courts and Supreme Court should be empowered and it should be made mandatory that through them only these compensation applications will be filed. Then only the victims or their legal heir will be able to approach the tribunals or courts and get compensation in full without any payment to the lawyers or middlemen. Unless this is done, however, noble the motive of the Government or the provision of the Act the victims will not be able to get requisite compensation. This is important. Further, as mentioned in the aims and objects the implementation part is the most important thing and the best way is to give legal assistance to these people who are victims of these accidents. They should not be left at the mercy of private lawyers to file their applications before the tribunals and thus get exploited by the middlemen and the lawyers. This should be taken care of and mandatory provision should be made in the Bill to meet the situation.

In the aims and objects it has been mentioned :

“Concern for road safety standards and pollution-control measures, standards for transportation of hazardous and explosive materials.”

I want to lay stress on pollution-control measures. It needs to be strictly implemented and stringent measures taken in regard to pollution-control measures. If specific measures are not taken then this provision will remain only in the statute book and will not come into real implementation.

These two aspects I wanted to bring to the notice of the hon. Minister and when he replies I would like to know what steps are going to be taken about the implementation of this compensation either through the tribunals/courts to reach the victims direct and also about pollution-control measures.

[*Translation*]

SHRI VIR SEN (Khurja) : Mr. Deputy-Speaker Sir, the Bill is a comprehensive one and efforts have been made to cover nearly all aspects of the transport. For this I want to congratulate the hon. Minister.

An article on the existence of a mafia in the transport industry has been published in 'The Hindustan Times' of today. The article goes to the extent of saying that concerted efforts are being made to get this Bill withdrawn. It is not clear whether the hon. Minister is aware of this or not. There is no doubt that the mafia is rich enough to influence everybody. I would like to give an example. Before 1945, 65 buses were introduced between Delhi and Garh Mukteshwar. Every time there has been an effort to expand the service. The High Court has given a stay order. Till today there has been no addition to the number of buses plying on this route. I can only say that the High Court is also involved in stalling the expansion of bus services on this route. Whenever a petition was forwarded through a lawyer, the High Court issued a stay order without caring for the distressed population of the area. A commendable step has been taken in providing permits to whoever applies, thus removing the majia from the picture. Section 94 says that the High Court or any other Court will not interfere in this matter. I feel that this is a very good provision. This Bill favours the affluent class. For instance, the Bill provides for a permit of five buses to an individual and a permit of eight to ten buses to a company. The person who seeks a permit for five buses usually belongs to the affluent class. I feel that one family should not be given a permit for more than one bus. So the provision should be changed and permits should be for one bus instead of five.

SHRI ATAUR RAHMAN : A person will resort to obtain 'Benaami' Permit. A law has been made for 'Banaami' transactions. A person indulging in such transactions and registering a property under a fictitious name, will henceforth acquire the property in his own name. In a State of affairs where so many people are struggling to survive, why is the Government giving a permit for five buses instead of one. The Bill also says that the financial stability of every applicant will be checked. This provision too favours the affluent class. One bus costs Rs. 3 lakh and the total cost of five buses would be Rs. 15 lakhs. A person should have the financial capacity to bear the cost and the operating expenditure of the buses.

SHRI RAJESH PILOT : I would like to clarify one point which the hon. Member



[Shri Rajesh Pilot]

will support. Why should a person who is prepared to operate bus costing a Rs. 1 lakh be considered poor? Is it his poverty that he is operating a bus service?

SHRI VIR SEN : New financial institutions give funds for owning buses.

SHRI RAJESH PILOT : Financial institutions finance upto 75%.

SHRI VIR SEN : There are ways for that too. Inflated bills are presented. If the bus costs Rs. 80,000, a bill of Rs. 1 lakh is shown. This amount covers everything. Financial institutions give the amount shown in the Bill. Permit should be given to those who are found capable of operating buses after availing assistance from financial institutions. The concept of a permit for five buses is wrong. The Bill provides for a permit of ten buses to companies. If a co-operative society of 100 persons is given ten buses it would mean one bus for every ten persons. On the other hand one person is being given a permit for five buses. This kind of discrimination should not be practised. Therefore I want that the number of buses one could be allowed to ply should be decided taking into account the number of shareholders and the capacity of the firm.

It has been stated that there is provision for constituting State Transport Authority under this Bill. It is essential for the chairman to possess legal knowledge. When you have made provision for appointing 4 members for other authorities, then on what basis you have provisioned for appointing only two members for the State Transport Authority. I think that provisions should be made keeping in view the area of the states and there should be provision for appointing atleast 4 members. You have laid down certain qualifications for becoming chairman, in my opinion, a man of ordinary intelligence can also manage the affairs. If some judicial matters are required to be handled, qualifications can be laid accordingly and if situation so demands, no one can object if a High Court judge is appointed. Therefore, to my view, this provision needs to be omitted.

With regard to driving licence, persons

seeking licences for heavy vehicles have been kept in a separate category from rest of the licence seekers. To my view, there is no need to make such a cumbersome procedure. Practice is needed for acquiring efficiency in driving for obtaining a licence and you should grant licences to those who have made adequate practice. I feel a month practice on heavy vehicle is suffice to make a person eligible to drive a heavy vehicle properly, but in the Bill it has been provided that no person under the age of eighteen shall drive a motor vehicle and no person under the age of 20 years shall drive a transport vehicle. In view of the present hard days, for a person who want to earn his livelihood by driving transport vehicle, extension of time by another two years is not justified. You have prescribed certain educational qualifications as compulsory for obtaining a heavy vehicle license. Does Hon. Minister know that out of total number of drivers in Punjab, 99 percent of them are illiterate who are driving the vehicles efficiently and are also doing good job I think that there is no need of any educational qualification being laid for obtaining a heavy vehicles licence. It is not known what are the considerations behind the prescribing minimum qualifications such as matric or middle, it is known to you only, but under the present circumstances, I do not feel the necessity of it.

In this connection, a reference has been made about medical certificate. You have advanced reasons for it that number of accidents has been increasing day by day. In so far as reasons for increase in number of accidents are concerned, accidents do occur if the driver drives the vehicle under influence of liquor or he is suffering from some ailments but another factor responsible for increase in number of accidents, I believe, is the attitude of the pedestrians who does not observe traffic rules and they think that they need not save their lives themselves. It is the responsibility of the driver that he should run the vehicle cautiously. I want that there should be some such provision in this Bill that if a pedestrian falls victim of an accident due to his own mistake or he does not care for the horn and is not prepared to move aside, there should be some provision for that also.

You have made provisions both for revocation of license and medical check-up which, I feel, will give a free hand to the law enforcing authorities. They will apprehend anybody at their whim and fancy and ask him to produce the medical certificate. He will be detained. When a deal will be struck, he will be set free. I feel that it will widen the scope for corruption. In the case of revocation, you have imposed a stiff clause *i.e.* satisfaction on the licensing authority. If the licensing authority is satisfied even at the first offence, his license will be cancelled. On the other hand, habitual offenders will be let off unpunished by greasing the palm. Till now I have come across this power of 'satisfaction' was limited to the President of India and Governor of a State who are empowered to take steps if they are satisfied that provisions of the constitution have been violated, but by conferring this power of personal satisfaction to the transport authority, you have now brought him at par with the President and the Governor of the States. I do not feel any necessity for it. Firstly, the word 'satisfaction' is so dangerous and wide that there can be no appeal even in the courts against its misuse. It is my suggestion that this very word 'satisfaction' should be deleted from this Bill, it is not fit to be kept.

Many things have been stated about registration here. If some one has run a bus on the basis of hypothication, you have provided in the Bill that if he does not pay his dues, his financier can take the bus in his possession. In that situation, permit will be transferred in his name. If there is an ordinary citizen who has obtained a permit for the bus, his permit cannot be transferred in any other name, but if there is hypothication, it can be done. I feel that it is an illegal thing. Mortgage is always a mortgage... If somebody has mortgaged his property to another person, it does not confer the latter ownership right. I feel the permit should remain in the name in which it was originally issued, you can make a separate provision for it. The responsibility for making payment can be assigned to the guarantor. But it is not a good thing that the bus as well as the permit are transferred to the financier. If somebody has financed for 50 permit holders than he will become the owner of all the 50 buses automatically.

I think it goes in favour of financier. Therefore, this provision should be amended.

You have provided at one place that arrangements will have to be made for housing, maintenance and repairs. This implies that you want every individual permit holder to maintain his own workshop. With this steps, all the private workshop will be closed. Since the inception of transport industry for the last 40-45 years, we have seen that buses are repaired in the private workshops. The current practice of repair of the buses should be allowed to continue.

In so far as issue of certificate of fitness is concerned, everybody knows this is obtained at a price fixed for the same. I have seen fitness certificates are issued even for tatter buses whose floor and ceiling are broken. I know persons who used to get fitness certificate at a price of Rs. 100. Now it is available at a price ranging between Rs. 300 and 400. There will be no difficulty in obtaining it provided one is willing to pay the price. It will come to your doorstep. Now garrage owners will also have a share in it. Now the share will be distributed among more persons. If you have made such provisions. I will not oppose them. Measures have been taken to control the long distances transport. I fail to understand why you are putting restrictions on the persons who want to carry their goods to a long distance such as Madras or to some distant places. They should be granted permits in the same way as others permits are granted.

You have also made provision that at a particular place number of buses should not be more than a prescribed number. You have specified that cities having a population up to 5 lakhs should not have more buses than the number prescribed for it. This is a good step because this causes heavy traffic and brings about accidents. But mafia will develop if the number of buses are restricted in particular area and a handful of person may monopolise in plying the buses.

You have mentioned about the number of trips and observance of time-table. If somebody submits applications for increase in number of trips, he will have to go through the entire procedure *de-novo*. This

[Shri Vir Sen]

is a combersome steps. Permission for increase of number of trips should be given along with the increase in traffic. If the traffic increases, it should be kept in view, that standing capacity should be restricted to 10 percent of the permitted capacity. There is so much over-crowding of buses on some routes, that there is no room even for physical movement.

I think that the Government should make efforts to develop certain mechanism to detect overloading of vehicles. Earlier the police used to challan the vehicles in case any overloading was detected. But I have been observing that no action is taken against the overloading for the last 10-15 years. So I urge the Government to develop some machinery for this purpose and action must be taken in every case of overloading. Sitting on roofs should be totally prohibited.

You have provided for giving permit for 50 km route to the private operators which is quite insufficient. It would be better to increase it to 100 km. Another provision made in this Bill seems to be ridiculous *viz* if the time-table indicates that it will lead to over speed, then he will not get licence. Those who want to get the licence issued, would set the time route in a way that no over speed would be detected. So, this provision does not seem to have been made after due deliberations, In the light of this fact, permission should be given just up to the frequency of 2-3 minutes.

I have mentioned the most important aspects including the conditions of granting permit. With these words I thank you and the hon. Minister.

[English]

SHRI P. KOLANDAIVELU (Gobichettipalayam) : Mr. Deputy Speaker, Sir, this Bill which has been brought in by the Hon. Minister for Surface Transport, is a very important Bill. But, now when the Bill is out-moded, is 50 years old the Minister has again brought in this Bill with so many amendments.

First of all I would like to tell the House that when this Bill was passed in 1939, it had only 135 sections. Even though the Hon. Minister know that there

are so many amendments that have to be carried out and in fact the Minister himself gave more than 80 amendments, and Bill was brought again in 1987. Then in 1987 this Bill was withdrawn, and now again he has brought in a new Bill.

The Bill which was brought in 1987 contained only 218 clauses whereas the Bill which has been brought in now contains 217 clauses, just one clause less than the 1987 Bill. The clause which has been taken away from the old Bill of 1987 is with regard to the jurisdiction of courts. I would like to know from the Hon. Minister why such an important provision has been taken away. And even in the Statement of Objects and Reasons you have not stated anything with regard to taking away of this clause. I would like to know why this clause, which was there in 1939 Bill, has been taken away. No reason has been given for this. I thought that the initial speech of the Hon. Minister might explain this fact but there was no such mention. The Minister has to come forward with an explanation to this effect.

What actually is the object of this Bill ? There are three main objects of the Bill. Number one is to amend any of the existing provisions of the old Act of 1939 which unduly restrict or hamper smooth transport operation. That is the basic idea under which the Bill was brought.

Secondly, to simplify the procedure under Chapter 4 (a) of Act, *i.e.* special provisions relating to the State Transport Undertakings in the light of the operating passenger traffic in public sector during the past 30 years.

The third object is the simplification of the procedure and policy liberalisation for private sector operations.

So Sir, these three objects are the basic principles of this Bill introduced by the hon. Minister.

I want to bring out an important suggestion which has been made in the Seventh Five Year Plan. With regard to passenger transport, it is stated in the Seventh Five Year Plan that considering the demand for passenger transport in the context of difficult resource position, the alternative of

private operators meeting the shortfall would be actively pursued within the framework of assured policy regarding the future role of private transport. So, we cannot neglect the private sector altogether. The hon. Minister know's personally well what actually the private sector is doing for the nation. When there was a strike by the employees of the Delhi Transport Corporation, it was only the private operators who came to the rescue of the Government. Without the private operators, the passengers would not have been able to go from one place to another. So, in times of confusion, when there is a strike in a State transport undertaking, only the private operators come to the rescue of the transport operations and thus come to the rescue of the people and the Government.

Let me tell you another thing with regard to the growing demands of transport. Shri P.G. Bhatnagar Director, Central Institute of Road Transport, Poona has said that the trend in passenger traffic created since 1950 indicates that by 2000 AD, the demand would be three-fold of 1983-84. What was the position in 1983 and 1984. We are having only one lakh and ninety thousand buses all over the country. If the demand were to increase three-fold by 2000 AD, we must have two lakh and eighty thousand buses more. At that point of time, what would be the cost of the vehicle? Each vehicle will cost about Rs. 4 lakhs and the total cost for two lakh and eighty thousand buses would Rs. 11,200 crores! Will you be able to have so much of money then? Will the Planning Commission or the Finance Ministry give you Rs. 11,200 crores to purchase two lakh and eighty thousand buses? Will you be able to satisfy the requirements of the people at that time? Will you be in a position to meet the demands of the people? You will not be able to meet the requirements of the people. Actually, according to the Planning Commission, there is preponderance of over-aged vehicles of outmoded designs and obsolete technology, invariably loaded beyond permissible limits, plying on poor road surface under hazardous traffic conditions. Such is the state of affairs of our public transport system. Such is the present condition of our buses. Under such conditions, how can this Act come to the rescue of the people and how can it help

the State Transport Undertakings? How is it going to help the private sector? I want to know all these things from the hon. Minister.

If you really want to give better facilities to the people, coexistence of public sector and private sector must be there. If you neglect the private sector, the State Transport Undertakings will never be able to meet the demands of the people. I know it very well. There is only one way to improve the transport facilities. In this context, I may cite the example of the State of Tamil Nadu. If you compare Tamil Nadu regarding the fare structure and services rendered with other States will reveal that Tamil Nadu is the best. Everybody had accepted it. The best Productivity Council Award was given to Tamil Nadu for 1985-86. For the last seven or eight years, the transport cooperations of Tamil Nadu are getting national awards. Now I will give you the details regarding the awards which were given to Tamil Nadu.

Year	Detail
1978	Employment of Physically Handicapped
1981	Fuel Conservation
1982	Fuel Conservation
1982	Improvement in Productivity
1982	Improvement in Productivity
1982	Employment of Physically Handicapped
1983	Improvement in Productivity
1983	Improvement in Productivity
1983	Improvement in Productivity
1983	Improvement in Productivity
1983	Safety Award
1984	Improvement in Productivity : City Transport Mufussil Transport
1984	Award for new inventions
1985	Award for Physically Handicapped

[Shri P. Kolandaivelu]

Year	Detail
1985	Improvement in Productivity
1985	Improvement in City Transport
1985	Vehicle Productivity
1986	Fuel Conservation
1986	Economy in Tyre.
1986	Vehicle Productivity

Now, what else you want? The Transport Corporations of Tamil Nadu are the best ones which give good services to the people and the vehicles are also maintained very well.

I do not want to say much about the Delhi Transport Corporation (DTC).

You see how the DTC buses are maintained. All worn out and outmoded vehicles are being plied in the best roads of Delhi. You are having very good roads in New Delhi but all the vehicles are very badly maintained and they are also very old. Why are you keeping old vehicles in New Delhi?

What about the fare structure?

In different States, different fares are being followed. Why don't you bring through the present Act that a single fare structure should be followed all over the country? There is no such provision or clause in the Act. But I will tell you which State is following the lowest fare structure. Beyond providing all facilities to the people and after serving people in a better way, Tamil Nadu is maintaining a very-very low fare structure though the tax structure is very high when compared to other States. So the service is being done for the people by tapping the rich and patting the poor. That is the policy we are adopting in Tamil Nadu.

As far as fare structure of some States are concerned they are as follows :

Andhra Pradesh	10 P. per Km.
Maharashtra	11.70 P. per Km.
Haryana	11.50 P. per Km.
Sikkim	18 P. per Km.
Madhya Pradesh	12.50 P. per Km.
Rajasthan	11.78 P. per Km.
Tamil Nadu	9.50 P. per Km.

So Tamil Nadu is the lowest. Why not you give directions to all the States to implement a policy of having only one fare structure whether it is Rs. 9.50 or whatever it may be. There is no such provision or clause in this Act.

Even regarding the strengthening of fleet you want to have a policy of nationalisation. I want to know from you whether you have nationalised all the bus services? What is the percentage you have obtained so far? After independence, *i.e.* after a period of forty years, what is your policy? Have you nationalized all, or almost all the routes? You have not yet done it. What about the States? The Congress (I)-run States are far behind the non-Congress (I)-run States in this regard. That is what I want to tell you.

Even with regard to fleet strength, only Tamil Nadu comes first. The State transport undertakings in Tamil Nadu have 10,273 buses. The total number of buses in the State, including those of private operators is 16,467. What about the population of Tamil Nadu? It is 4.82 crores. In Maharashtra, the State transport undertakings have 11,895 buses, and the total strength of buses in the State is 13,990, and the State's population is 6.27 crores. In Andhra Pradesh, the State transport undertakings have 8,395 buses, and the total strength of buses there is 10,132. Its population is 5.33 crores. In Uttar Pradesh, the State transport undertakings have 5,946 buses, and the total number of buses is 11,180. The population there is 11.08 crores. In Karnataka, the State transport undertakings have 6,741 buses, and the total number of buses is 11,021. The State's population is 3.70 crores.

The figures in West Bengal are very low. The other day, Mrs. Geeta Mukherjee was speaking about the private and public sectors. She is not here now. Anyway, I hope what I say about West Bengal will reach her ears. In West Bengal, the State transport undertakings have 1,199 buses, and the total number of buses there is 9,227. Its population is 5.45 crores. Most of the buses in West Bengal are being run only by the private operators. But they say that this Act is actually giving a boost only to the private operators. How can they say that? More than 8,000 buses are being run there in West Bengal only by private operators. Only 1,000-odd buses are being run by State transport undertakings there. What is the ratio that we adopt? Are we serving the people or not? The people want to know the policy of the Government. Are we not proceeding towards the 21st century? Here is our young Prime Minister who wants to take our people to the 21st century.

Are we actually formulating a policy for the 21st century? How many buses are being run per lakh of population? What is the ratio? The international ratio is that we have to provide 70 buses per lakh of population. Are we providing this number of buses in any of the States? No State is providing 70 buses per lakh of population. For every lakh of population, in Madhya Pradesh only eleven buses are provided; in Rajasthan 14, in Maharashtra 22, in Uttar Pradesh ten, in Andhra Pradesh 19, in Jammu and Kashmir 32, in Gujarat 25, in Karnataka 30, in Bihar ten, in Orissa six, in West Bengal 17, in Assam 13, in Punjab 30, in Haryana 24 and in Kerala 31 buses. What about Tamil Nadu? Tamil Nadu tops the list. Tamil Nadu is providing 34 buses per lakh of population. (*Interruptions*).

SHRI RAJESH PILOT : Shrimati Geeta Mukherjee has now come.

MR. DEPUTY SPEAKER : She could have heard his speech.

SHRI P. KOLANDAIVELU : Madam, I am just referring you. Tamil Nadu is the best and providing thirty four buses per lakh of people.

You are bringing a new legislation in 1988 in regard to free permit system. Let

me tell you what will happen. If the free permit system is allowed, then there will be no limitation on the number of buses in a route. There will be few passengers and more buses, and there will not be any demand. The buses will ply empty and the precious fuel will go waste, tyres also will be worn out. Then what will happen? Don't you think in terms of all these things? There is no assessment of the capability of the persons who run the buses. Anybody can apply for a permit and get it. One day he will run the bus and on the next day, if he finds it not economical, then he will withdraw the bus. What will happen to the passengers then? I want to know whether you will keep the timing then and whether you will understand the position of the people who are waiting for the buses. I am sorry to state that it will lead to opening up of the flood gates of corruption and there will be no nexus between the demand and supply. So, free permit system cannot hold. For the argument sake, you have stated that water finds its own level. Now, because of more rains here, Jamuna, Ganga and Godavari rivers are all flowing more than the level. So, where actually the water finds its own level, according to that... (*Interruptions*)

SHRI RAJESH PILOT : It will come back to the level.

MR. DEPUTY SPEAKER : It will go and reach some other place where it finds the level.

SHRI G.M. BANATWALLA (Ponnani) : After a lot of havoc.

SHRI P. KOLANDAIVELU : If the economy of the service is not ensured, then capital formation will not be possible. The economy of the service must be ensured first. Then only we can expect capital formation.

Supposing you are allowing free permit system, then the replacement of vehicles will be long stretched; replacement of worn out spares will be delayed; maintenance will deteriorate and the safety of the people will be at stake. These are the repercussions of a free permit system. That is why, I insist upon you to follow the policy of the Tamil Nadu Government.

[Shri P. Kolandaivelu]

Sir, in 1971, the Tamil Nadu Government brought in an amendment to Section 47(3) of the old Act. If a route is sanctioned to one private operator, then the other private operators who has applied for it used to go to a Court of law and there will be a battle in the court with regard to litigation. That is why, in order to avoid that, the Government of Tamil Nadu brought an amendment to Section 47(3) of the old Act, by which they are being prevented to go to a court of law. When such is the position, automatically we can avoid such battles in the court. So, the free permit system which is prevailing now holds good. I earnestly request the hon. Minister to get along with the old Act and the provisions existing in it.

With regard to other matters, I request the hon. Minister to refer this Bill to a Joint Select Committee as it did not specify the safety aspect. With regard to fixing up the age limit of the motor vehicles, you have not stated anything in this Act. We have come to fix the age of the vehicle. We are not fixing it. The DTC buses which were purchased in '40s and '50s are running in the streets now. How do we expect a better service for the people? So we have to fix some age of each vehicle. If this is done, then only this Act will hold good.

I request the hon. Minister to refer this Bill to the Joint Select Committee because there are so many amendments which have to be carried out and unless those amendments are carried out it will not hold good.

[*Translation*]

SHRI YOGESHWAR PRASAD YOGESH (Chatra) : Mr. Deputy Speaker, Sir, I rise to support the Motor Vehicle Bill because various problems concerning driving of vehicles have been taken into consideration and practical approach has been adopted in this regard. In view of this, it will be of great help in many cases. Although, the Bill is an old one and has been amended several times, yet practical approach has been adopted to deal with several problems in various amendments introduced now. I would like to congratu-

tulate the hon. Minister in this regard. The matters regarding the issuing of licenses and the measures to be taken to prevent air-pollution are worth consideration. They are directly related to the State Governments and they will be operated by them. It has been stated with regard to renewal of driving licence that the drivers will have to under-go a check-up after forty years of age. As far as general health is concerned, nobody needs to undergo such medical check-up till forty years of age. I think only eye-test should suffice. The question of accidents has also been taken into consideration. Why do the accidents take place? The Government should pay attention to this particular aspect. More accidents take place in rainy season. While driving buses, trucks and other light vehicles on long route, nobody is willing to divert the vehicle from his route or take the vehicle down the road, as a result which the vehicles collide with each other and accident takes place. It also results in traffic jams which block the roads. During night hours, the drivers do not adhere to speed limits. Smaller vehicles are likely to be trampled over, if not kept on the extreme side of the road. This matter should be looked into GT roads and other highways are in damaged condition just as one from Calcutta to Delhi. A number of accidents take place. Extra fuel is consumed due to pit-holes on the roads. Slow speed of vehicles cause problem of air-pollution. The mobile oil starts leaking and the passengers and pedestrians have no way but to inhale the same polluted air. So the roads should be repaired immediately. The family members of those pedestrians or cyclists who die in accidents have to suffer a lot. After the accident, when question of compensation comes up, instead of filing a case in the court of law, the middlemen start guiding them and concerned family members just agree with them to settle the matter. This is very painful situation. The individual who dies, becomes victim of the accident or who suffers the loss of any limb of his body, is unable to get compensation. A provision for setting up special courts has been made in this Bill, but I don't consider it a practical approach. Other provisions are also inadequate. I would suggest to appoint mobile magistrates who should reach the spot immediately when an accident occurs and issue quick judgement after

gathering complete information. A poor man cannot afford to go in the formalities of filing a suit in the court. In that case, he would be deprived of getting justice as well as the amount of compensation. So provision of mobile magistrates is quite essential. The Government should fix the jurisdiction of Magistrates and as and when an accident takes place in their respective jurisdiction, concerned Magistrate should reach on the spot and give his decision immediately.

It is true that the Government has liberalised the policy of running buses on various routes and common man will get various facilities as a result of this policy. But there are certain nationalised routes where the Government is unable to provide adequate buses. Private bus operators operate their own buses on such routes, majority of them without proper licence or permit, which causes a heavy loss in taxation. It also encourages the malpractices also. I would urge the Government to allow the private operators to operate their buses in case the Government cannot afford to operate adequate buses on a particular route. The Government should keep the record of all the buses running on that route and issue temporary licences to them. Permanent licence or permit should be given for only such routes where Government is unable to operate buses

The liberal policy of issuing licences or permits adopted by the Government has also been discussed extensively. Of course, it would provide facilities to the unemployed people but at the same time I would suggest that priority should be given to issue permit to the cooperatives formed by the educated youth. I feel that the Bill contains a number of provisions which would provide benefits to the people, so it should be enforced strictly because the Bill has been introduced to curb the activities of corrupt persons.

People face many problems at toll-tax post. It has often been observed that the traffic remains jammed for hours on the road where toll tax is collected. These roads should be widened enough to enable the tax payers to maintain a queue in order to avert any disruption in the movement of traffic. There should be enough space for smaller vehicles also to move on. Besides, I

would like to draw the attention of the hon. Minister to the various lacunae in the Bill. There are some corrupt officials who charge more than the actual amount and indulge in malpractice in the night at larger scale. The Government should maintain strict vigilance on such persons. At present total population of Delhi is 60 lakhs—which would further increase by 2000. Even now traffic remains jam at various routes in Delhi. I urge that for the roads of Delhi, a long-term plan should be made and keeping in mind the future load, necessary improvements should be made in the road transport. More and more fly-overs should be constructed because from every point of view, Delhi is a big centre and it is necessary to keep it clean and pollution-free. Although many efforts are being made to check pollution, yet I would like to suggest that the number of trees being planted on the sides of the roads, is very inadequate. Their number is required to be increased, so that the pollution being caused by the vehicles, can be checked.

Secondly, it has been noticed that sometimes cattle sit or wander on the roads and spread wastes. With the result there are traffic jams and sometimes accidents also take place. So my suggestion is that a provision should be made in this Bill that cattle wandering and sitting on the roads is prohibited. The people responsible for this should be prosecuted so that we can achieve our end.

14.00 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Mr. Chairman, Sir, I want to conclude by submitting a small point. In view of the problems of transport, I will request that the water-ways should be especially streamlined. Where there are big rivers like the Ganga, Yamuna, Cauvery and the Godawari goods should be navigated through these rivers so that the load on roads can be decreased for the benefit of the people.

With these words, I thank you and support the Bill presented here by the hon. Minister which is practicable and in the interest of the society.



[English]

**SHRI SHANTARAM NAIK (Panaji) :**

Mr. Chairman, Sir, I rise to support the present Bill moved by the hon. Minister. In fact, I would say that all legislations which have been passed prior to 1947 have to be looked into by the Government with a view not only to make amendments to those Acts but also if need be, to replace them. I am happy that the Motor Vehicle Act of 1939 has not been amended. But the Transport Minister thought it fit to completely replace the Bill so that a law which has been there since 1939 has been fully replaced by a new legislation. Obviously when the new provisions come into the picture, there are various shades of opinions and each shade of opinion in this august House is going to be expressed in their own terms. Mr. Chairman, Sir, in fact I would have been happy that prior to the introduction of this Bill, if the Government had brought a road transport policy, if not the entire transport policy, at least a road transport policy, it would have been quite useful. I am saying this specifically because the aspect of nationalisation has to be dealt with not by any provisions in the Motor Vehicles Bill, but it should be preceded by a clear-cut transport policy on this matter. As far as I am concerned, I may differ with the hon. Minister. As far as road transport is concerned, passenger transport is concerned, there should be, in my view, no scope for privatisation. There are people who say that private transport is efficient and they give better service and all those things. But from my own experience, as far as my State, Goa, is concerned, I am fully of the opinion that the Government should take steps to see that no State passenger transport remains in private hands. Even under the present Bill, Mr. Chairman, Sir, I may point out that Government itself concedes in so many terms that there is no ground for consideration for any sort of private transport on account of efficient or better service because there is a Section here, that is, Clause 92 in the present Bill which says :

“99. Where any State Government is of opinion that for the purpose of providing an efficient, adequate economical and properly co-ordinated road transport service, it is necessary in the public interest that road transport services in

general or any particular class of such service.....”

Then you provide for nationalisation of transport. Therefore, you are very clear the when efficient transport is needed, economical transport is needed, this is the remedy. If that is so, according to me, there should be no privatisation of road transport. I will give one example.

In my State even today there is private passenger transport. Many years back the Government decided to go into the transport field, and it started its own corporation side by side with the private transport. And do you know today that transport which is known as Kadamba Transport Corporation in Goa is considered to be one of the efficient ones? People in fact would prefer to go by that transport. They say, they even miss a private bus, but they wait for Kadamba Transport Corporation bus for their satisfaction. Of course, in some service there are losses, no doubt about it, because when you provide services, then losses will be there. The losses are there because private operators do not ply on uneconomic routes and therefore, all the uneconomic routes had to be taken over by the Kadamba Transport Corporation and therefore, obviously there are losses. But the service given by this Government undertaking is much more than what the services that have been given for the last several years by private operators in that area. Therefore, I would say, not only this, but as far as this matter is concerned specifically because any service industry where the service matter is involved, their private motives cannot have any play. If there is a private person, that private person would look from the profit point of view. Therefore, I would strongly plead for the nationalisation of passenger transport in all the States. If the Central Government does not have powers, they should give directions or guidelines or advise the State Government to do it.

Secondly, with respect to claims tribunal, as was also said earlier, so far as claims tribunals are concerned, I would state that presently in many States District Judges act as Chairmen of tribunals. What happens is, all claims matters remain pending for years together. So, it should be seen that in no State the Chairman of a Claims Tribunal

holds any other matter than the claims matter. This will lead to disposal of cases, if not in one year it will be in two years. At the present rate it takes years together.

Thirdly, as has been suggested by one of the colleagues, I fully agree with his, just as we have a machinery to prosecute transport offences in criminal courts, we should have machinery of Public Prosecutor who will look after claims petitions of people, that means, applications to be filed through the Public Prosecutor or the Assistant Public Prosecutor, whatever you may call him, and it is that public machinery which would take care of the claims petitions just as criminal cases are looked after by Assistant Public Prosecutor.

Another aspect I would like to stress is that we have to have a look at our National Highways in various States. In my State, I would just draw the attention of the Minister, some of the roads are deemed to be National Highways, they are not National Highways. They do not have any specifications of National Highways, but they are just considered so for purposes of records. For the purpose of some technical reasons they are deemed to be National Highways. So, I would request that proper instructions should be given to see to it that all the roads are brought to the specification of National Highways.

Another thing is, if there is a pothole specially in the rainy season, all the National Highways in the country are badly affected. So, if there is a pothole on a National Highway—we can understand other roads—then it should be seen that within two or three days that pothole is filled up. Otherwise, serious action should be taken against the Executive Engineer in charge of that pothole because people presume that the National Highway is very clean and they go at a reasonable speed. Therefore, this aspect has to be considered.

Sir, the aspect of hoardings on National Highways has to be taken into consideration. Everywhere we find big hoardings of advertisements on National Highways. Whether it is to the detriment of the passengers' interests or not has to be seen. If there is a rare hoarding on a National Highway, the first attention of the driver somehow as

human being will go towards that hoarding and it affects his driving. Therefore, within a particular range of National Highways, no such things should be allowed.

As far as clause 21 of this Bill is concerned, it says :

“21. (1) Where, in relation to a person who has been previously convicted of an offence punishable under section 184, a case is registered by a police officer...”

Supposing some driver causes death or grievous hurt to a person, then according to me, his licence must stand automatically suspended for a period of six months. But clause 21 says that unless he is convicted of any rash and negligent driving previously, his licence shall not stand suspended automatically. I would suggest that there should not be such pre-condition because if somebody causes grievous hurt or death to a person, law should be enacted or this clause should be amended to the effect that his driving licence should automatically stand suspended.

Another aspect is, with respect to clause 59. It relates to specifying age of the motor vehicles. The Central Government may having regard to the public safety, convenience and object of this Act, by notification in the official gazette, specify the life of the motor vehicle. This clause appears to be bit ridiculor. It is very difficult to decide the life of any motor vehicle, though you have provided different lives to different motor vehicle because the conditions of road vary from place to place. Similarly handling of the vehicle also varies from person to person. If a driver is taking care of his car well, the life may be 30 years; otherwise, it may be 10 years or 5 years. This clause does not appear to be practicable clause. Therefore, a thought should be given as to whether the clause which cannot be implemented should be allowed to remain on the statute book. Another aspect is, just as we have got Claims Tribunal to deal with claims under this Act, why do we not have special Magistrate or Special Court—whatever it is—to deal with such aspects of transport offences, namely rash and negligent driving. In the normal course, he will be prosecuted in an ordinary first class magistrate court where conviction may not come

[Shri Shanta Ram Naik]

for years together whereas the claims may be disposed of because there is a Special Claims Tribunal. As far as this Act is concerned, to deal with both these aspects, special treatment has to be given. Therefore, if there is special treatment for claims, similarly special treatment should be there as far as criminal offences under the Motor Vehicles Act are concerned.

With these words, I thank you for giving this opportunity.

**PROF. SAIFUDDIN SOZ (Baramulla) :** Mr. Chairman, Sir, I must congratulate the hon. Minister for bringing forward this Bill before the House. It is a very progressive measure and despite so many shortcomings, I feel, this will considerably improve the surface transport in India.

I see in the Statement of Objects and Reasons, a lot of thing has gone into the working of this document. They include National Transport Policy Committee, National Police Commission, Road Safety Committee, Automotive Research Association of India and other transport organisations and law commission and the working group and also the Supreme Court's decision in *M.K. Kunhimohammed Vs. P.A. Ahmedkutty*, AIR 1987. The suggestions of the Supreme Court have also been gone into, considered and incorporated in the Bill. I also see some very positive steps for the development of surface transport in India. I see in this Bill that the relationalisation of certain definitions is very good and the procedure relating to grant of driving licences also has been made stricter although there is scope for improvement. The Bill also says that it has fixed standards for anti-pollution although I have to suggest some more measures for that and one positive step is that the schemes for grant of Stage Carriage permits on non-nationalised routes, All-India Tourist Permits and also national permits for goods carriage, have been liberalised and maintenance of State roads is a good measure and the constitution of road safety council is also a very good measure and the Bill, on the whole, is a very positive step and a progressive measure. For this, I congratulate the hon. Minister.

There is no doubt although there are many difficulties, but, Mr. Rajesh Pilot has earned a good reputation of taking his business very seriously.

But despite these remarks, I will make certain points for his consideration. To him goes a very great responsibility. Now we are discussing this voluminous Bill. I have rarely seen such voluminous Bill in this House and you see how many Members are discussing this measure and whenever there is a Bill like this, the hon. Minister has to be very cautious because the kind of debate that this Bill should have attracted, has not been there. Members have not taken interest and I see the benches are empty and although I am not asking for quorum even, but it is very important Bill and it is not receiving any attention and yet people are interested in doing away with pollution and they want reform and they say there should be no accidents. It is now going on record that the Members have not taken interest in this Bill and they should have been here. Therefore, the Minister's responsibility becomes much more than when ordinarily the Minister intervenes in these measures. Therefore, when we put forward some points, the hon. Minister should actually consider these amendments and suggestions with a certain amount of larger-heartedness. Sometimes the Bills are rushed through and it involves a very great public interest. Even though this will be passed, I think, but yet, there is some time for the hon. Minister to consider the suggestions that we are offering now.

I think after I have congratulated the hon. Minister and called this Bill a very progressive and positive measure. I feel that the hon. Minister has not come forward to modernise surface transport in India. Although I am not going into legal niceties, I leave it to other Members and there are many amendments from Shri Haroobhai Mehta, Mr. V.N. Gadgil and Mr. G.M. Banatwalla and they have lot of knowledge about them and they study these Bills very minutely and on occasions I derive lot of support from their amendments. I leave those niceties to this. But cursorily when I saw them, my impression is that Mr. Rajesh Pilot has not come forward with modernising the transport in India. I wish that he had delayed the introduction of the Bill for

another three months, although he has applied his mind to this. During the last fortnight, he came with so many amendments and that shows his interest. But he could have delayed for three months and come forward with a comprehensive measure.

For instance, take modernisation. Although the Bill says in the Statement that it will eradicate pollution, I see there is no positive measure in this. Then, there is noise pollution. Why should there be noise at all? Further, pressure horns are used all the times. You may see how the trucks ply. In this country, sometimes we pause and think whether we have any right to control that. We cannot even appeal against that. It is hit and run situation. I am not comparing, for instance, Delhi. But the situation is worse in Calcutta. Our major cities are full of pollution. I will not compare Delhi with the cities in Europe. But I will compare Delhi with Algiers. Algiers has very narrow roads and the pressure of traffic is so high that at every step you will see a car. But pressure horns are not allowed. When there is pressure horn, it means that there is some extraordinary situation. Even in London, you don't find pressure horn. You don't find in New York or Washington or even in the cities of Middle-East—like Baghdad, Cairo or other cities in the Middle-East. There are no horns. But I tell you about Algiers because the roads are narrow, as you have in Delhi and not New Delhi, as you have in Benares, Srinagar and in other cities. There are thousands of cars but there are no pressure horns. But we have not done anything about that. Of course, the pressure of population is there. But the hon. Minister should have taken notice of pollution our vehicles produce, the kind of noise they generate and with one stroke of the pen, he should have come forward there will no horns at all. That would eradicate noise pollution and that would make transport modernised. But it is not there. The legal pundits have woven some situation in it and say that they shall eradicate noise pollution. How can you do it? We have not said it here. They may say that pressure horn will not be there. But the pressure horn will be under the control of the Minister and the Minister cannot run after the driver. Therefore, I would suggest—

even now there is time for the hon. Minister—that even he can say that he will not allow horns at all. But when there is horn, it will be for some VIPs, it will be for the Ambulance as in Saudia Arabia, Jeddah. There are no such horns. But when there is horn, it means it is used by some Ambulance and it is coming, when some police party is coming and when some extraordinary situation is there. But to talk of this Bill, eradication of noise pollution is there...(*Interruptions*). The point is that traffic will not come to a halt because that will make the system very efficient. The people will keep to the sides. But here, until you put the horn into the ears of the people, they will not look to right or left.

The next point is that the drivers and the staff ill-treat the passengers. There is no provision in the Bill. The dignity of human beings and the citizens of India will have to be upheld. That is not upheld. The Bill must say that the passengers will be treated properly. Recently, you saw what happened to Monisha. She deserves the reward because she fought the battle. She has given you some suggestions. She pointed out as to why you should recruit drivers, cleaners etc. from Haryana, Punjab and Delhi; you can make it All-India service and attract the best people: you can ask even the girls to drive. Also, in today's paper, she gave so many suggestions. In this connection, Mr. Chairman, I have to speak very briefly.

Sir, Jammu and Kashmir deserves very special attention. Last year, the hon. Prime Minister went there. We have no railway link and during winter even the air-links get suspended. We should have a very pucca, very good, dependable road. The Prime Minister promised six lanes for Srinagar. Till you construct six lanes, give us atleast three. Give us two dependable lanes and connect our areas. Recently, for 15 days, we have no petrol, no diesel. We have no kerosene oil. An officer died in Kupwara. He could not be taken to hospital because there was no diesel or petrol in the town. And when he died, he could not be taken to his home-town, Anantnag, for 18 hours—this is not known to Mr. Brahm Dutt; I have given a Calling Attention Notice on this; that is a separate thing. Enough diesel or petrol could not be stored

[Prof. Saifuddin Soz]

because' through landslides, the road was blocked for 15 days. This should not happen. We deserve a better treatment.

Now I come to the Bill. There are some discrepancies in the Bill.

On page 98, it is stated :

"...in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of eight thousand and five hundred rupees..."

An amount of Rs. 8500 will be paid in respect of the death of any person. What is this amount? See what the Railways pay to the victims. See the compensation paid in respect of victims of air accidents. The amount of Rs. 8500 is very much on the low side.

"...in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of two thousand rupees."

What is this amount of Rs. 2000? You should be liberal, you should be generous, in this case. This provision is not going to solve any problem.

Under Clause 185, pages 106-107, it is stated :

"Whoever while driving or attempting to drive, a motor-vehicle--

- (a) has, in his blood, alcohol in any quantity, howsoever shall the quantity may be, or
- (b) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle,

shall be punishable for the first offence with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees..."

I think, the hon. Minister, unaided, can understand this. Every law is based on

common sense. He does not require lot of assistance from his experts in the Ministry. Is it not a licence? You can be drunk even and drive a vehicle! The punishment is imprisonment for a term which may extend to six months. That means, it could be two months or even a month. The fine may extend to Rs. 2000. Is it a punishment? I think, it is an open licence. The hon. Minister must respond to this. He must himself study this provision in the Bill and say what is this punishment prescribed for a drunken person who drives a vehicle. He gets a punishment of fine to the extent of Rs. 2000. Is it a punishment at all? And people involved in cases are never registered; they never appear in courts, and the country never knows what happens.

Then, on page 107 and at several other places in the Bill, the expression "in a public place" has been used. This is objectionable. In the case of learner's licence or driving licence you say this on page 7 :

"No person under the age of eighteen years shall drive a motor vehicle in any public place."

What do you mean by 'a public place'. This is redundant and this expression should be removed.

Similarly, on page 107, in Clause 186, this expression has been used and this makes the provision totally ineffective.

Now I come to Clause 8, pages 7-8, I have not understood why, in the case of grant of learner's licence, the Central Government wants to retain its power :

"Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of persons from the provisions of sub-section (3), or sub-section (5), or both."

Why do the Central Government have this power with itself? I hope, you will kindly explain that. There are so many things in this Bill. I have already congratulated the Minister. This is going to revolutionise the

whole thing. I saw a press comment today that the vested interest is very much annoyed with Mr. Pilot's bringing in this progressive Bill before the Parliament. But despite that, it deserves further calm consideration. Therefore, I have moved my motion that it must be studied by a Joint Committee of Parliament. I may not stress on that. But I would say that if the Minister is prepared for that or else before it is passed, he must kindly give his calm consideration to the suggestions that myself and other Members will make.

**SHRI V.N. GADGIL (Pune) :** Sir, although I support the Bill and welcome it, yet there are two points on which I would like to make a brief submission.

The first is that the Bill provides for a reduction of age from 18 to 16 years for the purpose of issuing a licence in respect of vehicles without a gear. From the discussion I had with some knowledgeable people, it seems to me—although I am not an expert—I am basing my submission on the discussion I had with some knowledgeable people, that the criteria for licencing a person under the age of 16 should be governed by the engine capacity of the vehicle and not whether it is geared or not geared. Because from the point of safety of the rider as well as pedestrian on the street, what is important is the power of the engine or of the vehicle which in itself is governed by the engine capacity. Therefore, my submission is that in respect of issuing licence to such persons, it should be restricted to vehicles with capacities 50 C.C.

The second submission I would like to make is—as my friend has said, I am looking at it as a lawyer—that the definition of unladen weight in my submission is very ambiguous. It does not make it clear whether it will include fuel in the engine. And particularly in respect of two-wheelers, I have an apprehension that it may lead to lot of disputes. Therefore, on these two point, I would request the Minister to have a second look.

**SHRI HAROOBHAI MEHTA (Ahmedabad) :** Sir, at the outset, I must take this opportunity to congratulate the Minister for having put up hard work in bringing this very comprehensive Bill before

this august House. The whole law has been consolidated with due regard to the law pronounced by courts on various points. Undoubtedly, there is always a scope for improvement. It is with that view that I have suggested certain amendments for the consideration of the Government and the House.

Sir, so far as no fault liability is concerned, it is a very welcome measure that the amount has been fixed at Rs. 25,000 for death as provided in Clause 140 and for permanent disablement Rs. 12,000. But I find that the definition given in Clause 142 is very truncated. Here a definition from the Workmen's Compensation Act should have been incorporated in this Act by references. That would have served the purpose as that would have been a wider definition. The amount provided for hit and run accidents vide Clause 161 which is Rs 8000 is, in my respectful submission, quite low. What difference would it make to the victim whether his case is covered under Clause 86, or 168 or 161? So far as the victim is concerned or his dependants are concerned, they stand to equal loss. If the victim dies then the dependants are bereaved and they lose an earning member. If the victim remains alive but incurs permanent disability, then all the more bad. He will have to pass the rest of his life in a very miserable way. Therefore the Government must come forward with liberalisation of this clause by providing for at least Rs. 25,000 on parity with clause 86, that is no fault liability. I believe the Government will give compassionate consideration to this aspect.

As far as the Claims Tribunals are concerned, I may point out on the basis of experience that while liberal amounts are awarded by tribunals as claims, sometimes it so happens that the dependants of the victim in fatal cases and the victims in non-fatal cases do not get the entire amount. Why I say this is that like in other avocations, among the advocates also there are black sheeps. In particular, in this specific branch of litigation the evil of maintenance and champerty is rampant. Such advocates sometimes strike a bargain with the poor litigants, who do not have any means to support litigations, to the extent of 30% of the fees.

[Shri Haroobhai Mehta]

I recall one case where the Hon. Tribunal had to send a registrar to run after an advocate in a court in Kheda District in order to get the money back from the advocate. All advocates are not bad. A substantial good number of them have humanitarian approach; but there are black sheeps also in this profession to which I belong. With confidence I can say that often times advocates and other relatives and those who support the victims in the first instance take away lion's share of the award given by the tribunals. I have therefore suggested that instead of giving lumpsum lay way of award, they must be paid by way of periodical sum on the scheme of ESI or some other similar scheme where the amount is invested after recovering it from the respondents suitably and the victims or the dependants as the case may be must be paid on periodical basis so that during the life time they get pension. May be, the amount payable to them on monthly interval can be the same as the earning member would have continued to earn had he not fallen a victim to the accident. This may be considered.

In Gujarat, High Court sometimes directs the payment on instalment basis after investigation. So why should not the State come forward with an amendment to this Bill, so that there will be an obligatory provision in this Act providing for monthly or periodical payment depending on the situation rather than awarding of the lumpsum which sometimes do not reach the persons for whom it is awarded?

Another suggestion which I have made by way of an amendment—I hope sometime the Government will try to consider the amendments placed by MPs with the seriousness that they deserve instead of giving routine replies to the proposals for amendments—is that the litigation before the claims tribunals take a lot of time. Sometimes it takes years. In the meantime the widow or the dependants suffer because they do not have anything for their maintenance. I have therefore suggested an amendment that the claims tribunals must have powers to award interim relief from the respondents in suitable cases, of course upon a satisfaction that there is *prima facie* case for award of compensation. I request

the Government to consider this amendment on humanitarian basis.

Further, Sir; with regard to the amount ultimately to be awarded as lumpsum there is lot of discrimination in the courts because of the compensation being based on income. If a poor man dies than the amount awarded will be much less compared to somebody whose income is very large. It should not be so much heavily dependent on the income. If a scheme of monthly or periodical payment is accepted then the disparity in payment of compensation can be suitably reduced by fixing the minimum and the maximum.

On the question of approach in deciding motor accident claims I may point out that sometimes the approach is inhuman. By way of illustration I want to point out that Motor Accidents Claims Tribunal, Mehsana which was dealing with the case of a Harijan applicant—whose son had died on account of being knocked down by a State transport vehicle, the bereaved father made an application for compensation before the Tribunal and the Tribunal had the audacity to say “that he is a poor applicant and it appears that the present applicant is relieved of social obligation rather than suffer economic disaster by the death of Dinesh Kumar”. Further the Tribunal says: “He is earning Rs 10 per day. How can he maintain three daughters and one boy. On the contrary he is better off by the death of Dinesh Kumar as he has to look after three children instead of four. Therefore, it would be just and proper to award Rs. 13000.” So as against a claim of Rs. 85,000 only Rs. 13,000 were awarded on the reasoning that a poor Harijan applicant stands to benefit on account of this unfortunate death. He is now to feed only three children and not four. If this is the kind of social awareness on the part of Motor Accidents Claims Tribunal then what will happen to the poor victims and their dependants. So I would urge upon the Government not to appoint each and every district judge to head the Motor Accidents Claims Tribunal. Government should see that the person concerned has adequate social awareness.

I may point out that the name of particular judge was proposed for elevation as High Court judge. We had to resist the

proposal. Difficult to imagine what would have happened if such a judge was given a post from where he can lay down law for the whole state. In the matter of compensation, an approach should be made to reduce the disparity in the award of compensation by suitably devising monthly or periodical payment so that no part of compensation is taken away by those who maintain or those who support, or those who undertake litigation on behalf of the illiterate litigant—whether they are black sheeps among the advocates. The Government should also consider raising the amount in 'hit-and-run' accidents.

I may point out that yearly about Rs. 400-500 crores are required to be paid by the insurance companies by way of compensation. That amount is paid as lump sum. All that will be frittered away. Therefore, either on this occasion or on some other suitable occasion, the Government must give a serious consideration to this aspect. In fact, in some cases, the Gujarat High Court has awarded and directed investment of the amount rather than payment of lump sum amount. But that may not take place always. Therefore, a suitable scheme must be devised. With these observations, I support the Bill.

**SHRI G.M. BANATWALLA (Ponnai) :**  
Mr. Chairman, Sir, the hon. Minister, Shri Rajesh Pillot, deserves all credit for the initiative that he has taken with respect to the various measures connected with surface transport. Indeed the hon. Minister has and always displayed a serious and genuine concern about the growing rate of accidents all the problems that the transport industry today faces. One is heartened to see a Minister that applies himself of seriously to the problems that are there in a very important aspect of our life.

We have a very voluminous Bill before us. There is no doubt that the Bill will go down as an important milestone in the history of road transport in our country. The Bill has nearly 217 clauses, Nearly 117 amendments have been suggested by various Members of this hon. House. The hon. Minister does not have a closed mind. He himself has come forward with several amendments. And I am sure that several more, he will accept here in this House

because of cotinuous application of the mind on his part. We have also clause 216 which particularly gives power to the Government to remove difficulties by making certain orders which orders should not be inconsistent with the provisions of the Act. the clause does not say anything, after these orders are placed on the Table of the House whether this flows will havethe power to amend or to annul those orders. The point remains vague tobe settled later perhaps by the Subordinate Legislation Committee. However, the fact that we have such a voluminous Bill, the fact that powers are taken even for removal of difficulties which are imagined that they would certainly come up, all this shows that it is necessary that the House receives more mature application of mind. I would, therefore, suggest that the Bill must go to a Joint Committee of both the Houses. This would only further strengthen the hands of our energetic young Minister, Shri Rajesh Pilot.

Now, I will first take up the question with respect to the adequacy of compensation and the need to see that the compensation is properly made. It has already been pointed out in this august House that while the general rate of compensation in case of a death is fixed at Rs. 25,000 and in case of grievously hurt, Rs. 12,000, the position with respect to the hit and run cases is rather dismal. The amount regarding the hit and run cases is Rs. 8500. How do you distinguish between life that is lost as a result of hit and run and a life lost otherwise? It is rather discriminatory and the amount is very ridiculous which is hardly Rs. 2000. In case of hit and run, where there is a grievous injury, what can be done today with these Rs. 2000? I suggest that adequate compensation be paid and no such discrimination in the two cases be followed. There is also the need to see that the procedure for payment of compensation is a speedy one and prompt payments should be ensured. In 1982, the Act was amended to provide instant relief to the victims of hit and run accidents. One of the measures was: payment of solatium amount to such victims. Now, look at the dismal record of the payment of solatium amounts! So far, out of a sum of Rs. 5.19 crores in the solatium fund, the States accumulated demand for paying compensation was only Rs. 1.8 crores. We have a



[Shri G.M. Banatwalla]

fund of more than Rs. 5 crores. The States accumulated demand could come only up to Rs. 1.8 crores for paying the solatium amount. Out of this, even Rs. 1.8 crores which represented the States accumulated demand for paying the solatium amount, the States could utilise only Rs. 53.44 lakhs. The balance of Rs. 54.57 lakhs is lying unutilised with the States. The provision is for Rs. 5.19 crores. The actual payment boils down to Rs. 53.44 lakhs. I must say that something is required to be done with respect to the dismal picture and our Minister will take up the matter with the State Governments to see that firm measures are taken. Last year, we had 2415 cases of accidents. Out of these, hardly 1704 cases could be decided. 1269 claimants were benefited. There were 711 cases pending. In other words, 29 per cent of the total cases were pending. Such is the state of affairs which needs special consideration of the Government. Delhi has to be a model. Other States follow Delhi but we have the worst situation as far as Delhi is concerned. In Delhi itself, which is supposed to be the model, as on 31st March 1987, the payment of solatium amount had not been made in 78 cases against 153 cases. That is, out of the total number of cases of 153, no payment was made in 78 cases. Seven cases were pending for six months from the date of submission. 15 cases were pending for more than six months up to one year. 39 cases were pending for a period of over one year. 17 pathetic cases were pending for more than two years since the date of submission. This is with respect to solatium payment as talking about the hit and run cases for which we made a special provision in 1982. Gear up this machinery and with the enthusiasm and the energy that we find in our hon. Minister, I am sure that the matter will receive the necessary attention and vigorous action.

It is unfortunate that more than 40000 people are killed and 1.5 lakhs injured every year in accidents throughout the country. Road accidents have increased from 1.14 lakhs in 1970 to 2.15 lakhs in 1986 with fatalities increasing from 14500 to 40000. The actual number may be even more because many cases go unreported also. Fatality rate per thousand in India

is approximately 60, whereas the fatality rate per thousand in the developed countries is 5.15. That shows the progress that we have to make and that shows the need for the Bill that has come up today in the House. Delhi, of course, has the dubious distinction of the largest number of accidents in the whole of the country.

I may come here to sum up the important clauses of the Bill. It is rather unfortunate that inadvertently some provisions in the Bill have been made which are impractical and tend more towards catering to the affluent section of our people. It may have been inadvertent of we are carried away by certain wrong impressions. We have, for example in clause 4(1) a provision that a motor cycle without gears may be driven in a public place by a person over 16 years of age. What does it mean? A minor can drive a moped. I must take a strong objection to it. I do not know what prompted the Government to come forward with this provision in the Bill. The hon. Member, Shri Gadgil was referred to this particular point also. There was absolutely no need. What prompted the Government to come forward for licences to these minors of 16 years? It may create so many legal complications also. The lives of the pedestrians as also the rider are in peril. I hope that this provision that is there in Clause 4(1) will be withdrawn by the Government.

Clause 7(1) places certain restrictions for grant of licences. I do understand that these restrictions are placed in the interest of safety. But as I have said, these restrictions will rather create a great hardship to the poor people, to the weaker sections of our society. Clause 7 (1) states that licences for driving heavy goods and passenger vehicles can be given only after holding a driving licence for a light motor vehicle for two years. Obviously, the idea is that if a person holds a licence for two years for a light motor vehicle, then he will be more careful later on when he drives a transport vehicle, the heavy goods or the passenger vehicles. The provision is rather impractical. It is also ridiculous. The provision merely says that the person must hold a light motor vehicle driving licence for two years before he applies for the licence for the transport vehicles. It does not mean that he may have had actual experience of driving the

light motor vehicles for two years. No. He may simply have the licence in his pocket for two years but it does not serve any purpose. It is ridiculous, not only ridiculous but it comes harsh upon those poor people who today come forward for licence to drive the goods vehicles and other vehicles. They will be required to languish सड़ते रहिए दो साल तक First apply for a light motor vehicle ..

**SHRI RAJESH PILOT :** I think the Hon. Member has not read it properly and he is speaking in a very high tone. It says : "To drive a heavy goods vehicle unless he has held a driving licence for at least 2 years, to drive."

**SHRI G.M. BANATWALLA :** Yes, licence to drive but he may or may not have driven.

**SHRI RAJESH PILOT :** When it says, "to drive the motor vehicle", he is supposed to have driven if he carries the licence.

**SHRI G.M. BANATWALLA :** He may have a licence but he may never have driven for two years. That is what I am pointing out. You see, you may give me a licence for a light motor vehicle but you don't say that for two years I must possess or I must have taken service somewhere and I must have continued with that driving. No. This is the point I am making.

A person who wants to go in for driving of a passenger vehicle, for the driving of a goods vehicle, he is a poor man. He does not come from the affluent class as is the with the light motor vehicle owner. He is a poor man. He is subjective...

**MR. CHAIRMAN :** Please wind up.

**SHRI G.M. BANATWALLA :** I have hardly come to the burning issues, Sir, so, just bear with me for a few minutes.

**MR. CHAIRMAN :** I have already given you 15 minutes as against 10 minutes.

**SHRI G.M. BANATWALLA :** I am obliged to you, Sir, but I know you are soft and very large hearted.

So, for this, poor man will have to spend twice. First he has to spend for

obtaining the light motor vehicle licence and then he may or may not get an employment as a driver. Or he may be exploited by the affluent people, that here is a person who has anyhow to wait for two years. So, he can be exploited by the owners of the light motor vehicle and he may have absolutely no driving experience at all. He may have to languish for two years, wait for two years. You are coming down harsh. Without improving the situation, it is harsh. First, spend for the light motor vehicle licence, languish for two years and then spend for the heavy motor vehicle licence. Sir, this, therefore, is a ridiculous situation that we have, and there is absolutely no connection. Statistics show no connection between this gestation period of two years really increasing the efficiency as far as the driving is concerned. No.

In Maharashtra, for example there is no such condition at present and yet in Maharashtra the ratio of accident per 1000 vehicles fell from 73 in 1975 to 39 in 1984. Whereas in some of the southern States this condition is there at present and there the rate of accident despite this condition is on the increase. Sir, during the 5 years period, from 1978-83 in Andhra Pradesh the increase of accidents by 43 per cent, Tamil Nadu by 36%, Kerala by 15.56%, Karnataka by 14%, All India increase by 16.79% but in Maharashtra where there is no such condition about the gestation period the increase has been about 6.73%.

**SHRI C. MADHAV REDDI (Adilabad) :** Maharashtrians are very efficient people.

**SHRI G.M. BANATWALLA :** Mr. Chairman, Sir, in case of casualties also, the percentage increase between 1978-83 was, Tamil Nadu by 70%, Andhra Pradesh by 64%, Kerala-39%, Karnataka-37% and All India-33.41%. In Southern States, we have the gestation period condition. In Maharashtra there is no such condition and yet in Maharashtra, there was no percentage increase of casualties but on the contrary a decrease by 5.74 per cent. Therefore, there is no connection between these two gestation periods and this provision must go. It will affect our Twenty Point Programme also of providing employment to the people, coming

[Shri G.M. Banatwalla]

down harshly and without any improvement of the situation. If improvement of the situation had been envisaged, it would have been a different thing altogether. No country in the world imposes such ridiculous restrictions on obtaining licences. It is further provided under Clause 27 that the Central Government may make rules specifying minimum educational qualifications for licence to drive vehicles. An important point is just left to the domain of subordinate legislation by the State Government in order that no State Government may come down harshly and unreasonably. In this particular country, I feel that this particular delegation of authority is rather ill-conceived.

Another point and then I will conclude—you may be rest assured and you may not be restless on that point—and that is, under Clause 9 sub-Clause 5 there is a provision “where the applicant does not pass the driving test after three tests, he cannot re-appear for a period of one year from the date of last such test.” What is all this ridiculous thing? Let him appear for any number of tests he may like. Why do you want to come down and debar him for a period of one year? If by chance he has not cleared in two tests, then in the case of the third test, he will have to face that great giant, namely, corruption—give me under the table or you wait for one more year or you are debarred for one more year. Therefore, these are provisions that unnecessarily roll on the red carpet to corruption. Let him appear in as many tests as he likes. You have your own arrangements for that, rather than you hold the Sword of Damocles of debarring him and then facing this giant of corruption. I had given you a promise that I will conclude with this point, though there are several other Clauses which require a deeper and wider analysis. I must therefore conclude by urging upon the hon. Minister to agree to send this Bill to the Joint Committee of the Houses. However I must say that the Government has done a commendable thing and I must appreciate the initiative that the hon. Minister has taken with respect to various problems concerning the transport industry in our country.

[Translation]

SHRI MOHD. AYUB KHAN (Jhunjhunu) : Mr. Chairman, Sir, first of all, I congratulate the hon. Minister Shri Rajesh Pilot for bringing forward this Bill which is a very important Bill. This Bill has been prepared very carefully. More improvements are required to be made. We hope that our hon. Minister will keep this in mind. As the transport is controlled by the forces, in the same way, if the Motor Vehicle Act is prepared on those lines and implemented then there can be much improvement. For example, after every 100 kilometers, there should be a repair check-post where all the facilities including means of repairing and telephone connection should be made available. Arrangement of re-filling should also be there. If this facility is provided, then there will be much improvement and there will be less accidents.

In my opinion, bad roads are the main reason behind the large number of accidents. My suggestion is that all the national highways should be repaired from time to time. This is very necessary. Help of Border Road Force can also be taken in this work. For this work dependence on contractors should be minimised. The more the roads are in bad condition, there will be more break-down of the light vehicles and there will be more accidents. For example, there is heavy traffic on Jaipur-Ajmer road and God knows, how many accidents take place there every day. In this connection, the hon. Minister has assured that arrangements would be made immediately to divide it into three or four lines. If it is done there will be less accidents.

My suggestion is that heavy traffic should be prohibited from 12 O'clock in the night to 4 O'clock in the morning. This can lessen the accidents. During these hours, no liquor shop should remain open so that the drivers do not drink while driving. At the same time, as has been promised by the hon. Minister also, approval to the highway between Delhi and Sikar *via* Jhunjhunu should also be given without delay and there must be a dividing line in the middle of the road.

The facilities extended through this Bill in the matter of driving licences will provide

a lot of relief to the people. So far as collection of road tax and other taxes are concerned, I would like to suggest that, these taxes should be collected at one single point which will be more convenient to the people. Now-a-days policemen are seen extorting Rs. 10 to Rs. 20 from truck operators by stopping trucks. This type of corruption can also be checked. Moreover, arrangements should be made to collect the tax in full at the point of loading goods so that there remains no scope of corruption. It will be beneficial to the Government and the people will not be harassed.

The drivers and conductors of all the State Transport buses, particularly, in Delhi belong to one particular state only. It makes a lot of difference in respect of attitude of the people belonging to different States and their mutual relations. Delhi in the capital of our country and people of all States live here. It should have drivers from all the States. There should be a mixture and the best drivers belonging to Maharashtra, Karnataka, Andhra Pradesh, Rajasthan etc. so that it may give impetus to the feeling of unity in diversity. There should be very good drivers here. I request the Government to make enrolment for these resources. The Government should top various sources for recruitment to the post of driver. Similarly, arrangements should also be made to establish workshops. In the same way, a post of Foreman should be created there so that trained youths could be made available in future. There should be provisions of having L.R.W. workshops and Base workshop. Every vehicle should be taken to L.R.W. workshop before it comes into operation and should be sent to base workshop at the end of the month. The vehicles should be sent to the base workshop again once in a year. The system prevalent in the railways should be made applicable here as well. It will do a lot of good. While on the one hand it will increase the longevity of the vehicles and on the other hand the Government could exercise control over them.

The Government has curbed various types of corruption prevailing in motor-vehicles and as result of this the poorest of the poor people have also mustered courage to take a licence. It should be made

further cheaper and liberal so that more and more people could take its advantage.

Under the prevailing system about movement of trucks from one State to the other, the truck operators and other people face a lot of difficulties. This system needs to be scrapped and a new system evolved so that tax is collected at the starting point before the trucks move forward a particular State(s) in order to save the truck operators from ambarrasment while passing through different places of every State.

Hon. Minister, Sir, I would like to make an appeal to you once again that the task of repairing roads should be handled by the Central Government instead of leaving the same to the States. I also hope that you will deal with the situation arising out of wearing of tyres and restrictions imposed on tyres. With these words, I conclude.

SHRI BALWANT SINGH RAMOOWALIA (Sangrur) : Mr. Chairman, Sir, the hon. Minister for Surface Transport has taken realistic view while drafting this Bill. He has thought in the right direction. He has incorporated a lot of essential things in it. I have reservation against two things only and I shall make a mention of the same. First of all, it is with regard to denial of granting heavy and passengers transport licences. The provision of driving light vehicles for a period of two years and thereafter applying for a licence to drive heavy vehicles does not seem to be justified. The waiting of two years is too much. Because, in our country, most of the people do not have their own vehicles. Those who own vehicles, do not drive themselves, they employ drives. Under these circumstances, it will be better if a standard is fixed. It is not the question of time limit. A test could be prescribed for this. If a person gets through the test, he should be given a licence. There are people who are highly intelligent and acquire skill in driving within 6 months and there are others who even after 5 years' practice do not perform well. As such the Government should not block the future of those people who acquire good skill in driving within 3-4 months and can drive passenger and goods transport vehicles on the basis of their capability and hard work. A test, may, therefore be prescribed and people may be asked to pass the test for

[Shri Balwant Singh Ramcowlalia]

acquiring the licence. The first test may be held after three months and who passes the second test after 6 months should be given heavy driving licence.

As regards tractor, it has been stipulated that a person cannot drive a tractor until and unless he is in possession of heavy vehicle driving licence for three years. For example, there are 11 lakh tractors in India and the highest number is in Rajasthan, Punjab, Haryana and Uttar Pradesh, will it not be so that a person possessing light vehicle driving licence shall not be able to drive a tractor with the enforcement of this time limit. Although he has been driving the vehicle for last six months but will have to stop driving the same once your two year condition comes into force.

40 years have elapsed since we achieved independence. I do not want to accuse any particular person for this. We have been trying to bring about development in the country vigorously. We are imparting training to the people and making every effort to provide them employment. Various Governments, whether it is the Congress Government or non-Congress Governments, are working in their own ways in this direction. Even then we could not eradicate illiteracy which has been prevailing in the country for the last thousands of years. Shri Pilot is a very good person and realises the difficulties of others. But how has he proposed that licences cannot be granted to illiterate persons?

Just now, I asked my colleague, he does not have first hand knowledge. But Shri Ayappu Reddy told me that 50 percent of the people in the country are still illiterate. It means that half of the people have been deprived of applying for licences.

Everybody has got his own experience. An illiterate person who left Punjab 35 to 40 years ago learnt driving in Bombay, Calcutta etc. That illiterate person can drive for better than a graduate. It is not proper that people having private experience should be overlooked. There are large number of poor illiterate people in the country.

I asked a Sardar in London about his educational qualifications. He said that he

does not know A.B.C. of Punjab. I enquired of him his profession. He said that he drives State transport buses. Please reconsider the point of not granting licences to illiterate persons. Licences should be given to those who can show better performance in driving. No qualification, say matric or middle has been proposed here. I would certainly ask Shri Pilot to grant licences to all those who have capability of driving a vehicle.

I have seen many a person in the army who had a little education, but they fought far better in the battle field and they were capable of driving very well. I want to draw your attention towards these points. With these few words, I conclude.

**KUMARI MAMATA BANERJEE**  
(Jadavpur) : Mr. Chairman, Sir, I support the Motor Vehicle Bill, 1988. I do not want to speak much on the Bill, because just now I have to attend the meeting of the Business Advisory Committee.

I would like to say one thing about the accidents. I had an opportunity of witnessing a case of accident. I was going towards New Delhi station by a taxi for undertaking a journey to Calcutta. I found that a person met with an accident on the Curzon Road and his foot was badly injured and he was bleeding profusely. Several people were watching him. But there was not even a single person there to take him to the hospital. On my asking the taxi driver as to why do not the onlookers take the injured person to the hospital, he replied that no one comes forward because later on the policemen keep on harassing him till the enquiry is over. You should formulate some such rules so that the injured person may be taken to the hospital soon after the accident takes place and the person who steps forward to help may not be harassed by the police and should be dealt with softly. Our hon. Minister will surely pay attention to it.

The Motor Vehicles Bill introduced by the hon. Minister is a very good and comprehensive one. Accidents often take place in Delhi but no one steps forward to help the injured in the accident. As a result thereof the injured may even die. We should surely make some such provision so that the number of these accidents may be

reduced and the injured in the accidents may get immediate medical facility. I had determined to say this on the very day when I came to know that the hon. Minister is going to introduce a Bill on the similar lines. We should not play with the life of any person.

Many cases remain pending in the Claims Tribunals. Lawyer should be provided by the Government to the poor for fighting the cases of claims. No money is paid to the family of a rickshaw puller or a labour in the form of assistance in case he dies in an accident. As a result of which his family has to face starvation. They lack the resources to fight a case in the court of Law. Therefore the Government should come forward to fight the case on their behalf. As such we have many laws by means of which the family members of the victim are entitled to getting some amount or some employment in the form of assistance. But the poor know nothing about laws. My submission, therefore, is what an arrangement should be made by the Government in this regard. The cases lying pending in the Claims Tribunals should be transferred to the Lok Adalats. This will accelerate their settlement and the poor will get justice.

Some news were published in the press about driving licences 2-3 days ago. It was stated therein that those issuing driving licences take bribe for issuing licences. It has been observed that such persons hardly have any knowledge about driving. This is the reason why so many accidents take place in our country. The Government should take action against the officials of such centres where licences are issued by taking bribe. It is very painful to see such things happening even after so many years of independence. Accident do take place on the roads every day at one place or the other. Many drivers drive their carriages on the highway after taking liquor.

15.30 hrs.

[SHRI SOMNATH RATH *in the Chair*]

Thus accidents take place and those responsible for them are insured. The accidents on national highways take place mainly because the drivers drive in a drun-

ken state. This should be checked. Accidents on the highways take place also because the drivers overload their carriages. The traffic police personnel who stop them also let them go in minutes after taking illegal gratification. Such practices are quite common. You should take a note of this thing and take action to curb it.

You have taken steps with regard to checking of eye sight. This is very good. Many people drive in spite of their defective vision. In this field also, there are vested interests. You should keep this aspect also in view.

The rules regarding speed limit and overtaking are not followed. The number of vehicles of such people, who flout the rules, is noted by the police but they maintain such links that they easily go scot free by bribing the police at the police station. All such activities should be curbed. The rules regarding vision in our country should be strictly followed.

The amount of compensation in respect of persons who are killed in the accidents is very meagre. The families of the persons who are killed in the accidents get a little compensation. The amount of compensation should be increased. The decision in accident cases should also be taken early. The relations of the victim face a lot of problem due to delay in taking a decisions. There are even such people whose family members are forced to resort to begging. Such cases should be entrusted to the Lok Adalats so that decision may be taken at the earliest. There is a big chaos in the Claims Tribunals, the poor get very less compensation. Only Rs. 2 to 3 thousand is paid and even that takes a long time. They have to face a lot of problems. Those who commit accidents are normally very rich people. They get free by paying a little money. They should be awarded deterrent punishment so that they may not repeat it. It request you to pay attention towards this aspect also.

Regarding roads I want to say that the number of vehicles have increased manifold and the load on the roads has increased a lot. The Government should pay attention to further develop the roads. Development in other cities should also be at par with that in Delhi. We should construct good roads in other States also.

[Kumari Mamata Banerjee]

We should give maximum chance to our unemployed youth in the case of transport. Ladies should also get an opportunity. The bank authorities harass the unemployed youth a great deal in giving them loan for self-employment. The banks should not ask for any security for giving Rs. 2 to 4 thousand to the unemployed youth. Subsidy should also be given to the unemployed youth for self-employment.

I also want to tell you that an agreement has been signed with G.N.L.F. I congratulate the hon. Prime Minister, Chief Minister and Shri Ghising for this.

I support the Motor Vehicles Bill moved by the hon. Minister.

**SHRI MOHD. MAHFOOZ ALI KHAN** (Etah) : Mr. Chairman, Sir, this Bill has been debated at length. I, therefore, want to add only a few more points. The most important thing is that the amount of corruption among R.T.O. or R.T.A. under Motor Vehicle Act is the maximum. The reason behind this is that the motor owners have huge income and therefore, they get their permits made by greasing the palms of your officials. The policy of making permits is also very strange. For how long you will continue issuing permits to the freedom fighters? They do not make use of permits but sub-let them. Now the practice of transfer of permit is also allowed which was not possible earlier. Now permits can be transferred on payment of Rs. 1-2 lakhs. I congratulate you for making the national permit free. Therefore, it has lost its charm, otherwise permits used to be sold for Rs. 10-12 thousand. Therefore, I would like to suggest that you should nationalise the routes but besides this, private buses should also be allowed to run just as in the Punjab where 50 per cent buses are run by private owners and 50 per cent by the Government. In this regard you also have the experience in Delhi, if the private operators had not co-operated with you, you would have completely failed. Therefore, it would be better if you make it 50 per cent. If they are entrusted the entire job then they may trouble you by going on strikes etc. What is the reason that a private operator can purchase a new bus after there

years whereas the condition of Government buses goes on getting worse. Therefore, my submission is that you should pay special attention to this, firstly the transfer of permit should not be allowed and secondly when the routes are nationalised 50 per cent opportunity should be given to the private owners.

Similarly, I want to say regarding the strength of routes that only 10-15 buses are given permit where 20-25 buses should run because of non-receipt of R.T.O's report. Due to this a limited section is benefited and others do not get permit. Therefore, the strength should be increased on the basis of number of passengers. It has also been your experience that the number of passengers increases with the increase in strength of buses because they get more facility. A committee should be set up to look into this, if considered necessary. Nothing happens in S.T.A. and R.T.A.; your own representatives and M.L.A.s who go there make lakhs of rupees. You should abolish this system. Only the Commissioner, the District Magistrate or Police Superintendent should be a member of that committee. If you want to eradicate bribe then the representative of the people should be removed from there who takes money. I can quote examples, you can yourself visit and see. This has been my experience and if you say I can give it in writing confidentially. The Commissioner in Agra never holds a meeting. The representatives know before hand as to which person is going to get the permit by paying how much money. All this is happening there.

**SHRI RAJESH PILOT** : Now it has become free. There is no permit.

**SHRI MOHD. MAHFOOZ ALI KHAN** : If this is so, then it is very good. I have not read the Bill thoroughly. I was only giving a suggestion.

**SHRI RAJESH PILOT** : This is mentioned in the Bill.

**SHRI MOHD. MAHFOOZ ALI KHAN** : The second issue is that of the roads. Proper maintenance of roads is essential because if the condition of the roads is good, the vehicles will run smoothly: As Mohd Ayub Khan said that

you should get this work done by your department rather than getting it done through the contractors. This will save money. Similarly, there are big rivers. I submit that there is a place known as Santhga in Farukhabad district where a big Buddha idol has been found. People from Japan and other places come to this place. I want that this place should be connected with a national high way. A bridge should be constructed over the Ganges on highway between Badyun and Etaha. This will facilitate the people commuting between Badyun and Kadarganj which falls in Etah district. It will turn out to be a good station. Where there are no trains and D.T.C. buses ply there should be reservation of seats for M.P.s. Two seats are reserved for M.P.'s, M.L.A.'s and their companions in the buses but there is no such provision in the D.T.C. buses plying to other states than Delhi. I am not asking for reservation of seats in the buses to go around the Delhi city. I am asking for this facility in Inter-state D.T.C. buses. Two seats should be reserved for us in these buses. Attention should be paid to the suggestions put forward by me. You have already stated about transfer of permits that the system this has been restored. With these words, I conclude.

**SHRI JAI PRAKASH AGARWAL** (Chandni Chowk): Mr. Chairman, Sir, I would like to thank the Hon. Minister for bringing forward a good Bill and I hope that every effort will be made to enforce this Bill. There is a term 'individual' in section 71, I would like to say that the categories like S.C.S.T. weaker sections and Ex-servicemen should also be included in it, otherwise the State Governments will issue permits to the individuals and people from these categories will be deprived of this facility. The age limit for drivers in Delhi areas should not be fixed more than 40 years. Every year, there are three or four bus accidents and 50 to 100 people are killed. People over 40 years can be physically fit but a driver of the age of 60 years may prove very dangerous. One bus terminal cannot meet the needs of Delhi. Population of Delhi has touched 80 lakhs and it will further increase, therefore, the Government should provide three new bus terminals to Delhi so that the

people living in Delhi may get some relief. People from all the corners visit Delhi and its population is increasing. Private buses emit much smoke, your D.T.C. buses are slightly better. Private buses are not well maintained and for this reason they emit much smoke and it becomes difficult to move because of the pollution. Punishing them with petty fines will not serve the purpose, you will have to be stiff about it. Commercial vehicles have been classified according to the weight but what about the vehicles carrying protruding loads which cause difficulties at night and also result into more accidents. I hope that you will make such provisions in the Bill that no truck or heavy vehicle will load the goods more than its specified volume.

Many trucks for repair keep standing by the road side on Highways which are sometimes not visible and this is the reason for so many accidents on our national highways. They keep standing there for days together. This causes accidents and people feel difficulties in travelling.

So far as toll tax and terminal tax is concerned, it is my experience that the majority of the transporters keep that money with them and do not deposit it with the State Governments. There are no arrangements for checking in this regard. I hope that you will pay proper attention to this.

With these words, I hope that you will consider my suggestions towards which I have drawn your attention and will take action accordingly.

**\*SHRI SRIHARI RAO (Rajhamundry)** : Mr. Chairman, Sir, introduction of the Bill to amend and consolidate the law relating to motor vehicles after nearly 50 years keeping in view the changed condition is a welcome step. I compliment our young and energetic Minister for Surface Transport Shri Rajesh Pilot ji who is instrumental in introducing this Bill. This bill brings in sweeping changes in the whole system and money usher in new area. Nevertheless, Sir, still there are some lacunae in this Bill which have to be filled up.

Sir, the transport system is costlier when compared to other countries. The main



[Shri Srihari Rao]

reason for this is the present Motor Vehicles Policy. Earlier the transport system was very cheaper in this country. But various policies pursued by the government contributed in pushing up the cost enormously. Nearly Rs. 500 crores are being collected through Excise Duty. Excise duty is being imposed on tyres, chasis, spare parts, oils and body building. Similarly the Sales tax is imposed on Vehicles, on body building and oils. This kind of irrational imposition of taxes on every available part has contributed to make ours as one of the most costlier transport systems in the world today. The taxation is double and some time it is even treble also. This is the main reason why transport cost has gone up to such an extent. In addition there is an octroi. It shows that our present taxation method is quite erratic and irrational. The present method of imposing taxes needs to be corrected. The taxation policy as far as the road transport system is concerned has to be thoroughly overhauled. A rational taxation would help in bringing down the cost of transport.

Sir, the conditions of our roads are far from satisfactory. Because of the poor condition of the roads, the consumption of fuel is quite high in our country. More consumption of fuel is another important reason why the transportation is so costly in our country. Traffic congestion and narrow roads are also contributing to a large extent to the abnormally high cost of transportation. Our rural economy is dependent on rural transport. The rural economy will look up only when our rural transport system becomes cheap. The country prospers when rural economy prospers. Hence our efforts should be directed at making our rural transport cheap. Sir, I would like to make a few suggestions to make our rural transport cheap. I hope, the Hon. Minister would seriously consider them. The taxes on vehicles which ply in our rural areas like buses, lorries, tractors and tractor trailers should be kept at minimum. The taxation should be the minimum on such vehicles which ply in rural areas. This will go a long way in bringing down the cost of transport in our rural areas. Another important suggestion that I would like to make is that the permits to ply buses in rural areas should be given only to unemployed

graduates. This will help in providing employment of countless unemployed graduates in rural areas. Motor transport is the only industry in the country which is having enormous employment potential. There is no other industry in the country which can create so many jobs. Right from lorry operators, there are various workers and employees who are engaged in this industry. All sorts of persons from educated to uneducated, there are millions who are associated with this industry in one form or another. Mechanics, cleaners, drivers, job workers and many professions and persons are involved in this industry. This is one industry which is spread all over the country. Hence, such an industry like this, should be run at the lowest cost possible. Our rural transport should be cheap and be within the reach of everybody. Sir the economy will improve only when our rural economy improves which in turn improves only when our rural transport is cheap.

Sir, age restriction is being imposed for issuing licences. The issuing of licences should not be tagged on to age. The licences should be given only when one is 20 or more. Any way, age is not important, what is important is the physical fitness. Whether one is able bodied and physically fit enough to drive heavy vehicles should be taken into consideration. It is not important whether one is a major or a minor. Physical fitness should be the sole consideration for issuing licences. Sir, accidents in the country are increasing everyday. The reason for these mounting number of accidents is that the drivers lack physical fitness. Hence I advocate that one must be atleast of 20 years of age and physical fit for getting a licence. When licence is issued at 20, the licence must be continued upto 45 years. Frequent verification and changing of licence every 5 years is not a sound policy. When one crosses 45 years of age, a physical fitness test should be conducted. This should be followed after every 5 years thereafter.

MR. CHAIRMAN : It is very much in practice.

SHRI SRIHARI RAO : Thank you Sir, Another major reason for the accidents is that of mixing of driving with drinking. The drunken drivers usually contribute more to the growing number accidents. Hence simple

punishment is not sufficient. The punishment must be very service. Not only that the driving licences should be cancelled, but there should also be imprisonment for not less than 7 years. Then only there will be possibility of the number of accidents coming down.

Sir, there should be a compulsory risk insurance covering every vehicle and driver. Complete comprehensive insurance scheme should be implemented in the country. Now the practice is such that only a certain people and vehicles are covered under insurance. It is not compulsory and binding on everyone now. Some are opting for it and some are ignoring it. Hence the insurance scheme should be made compulsory and binding of everyone. The justice will be done only then even the drivers and cleaners and other poor persons involved in this industry would get justice. This compulsory insurance would do justice to every one especially the poor worker who contribute a lot to this industry. Hence, I once again plead that there should be a compulsory risk insurance scheme. Sir, just having this insurance is not sufficient. Insurance claims should be settled in one month's time. This stipulation of time limit is very much necessary. If a poor man dies in an accident, it will take years to settle the claim of insurance. It will then be of no use at all, and in fact the very purpose of insurance stands defeated. His family will be ruined. Hence the time limit for settlement of insurance claims should be fixed and that time limit should be one month. I request the government to make necessary amendment to the Act in this regard.

Sir, let me say a word about pollution. Many taxies are being fun on Kerosine Oil. These vehicles are causing much air pollution. Such taxies should be banned. Similarly many buses run by the State Authorities are also contributing to air and noise pollution. For example, take DTC buses. They emit to much of smoke, causing, much air pollution. Not only that. Since there buses are not well maintained some part or the other of the bus body scrapes along foot pathes and there is shrill and deafening noise all around. If any body is passing just nearby the bus, the creaks and protruding parts of the body of the bus will

lift and haul him off to a considerable distance. This is the condition of DTC buses which are in operation in the very capital city of the country. The maintainance of the buses is not proper and hence the government should see that these buses are maintained properly. Similarly the maintainance of roads is also not proper. Sir, in Andhra Pradesh road accidents are going up every day. The reason for the increasing number of accidents in my state is not just the increase population. Though it is 42 years since we achieved our independence, no new national highway been added in the state. It is must unfortunate. I request the Hon. Minister in this august House to give us a national highway. Since there are not many national highways in the State the road accidents are increasing in number everybody. Roads are few and narrow and the traffic is quite dense. It is other main reason for the worsening situation on the roads today.

Sir, as per section 147 of this Bill the driver cum-owner is not covered under the workmen compensation Act. This is a major anomaly. Nationalised banks advance loans for purchasing the vehicles under self employment scheme. Thus the government is trying to help the poor unemployed. They drive the vehicles themselves. But in the event of an accident, the compensation Act would not apply to him. Already he is poor. Moreover he meets with an accident. There is no justification why this Act should not apply to him. Hence I plead that such driver cum owners should also be brought with in the perview of the said Act.

Sir only the police officials who are and above the rank of sub-inspectors should be permitted to do the cheeking of trucks. Now even the constable does that job and there is a lot of harassment of lorry-drivers. In order to bring down the harassment, only sub-inspectors and the officers above their rank should be entrusted with the job of checking the trucks. The corruption will also come down considerably. Now what is happening is that the constables stop the vehicles and demand money for clearing the vehicle. It is also considerable traffic congestion. Hence power to stop and check the vehicle should

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be conferred only on and above the rank of sub-inspectors.

Sir, many mopeds of 50 cc capacity are appearing on roads today. The number of these mopeds is increasing everyday. It is everybody's knowledge that only poor people own these vehicles. These mopeds are fast replacing bicycles in the country today. They do not have gears. These small vehicles should be exempted from the tax altogether. They do not have gears and are very popular among the poor. There is no justification in taxing these vehicles and hence should be totally exempted from the tax. I hope the Hon. Minister would do justice to the poor by exempting these vehicles from tax.

Sir, now, nationalised routes have now been thrown open for private operators. No doubt it is a good step. But, I request that there should be a Committee to keep a watch on these routes. This Committee should if necessary restrict the number of private vehicles on routes wherever necessary. Otherwise, the private operators would choose only those routes which are good enough and neglect other routes. There will be scramble for certain routes while other routes will go untouched. Hence a Committee should be set up to see that the contemplated relaxation does not adversely affect the people. The relaxation should not be total. It should be well balanced. Then only the expected benefits of relaxation of this policy would go to the people.

I thank you very much for giving me this opportunity and conclude my speech.

[English]

SHRI SHANTARAM NAIK (Panaji) : I am on a point of order. In the morning, I made a reference to ..\*\*..

MR. CHAIRMAN : No point of order. It will not go on record.

SHRI SHANTARAM NAIK : Why my remarks are expunged ?

MR. CHAIRMAN : Over-ruled. It will not go on record.

SHRI SHANTARAM NAIK : According to Rule 380, the words are to be expunged if only they are defamatory or indecent or unparliamentary or undignified. Have I said anything which is undignified ? Why my remarks are expunged ?

MR. CHAIRMAN : I have not allowed you. I am not allowing you. You are not to challenge the ruling of the Chair.

SHRI SHANTARAM NAIK : I am asking for a review of your decision under the rules. I am not challenging your ruling. I am asking for a review.

MR. CHAIRMAN : You should not ask the Chair. It will not go on record, please.

(Interruptions)

MR. CHAIRMAN : It is not the way to address the Chair. You can see the Deputy Speaker in his Chamber. This is not the way.

SHRI SHANTARAM NAIK : I ask you for a review of the ruling.

MR. CHAIRMAN : Ruling or a decision of the Chair cannot be challenged. Already a ruling has been given.

(Interruptions)

MR. CHAIRMAN : Mr. Krishna Iyer to speak.

(Interruptions)

SHRI V.S. KRISHNA IYER (Bangalore South) : I wish to make the following remarks on the Motor Vehicles Act.

This is a very important Bill. There are more than 200 Clauses in this Bill. The present Act is 50 years old. It requires a fresh look. (Interruptions)

16.00 hrs.

I expected that the dynamic Minister will agree to refer this Bill to the Joint Committee. There are certain lacunae in the Bill. We could have made this one of the best Bills in our statute. But, unfortunately,

the Minister has not agreed to send it to the Joint Select Committee so far. After listening to the Members, he should at least now agree to send it to the Joint Select Committee.

Sir, the hon. Minister in the Statement of Objects has stated that the State Governments have been consulted in this regard. Sir, I am very sorry to say that so far as the opinion of my State Road Transport Undertaking is concerned, they are not happy with many of the Clauses of the Bill. They feel that it will kill the State Road Transport Undertakings in our State. I am speaking of my State. I do not know the feelings of other States also. There are some provisions. Actually, they are going to kill the State Road Transport Corporations. I find there are many a lacuna. I would like to take up only a few such cases because the time at my command is very little.

In the first instance, in the beginning itself, care should have been taken to define all sorts of vehicles in the Bill itself. You have left out the Ambulance. There is ample definitions for Ambulance. You have left out auto-rickshaws also. Auto-rickshaws are very common now. The correct definition of auto-rickshaw is also required. But that has been left out. There are many such things.

Coming to Chapter II regarding licencing, I welcome that provision. But the only thing I would like to point out is that with regard to driving licence, it is necessary to bring out competent and good drivers. At present, we do not have sufficient number of driving Training Schools in our country. Therefore, my opinion is that until we have atleast one driving school in every district, it will be difficult to enforce this. I welcome this provision. This is very necessary. But, before you implement this provision, you must take steps to see that driving schools are opened in all the District Headquarters. I am very particular that it should be in the Public Sector because it is very easy to get driving licence from a private school. A person can go to any of private schools and get a certificate within a short time. Therefore, I stress that the School should be to the standards and the certificates should be given by the Government-run schools.

Sir, in Chapter-V, in the existing Act—

the present Act—the procedure of Regional Transport Authority in considering applications for a stage carriage permit is prescribed in detail under Section 47. But now, that has been given a go-by. In Clause 71 (1), it just says that a Regional Transport Authority, while considering the application for a Stage Carriage, have regard for the objects of the Act. In the old Act, the RTA is empowered to limit the number of Stage Carriages but in the present Bill under Sub-Clause (1) of Clause 71 and sub-Clause (2) of Clause 80, any number of permits can be issued. So, it is a free-for all. Any number of Stage Carriage permits can be issued by the Regional Transport Authority. This will affect the finances of the Road Transport undertakings and it will hit them hard. Sub-Clause (1) of Clause 71 and Sub-Clause (2) of Clause 80 will give freedom for the Regional Transport Authorities. No prescribed procedure is there. They can go on giving any number of permits for the Stage Carriages. What is the fate of the State Road Transport Undertakings? Similarly, in the case of contract carriages also, under Section 50 of the existing Act, the Transport Authority can fix a limit. But now, under Sub-Clause (1) of Clause 74 and Sub-Clause (3) of Clause 74, any number of permits can be issued. An individual can have any number of permits. The Company can also have any number of permits for contract carriages. What is the effect of these two—the Contract carriages and the Stage Carriages? What is the fate of the Road Transport Corporations? This will certainly affect them. If only the Minister had consulted the road transport undertakings which are in the public sector, perhaps he would not have come with such a provision for issuing permits. There should have been some restraint. There is a feeling that this particular provision is pro-private operator. Therefore, this needs a second look. We have the experience in our own State where even on nationalised routes any number of permits are issued to matadors and standard vans which are operating as parallel services to the road transport services.

Regarding renewal of permits, there is no safeguard at all; it looks as though it is automatic. Even for renewal of permits, you should see the past record. In the present Act there are provisions under section

[Shri V S. Krishna Iyer]

58(2). But according to the present Bill, renewal seems to be automatic; you do not go into the past record or past performance of the permit-holder at all; even if he had committed a number of offences, you are going to renew.

In the case of tourist permit also, you have relaxed. Under Clause 88(9) of the Bill, permission can be granted for promoting tourism, valid for the whole of India. No limit or quota is prescribed. Here also they will operate parallel to the State road transport.

Finally, I come to nationalisation. Hitherto, for nationalisation of routes, used to be notified by the road transport undertaking. But now, under Clause 99 of the Bill, it is the State Government that notifies. Hitherto, the road transport undertaking used to notify and objections used to be called for and Government used to sit in judgment and give the decision. But now what will happen? Government itself will notify, Government itself will consider the objections and Government itself will take the decision on its own notification. There is no natural justice. Therefore, the position as it exists in the existing Act should be restored, namely, the nationalisation routes must be notified only by the road transport undertaking and they must be decided by the Government.

There are some more points, but because there is no time, I am not mentioning. You must have seen the reaction of the road transport undertakings. If only we had time in the Select Committee, we could have interaction with the officers and we could have improved on this. In any case, please see that, under no circumstances, is nationalisation diluted. I hope the hon. Minister will consider these suggestions which have been made not only by me but also by many other Members.

**THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT):** Mr. Chairman, Sir, in the beginning I must thank all the hon. Members who have spoken from both sides of the House for the keen interest they have taken. It was very educative listening

to most of the Members. Let me humbly make this request to all. The intention is to improve the system. This is not the full-stop; today the Bill is passed and Government's mind is completely closed and we say, "Whatever we have discussed, that is all; nothing more can be entertained". This is only the initial step in the right direction on this sector which has been suffering for the last 30 to 35 years. As I mentioned in my opening remarks, there has been a change in the total system. Where we had three lakhs of vehicles, we have today a hundred lakhs of vehicles. Earlier, for driving licence the requirement was different from what we have today. Seeing the total change in the system, we have come with some reforms. So, It must, very humbly, tell the hon. Members that it is not that we have put a full stop to any suggestion or that we say that what we have done is a totally perfect system. We are here to carry on improving on it. It is a continuous process. We cannot say that today's rule will be valid even after 30 years. May be in 1939 when the old Act was made, this was also thought over that there would be a change and the road transport would increase. What the hon. Members have got, Government also have the same intention. The idea is to give a safe and perfect transport system to the country. We are open. We are open for the suggestions and as the Bill is put into practice, put into practical implementation, whatever things we feel that this is not really going to work out, we have not closed our mind on that and we will move on that line I must thank the Hon. Members for their valuable suggestions and I humbly request that this is a very progressive step in the right direction and with honest intentions everyone must support and pass the Bill so that we can really move towards the right direction.

Hon. Members have said about the comments of the State Governments. I must assure them that, may be, the State Governments are not happy with some of our amendments. But we have consulted all of them. If any Hon. Member has any doubt, I can give the comments of that particular Government to that Hon. Member whatever comments they have given to us. We have not only asked their comments, but we have sent the Bill to them and waited for their comments. Since 1984, we have

been working on it. We have met experts on transport system. We have taken comments of the State Governments. We have discussed in the Transport Development Council where all the Transport Ministers and the PWD Ministers from the road transport sector are involved, and open discussions have taken place.

**SHRI BASUDEV ACHARIA :** I would like to know whether you have received comments from the State Government or you have consulted the State Governments.

**SHRI RAJESH PILOT :** I say I have consulted them. I have said : all right, I am sending the Bill to you. Please comment." If the Government has not replied for four years, what do you expect me to do ? Do I carry on waiting that the Government has not replied ? I should not carry on postponing my decision. (*Interruptions*)

**SHRIMATI GEETA MUKHERJEE (Panskura) :** Have they commented adversely ?

**SHRI RAJESH PILOT :** But I have considered them. I have said in the beginning that they may not be happy with some of our amendments. I have accepted that. I am not saying that whatever they have told, I will incorporate it totally. There have been difference of views. During the discussion, you have heard that there are difference of views from different Members of Parliament. Some Members have said that liberalisation of permit is good. Some Members have said that it is certainly wrong. Some Members have said that privatisation should be encouraged and some have said that nationalisation should be more strengthened, and privatisation should not be encouraged. Always, there are difference of views on any subject and it is the duty of the Government to take a balanced view on the national policy of that particular party which is running the Government. Our Government is for nationalised sector, public sector, but we also encourage private sector wherever it is needed. We have taken a very balanced view in the whole Motor Vehicles Act. When we formed the definition, we have taken in view the comments of the other Ministries like the Industries Ministry about what is the production figure likely to be in the next ten

years etc. Maybe today the 12,000 kilogram vehicles are considered as heavy vehicles and the production in the industry is picking up. That is why, we have kept the vehicles of 10,000 kilograms under the medium vehicles. All these factors have been considered in consultation with the Industry Ministry, Law Ministry. Suggestions from the Members of Parliament have been taken. Today, most of the Members who have supported it, some of them have been writing to me and I have also been receiving suggestions for the last two years from the Hon. Members of Parliament. Even Members have written to me about their suggestions after going through the newspaper. So, any Member who has been really keeping a track has been suggesting we have taken that suggestion in incorporating these amendments. Most of the Members have spoken on various subjects. There are three subjects where difference of views have been expressed. I will just cover those two or three points where we have difference of views.

One was the driving licence. If you see the rate of accidents which is a worry for the whole country, I think, the House will share with me that the number is increasing percentage is increasing. That is why, we have to come very heavily on that particular aspect that we have to start very strictly. I fully agree and Mr. Banatwalla will pardon my saying this that delegation which met him today that had met me also in the morning. He was persuading me that this 20 Point Programme would totally fail if we had restrictions on the 20 Point Programme. Are we giving priority to the removal of poverty instead of life of a person ? Safety to life is more important than the removal of poverty. (*Interruptions*)

**SHRI G.M. BANATWALLA :** You can clarify this. For example, when we are concerned with accidents you have actually reduced punishment for accident in this present Bill. The punishment for excessive speed, for example, has been reduced. You please refer to your Clause 183 (1). In the present Motor Vehicles Act the punishment is imprisonment upto one month or fine upto Rs. 100 or both. Both in the present Bill, for the first offence fine upto only Rs. 500 and for subsequent offences only upto Rs. 1000. The point that I am suggesting is

[Shri G.M. Banatwalla]

that there are various aspects which have been overlooked and there are certain provisions which are ill conceived and this is one of the ill conceived provisions.

**SHRI RAJESH PILOT :** We have tried to become practical about it. If you put imprisonment for overspeeding, it never happens as you know. So it is better to fine him financially so that he learns a lesson. It is easy to write one month imprisonment; but how many cases have been practicable in this country where for overspeeding one has gone to jail. So we have tried to become so practical where we can really implement this Act.

Most of the Members have made a point about driving licence. The idea is to have driving licence given to those people who are really competent to drive. Today the system is faulty. As I have said in my replies earlier in the House, now there is no system at all, there is no medical check up at all. Once you get your driving licence, I have seen personally that at the age of 56 or 60 the driver is driving and the man sitting beside him tells him 'now turn left, now turn right.

[*Translation*]

"now turn left, now turn right and now apply the brake".

These are all happening. These are the practical things where we have to get into the problems and find out. We have made medical check up compulsory for commercial vehicles conceding these factors.

I agree that the moment you say that two years light motor vehicle driving experience before you change over to heavy motor vehicles ..

**SHRI G.M. BANATWALLA :** Not experience, only holding the licence.

**SHRI RAJESH PILOT :** The intention is that only. I can write experience...  
(*Interruptions*)

When we have put this clause that he should hold a two years light motor vehicle licence, the intention is that he drives. I agree that there is no experience written in

that. But the maximum that we can put legally on them is this. Because the moment you say two years light motor vehicle driving experience, there is a test after that also. It is not that holding two years licence is a fit case to take licence for heavy vehicles. But even experience chit for any amount of experience one can take. I know it. It is not a perfect system where you can say that all right you have licence and you have the experience too—that is the perfect system. But we except that with these restrictions there will be some sort of improvement in it. I am not saying that with this law 100% improvement will come. 100% improvement will not come till such time we really improve the whole system of the functioning of this country.

There are people who get motor driving licence by sending money orders. There are cases which have been caught where people have not even applied for it and they just by sending money orders get motor driving licence. Thinking on those lines we have gone very strict on driving licence. So let us put it in practice. If we find that it can work, we can always reduce it from two years to one year. It is also not correct that the man who qualifies for a heavy vehicle should be immediately put on a 30 tonner or a 35 tonner vehicle. Because the moment you give a heavy motor driving licence, you cannot put a restriction that he will drive only upto 3 tonner or 5 tonner vehicles. We are trying to put experience only for safety reasons.

One point was made about fitness by private testing stations. The intention is again to remove corruption from the system. Today as Hon. Members pointed out, when a person goes for fitness of vehicle in RTO office, they say that this is wrong and that is wrong. But with some discussions everything will become fit ! To remove that, you have to have competition. We are relying totally on the State Government for this. Because ultimately the implementation of the Act is totally in the hands of the State Government.

**SHRI P. KOLANDAIVELU :** By this you are opening the floodgates of corruption.

**SHRI RAJESH PILOT :** It means that

giving anything to the State is encouraging corruption !

SHRI P. KOLANDAIVELU : No, you are giving it to the private owners now.

SHRI RAJESH PILOT : What we are doing is that we are authorising the State Government that they select the motor garages which have the equipment and competence. It is the State Government which has to say this. They can say that all right no private garages, we want to have RTO efficiency. The intention is that RTO should serve; but they are not serving. So this is the only alternative available. When I know there are two alternatives the corruption will be reduced. This is the total idea behind having the private garages giving certificates for fitness. We have seen in the developing countries this has worked because when you are coming to RTO for fitness you are already bringing a certificate of fitness from the motor garage. You are already bringing that certificate and RTO is only counter-signing it. Today he has the power to reject it.

Another main point which was discussed was the nationalisation of routes and liberalisation of permits. The intention behind this liberalisation is very clear. It is not moving towards privatisation. Let me explain what is Government doing. Today some of the State Governments suppose they want to nationalise some routes. They will give a news or a notification or an order that such and such route is to be nationalised. Then all the private operators come running and say : Do not nationalise. Do not nationalise. After that they take sometimes two years or three years and the route is never nationalised. The same system continues. Then complaints come to us that nationalisation has become a scaring weapon with the State Government. Now what we have done in the present scheme is that suppose route 'A' to 'B' is to be nationalised. The State Government will give a notification that they want to nationalise route 'A' to 'B'. Then within one year the State Government will have to nationalise that route and publish their scheme in the local newspaper and also the existing system at that moment when notification is issued will continue till total nationalisation takes place and suppose they

do not nationalise within one year then the whole scheme lapses.

As far as the point about liberalisation of stage carriage permits and contract carriage permits is concerned it is a fact that some people are holding the permits for generations. This point has been mentioned by some hon. Members also. For the last three generations the permit has not gone to any other person. There are parties who are holding the permit for the last thirty years because they do not allow the newcomers to come in. They do not allow the other parties to come in. They use methods beyond doubt. The same thing was told to me when Government liberalised the national permits on trucks. Lot of people came saying you are going against Socialism. You are withdrawing the right of scheduled castes and scheduled tribes. But what was happening. Permits in the names of scheduled castes and scheduled tribes were taken and they were further rented and in some cases sold. The poor scheduled caste and scheduled tribe did not make full use of that permit. They were misused. With this the intention of the Government is to remove corruption and, as such, the cost of the permit is removed. The apprehension of Mr. Kolandaivelu is that if you make it free there will be dis-order. Everybody will apply and instead of 50 buses there will be 100 buses.

SHRI P. KOLANDAIVELU : There will be so many buses and less passengers.

SHRI RAJESH PILOT : His apprehension is that there will be chaos. Suppose there is requirement of fifty buses there will be 100 buses instead. I agree with him that there is an apprehension to that effect but who will spend Rs. 5 or 6 lakhs on a bus if there is no return from the bus.

SHRI P. KOLANDAIVELU : He need not spend Rs. 5 or 6 lakhs. Through hire-purchase system by spending Rs. 30,000 you can get a vehicle.

SHRI RAJESH PILOT : But you will be paying interest to the bank. Then you are taking a liability on yourself. I share your apprehension. I am not saying it is totally ruled out. What I am saying is that let us take this step so that corruption is curbed,



SHRI P. KOLANDAIVELU : Let me tell you corruption cannot be eliminated by this.

SHRI RAJESH PILOT : We have another one and a half years term to go in this House. You are here. We are here. We will show corruption is removed and if there is any lacunae still left we are to learn from it. So, that is one intention. Initially, the same apprehensions were given to us in the case of national permits for trucks. Believe me, the revenue went up. A common man could go to RTO office. If he said : My truck number so-and-so, permit for three States, he just paid the tax of the State and came back. Corruption has been routed out totally from there. Today, the national permit for a truck is freely available to anyone. There is no corruption. On similar lines, we are trying to have in this system.

We are available to rectify that. If at any time, the House feels, we feel or the people feel that it has to be amended in that way, we are there to rectify the mistake and follow it up. (*Interruptions*)

Another thing was about the claims. I am just touching the main points. Then, I can answer some of the questions about which the hon. Members feel.

In this particular Bill, we have tried to bring maximum public convenience. The intentions of the Government are to have scope for natural growth in keeping with the local needs for both the public sector and the private sector.

We have also tried to bring about changes to give scope for individual initiative, road safety, pollution control and regulation of transport of hazardous equipment. A number of Members have said about provisions for pollution. I can inform the House that with this Act, which is coming in, we have taken steps for emission of smoke, visible vapours, spark ashes, reduction of noise emitted by causes of vehicles. We have come down on the age of the vehicles.

PROF. SAIFUDDIN SOZ : Why not eradication of noise ? Why reduction ?

SHRI RAJESH PILOT : My point is, we would like to eradicate it. Tomorrow, you will take a decision that all vehicles of six years would be closed. Can you afford it in this country today ? Suddenly, you find two lakh vehicles off the ground. Then, you come to the banks. Let us go practical. I can take a decision that any transport giving is to be closed. I can tell that the Jammu and Kashmir Government will be the first one to ring up and say : 'No, no; hills, you must permit.' So, let us have a practical approach.

SHRI ATAUR RAHMAN : What about the pending cases in courts ?

MR. CHAIRMAN : Let the Minister reply. Then, you put some question, if necessary.

SHRI RAJESH PILOT : On nationalised routes, we have made provisions for State carriers permit on route of 50 kilometres or less only State transport undertakings besides the individual. We have not brought the companies here. Only STUs have been permitted. STUs are exempted from ceiling limit on personal holdings. There is a ceiling limit on the personal holdings by individuals and companies—five and ten, respectively.

About the consideration of applications for permits, where there are more applicants than the number of vacancies available, STUs will be given preference other things being equal. Similarly, STUs have been exempted from ceiling on personal holdings in matters of grant of national permits and all-India permits for tourists and coaches. Even for the festivals and other things, we have removed the restriction on the STUs so that they can use whenever they feel like that.

Regarding provisions to help the private sector, we have taken the steps. Presently, when a scheme is to be nationalised, route or area is notified, existing private operators cannot get renewal of the permits. The transport authority cannot grant permit on such routes or areas covered by notification. There is uncertainty in the minds of private operators. They do not take steps to improve their services or replace the existing vehicles because of the fact that Govern-

ment's intention to nationalise that area or route is there. We have taken steps that within one year, the Government has to do all their formalities and come up there.

I have mentioned about the drivers. I have mentioned about the vehicles. We have also taken steps for a critical component of motor vehicle to conform to the prescribed standards and specifications. Renewal of registration certificate on non-transport vehicles will be only after a certificate of fitness is issued by a competent authority. As I have mentioned, the registration is being changed. We are going to have a national register. (*Interruptions*)

Similarly, there is compulsory inspection of vehicle for mechanical defects before it is registered and power to prescribe the age-limit of motor vehicles to eliminate the vehicles causing pollution.

We have taken a step. Over-loading was very common.

SHRI AMAL DATTA (Diamond Harbour): Mr. Madhav Reddi made a point. I also emphasis that. That was, if you are authorising the State Governments to have prescribed gar ages to give the fitness certificates that will not be a very good thing.

MR. CHAIRMAN ; The Minister has already replied for this.

SHRI AMAL DATTA : No, no. He is just proceeding. Is he taking steps in this regard ?

SHRI RAJESH PILOT : I am covering those general points. Over-loading was very common in the transport sector. We have taken a decision that if anywhere over-loading is found, we said to off-load there itself so that people are psychologically scared and they will not overload. Earlier there was challan system. So, these are the strict measures to improve the system.

Similarly, there are lot of measures which we have taken. One of the hon. Members has said that what is happening today is that a vehicle commits a crime here and goes to some other State. It is easy to trace that vehicle with this new

system of registration and the national register of driving will be maintained and it will be very easy to trace the vehicle and the driver. These are the very good intentions moved by the Government. Most of the Members have given their points in different ways. I have noted down all the points.

SHRI P. KOLANDAIVELU : You are taking away the jurisdiction of the court. Clause 2 (11) which was formerly found in the Act in 1987 has been taken away now in the new Act, *i.e.*, the jurisdiction of the courts. That is the fundamental right. How can you take it away ?

SHRI RAJESH PILOT : It is not that Fundamental Right. This is a different fundamental right. There have been complaints that lot of things have been pending in the courts. We have taken up with some of the measures. And nobody will go to the court when there is no restriction. Why are people going to court ? You have applied and I have applied. How have you got it ? That will be the cause. Now there is no cause. Who will go to the court ?

I have noted down the points given by the hon. Members individually. Generally, I have covered all the points as to what Government intend to do, what they have suggested and what is in the present Motor Vehicles Act and so on. (*Interruption*.)

16.32 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

SHRI ATAUR RAHMAN : What about the pendency of cases in the court under Motor Vehicles Act ?

SHRI RAJESH PILOT : Regarding the pendency of cases in the courts, in the new Act, you can find that we are trying to hasten the Claim Tribunals and after the Claim Tribunals are finalised, within 30 days, the fund has to be deposited.

SHRI ATAUR RAHMAN : That is quite different. I am talking about the traffic violations which are not tried by court... (*Interruptions*)...regarding special magistrates...(*Interruptions*)...

SHRI RAJESH PILOT : It is a good suggestion. I will certainly consult with the State Governments in the next Transport Development Council. I have mentioned very clearly and let me frankly tell the whole House that the total implementation of this Bill will be practically depending upon the efforts taken by the State Governments. Only then, the Bill will be practical. The total machinery has to be by the State Government because this sector is totally controlled by the State Government and we will do our best from the Centre in giving full help to it. Whatever suggestion, the hon. Member has given, I will certainly discuss when the next Transport Development Council meeting takes place.

One hon. Member has mentioned about the Delhi bus terminals. I fully agree that the requirements in Delhi are more. It is also under consideration. We will try to help the Delhi commuters in this direction.

With these words, I request the hon. Members to get the Bill passed.

MR. DEPUTY SPEAKER : I shall now put the Amendment to the Motion for Consideration moved by Shri C. Madhav Reddi to the vote of the House.

**Amendment No. 1 was put and negatived.**

MR. DEPUTY SPEAKER : The next amendment to the Consideration motion is by Prof. Soz.

PROF. SAIFUDDIN SOZ : Please give me a minute. I do not insist on a Joint Select Committee on this Bill. It is an important Bill and I want an assurance from the hon. Minister that this Bill would be reviewed within the next six months and he will come forward with the amendments required in the light of the suggestion received and the discrepancies noticed.

SHRI RAJESH PILOT : As I said, the Government has a totally open mind. I am not saying that it is a perfect legislation. Efforts have been made to improve it. We have incorporated the various suggestions we have been receiving. We have had discussions in the various forums also. Why fix this time limit? We can review it even tomorrow, if necessary.

SHRI G.M. BANATWALLA : It is an open window that does not let the fresh air in.

PROF. SAIFUDDIN SOZ : I seek leave of the House to withdraw my amendment to the consideration motion.

**Amendment No. 103 was, by leave, withdrawn.**

MR. DEPUTY SPEAKER : The question is :

“That the Bill to consolidate and amend the law relating to Motor Vehicles, be taken into consideration”.

**The motion was adopted.**

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill.

#### Clause 2 (Definitions)

SHRIMATI GEETA MUKHERJEE : I beg to move :

“Page 3, line 18,—

for “12000 kilograms” substitute  
“11000 kilograms” (37)

“Page 3, line 32,—

for “6000 kilograms” substitute  
“4,000 kilograms” (38)

These amendments are with a view to save the Government from the revenue loss without any benefit passing on to the consumer. In a situation where we have such a huge deficit, I think, it is absolutely non-essential to reduce this revenue to give this concession. If the hon. Minister has an open mind, let him make a start from today, why wait for tomorrow and accept my amendments.

SHRI RAJESH PILOT : This is a definition clause and it defines a heavy passenger motor vehicle. The criterion for classification of the heavy passenger motor vehicle is that the gross weight of such vehicle should exceed 12000 kilograms. The amendment proposed is to limit gross vehicle weight to 11000 kilograms which is the present limit under Section 2(9-A) of

the Motor Vehicles Act, 1939. The limit of 11000 kilograms was proposed to be increased to 12000 kilograms on the recommendations of the Ministry of Heavy Industries.

As I have mentioned, we have taken into consideration the technical requirements of the transport sector for the next twenty years.

As regards revenue, there will not be any loss, because the earlier limit of 4000 kilograms, has been brought down to 3000 kilograms. While the revenue will not come down, on the other hand, it will help a lot; 11000 kilogram vehicles will come in the medium vehicles.

In view of this, I do not accept the amendments.

MR. DEPUTY SPEAKER : I shall now put amendments No. 37 and 38 to clause 2 to the vote of the House.

**Amendments Nos. 37 and 38 were put and negatived.**

MR. DEPUTY SPEAKER : I shall now put clause 2 to the vote of the House. The question is :

“That clause 2 stand part of the Bill”.

**The motion was adopted.**

**Clause 2 was added to the Bill.**

MR. DEPUTY SPEAKER : The question is :

“That Clause 3 stand part of the Bill.”

**The motion was adopted.**

**Clause 3 was added to the Bill.**

**Clause 4 (Age limit in connection with driving of Motor Vehicles.**

PROF. SAIFUDDIN SOZ : I beg to move :

.Page 6, line 13,—

omit “in any public place”. (30)

Sir, Clause 4 says, “No person under the age of 18 years shall drive a motor

vehicle in any public place”. Now there may be some public park which has no fencing and which is not labelled as public park, is he free to kill somebody there? So, what is the use of saying, “Not in any public place?” I request the Hon. Minister to remove this expression.

SHRI RAJESH PILOT : Mr. Deputy Speaker, Sir...

PROF. SAIFUDDIN SOZ : ‘No person under the age of 18 years shall drive a motor vehicle!—this is sufficient. Why in any public place was added?’

SHRI G.M. BANATWALLA : In a private room he can drive. (*Interruptions*)

SHRI RAJESH PILOT : What we have done is that we have reduced the age from 18 to 16 years for children who are driving mopeds or vehicles without engines or gear. And why we have said, ‘not at public place’ is because if you remove this, then they will drive at public places also. So, we have specially restricted it to the private places. And as the Hon. Member was saying, I don’t think that in lawns or some such places somebody will drive the vehicle. He is not supposed to drive there.

MR. DEPUTY SPEAKER : I shall now put of amendment No. 30 to Clause 4 moved by Prof. Soz to the vote of the House.

**Amendment No. 30 was put and negatived.**

The question is :

“That Clause 4 stand part of the Bill.”

**The motion was adopted.**

**Clause 4 was added to the Bill.**

MR. DEPUTY SPEAKER : The question is :

“That clauses 5 and 6 stand part of the Bill”.

**The motion was adopted.**

**Clauses 5 and 6 were added to the Bill.**

**Clause 7 (Restrictions on the granting of learness licences for certain Vehicles)**

SHRI G.M. BANATWALLA : I beg to move :

Pages 6 and 7,—

omit lines 35 to 41 and 1 to 3, respectively. (10)

Page, 6,—

omit lines 36 to 38. (11)

Page, 7—

omit lines 1 to 3. (12)

PROF. SAIFUDDIN SOZ : I beg to move :

Pages 6 and 7,—

(i) omit lines 35 to 41 and 1 to 3, respectively.

(ii) Page 7, line 4-omit "(2)". (31)

MR. DEPUTY SPEAKER : I shall now put together all the amendments to Clause 7 to the vote of the House.

Amendments Nos. 10, 11, 12 and 31 were put and negatived.

The question is :

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

MR. DEPUTY SPEAKER : Shri B.D. Patil, absent. There is no amendment moved to Clause 8.

The question is :

"That Clause 8 stand part of the Bill".

The motion was adopted.

Clause 8 was added to the Bill.

**Clause 9 (Grant of driving licence)**

SHRI G.M. BANATWALLA : I beg to move :

Page 9,—

omit lines 11 and 12. (13)

MR. DEPUTY SPEAKER : I shall now put amendment No. 13 to Clause 9, moved by Shri Banatwalla to the vote of the House.

Amendment No. 13 was put and negatived.

The question is :

"That Clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clause 10 to 13 stand part of the Bill."

The motion was adopted.

Clauses 10 to 13 were added to the Bill.

Clause 14 (Currency of Licences to drive motor Vehicles).

SHRIMATI GEETA MUKHERJEE : I beg to move :

"Page 12, line 11,—

for "twenty years" substitute "three years" (39)

MR. DEPUTY SPEAKER : I shall now put the amendment moved by Shrimati Geeta Mukherjee to the vote of the House.

Amendment No. 39 was put and negatived.

MR. DEPUTY SPEAKER : The question is :

"That Clause 14 stand part of the Bill."

The motion was adopted.

**Clause 14 was added to the Bill.**

MR. DEPUTY SPEAKER : The question is :

“That Clauses 15 to 21 stand part of the Bill.”

**The motion was adopted.**

**Clauses 15 to 21 were added to the Bill.**

**Clause 22—(Suspension or Cancellation of driving licences on conviction)**

PROF. SAIFUDDIN SOZ (Baramulla) : I beg to move :

Page 16, lines 45 and 46,

for “may cancel or suspend for such period as it may think fit.” substitute, “shall cancel,” (32)

Page 17,—

omit lines 1 to 5 (33)

It is a very important Clause of the Bill. I want a minute to speak.

Sir, on first conviction the expression here is that the court “may cancel or suspend”. Why this “may” when he is convicted of rash driving, dangerous driving as is referred to in Section 184. if any class or description of motor vehicle causes death or grievous hurt to one or more persons, the court by which such persons be convicted may cancel or suspend for such period as it may think fit. The conviction is there and there is no punishment. In the Bill you are institutionalising a kind of lenient treatment to drivers who drive rashly and cause not only injury but kill persons and yet you say that the court “may cancel the licence.” Therefore, I move this amendment. This is a definite contribution.

SHRI RAJESH PILOT : Mr. Deputy Speaker, Sir, cancellation of licence has also been authorised to the State Government but for some reasons, if the matter has gone to the Court, you really cannot dictate the court that you will cancel it. You have got to leave to the wisdom of the court The hon. Member is a legal man. He knows

when the case is under the jurisdiction of the court, you have got to leave the options as per the law and what decisions the court gives the you have to follow. We cannot say that court “shall cancel”. Then why should we go to the Court ? But for some reasons if you have to go to the court, then you have got to leave it to the wisdom of the Court.

PROF. SAIFUDDIN SOZ : In Section 22, sub-Clause 2, you used the expression “shall”. I want to use this expression also in sub-Section 1 of Section 22 because this will institutionalise a kind of lenient treatment to drivers who will drive. You kindly give me a minute or two to speak. It is very important. I demand that it should go to a Joint Committee.

MR. DEPUTY SPEAKER : I now put amendment numbers 32 and 33 to Clause 22 moved by Prof. Saifuddin Soz to the vote of the House.

“Amendment Nos. 32 and 33 were put negatived.”

MR. DEPUTY SPEAKER : The question is :

“That Clause 22 stand part of the Bill.”

**The motion was adopted.**

**Clause 22 was added to the Bill.**

MR. DEPUTY SPEAKER : The question is :

“That Clauses 23 to 29 stand part of the Bill.”

**The motion was adopted.**

**Clauses 23 to 29 were added to the Bill.**

MR. DEPUTY SPEAKER : Now Clause 30. Mr. D.B. Patil is not present. There are no amendments to Clauses 31 to 35. So, I put Clauses 30 to 35 together to the vote of the House. The question is :

“That Clauses 30 to 35 stand part of the Bill.”

**The motion was adopted.**

**Clauses 30 to 35 were added to the Bill.**

MR. DEPUTY SPEAKER : Now Clause 36. Mr. D.B. Patil is not present. There is no amendment to Clause 37. So, I put Clauses 36 and 37 together to the vote of the House. The question is :

"That Clauses 36 and 37 stand part of the Bill."

The motion was adopted.

**Clauses 36 and 37 were added to the Bill.**

**Clause 38—(Power of State Governments to make rules)**

**Amendment made :**

Page 24, line 18,—

after "registered" insert "medical" (7)

(Shri Rajesh Pilot)

MR. DEPUTY SPEAKER : The question is :

"That Clause 38, as amended, stand part of the Bill."

The motion was adopted.

**Clause 38, as amended, was added to the Bill.**

MR. DEPUTY SPEAKER : The question is :

"That Clauses 39 to 49 stand part of the Bill."

The motion was adopted.

**Clauses 39 to 49 were added to the Bill.**

**Clause 50—(Transfer of ownership)**

**Amendment made :**

Page 31, line 32,—

for "shall" read "is required to" (8)

(Shri Rajesh Pilot)

MR. DEPUTY SPEAKER : The question is :

"That Clause 50, as amended, stand part of the Bill."

The motion was adopted.

**Clause 50, as amended, was added to the Bill.**

MR. DEPUTY SPEAKER : The question is :

"That Clauses 51 to 55 stand part of the Bill."

The motion was adopted.

**Clauses 51 to 55 were added to the Bill.**

**Clauses 56—Certificate of fitness of transport Vehicles.**

MR. DEPUTY SPEAKER : Now Clause 56. Shrimati Geeta Mukherjee.

SHRIMATI GEETA MUKHERJEE (Panskura) : I beg to move :

Page 37,—

(i) lines 5 and 6,—

omit "or by an authorized testing station mentioned in sub-section (2),"

(ii) lines 9 and 10,—

omit "or the authorised testing station"

(iii) omit lines 12 to 18. (40)

This amendment deals with the power conferred by this Bill to the private testing stations to issue fitness certificates. Of course, this has to be done according to the specifications of the Central Government; and Mr. Pilot has said that the State Governments also can opt, out or in. Here, I have very serious objections on various counts. I am not at all convinced by his explanation. One reason that this power should never be given to private operators, because public safety is involved here. Nothing is bigger than that.

He spoke about employment. I say : let there be any number of garages to repair. Why do they want them to be given the right to issue fitness certificates, which will be manipulated by any means? (*Interruptions*) Certainly they can be. This cannot be done by the pulice servants. If they do it, you

can at least catch them. They are your servants. (*Interruptions*)

As far as qualifications are concerned, they can always be managed. And here, in reality, the State Governments' rights have been seriously abridged, because it is not true that the State Governments have an absolute right. If the specifications given by the Central Government are adhered to, and if the State Government, under certain circumstances, says : 'No; this garage is not to be given the power to issue fitness certificates,' then they can immediately go to the court, and get the verdict of the court. So, that arrangement is being made here.

Lastly, the question is that we have State Government of various hues—the Left, the Centre, the Opposition etc.; all kinds of Government are there : in Orissa, Karnatka, Tamil Nadu, West Bengal and what not. They are all opposed to this. Therefore, this Clause should be immediately removed from the Bill. I believe the Minister will take a serious note of it. This is an experiment. So, let this experiment, for the time being, be given up thinking that so many State Governments have not agreed to it.

SHRI RAJESH PILOT : The hon. member is a senior member of the House. She has got a habit of putting words into mouth of the speaker certainly. I said, it is a step towards a progressive direction. I never said, it is an experiment. Government cannot do an experiment with laws and acts. I said, it is a progressive step towards a right direction. Even during her speech, first time, she mentioned about the object of the Act, which was not correct. I would repeat—the hon. member can check—"These were some of the more important modifications suggested" you read "Liberalisation of privatisation" which was the modification suggested. But the object is in the next page; you should have read the page no. 132, which is the real page. But in your speech you mentioned that the object of the Bill is to increase privatisation, which is not correct; may be my mistake the hon. member had added. She has been insisting on privatisation in this Bill. The hon. member from Tamilnadu has already said that in West Bengal out of 11,000 buses only 1500 are in the public sector.

SHRI P. KOLANDAIVELU : The state Transport Undertaking is having only 1099. The total number of buses is 9227. 8000 buses are being run only by private owners. (*Interruptions*)

SHRI RAJESH PILOT : In West Bengal. (*Interruptions*)

SHRIMATI GEETA MUKHERJEE : I just objected to that. (*Interruptions*)

SHRI RAJESH PILOT : You must speak the same language...(*Interruptions*)

SHRIMATI GEETA MUKHERJEE : What I said at that time was that you say that there would be a co-existence between private and public; and that particular clause relating to public has been taken out.

SHRI P. KOLANDAIVELU : But you are giving a lion's share to the private operators.

SHRIMATI GEETA MUKHERJEE : I have not said that no private operator can be given it. Why a fitness certificate ? That is my question.

SHRI RAJESH PILOT : This is my clarification. When I gave it, the hon. member was not here. So, for the clarification of the hon. member I would say that this is only to reduce the task of the State Government, because the number of vehicles is going very high; from 3 lakhs they have gone up to 100 lakhs. The task has been increased tremendously high. This is a very tested method in other developing countries which are coming up; the State Government will authorise it. The Central Government wants to issue a specification so that there will be a uniformity all over the country that there should be a testing machine of so and so nature of something only to establish uniformity in the system. Otherwise, the power rests with the State Government to give a certificate to a particular garage if they feel comfortable or if they feel that the competence of the garage is there. So, we have left it totally with the State Government to certify it; we are not forcing them to certify so and so. It is totally left with the State Government; if they feel that so and so garage is competent and has facilities, they can certify for the certification of the facilities.



MR. DEPUTY SPEAKER : Now I shall put amendment moved by Shrimati Geeta Mukherjee to the vote of the House.

**Amendment No. 40 was put and negatived.**

MR. DEPUTY SPEAKER : There are no other amendments to clause 56. There are no amendments to Clauses 56 to 65 also. So, I put clauses 56 to 65 together to the vote of the House. The question is :

“That Clauses 56 to 65 stand part of the Bill.”

**The motion was adopted.**

**Clauses 56 to 65 were added to the Bill.**

MR. DEPUTY SPEAKER : Are you moving your amendment to Clause 66 ?

SHRIMATI GEETA MUKHERJEE : No.

MR. DEPUTY SPEAKER : The question is :

“That Clause 66 stand part of the Bill.”

**The motion was adopted.**

**Clause 66 was added to the Bill.**

MR. DEPUTY SPEAKER : The question is :

“That Clause 67 stand part of the Bill.

**The motion was adopted.**

**Clause 67 was added to the Bill.**

**Clause 68—(Transport Authorities)**

*Amendment made :*

Page 46, line 44,—

*for “56” read “96” (9)*

(Shri Rajesh Pilot)

MR. DEPUTY SPEAKER : Shri D.B. Palit—not present.

17.00 hrs.

MR. DEPUTY SPEAKER : The question is :

“That Clause 68, as amended, stand part of the Bill.”

**The motion was adopted.**

**Clause 68, as amendment was added to the Bill.**

MR. DEPUTY SPEAKER : The question is :

“That Clauses 69 and 70 stand part of the Bill.”

**The motion was adopted**

**Clauses 69 and 70 were added to the Bill.**

**Clauses 71—(Procedure of Regional Transport Authority in considering application for stage carriage permit)**

*Amendment made :*

Page 48,—

*for lines 20 to 23, substitute—*

“(b) Where the number of stage carriages are fixed under clause (a), the Government of the State shall reserve in the State certain percentage of State carriage permits for the scheduled castes and the scheduled tribes in the same ratio as in the case of appointments made by direct recruitment to public services in the State.

(c) Where the number of stage carriages are fixed under clause (a) the Regional Transport Authority shall reserve such number of permits for the scheduled castes and the scheduled tribes as may be fixed by the State Government under sub-clause (b).

(d) After reserving such number of permits as is referred to in sub-clause (c), the Regional Transport Authority shall in considering an

application have regard to the following matters, namely." (119)

(Shri Rajesh Pilot)

MR. DEPUTY SPEAKER : The question is :

"That Clause 71, as amended, stand part of the Bill."

The motion was adopted.

Clause 71, as amended, was added, to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clauses 72 to 87 stand part of the Bill."

The motion was adopted.

Clauses 72 to 87 were added to the Bill.

Clause 88—(Validation of Permits for the outside region in which granted).

Amendment made :

Page 63, line 3,—

after "under sub-section (9)" insert—

"in respect of tourist vehicles other than motor cabs" (118)

(Shri Rajesh Pilot)

MR. DEPUTY SPEAKER : The question is :

"That Clause 88, as amended, stand part of the Bill."

The motion was adopted.

MR. DEPUTY SPEAKER : The question is :

"That Clauses 89 to 92 stand part of the Bill."

The motion was adopted.

Clauses 88, as amended, was added to the Bill.

Clauses 89 to 92 were added to the Bill.

Clause 93—(Agent or Convasser to obtain licences)

SHRI ATAUR RAHMAN : (Barpeta) : I bed to move :

Page 66,—

after line 42, insert—

"(iii) as an agent, solicit, undertake, or promote any official process or business on promise of expeditious disposal or routine disposal of any matter under this Act." (114)

SHRI ATAUR RAHMAN : Sir, I am pretty sure that all the Members of this House would agree with me that there is corruption in the Motor Vehicles Office. It is a fact. I would ask any of the Members here to stand and say that there is no corruption in the Motor Vehicles Department. That is why, I have brought this amendment. I thought this would help the Government to abolish corruption and I very sincerely feel that this amendment will be considered.

SHRI RAJESH PILOT : Sir, the hon. Member wants agents in booking cargo and passengers...*(Interruptions)*

SHRI ATAUR RAHMAN : No. For a renewal of a licence, a man comes and say 'I will do it'. It is just like touting in the counter.

SHRI RAJESH PILOT : Sir, I think it will not be advisable to encourage the system and it might further deepen corruption.

SHRI ATAUR RAHMAN : I do not want you to encourage it. I want you to stop it, I want that touts to be stopped in Motor Vehicles Offices.

SHRI RAJESH PILOT : It will be stopped automatically the moment this Bill is passed. Half of the things have gone. Free licence is one, registration is one, payment of fee on road tax one. So, the system itself will become very simple.

SHRI ATAUR RAHMAN : Sir, I want to withdraw it.

MR. DEPUTY SPEAKER : It is the pleasure of the House that the amendment moved by Shri Ataur Rahman be withdrawn ?

SEVERAL HON. MEMBERS : Yes.

Amendment No. 114 was, by leave, withdrawn.

MR. DEPUTY SPEAKER : The question is :

"That Clause 93 stand part of the Bill".

The motion was adopted.

Clause 93 was added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clause 94 to 113 stand part of the Bill."

The motion was adopted.

Clauses 94 to 113 were added to the Bill.

Clause 114—(Power to have Vehicle weighed)

SHRI V. SOBHANADREESWARA RAO (Vijayawada) : I beg to move :

Page 78,—

for line 1, substitute—

"114(1) An Officer of the Motor Vehicles Department or any person specially authorised in this behalf by the State Government."(87)

MR. DEPUTY SPEAKER : Now, I will put amendment No. 87 to Clause 114 to the vote of the House.

Amendment No 87 was put and negatived.

MR. DEPUTY SPEAKER : The question is :

"That Clause 114 stand part of the Bill."

The motion was adopted.

Clause 114 was added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clauses 115 and 116 stand part of Bill."

The motion was adopted.

Clauses 115 and 116 were added to the Bill.

Clauses 117—(Parking places and halting stations)

SHRI ATAUR RAHMAN (Barpeta) : I beg to move :

Page 79,—

after line 36, insert—

"Provided that where roads or highways are marked with traffic signs into lane or lanes, no parking shall be allowed except, where or according to, approved or authorised single or closely parallel pair of longitudinal, broken or continuous yellow painted lines are provided to indicate temporary parking or no parking, as may be prescribed."(104)

SHRI ATAUR RAHMAN (Barpeta) : This is something which we do not do in our country. The system of lanes is not there in our country. Since there is no major amendment which would be coming in the next fifty six years, I thought that a provision should be made so that we could introduce the system of lanes as in other countries. If we go in for lanes there will be improvement in traffic condition and flow of traffic will be smooth. Now anywhere the drivers can park the vehicles. When there will be lane system, the parking will be organised and the drivers will be more careful about parking. I feel that it will be very useful and I hope the Minister will consider it.

SHRI RAJESH PILOT : What the hon. Member proposes is that we should have a separate parking lane on national highways. It is a very novel idea. But the problem is that today we do not have more than two lane national highways. So the parking

lane is a far cry. At the moment, we are bringing out a scheme of wayside amenities after every 50 kms. with parking places. In the bigger towns we already have transport nagars.

**SHRI ATAUR RAHMAN :** I am talking of parking in big cities.

**SHRI RAJESH PILOT :** On the national highways specially on bypasses, if the State Government can stop habitation, it is possible to do so. Now you take the case of Gauhati. Another big town has come up on the bypass. I agree that this is a novel idea. But let the national highway come to that stage.

**SHRI ATAUR RAHMAN :** You should start taking action right now. But what I am talking of is parking of vehicles in the shopping areas like Chandni Chowk.

**SHRI RAJESH PILOT :** I fully agree with you. But this is under the jurisdiction of the State Government. I will pass on this novel suggestion to the State Government for necessary action.

**SHRI ATAUR RAHMAN :** I seek leave of the House to withdraw my Amendment.

**MR. DEPUTY SPEAKER :** Has the hon. Member leave of the House to withdraw his Amendment ?

**Amendment No. 104 was, by leave,  
was withdrawn.**

**MR. DEPUTY SPEAKER :** Since there are no amendments to clauses 118 to 129, I will put these clauses together.

The question is :

“That clauses 117 to 129 stand part of the Bill”

**The motion was adopted.**

**Clauses 117 to 129 were added to  
the Bill.**

**Clause 130—(Duty to produce licence  
and certificate of registration)**

**SHRI V. SOBHANADREESWARA  
RAO :** I beg to move :

Page 82,—

for lines 3 to 5 substitute —

“130. (1) The driver of a motor vehicle in any public place shall, on demand by any police officer, not below the rank of a sub-Inspector, in uniform, produce his licence for examination in the event of the driver of the vehicle being or reported to be involved in any traffic or criminal offence.”(§8)

I hope, the hon. Minister will agree that it is a common phenomenon on all important national highways and state highways. Many a time, these police constables go on stopping the tracks.

They will be demanding their licence and other papers and they will be collecting lot of money from them. In this process, very precious time is being wasted, apart from the monetary aspect. A lot of harassment also is being done just because the police constable is there in the uniform. That is why I proposed the amendment that only an officer not below the rank of a sub-Inspector should have the authority to stop the vehicle and demand the licence and other papers. I hope the Minister will certainly agree to this amendment.

**SHRI RAJESH PILOT :** Mr. Deputy Speaker, Sir, if you read the clause, it says : “The driver of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination”. He wants to put a special clause that the officer should be minimum of the rank of a sub-Inspector. It is entirely for the State Governments to do that. This is only a guideline. State Governments can always put whichever officer they like. Suppose we put a restriction from here and the State Governments say, “Sorry, we do not have so many sub-Inspectors to deploy”, then again we will have to come with an amendment. So, we are leaving it to the State Governments. They can put even an S.P. to check the papers. There is no restriction on higher level. We have just said : “A police officer in uniform”.

**SHRI V. SOBHANADREESWARA  
RAO :** Sir, the hon. Minister has agreed in

[Shri V. Sobhanadreeswara Rao]

principle to my suggestion. What I am submitting is let there be uniformity. After all, times have changed. After fifty years we are bringing this Motor Vehicles Bill. Why not we deviate from the old clause and incorporate this amendment so that an officer not below the rank of sub-Inspector only will have the power?

MR. DEPUTY SPEAKER : I put amendment No. 88 to Clause 130 moved by Shri V. Sobhanadreeswara Rao to the vote of the House.

**Amendment No. 88 was put and negatived.**

MR. DEPUTY SPEAKER : The question is :

“That Clause 130 stand part of the Bill.”

**The motion was adopted.**

**Clause 130 was added to the Bill.**

**Clause 131—(Duty of the driver to take certain precautions at unguarded railway level crossings)**

MR. DEPUTY SPEAKER : Shri Ataur Rahman. Are you moving your amendment?

SHRI ATAUR RAHMAN : I beg to move :

Page 82,—

after line 45, insert—

“Provided that during such temporary halts half of the road space shall be kept free for opposite vehicular traffic to pass in order to obviate violation of parking rules under which no road or highway is to be blocked.”(105)

Sir, what happens is when a level crossing is locked, we normally find vehicles coming up from either direction, and there is blocking the road. As soon as the level

crossing gate is opened, there is a rush. That is why I say this rush should not be there. So, one side of the road should be kept open so that the vehicles coming from the opposite direction can pass. This is a very well-meaning suggestion that I have put after having the experience of traffic in my cop days. So, I thought he will take it gracefully.

MR. DEPUTY SPEAKER : I think the Minister's reply also you have to take gracefully now.

SHRI RAJESH PILOT : Sir, the problem is that the hon. Member has spent two years abroad in the past before the session and he has visited the whole of East and West Europe. So, the noble idea is very good, but at this juncture, with the road condition and the resources available, we really cannot compete with those countries at the moment. We have a total two-lane system. It is O.K. if there are six lanes. Then we can keep one lane on this side. But if it is a two-lane highway and if you block one for going and one for coming, then I think this will collapse the system.

SHRI ATAUR RAHMAN : Sir, it requires somebody with traffic sense.

MR. DEPUTY SPEAKER : I now put amendment No. 105 to clause 131, moved by Shri Ataur Rahman, to the vote of the House.

**Amendment No. 105 was put and negatived.**

MR. DEPUTY SPEAKER : The question is :

“That Clause 131 stand part of the Bill.”

**The motion was adopted.**

**Clause 131 was added to the Bill.**

**Clause 132—(Duty of driver to stop in certain cases)**

MR. DEPUTY SPEAKER : Shri C. Madhav Reddi—Absent.

Shri V. Sobhanadreeswara Rao.

**SHRI V. SOBHANADREESWARA RAO** : Sir, I beg to move :

Page 83,—

for line 3, substitute—

“(a) when required to do so by any police officer not below the rank of a Sub-Inspector, in uniform in the event of the vehicle, being involved in an accident or any criminal offence, or”.(98)

**MR. DEPUTY SPEAKER** : I now put the amendment moved by Shri V. Sobhanadreeswara Rao to the vote of the House.

**Amendment No. 98 was put and negatived.**

**MR. DEPUTY-SPEAKER** : There is no amendment to the Clauses 133 and 134. I will put together Clauses 133 and 134. The question is :

“That Clauses 132 to 134 stand part of the Bill.”

The motion was adopted.

**Clauses 132 to 134 were added to the Bill.**

**Clause 135—(Schemes to be framed for the investigation of accident cases and wayside amenities etc.)**

**SHRI ATAUR RAHMAN** : I beg to move :

Page 84, line 1,—

for “trunk” substitute “motor vehicle”.(115)

Sir, I have suggested to substitute the words “motor vehicle” for the word ‘truck’. Sir, truck is a very narrow term and it has not been defined in the definitions. So, why not put it as ‘motor vehicle’? Then, you can separate buses and cars in different parking areas and trucks will go into that. So, Sir, you can accept it.

**SHRI RAJESH PILOT** : As I have mentioned that with this new scheme—if you

read the first paragraph in this, that is, way-side amenities on the highways—this truck parking is broadly on the national highways because we have more traffic of the trucks there and the way-side amenities, when they come up, when you have stoppage and parking facilities for every 50 Kms then I don't think in any way it is necessary to have a special provision for this purpose. In India today more number of trucks is on the national highways traffic. I may point out that we are by-passing all the national highways in the cities. This will work for a smooth traffic. For instance, you cannot have a national highway parking in Delhi. It has got to have by-pass. The national highway policy is that in all the big cities they have to by-pass.

**SHRI ATAUR RAHMAN** : I am talking of the rest of India. You don't talk about Delhi only. There is no harm in accepting my amendment.

**SHRI RAJESH PILOT** : It will not work. How will it help? Truck traffic is mainly on the national highways.

**SHRI ATAUR RAHMAN** : I am talking of two rows. Mine is only a truck. Mine is not a vehicle. That is the trouble.

**SHRI RAJESH PILOT** : I have said for the cars. It is nothing to do. The way-side amenities are coming up. This is specially for the truck because as on today, the truck traffic on the road has gone very high from 11% to 59%. So, we are giving priority for the truck because cargo moves by road.

**MR. DEPUTY SPEAKER** : I now put the amendment moved by Shri Ataur Rahman to the vote of the House.

**Amendment No. 115 was put and negatived.**

**MR. DEPUTY SPEAKER** : There is no amendment to Clauses 136 to 146. Therefore, I will put them together for adoption. The question is :

“That Clauses 135 to 146 stand part of the Bill.”

The motion was adopted.

[My Deputy Speaker]

**Clauses 135 to 146 were added to the Bill.**

**Clause 147—(Requirements of policies and limits of liability)**

**MR. DEPUTY SPEAKER :** Shri Madhav Reddy. He is absent. Then amendment No. 89, Shri V. Sobhandreeswara Rao.

**SHRI V. SOBHANADREESWARA RAO (Vijayawada) :** I beg to move :

Page, 89,—

after line 32, insert—

“(iii) against the death or bodily injury to the driver who is also the owner of the vehicle”. (89)

Mr. Deputy Speaker, Sir, this is a new provision which I want to be inserted after line 32. I think the hon. Minister will appreciate that at present among the truck drivers, there are a good number of drivers who are owners of the vehicle also and that is the source of their livelihood, apart from providing employment. Due to certain anomaly in the present law, such of these drivers who are also owners of the truck when the truck is involved in some accident and in the event of death or injury, this driver-cum-owner is not getting any help through the law and his family will be suffering a lot. Under Sub-section B (1) and Sub-section B(2) of Section 47 also he is not covered. That is why I wanted the hon. Minister to agree to the insertion of this sub-section after line 32, in the interest of a very large number of such of those truck drivers-cum-owners.

**SHRI RAJESH PILOT :** Mr. Deputy Speaker, Sir, the provision of Motor Vehicles Act covers only paid employees, drivers, and third party insurance risk. Owners will have to really go for the personal accident insurance if owner is a driver because in the present law we have the third party or a paid employee. If the owner himself is a driver, he can take a comprehensive insurance scheme for himself.

**MR. DEPUTY SPEAKER :** I shall now

put the amendment moved by Shri Sobhandreeswara Rao to the vote of the House.

**Amendment No. 89 was put and negatived.**

**MR. DEPUTY SPEAKER :** I shall now put clause 147 to the vote of the House.

The question is :

“That clause 147 stand part of the Bill.”

**The motion was adopted.**

**Clause 147 was added to the Bill.**

**MR. DEPUTY SPEAKER :** The question is :

“That clauses 148 to 177 stand part of the Bill.”

**The motion was adopted.**

**Clauses 148 to 177 were added to the Bill.**

**Clause 178—(Penalty for travelling that pass or ticket and for dereliction of duty on the part of conductor and refusal to ply contract carriage etc.)**

**SHRI V. SOBHANADREESWARA RAO :** I move :

Page 105,—

after line 8, insert—

“(4) Whoever travels in a goods carriage as a passenger, paying or gratuitous, shall be punishable with fine which may extend upto rupees one hundred and the driver of such goods carriage shall be punishable with imprisonment not more than one week and/or fine upto rupees two hundred.” (90)

Mr. Deputy Speaker, Sir, in this I wanted to insert a new sub-clause (c) after 3(b) on page 105 for clause 178.

Sir, you are aware that many a time the drivers of the trucks take some people into the truck, they take some money and they again unload them at some other place. Meanwhile, if some accident takes place,

the owner of this truck, who is in a very far off place in his native place, who is in no way connected with this sin or crime, is held responsible and he is made to pay the compensation for this passenger in the event of death or some injury. So, to discourage this type of illegal travel on trucks I proposed this amendment. Of course this is not a very big penalty, but this is just to curb this type of tendencies I proposed this amendment. I hope the hon. Minister will agree for the insertion of this new sub-clause.

**SHRI RAJESH PILOT :** Mr. Deputy Speaker, Sir, what the hon. Member says is that the driver who is also involved in this offence should be penalised. Our intention is this Who employs the driver? He is the owner of the vehicle, he should see whether the driver is working properly or not. If you involve the driver, the owner will become careless, as the responsibility shifts from the owner to the driver. But the driver is not responsible. Suppose he takes the passenger, makes an accident and runs away, we can only catch the owner of the truck. So, at the moment, the owner of the truck is involved and he is penalised. That will stand better than penalising the driver.

**MR. DEPUTY SPEAKER :** Now I will put amendment moved by Shri V. Sobhana-dreeswara Rao to the vote of the House.

**Amendment No. 90 was put and negatived.**

**MR. DEPUTY SPEAKER :** There is no amendment to clauses 179 to 184.

The question is :

“That clauses 178 to 184 stand part of the Bill.”

**The motion was adopted.**

**Clauses 178 to 184 were added to the Bill.**

**Clause 185—(Driving by a drunken person or by a person under the drugs)**

**PROF. SAIFUDDIN SOZ :** I beg to move :

Page 107, line 4,—

for “three thousand” substitute “five thousand” (34)

Sir, you saw earlier how a negligent driver received a lenient treatment in this measure which will become an Act. Now, under clause 185, a drunken person or a person under the influence of drugs who is driving receives very lenient punishment. In sub-clause (b) of clause 185 it is mentioned what such person shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both; on his second conviction, he will receive imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both. Here, for the second offence, the fine is only Rs. 3,000.

I have proposed my amendment which entitles me to speak. Otherwise, this suggestion of Rs. 5,000 instead of Rs. 3,000 is not going to be accepted by the hon. Minister. But he may kindly enlighten me that for motor vehicle driven by a drunken person who will definitely cause hurt to a person or kill a person, the imprisonment, on his first conviction, may extend to six months. It means, he may be imprisoned even for 15 days only. That is a lacuna in the law. On his second conviction, the imprisonment may extend two years or fine which may extend to Rs. 3,000. I suggest that it should be a deterrent punishment. Otherwise, what happens is, in this law, we ourselves institutionalise a kind of lenient treatment for which there is no jurisdiction.

**SHRI RAJESH PILOT :** Mr. Deputy Speaker, Sir, the hon. Member is right and that is what the intention of the Government is. If you read, for the first offence, it is six months and Rs. 2,000. For the second it does not matter Rs. 3,000. But we have gone from providing six months to 2 years imprisonment which is a better indicator of strictness than from Rs. 3,000 to Rs. 5,000. Two years' rigorous imprisonment is more important than Rs. 3,000 to Rs. 5,000 increase.

**PROF. SAIFUDDIN SOZ :** In that case, the word “or” should not be there. You insert “and”.



MR. DEPUTY SPEAKER : Now I will put amendment moved by Prof. Soz to the vote of the House.

**Amendment No. 34 was put and negatived.**

MR. DEPUTY SPEAKER : The question is :

“That clause 185 stand part of the Bill.”

**The motion was adopted.**

**Clause 185 was added to the Bill.**

**Clause 186—(Driving when mentally and Physically unfit to Drive)**

PROF. SAIFUDDIN SOZ : I seek your support again.

MR. DEPUTY SPEAKER : You seek the support of the House.

PROF. SAIFUDDIN SOZ : I beg to move :

Page 107 line 10,—

*omit* “in any public place” (35)

“In an public place” is jarring to the ear. We are nearly an advance country but there are so many fields where we are still to develop. Public places are not well defined in India. Why do you bring a ‘public place’, in relation to a person drives a motor vehicle? I want that these words “in any public place” to be removed.

SHRI RAJESH PILOT : The hon. Member is right that public places are well-defined and private places are not that much well-defined.

MR. DEPUTY SPEAKER : I shall now put the amendment moved by Prof. Saifuddin Soz to the vote of the House.

**Amendment No. 35 was put and negatived.**

MR. DEPUTY SPEAKER : The question is :

“That clause 186 stand part of the Bill.”

**The motion was adopted.**

**Clause 186 was added to the Bill.**

MR. DEPUTY SPEAKER : I will now put Clauses 187 to 199 to vote.

The question is :

“That Clauses 187 to 199 stand part of the Bill.”

**The motion was adopted.**

**Clauses 187 to 199 were added to the Bill.**

**Clause 200 (Composition of certain offences)**

SHRI ATAUR RAHMAN : I beg to move :

Page 111, line 10,—

after “such officers” insert—

“including Superintendent of Police or of equivalent rank from, Traffic Branch.” (116)

Nobody is dropped from Heaven. A policeman cannot be somebody other than the society. He is a projection of the society and that is why I wanted to stress that police officers should be trusted for results. Here in this amendment, it is a composition fee. The Government uses the police officers in more important duties. Why cannot it be trusted to impose composition fees? It is not even a fine. It is a fee. That is why, I included this including Superintendent of Police Traffic Branch. I thought this will be a good gesture to the Police and to the Government also. Here in India, as in other countries, we should be able to do it also to make traffic control more effective.

SHRI RAJESH PILOT : The Clause is very flexible. As the State Government may by notification finally accept it, it is entirely for the State Government to decide which rank to be included. Central Government has no strict director to appoint so and so officer. We are leaving it to the State Government.

MR. DEPUTY SPEAKER : I shall now put the amendment moved by Shri Aatur Rahman to the vote of the House.

**Amendment No. 116 was put and negatived.**

MR. DEPUTY SPEAKER : There is no amendment to Clause 201. Therefore, I put the Clauses 200 and 201 together for adoption. I will now put Clauses 200 and 201 to vote.

The question is :

“That Clauses 200 and 201 stand part of the Bill.”

**The motion was adopted.**

**Clauses 200 and 201 were added to the Bill.**

**Clause 202 (Power to arrest without warrant)**

SHRI V. SOBHANADREESWARA ROA : I beg to move :

Page 111, line 25,—

after “Police officer” Substitute “not below the rank of a Sub-Inspector.” (99)

I move the amendment and I would like to say that it is common knowledge that the Police Constables will be harassing the truck drivers and pretty knowing that, I do not know why the Government is not yielding for these small amendments to add “not below the rank of Sub-Inspector” so that this harassment will be minimised. I do not say that it will be stopped altogether but it will be minimised and for each and everything if the hon. Minister says that “we will give that power to the State Government, I think many of the provisions should have been done by the State Government. Why this Bill has been drafted by the Central Government? You kindly see that the previous tendencies are curbed. Those things should be changed for the betterment, for giving adequate protection to the truck drivers. I do not think the hon. Minister will disagree with this and I hope that he will yield to this amendment.

SHRI RAJESH PILOT : Mr. Deputy Speaker, Sir, I have mentioned earlier also and very lengthy discussions have taken place. We have discussed the various

aspects. Considering those discussions at length, what apprehension the hon. Member is having has already been discussed. Some of the States have come out that it will not be possible to put minimum possible rank structure in the Police. So, at this juncture, accepting any such conditions will not serve the purpose for which this Bill has been brought. Let me tell you one thing. It is not the rank which matters. It is the culture of that particular State, the Administration and the Police that matter. It is not that only the Inspector can be honest and the Havildar cannot be honest. I doesn't matter. It is the strictness of the Administration which is implementing and enforcing the laws that matters. It is a matter of how the State Government enforces this law, with what intentions. That will matter more. Rank Structure will not matter more.

SHRI V. SOBHANADREESWARA RAO : Definitely, it will have difference.

SHRI RAJESH PILOT : We cannot discuss these points at any length. Let me assure this House that the intention is to start with the Clause which is available here that the Police Officer in uniform of the State Government is competent. We leave it to the State Government and see the action and how does it move,

PROF. N.G. RANGA (Guntur) : Sir, I would like to suggest that the Central Government had better give advice to the State Governments that as far as it is possible, it should not be below the rank of Sub-Inspector. They can give this advice.

MR. DEPUTY SPEAKER : I shall now put the amendment moved by Shri V. Sobhanadreeswara Rao to the vote of the House.

**Amendment No. 99 was put and negatived.**

MR. DEPUTY SPEAKER : There is no amendment to Clauses 203 to 205. So, I shall now put Clauses 202 to 205 to the vote of the House. The question is :

“That Clauses 202 to 205 stand part of the Bill”.

**The motion was adopted.**

**Clauses 202 to 205 were added to the Bill.**

**Clause 206—(Power of Police Officer to impound document)**

**SHRI V. SOBHANADREESWARA RAO** : I beg to move :

Page 114, lines 4 and 5,—

*for* “Any police officer or other person authorised in this behalf by the State Government.”

*substitute—*

“Any officer appointed under subsections (1), (2) and (3) of Section 213 of this Act or other person specially authorised in this behalf by the Motor Vehicles Department.” (100)

Sir, I wanted this amendment because as far as this Clause 206 is concerned, instead of the Police Department, it is the Officer of the Motor Vehicles Department who is more fit and competent to ask for those documents or deal with those papers. So, I would request the hon. Minister to consider and agree to my amendment.

**SHRI RAJESH PILOT** : Sir, it is not possible.

**MR. DEPUTY SPEAKER** : I shall now put the amendment moved by Shri V. Sobhanadreeswara Rao to the vote of the House.

**Amendment No. 100 was put and negatived.**

**MR. DEPUTY SPEAKER** : The question is :

“That Clause 206 stand part of the Bill”.

**The motion was adopted.**

**Clause 206 was added to the Bill.**

**Clause 207—(Power to detain Vehicles used without certificate of registered permit etc.)**

**SHRI V. SOBHANADREESWARA RAO** : I beg to move :

Page 114, lines 35 and 36,—

*for* “Any police officer or other person authorised in this behalf by the State Government”.

*substitute—*

“Any officer appointed under subsections (1), (2) and (3) of Section 213 of this Act or other person specially authorised in this behalf by the Motor Vehicles Department”. (101)

I feel the Motor Vehicles Department is more appropriate to impound the documents or stop the vehicle. I hope the hon. Minister will agree to my amendment.

**SHRI RAJESH PILOT** : Sir, it has been clearly mentioned as “Any police officer or other person authorised in this behalf by the State Government.” So, the State Government can authorise.

**MR. DEPUTY SPEAKER** : I shall now put the amendment moved by Shri V. Sobhanadreeswara Rao to the vote of the House.

**Amendment No. 101 was put and negatived.**

**MR. DEPUTY SPEAKER** : The question is :

“That Clause 207 stand part of the Bill.”

**The motion was adopted.**

**Clause 207 was added to the Bill.**

**Clause 208—(Summary disposal of cases)**

**SHRI ATAUR RAHMAN** : I beg to move :

Page 115, line 18,—

*after* “money order” *insert—*

“or such other means of delivery” (117)

Sir, I want to it from the hon. Minister whether I have said anything wrong. Fines are to be remitted to the Court by money order. Do you think money order will ever reach the Court from the villages? That is why I have stated that in addition to money order “or such other means of delivery.” You can go to the Court and pay it.

SHRI RAJESH PILOT : That is allowed.

SHRI ATAUR RAHMAN : It will be helpful. He will be depositing the money against the offence, against the vehicle. He can certainly put in an application and deposit the amount and get a receipt from the clerk. This can be accepted.

SHRI RAJESH PILOT : Why we have kept "money order" is because in the remote villages, this is the only available means. The hon. Member has moved an amendment to include "other means". There are only two means available : one is by money order and the other 'personally'. For depositing personally, there is no restriction. Telex is not available in villages; so, that cannot be used.

PROF. N.G. RANGA : Money Order is safer.

MR. DEPUTY SPEAKER : I shall now put the Amendment moved by Shri Ataur Rahman to the vote of the House.

**Amendment No. 117 was put and negatived.**

MR. DEPUTY SPEAKER : There are no amendments given notice of to Clauses 209 to 217. So, I shall put Clauses 208 to 217 together to the vote of the House.

The question is :

"That Clauses 208 to 217 stand part of the Bill."

**The motion was adopted.**

**Clauses 208 to 217 were added to the Bill.**

MR. DEPUTY SPEAKER : The question is :

"That the schedule, clause I, the Enacting Formula and the long title stand part of the Bill."

**The motion was adopted.**

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

SHRI RAJESH PILOT : I may assure

the hon. Members about the suggestions they have given as our Deputy Leader has done, we may advise the State Government for "not below the rank of sub Inspector"; whatever views the hon. Members has given, I will certainly communicate to the concerned State Government and try to incorporate his suggestion through the State Government which I could not really do...

SHRI V. SOBHANADREESWARA RAO : Thank you.

SHRI RAJESH PILOT : Now, I beg to move :

"That the Bill, as amended, be passed."

MR. DEPUTY SPEAKER : Motion moved :

"That the Bill, as amended, be passed."

Shrimati Geeta Mukherjee.

SHRIMATI GEETA MUKHERJEE (Panskura) : Thank you, Mr. Deputy Speaker, for giving me a chance to speak in the Third Reading.

This Bill, which is like the *Mahabharata*, is nearly on the point of being passed...

[*Translation*]

SHRI BALKAVI BAIRAGI (Mandsaur) : Mr. Deputy Speaker preachings of Geeta in Mahabharata are being taught have now.

[*English*]

SHRIMATI GEETA MUKHERJEE : But it seems to me that a part of the *Bhagawat Gita* is missing. That is the point that I want to raise. Despite all these clauses, one aspect of public safety has not been dealt with in this Bill, that is, how the public route buses will display their route signs. I think, that should have been there. In this context I would like to make this request to the Minister. Since he has rejected all our amendments, let him accept at least one of suggestions for active work. If he sees the my DTC bus signs, he will find that it is very difficult to read them when they pass in a hurricane speed and

[Shrimati Geeta Mukherjee]

with hardly legible numbers on them and also with hardly proper lighting. In the interest of public safety, though that clause has not been put in the Bill, this particular thing must be done by the Minister actively. Privately he has told me that he will be doing it, but he has done nothing...

MR. DEPUTY SPEAKER : Do not bring in private conversation here.

SHRIMATI GEETA MUKHERJEE : Therefore, I hope he will do something about it.

SHRI RAJESH PILOT : Mr. Deputy Speaker, Sir, as far as displaying the routes, the sign-boards, destination and departure point, is concerned, it is very good, especially in the DTC. What the hon. Member suggested the other day was that what we have in the front and in the rear, we may have on the sides also. That was the suggestion that we given. Some of the States are already doing it. In Bombay it is there...

SHRIMATI GEETA MUKHERJEE : I mostly travel by bus and I know how difficult it is.

SHRI RAJESH PILOT : The point is that it is already existing. You find it in Bombay. In Madras also it is there...

SHRIMATI GEETA MUKHERJEE : One day you yourself stand in the Delhi Bus stand and see some buses; and then you do what you should do.

SHRI RAJESH PILOT : It is already available there. Hon. Member's suggestion is already being implemented. (*Interruptions*)

PROF. N.G. RANGA (Guntur) : The Third Reading is a ceremonial occasion which we should never side-track. I wish to congratulate the Minister. More than the Minister, I wish to congratulate the Members of the opposition who took trouble to go through the long long Bill and then gave notice of their amendments and afterwards, moved them also and then placed them before the House. Otherwise, it would be impossible to control this central administration. They will go on formulating their own proposals and Ministers and the poor helpless people they have got to move them here. (*Interruptions*)

SHRI RAJESH PILOT : It is certainly, not correct. Hon. Member will pardon me in saying that it is not that we have to do it we do it. We are elected by the people and we know the feeling of the people. Therefore, we also work equally with the people (*Interruptions*)

PROF. N.G. RANGA : This is the advantage of parliamentary system that the administration as well as the Ministers will always be on their guard. They will come here will-prepared as our young Minister who has piloted this Bill as well as a senior Minister. I congratulate the Minister. He maintained a good humour throughout the discussion. It was a prolonged discussion and a very very long Bill. Therefore, I wish to congratulate our own parliamentary system and the Chair also for being patient with us in getting this Bill through in such a good humour.

MR. DEPUTY SPEAKER : The question is :

"That the Bill, as amended, be passed."

**The motion was adopted.**

SHRI RAJESH PILOT : Let me thank the Hon. Members for their cooperation. We have moved in a very right direction.

17.53 hrs.

SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL), 1988-89

[*English*]

MR. DEPUTY SPEAKER : Motion moved :

"That the respective supplementary sums not exceeding the amounts on Revenue Account and Capital Account shown in the third column of the order paper be granted to the President out of the Consolidated Fund of India to defray the charges that will come in Course of payment during the year ending 31st day of March, 1989 in respect of the following Demands entered in the second column thereof :

Demands Nos. 1, 2, 4, 11, 20, 21, 26, 43, 46, 47, 50, 52, 60, 68, 77, 80, 81, and 89.