

MESSAGE FROM RAJYA SABHA

SECRETARY : Sir, I have to report the following message received from the secretary General of Rajya Sabha.—

“In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 25th November, 1980, agreed without any amendment to the Company Secretaries Bill, 1980, which was passed by the Lok Sabha at its sitting held on the 16th June, 1980”.

MR. DEPUTY-SPEAKER : Now, Calling Attention. Shri Paswan.

12.32 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED ACCIDENT TO A D.T.C. BUS NEAR DHOHPUR

श्री राम विलास पासवान (हाजीपुर) : उपाध्यक्ष महोदय, मैं अविलम्बनीय लोक महत्व के निम्नलिखित विषय की ओर नौवहन और परिवहन मंत्री का ध्यान दिलाता हूँ और प्रार्थना करता हूँ कि वह इस बारे में एक वक्तव्य दें :— “दिल्ली परिवहन निगम की एक बस की 25 नवम्बर, 1980 को धौलपुर के निकट हुई दुर्घटना, जिसमें कई व्यक्तियों की मृत्यु हो गई और बहुत से अन्य व्यक्तियों को चोटें आयीं, का समाचार।”

MR. DEPUTY-SPEAKER : Mr. Buta Singh (*Interruptions*) You can go ahead with the statement.

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI BUTA SINGH) : Sir, It is with a heavy heart that I rise to make a statement with regard to the unfortunate accident that took place on 25-11-1980 near Morena involving DTC bus. My sympathies go out to the bereaved families. I also pray for the speedy recovery of those who have been injured and are convalescing.

A Delhi bound DTC bus No. DHP 2631, coming from Gwalior overturned 2628 LS—

and fell into a ditch near Chambal Ghati Bridge at about 12 noon on 25-11-1980. According to the information received from Addl. District Magistrate Dholpur till late in the evening yesterday, 20 persons died in this accident, including the bus conductor. The Driver and the Traffic Inspector have received serious injuries and are lying in the Hospital. The other 60 passengers have also received injuries and have been admitted in Hospitals at Gwalior, Morena and Dholpur.

The first message of the mishap was received by DTC Control Room at 3.35 PM on 25-11-1980. A team of senior Officers headed by Dy. General Manager was rushed to the scene of the accident. The team reached there late in the evening on the same day. Three Matador Vans and one spare bus were also sent alongwith the officers for the purpose of bringing injured persons, if needed, and to provide transport assistance to the relatives of the affected persons.

The Corporation has decided that all expenses on medical aid required for the injured persons will be met by the Corporation. An ex-gratia grant of Rs. 1,000/- per deceased person to the dependents has also been announced by the Chairman of the Corporation. Similarly, an ex-gratia grant of Rs. 300/- to each injured person has also been announced. Additional District Magistrate, Dholpur has been requested to arrange payment of money to the injured persons. The senior Officers of D.T.C. have been authorised to make payment, at the spot, to the relatives of the deceased persons, to meet contingency expenses.

The cause of the accident is still not known. A departmental inquiry has been ordered to investigate the cause of the accident and to suggest precautionary measures to avoid recurrence of such accidents in future. The inquiry is being conducted by Chief Vigilance Office, D.T.C. with the help of other technical experts, including Chief Mechanical Engineer. The inquiry has been ordered to be completed expeditiously.

श्री राम विलास पासवान : उपाध्यक्ष महोदय, देश की जनता जिस घटना को जितनी गंभीरता से लेती है, यह सरकार उसे उतने ही हल्के ढंग से लेती है। सरकार ने जो जवाब दिया है उससे यह मालूम पड़ता है कि जैसे आदमी बिड़ियों के सामन मारे गए हैं, सरकार

[श्री राम विलास पासवान]

कह रही है कि इतने लोग मारे गए हैं, हमने कलेक्टर द्वारा जांच बैठा दी है ।

उपाध्यक्ष महोदय, जितनी कीमत मंत्री महोदय की जान की है, जितनी कीमत हमारी जान की है, उतनी ही उस गरीब आदमी की जान की कीमत है जो बस में सफर करता है या साइकल पर सफर करता है । मुझे दुःख है कि आपने इसे इतने हल्के ढंग से लिया है । दो मंत्री यहां पर बैठे हुए हैं, 6 तारीख की घटना है, आग आज रिपोर्ट मंगवा रहे हैं और टेलीफोन से बात कर रहे हैं, जहां इतने लोगों की जान गई है क्या वहां एक मंत्री नहीं आ सकता था ? यह आपका डिपार्टमेंट है ।

उपाध्यक्ष महोदय, मुझे जहां तक आंकड़े उपलब्ध हुए हैं, प्रति वर्ष इस देश में सड़क दुर्घटनाओं में 14-15 हजार लोग मरते हैं और एक लाख लोग सड़क दुर्घटनाओं में घायल होते हैं । दिल्ली का आंकड़ा मैं आपको बतलाना चाहता हूं कि यहां पर सड़क दुर्घटनाओं में 6 हजार लोग प्रतिवर्ष मरते हैं और तीन हजार घायल होते हैं ।

इन दुर्घटनाओं की वजह क्या है ? जब मंत्री महोदय ने जवाब दिया तब मैं आशा करता था कि वे इस पर प्रकाश डालेंगे और इन दुर्घटनाओं को रोकने के लिए सरकार क्या करने जा रही है, यह भी बताएंगे । जब यह कार्लिंग अटेंशन एक्सेप्ट हुआ था तब मैंने सोचा था कि सरकार इस बारे में भी कुछ प्रकाश डालेगी । लेकिन बस दुर्घटनाएं क्यों हो रही हैं इस बारे में सरकार ने एक लाइन भी नहीं डाली ।

उपाध्यक्ष महोदय, जहां तक मैं समझता हूं कि बस दुर्घटनाओं का मुख्य कारण सड़कों की दशा है । इनकी स्थिति बहुत खराब है और अगर कहीं से टूट गई हैं तो उन की मरम्मत नहीं होती है । दूसरा कारण है बसों की दशा । डी० टी० सी० की बसों की क्या हालत है ? पैसेंजर लाइन लगाकर खड़ा रहता है, बस आएगी, चल देगी, कभी रुकेगी ही नहीं । महिलायें, बच्चे खड़े रहते हैं । इसकी एक वजह यह भी हो सकती है कि जितनी बसें चलनी चाहिए, उतनी नहीं चलती हैं । बसों की हालत यह है कि इनके पुर्जे ही गायब रहते हैं । 60 परसेंट बसें वर्कशाप में रखी रहती हैं । कभी बस में आग लग जाती है, कभी कुछ हो जाता है । लांग रूट की बसों में स्पीड गवर्नर और स्पीड कंट्रोलर का कभी ध्यान नहीं रखा जाता । कभी कहा जाता है कि ब्रेक फेल हो गए । बस निकालते समय इसकी चैकिंग होती है या नहीं ?

उपाध्यक्ष महोदय, जो बस दुर्घटना-ग्रस्त हुई है, इस जवाब में यह भी नहीं बतलाया गया है कि उसकी कितनी कैपेसिटी थी और उसमें कितने लोग बैठे थे ? बुकिंग कितने लोगों की हुई थी ? अखबार की रिपोर्ट के मुताबिक इंस्पेक्टर भी उसमें था । बस में ट्रैफिक इंस्पेक्टर बैठा हो और पैसेंजर बस की कैपेसिटी से उड़ गुने बैठे हों, इसका क्या कारण है ?

दूसरी चीज है कि जब बस लांग रूट में जाती है तो उसमें ड्राइवर का क्या अरेंजमेंट होता है । ड्राइवर एक रहता है या दो रहते हैं ? एक बार घटना हुई थी, अगस्त में आई० टी० ओ० में बस दुर्घटना हुई थी । उस समय यह पता लगा था कि बस ड्राइवर की

जगह पर क्लीनर गाड़ी चला रहा था । खालासी तक गाड़ी चला रहे होते हैं । लांग रूट की जो बसें हैं मैं जानना चाहता हूँ कि इन में आप एक ड्राइवर देते हैं या दो देते हैं । तीन साढ़े तीन घंटे का जिन बसों का रन है वहां तो ठीक है लेकिन बारह-बारह घंटे जो ड्राइवर बसें चलाते हैं वहां पर तथा लांग रूट की बसों पर आप क्या सिंगल या डबल ड्राइवर की व्यवस्था करते हैं ?

जहां वह ठहरता है वहां क्या आप उसके लिए कोई रेस्ट रूम भी बना रहे है? ड्राइवर जहां जाएगा वहां रात में ठहरेगा भी । वह कभी तो बस के ऊपर सो जाता है, छत पर सो जाता है या बस में घुस कर सो जाता है । रात भर उसको मच्छर वगैरह काटते रहते हैं और वह जगा रहता है । सवेरे होते ही मुंह धो कर वह फिर गाड़ी चलाना शुरू कर देता है । गाड़ी चला रहा होता है और ऊंघता रहता है, सोया होता है । एक बार मैं जब एम एल ए था तो सवेरे वाली बस से खगरिया से बस में चार बजे सवार हुआ । बेगुसराय के नजदीक आते आते मैंने चाहे टिकट ले रखा था मैंने कहा कि मुझे बस से उतार दिया जाए । कारण यह हुआ कि जो ड्राइवर था वह सोया हुआ था और गाड़ी चला रहा था । एकाएक मोड़ आते ही वह झटके से हैंडल घुमा लेता था । ये सब कारण हैं कि एक्सीडेंट होते हैं । इस वास्ते क्या आपने इन ड्राइवर्ज के लिए रेस्ट रूम बनाए हैं या नहीं ? रेलव ड्राइवर्ज के लिए हैं । एयर पाइलट्स ने हड़ताल की थी और कहा था कि उन के वास्ते एयरकंडिशनड रेस्ट रूम नहीं होंगे तो वे काम नहीं करेंगे क्योंकि उनके बगैर उनका दिमाग ठीक से काम नहीं करता है ।

जहां तक मुझे मालूम है बस ड्राइवर्ज बेचारों के लिए इनकी व्यवस्था नहीं है । क्या आप इनकी भी व्यवस्था करेंगे ?

आपने हर मृत व्यक्ति के परिवार के लिए एक हजार और हर घायल के लिए तीन सौ रुपए की व्यवस्था की है । क्यों आप इतनी कम राशि उनको दे कर उनको चिढ़ाते हैं । बूटा सिंह जी से मैं आग्रह करूंगा कि आप बहुत गरीब आदमी हैं, आप तो कम से कम जब बयान दें, जवाब दें तो उसमें दर्द होना चाहिए, जो बस में सफर करते है वे किसी भी तबके के आदमी हो, क्या उनकी जान की कोई कीमत नहीं है ? एक हजार और तीन सौ दे कर क्या आप उनको चिढ़ाते नहीं हैं ? एक होटल में जाकर बैठिये तो तीन सौ वहीं खर्च हो जाता है । यहां जान गई है और आप एक हजार दे रहे है और जो घायल हुए है उनको तीन सौ दे रहे हैं । विदेशों में रोड एक्सीडेंट में जो लोग मर जाते है उनके परिवार वालों को एक लाख डालर मिलता है यहां आपके प्रशासन की लापरवाही से एक्सीडेंट हो जाए तो कम से कम आप एक लाख रुपया तो दें जो आप एयर एक्सीडेंट में मरने वाले के परिवार को देते है

श्री मूल चन्व डागा (पाली) : रुल बने हुए है ।

श्री राम बिलास पासवान : आपका दो तिहाई बहुमत है । आप संविधान में संशोधन कर सकते है, एमरजेंसी लगा सकते है तो क्या रुज में संशोधन नहीं कर सकते है ? अमीर-गरीब हरिजन, ब्राह्मण सब की जान की बराबर कीमत है । प्लेन एक्सीडेंट में मरने वालों के लिए आप एक लाख रुपये रखते है तो बस एक्सीडेंट में, रेल एक्सीडेंट में मरने वालों के लिए भी इतना क्यों नहीं रखते हैं ?

श्री बापू साहिब परुजेर (रत्नागिरी) :
एयर एक्सीडेंट में दो लाख हैं।

श्री राम विलास पासवान : दो यहां-
यहां भी करें। जितना एयर एक्सीडेंट के लिए
देते हैं उतना ही यहां भी दें।

मोटर वीहिकलज ऐक्ट, 1949 का
बना हुआ है। उस समय इतना ट्रेफिक का
लोड नहीं था, तंग सड़के भी होती थी तो
काम चल जाता था। यातायात का
इतना रश नहीं होता था। क्या मोटर
वीहिकलज ऐक्ट में संशोधन करने का
वक्त नहीं आ गया।

ड्राइवर को जिस तरह से लाइसेंस
मिलता है वह भी आपको मालूम होना
चाहिये। मैं जानना चाहता हूं कि क्या
सरकार की तरफ से कोई बढ़िया सी
ट्रेनिंग इंस्टीट्यूशन या स्कूल की व्यवस्था
की जाएगी ताकि ड्राइवर को बढ़िया
तरीके से शिक्षा मिले, ट्रेनिंग मिले?

कितनी बसें हैं, कितनी बसों की आवश्यक-
कता है, कितनी बेकार हैं, कितनी वर्कशाप
में पड़ी हुई हैं क्या इन सब चीजों को देखा
जाएगा ताकि बस एक्सीडेंट कम हो सकें?

मैं आशा करता हूं कि मंत्री महोदय
हल्के फुल्के ढंग से जवाब नहीं देंगे बल्कि
गम्भीरता से एक एक बिन्दु जो मैंने
उठाए है उनका विस्तारपूर्वक जवाब देंगे।

नौचहन और परिवहन मंत्रालय में
राज्य मंत्री (श्री बूटा सिंह) : उपाध्यक्ष,
जी, माननीय सदस्य ने बहुत से बिन्दु
उठाये। ये एक्सीडेंट्स क्यों होते हैं, इसके
कारणों के बारे में भी उन्होंने स्वयं
काफी जानकारी दी है।

एक्सीडेंट्स इसलिये होते हैं कि एक
तो सड़कों की हालत अच्छी नहीं है,
दूसरे व्हीकल पापूलेशन इतनी बढ़ गई है

कि सड़कें उसके मुकाबले बहुत तंग पड़ती
हैं और नम्बर आफ व्हीकल्स जो चल
रहे हैं वह ज्यादा हैं। इसके अलावा सारे
व्हीकल्स की कंडीशन, मैकेनिकल कंडीशन
और मेन्टीनेन्स, और जो चला रहे होते हैं,
उनकी सर्विस कंडीशन और जैसा आपने
कहा सही है कि उनको जो सुविधाएं
बहुत सी मिलनी चाहियें, वह मिल नहीं
पाती हैं, जब कमियां होती हैं इन चीजों
में तो एक्सीडेंट्स होते हैं।

जिस एक्सीडेंट के बारे में चर्चा हो
रहीं है, उसके बारे में मुझे इतना ही कहना
है कि जो माननीय सदस्य ने हालात
बताये वह इस पर लागू नहीं होते।
जो दुर्घटना हुई है, वह केवल बस के डेढ़,
पौने दो घंटे चलने के बाद ही हो गई
इसलिये इसमें यह कहना कि ड्राइवर
थका हुआ था, या उसको रैस्ट नहीं मिला,
उसको सहूलियत नहीं थी, यह सिद्ध नहीं
हो रहा है, फिर जिस जगह पर
घटना हुई है, वह इतनी स्टीप, डाउन-
हिल है और सड़क इतनी तंग है, जो
पुलिया है उसके पास वहां इतना शार्प
कर्व है और जो सड़क का एम्बैकमेंट है,
किनारा है वह बहुत ऊंचा है, बड़ा कटा
हुआ है, बड़ा शार्प एज है और ड्राइवर
की मैन्युवरेबिलिटी बिल्कुल सीमित है।
जांच करके पता चलेगा कि क्या कारण
थे और क्यों दुर्घटना हुई है। मगर यह
सच है कि जो हालात थे जिनमें दुर्घटना
हुई है, वह हालात निहायत नासाज थे,
बिल्कुल मुसीबत का क्रिटिकल जंक्चर था
जिस पर यह एक्सीडेंट हुआ है।

आपने जो दूसरी बातें पूछी हैं कि
ड्राइवर को कितने घंटों ड्यूटी देनी पड़ती
है लांग रूट पर, मेरी सूचना के मुताबिक
8 घंटे के बाद जितना भी ड्राइवर
चले 2,3 घंटों उसको उसकी तनख्वाह
से दुगुना ज्यादा ओवर-टाइम मिलता है।
जहां तक रात को ठहरने वगैरह की
बात है

श्री राम बिलास पासवान : सांग
रुट पर डबल ड्राइवर के बारे में बताइये ।

श्री बूटा सिंह : ऐसा कोई भी रुट
नहीं है जिस पर डबल ड्राइवर की जरू-
रत हो । सभी रुटस 8, 10 घंटे के दरम्यान
के हैं और ड्राइवर इसको अच्छा समझते हैं
क्योंकि 2,3 घंटे एक्स्ट्रा करके वह दुगुना
ओवरटाइम ले लेते हैं । उनकी सैलरी
के हिसाब से दुगुना ओवरटाइम उन
को दिया जाता है । रात को ठहरने के लिये
इंटर स्टेट बस रुटस जो आपरेट होते हैं, रैसी-
प्रोकल बेसिस पर हरेक का रैस्ट हाउस
अपना अपना बना हुआ है । यह सही
नहीं है कि ड्राइवर गाड़ी पर सोता है ।
जितनी भी स्टेट कार्पोरेशन है, उन्होंने
बस-ड्राइवर के लिये रैस्ट रूम बनाये हुए
हैं ।

इसमें भी बस रात को ग्वालियर में
रुकती है, ड्राइवर के वहां ठहरने और
खाने पीने का बन्दोबस्त है । रात को
ठहरने का एलाउन्स भी मिलता है ।
इस बस में तो एक इन्स्पेक्टर भी साथ
में चलता है, क्योंकि मध्य प्रदेश के साथ
दिल्ली ट्रांसपोर्ट कार्पोरेशन का केवल एक
ही रुट आपरेट हो रहा है और वह भी
हफ्ते में आल्टरनेट-डेज पर चल रहा है ।
इसलिये उसको इस तरह से नहीं
देखा जा सकता कि इसका स्टाफ ओवर-
वर्क था, डिस्ट्रेस में था ।

ओवर-लोडिंग के बारे में यह सही है,
जो माननीय सदस्य ने कहा । नर्मली
इंटर-स्टेट रुट पर हम 55 सवारियां जाने
की इजाजत देते हैं, जो कि प्रैक्टाबल है,
जिसमें 52 सवारियां होती हैं, एक ड्राइवर
एक कंडक्टर और एक इन्स्पेक्टर । जो
स्टाफ है, उसकी चैकिंग होती है । मगर इस
बस में सवारियां ज्यादा थीं, इसकी भी
हम जांच करेंगे कि क्या कारण है, क्यों
सवारियां ज्यादा बढ़ गईं, इसका पता
लगाना पड़ेगा ।

आपने जो कहा कि क्लीनर गाड़ी
चलाते हैं, मान्यवर, एक दुर्घटना विल्ली में
हुई थी । जिसमें पाया गया कि ड्राइवर,
नहीं, बल्कि उसका सहायक क्लीनर गाड़ी
चला रहा था । वह बस प्राइवेट आपरेटर
की थी । उस दुर्घटना के बाद जब हमने
जांच की तब यह पता लगा और उस
प्राइवेट आपरेटर की बस को हमने अपनी
फ्लीट से निकाल दिया है । मैं कह सकता
हूँ कि हमारे डी० टी० सी० की गाड़ियों
पर विदाउट एक्सपीरिएंस ड्राइवर्स को कहीं
भी नहीं लेते हैं ।

कंपेंसेशन के बारे में जो आपने कहा
तो जो 1 हजार रुपया रखा गया वह
जिनकी मृत्यु हुई है उनके लिए है, 300
रुपए जो जख्मी हुये हैं, उनके लिए हैं ।
यह कम्पेंसेशन नहीं है बल्कि तुरन्त
सहायता है और यह सहायता हस्तपाल
में दाखिले के लिए है । मुआवजे के
लिए बाकायदा क्लेम फाइल होगा,
ट्राइव्यूनल बैठेगा—हर स्टेट में एक्स-
डैन्ट के बारे में ट्राइव्यूनल होते हैं—उसके
सामने केस जायेगा और मुआवजा तय
किया जायेगा ।

माननीय सदस्य ने कहा है कि कम
से कम मुआवजा फिक्स होना चापिए ।
ऐसा अभी तो नहीं है । लेकिन हर एक
केस के मैरिट के आधार पर ट्राइव्यूनल
एवार्ड देते हैं । ट्राइव्यूनल का जो एवार्ड
होगा, वही डी टी सी पे करेगा । इसके
अलावा नेगोशिएशन के आधार पर आउट
आफ कोर्ट भी मुआवजा तय कर लिया
जाता है । यह कहना सही नहीं है कि
मुआवजा बहुत कम है । ट्राइव्यूनल का
जो एवार्ड होगा, वही मुआवजा होगा ।

श्री राम बिलास पासवान :
मैक्सिमम लिमिट क्या है ?

श्री बूटा सिंह : कोई मैक्सिमम और
मिनिमम लिमिट नहीं है । इस सिलसिले

[श्री बूटा सिंह]

में दो बातों का ध्यान रखा जाता है : एज आफ दि इंजर्ड और दि किल्ड और उसका प्रोफेशन। मोटर व्हीकलज एक्ट के सेक्शन 95 के तहत ट्राइब्यूनल जो फसला करता है, वही मुआवजा हम देते हैं। यह कहना गलत है कि मुआवजा बत कम दिया गया है। यह तो एक्स प्रेसिया ग्रांट दी गई है।

श्री राम बिलास पासवान : एयर और रेल में एज का कोई नियम नहीं है। वहां कोई भी मरे, उसकी एज का खयाल किये बिना मुआवजा मिल जाता है। बसों के बारे में क्यों उम्र की बात रखी हुई है ?

SHRI BUTA SINGH: The other services whether it is air or railways, are to some extent covered by the insurance.

बसों में इंशुरेंस नहीं है। लेकिन माननीय सदस्य ने जो सुझाव दिया है, हम उस पर विचार करेंगे।

माननीय सदस्य ने पूछा है कि डी० टी० सी० के पास कितना फ्लोट है। इस वक्त डी० टी० सी० के पास 2973 बसें हैं, जब कि हमें चाहिये 3044 बसें। हम इस बारे में कोशिश कर रहे हैं। हमने आर्डर प्लेस किये हुये हैं। नैक्स्ट प्लान के मुताबिक 630 बसें और खरीदी जायेंगी जिससे डी० टी० सी० के फ्लोट में वृद्धि होगी।

जहां तक इस दुर्घटना की एनक्वायरी का सम्बन्ध है, दो किस्म की एनक्वायरी होती है। एक तो विभागीय एनक्वायरी होती है, जिसस पता चलेगा कि बस में क्या नुक्स था, क्या दोष था, ड्राइवर का क्या दोष था। साथ ही स्टेट पुलिस भी इनवेस्टीगेशन करती है। वह बाकायदा इनवेस्टीगेशन कर रही है। We are awaiting

the findings of the enquiry and as soon as they are available, we will take further action.

SHRI XAVIER ARAKAL (Brankulam): Mr. Deputy-Speaker, Sir I have gone through the statement. I agree only with one sentence where the hon. Minister says that his sympathies go out to the families and I stop there. And there are reasons for that. On 13th August, 1980, three persons while standing on the pavement were killed by a private bus No. DLP 5015, operating under DTC. This happened at Delhi. The driver was not caught; nobody knew who was driving that bus. Three people died and no compensation was paid. It is a very serious matter. The attitude and the steps taken by the Government and authorities are inadequate. No prompt action is taken to catch hold of the culprits and punish them. Now, how much compensation are you giving? It is only Rs. 1000. One man's life is only worth Rs. 1000. I will come to that a little later.

Last year in Delhi alone 763 accidents took place. I would like to know in how many cases, the culprits were caught and punished. What are the steps taken by the authorities? We have only one percent of the total vehicles of the world, but we have six per cent of accidents. That means, there is an increase of 15-20% per year. According to one estimate in 1968, 10,654 persons were killed and on that basis, it is estimated that the number will go up to 43,144 persons in 1981.

Referring to these colossal accidents and tragedies in India, you know what the Supreme Court has said :

"More people die of road accidents than by most diseases, so much so that the Indian highways are among the top-killers of the country. Indian transport is acquiring a menacing reputation which makes travel a trust with death."

That is the actual position of travelling in India ...

MR. DEPUTY -SPEAKER : According to you, Indian transport is taking the place of Yama.

SHRI XAVIER ARAKAL : Quite correct.

MR. DEPUTY-SPEAKER : According to you.

SHRI XAVIER ARAKAL : Generally, we shall know when Yama will be coming, but in this case we do not know. So, this is something to be taken note of. It is astonishing to see that only 5 per cent of victims go to courts to file their claims, but how many get their claims? I know that this is the costliest liability. There are four major Acts which are involved in it namely the Fatal Accidents Act, 1885, Legal Re-

representatives : Suits Act, 1885 and Motor Vehicles Act, 1985 etc. These are the Acts which protect. (Interruptions) Not the victims nor their legal representatives also ; as it is said, they would not come to talk. My submission is that these Acts protect the drivers and the owners. It is high time that we had a look at these Acts and amended them.

There was a Seminar here on prevention of accidents. They have suggested some concrete steps. Have Government looked into it ? There is a great anomaly here. The Railways Act gives sufficient protection of insurance to the travellers; they give lakhs and lakhs. But for these poor travellers in buses, in the rural areas, how much do we pay ? Sir, I know what happens, because I have been a victim of an accident myself ; I know how many years it would take to get money from the court. I am saying this out of experience. This is a thing which we have to look into, because millions and millions of bus travellers are affected here. It is estimated that traffic deaths alone would be : 44,000 in 1981. What are the precautions that we have taken. I am told, subject to correction that 75 percent of the inspectors in the DTC here are not competent or qualified. I say this, subject to correction. This way of functioning is improper. Therefore, I would like to ask the hon. Minister how much money we are going to give in compensation, and without delay in these accident cases ? Are Government going to amend the statutes pertaining to tortious liabilities ? Thirdly, what action have Government taken to bring the officers into this ? I know many officers get away with it. Sir, the hon. Minister has said about inquiry. I may tell you something here out of my experience, that no inquiry report will give protection to the victims. You know, Sir, what extraneous considerations come into play. Of course, we understand the problems of the Government, and their working. But we have a responsibility to see that the legal representatives of these victims are provided properly. Therefore, these are the three questions which I would like to ask, put before the hon. Minister for answer.

SHRI BUTA SINGH : The hon. member has covered a wide spectrum of the problems of accidents. The matter is quite serious and we are seized of it. The number of accidents is increasing every year. We have been able to go into the reasons and the causes of these accidents. But, for this limited question, it may not be possible for me to reply to all the points raised by the hon. members, the rate of accidents and the number of accidents

that are taking place in Delhi, because this particular calling attention relating to one particular accident. He has mentioned about one accident in Delhi about which I made a reference while replying to the points raised by Mr. Paswan. He is referring to the same bus where a cleaner was operating the bus. It was a private bus. The accident occurred near the ITO and the Cleaner has been taken into custody and the case has been processed and he has been challaned. The bus has been put out of fleet. (Interruptions) The driver was not there in the bus ; it was somebody. I have already replied to it. Since it was in Hindi perhaps the hon. member may not have understood it.

Now, he has again raised a question of compensation. As I made it clear, the announcement made regarding payment by DTC in this particular case is not a compensation ; it is an *ex-gratia* payment, to be given to the dependants of the deceased and the patient for meeting the contingency. The question of fixing the compensation is another wider question which will have to be considered.

MR. DEPUTY SPEAKER : It takes a lot of time for the tribunal to decide it. You must fix some time limit for this also.

SHRI BUTA SINGH : The experience shows that it takes six months to one year for a tribunal to arrive at a decision. We will look into it and see that the system is so geared up that some time limit can also be fixed ; and we can fix up a time limit by which the tribunal must give its award. Therefore, the suggestions of the hon. members are taken note of and we will see that the valuable suggestions made by the hon. members on the question of accidents and their prevention are taken due note of.

SHRI B. V. DESAI (Raichur) : Mr. Deputy Speaker, Sir, as you have suggested—many of the points have already been touched by the hon. members who spoke before me—I would like to restrict myself only to a few points which they have not touched.

13 hrs.

Actually, the accidents come without any information. Nobody can avoid them. But we can reduce the number of accidents by a certain amount of care which the government takes in certain matters. Basically, these accidents do take place because of a little carelessness on the part of the authorities whose responsibility is to see that the safety is taken care of. Basically,

[Shri B. V. Desai]

they depend upon (1) the road conditions; (2) the maintenance of the vehicle; and (3) the driver and other affiliated class. As far as maintenance of roads is concerned, as my friend has told, of course, even the hon. Minister has accepted that there is a lacuna; and of course, it has got its own repercussions because the maintenance of roads requires funds whether it is DTC or any other organisation in this country. I do not know how it is done; I think it is all controlled by the government. Secondly, I want to mention about maintenance of roads and maintenance of buses. If I can assume—I am saying this by just assumption—as our hon. Member yesterday or day before yesterday, Shri Y. B. Chavan told, he had hired one vehicle wherein Mr. Pattabhi Sitaramayya was sitting and except the horn everything was blowing! Here all these buses even all horn also does not blow! Other things blow. So that is the position. Only for passenger traffic, they may be requiring about one lakh fresh chassis because they have become very old.

MR. DEPUTY SPEAKER : Mr. Desai, we can continue after lunch. The House stands adjourned for lunch to meet at 2 p.m.

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

The Lok Sabha re-assembled after Lunch at thirteen minutes past Fourteen of the Clock.

[SHRI HARINATHA MISRA *in the Chair*]

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE—*Contd.*

REPORTED ACCIDENT TO A D. T. C. BUS NEAR DHOLPUR—*Contd.*

MR. CHAIRMAN : Now, Mr. B. V. Desai may continue.

SHRI B. V. DESAI : Mr. Chairman, prior to lunch-break I was just narrating the main factors which may minimise the accidents in the passenger buses. They broadly relate to three basic points. One is the maintenance of roads, the second is maintenance of Vehicles and the third is the human factor. Regarding the maintenance of roads, of course, little said is better because of lack of funds and so many other things.

MR CHAIRMAN : Not lack of earning.

SHRI B. V. DESAI : Earning is there, but pilferage is more.

Therefore, the maintenance of roads is not properly done. I remember that in 1945 when I was a student I travelled from Dacca to Khyberpas through the Grand Trunk Road and very recently I had the occasion to go up to Banaras by road. What a terrible change in the main road which is supposed to be the biggest road in the world so far as the trans-continental road is concerned! When the condition of such a big road is like this, you can imagine other small roads, either State highway or national highway or other roads. So, naturally the State Governments and the Central Government should take care of this road maintenance.

Secondly, I may refer to maintenance of buses. I am given to understand that the bus under discussion, DST 2361, is about 10 years old, and that at the time of the accident its tyre rods gave way while negotiating a steep curve. What else can we expect from a ten-year old bus? Therefore, Government must have a programme of phasing out old buses.

MR. CHAIRMAN : Periodical thorough repair also.

SHRI B. V. DESAI : I agree.

Unless the Corporation earns, it cannot phase out old buses, and for earning it has to be vigilant and see that pilferage is not there. I would like to know why private busowners can earn a lot while the State undertaking is not able to. That is the most important question that the hon. Minister has to take into consideration. If we take the normal depreciation of 20 or 25 per cent into consideration, old buses have to be phased out in four or five years.

As of today, the requirements of chassis of the Central and State undertakings is more than one lakh, but the capacity for so much production is not there. So, unless we remedy these basic reasons, we will not be able to reduce the incidence of accidents.

The third is the human factor. It is within the knowledge of everybody that anybody can walk in, pay some money and be appointed a driver. The driver becomes experienced at our cost. Therefore, before a bus driver is appointed, he must have sufficient experience, and before a long distance bus is sent out, not only should there be a certificate of road-worthiness but also a certificate of fitness of the driver. Only then can accidents be reduced.

Of course, it is very difficult to avoid accidents and bring them to nil, but the compensation of Rs. 1,000 announced by the hon. Minister is ridiculously low. When

a life is lost and the persons's dependants are greatly grieved, they should not also feel the pinch of money. Bus travellers are poor people, and Rs. 1,000 is very meagre considering the present value of the rupee. So, I would like it to be atleast Rs. 4,000 or Rs. 5,000. There should also be third party insurance, so that the person concerned may get a compensation of Rs. 20,000 or Rs. 25,000. As the hon. Minister stated, the tribunals are there, and the cases are heard for six months or one year. So, there is not only delay, but the quantum of compensation is also meagre. Occasionally it is raised to Rs. 2,000 or Rs. 3,000 depending on the avocation of the person etc., but whatever be the avocation, a human being is a human being, and therefore basically it should not be less than a certain amount.

Why does the Government not come out with such suggestions and modification in the Act ?

I would like to have an answer from the hon. Minister on these points.

These factors can be taken care of by my hon. friend Shri Veerindra Patil who happens to come from our area. He is a good administrator. He should take care of these during his regime.

SHRI BUTA SINGH : The points raised by the hon. Member are the fundamental points.

So far as the question of accidents and prevention of accidents is concerned, there is no doubt that the three points mentioned by the hon. Member are the main factors.

This accident took place on a National Highway which is maintained at the cost of the Central assistance. It is also true that the National Highways are not kept up-to the mark. But the assistance is given by the Central Government to the States and it is for the State Government PWD Department to maintain these Highways.

Mention has been made about National Highway No. 1. He has compared the road conditions obtaining near Banaras with those of the road from Khyber Pass to Calcutta. The Member found a few patches near Banaras. It is a fact that in some places the Highway is not maintained well and in some places it is maintained well. I agree that in some places it is not up to the mark. I have my experience also-that this Highway near Banaras, Allahabad is not maintained up to the mark. But as I said, this has to be maintained by the PWD of the state Government. So far as assistance is concerned, the Central Government is providing assistance.

About maintenance of this particular bus, the hon. Member is not well informed. This particular bus which was involved in this accident is not ten years old. This bus is hardly a year and eight months old. It is quite a new vehicle and was well maintained. The last service had been carried out only very recently- 23rd November, with complete change of oil, parts, gears etc. So, it is not correct to say that this particular bus was ten years old. It was comparatively very young and a new vehicle.

He mentioned about the practice of having a driving licence and the driver having no practical expericne. So far as DTC is concerned, we have laid down norms of recruitment DTC appoints a driver who has got minimum of three years experience of driving a public vehicle and also after that he is put to a test and is given training also periodically. So, in this case it is not correct that the driver was not well trained. He had a long service of about nine years and he had a fairly good record.

So far as the general question of phasing out the vehicle's is concerned, it again is a question which depends mainly on the availability of finances. As I said in reply to another Member's point, the DTC is phasing out its fleet and in the current year we propose to add about 630 buses to the present DTC fleet. Therefore, this process of phasing out the old buses, in the DTC is continuing. So far as fleet is concerned, the average life of DTC bus is less than ten years.

The announcement that has been made in this case is not compensation. It is only an ex-gratia payment announced for meeting the contingencies of the patients and also of those who have died so that the dependents of those people can manage to take away the dead bodies. Compensation will be fixed by the Tribunal. As soon as the Tribunal gives award, we will definitely see that the award is implemented.

SHRI G. M. BANATWALLA (Pon-1, a-i) : It is rather unfortunate that we have a very stereotyped and heckneyed statement from the hon. Minister in response to our Calling Attention notice. The main objective of our Calling Attention notice is not just to conduct an enquiry for facts over here. There are fundamental issues to be considered. While considering the question of accidents, we are face to face with the question of the value of human life. The entire issue must, therefore, be considered with reverence and sincerity.

[Shri G. M. Banatwalla]

I would like to draw the attention of the Government and of this House, through you, sir, to what the Supreme Court in a judgement had said, It said:

"We hope that every State in India will take note of the human price of highway neglect of State transport violations and the like with a sombre sensitivity and reverence for life."

It is as a result of these considerations that the Calling Attention motion is now before the House.

We are being repeatedly told that the question of compensation will go to the tribunal and so on. I must make a submission before I put my question. There is the need for a total re-orientation of our attitude towards the entire question of accidents and other things. The Motor Vehicles Act to which the hon. Minister has been repeatedly referring is totally inadequate in response to even the goals of policies laid down by the Directive Principles. The entire Act is not from the point of view of prevention of accidents. It is only for the purpose of trying to find out whether a compensation can be paid or not and, if so, what should be the quantum and so on. The entire Act, I submit, is from the point of view of finding out the fault. It is a fault-based statute. It is only when a fault is established that we can go to the next question of compensation and so on. That cannot be our attitude to human life. We cannot take such a narrow legalistic attitude to human life. The entire Act is a fault-based statute. Only when a fault is established the other things come into operation.

AN HON. MEMBER: The Act itself is completely outdated.

SHRI G. M. BANATWALLA: There are these two particular deficiencies and inadequacies in the Act. Firstly, it is not from the point of view of prevention of accidents and, secondly, it is a statute which is based on ascertaining the fault and the consequences thereafter. It is necessary that our Government take a proper attitude to the entire question in consonance with the Directive Principles enshrined in article 41 of our Constitution. We pay great homage, I should say, to the Directive Principles. Article 41 says very clearly that the "State shall make effective provision for public assistance in case of disablement."

Now, my question is that by relying again and again upon the Motor Vehicles Act and so on, is the Government fulfilling the spirit of this particular provision enshrined in the Directive Principles?

In the case of air accidents, there is a provision, in the case of rail accidents, there is a provision. Section 82(a), of the Railways Act is already there which accepts the responsibility to pay the compensation though it is a limited responsibility. Why different norms must be considered? I wish to have a categorical reply from Government. You appoint in the case of rail accidents, for example, a Railway Claims Commission only to ascertain whether the compensation is really claimed by the genuine nearest relations. But it has not decided the quantum of compensation according to ages and so on. Our attitude in the case of the entire accident which we are considering now, should be to find out whether somebody was at fault and, even after finding out whether somebody is at fault or not, it should decide as to what will be the compensation payable. This is a mockery of human life. Will the Government, therefore come forward and assure this House that henceforward whether it be the D.T.C. or otherwise, in case of accidents, a particular amount—a substantial amount—shall always be paid. We can never compensate for the life. But, then, what is sought for is a proper assistance as enshrined in Article 41. A man flies or goes by rail or he takes a bus. The value of human-lives goes on differing. So, my first question to Government would be: whether it will take the proper aspect into consideration and it can take up the responsibility enjoined by Art 41 and assure this House that from to-day onwards, from this accident onwards, just as in the case of air and in the case of rail accidents, a proper quantum of public assistance will be given here too.

Mr. Chairman, as regards the Tribunals, you yourself pointed out the time that it has taken in the case of an traffic accident that took place in the case of a 26 year old boy, the mother was awarded a quantum of compensation of Rs. 7,000/-. Then the mother went to the Madras High Court. The Madras High Court considered the case and the quantum was raised from Rs. 7,000 to 20,000/-. All this took nearly eight years, not six months or one year, as the Minister had earlier said.

Now, Sir, that was one aspect of the question that I place before the hon. Minister. We must also be assured as to what measures are being contemplated for prevention of accidents? Is there or will there be—I do not know it—a Cell even in the D.T.C. itself for prevention of accidents? Will that Cell undertake the accident analysis—it should be a regular one? Departmental enquiries take place when accidents occur. Then they submit the reports. I do not know how many departmental enquiries have already taken place and how many reports have come and what has happened to

them? Let there be a permanent cell working for the purpose of prevention of accidents through a strict traffic discipline, through strict enforcement of safety regulations. That is a specific suggestion that I place before the House. If I am not wrong, there was a Motor Vehicles Insurance Committee appointed by the Ministry of Transport and it submitted its report somewhere in 1962. Many suggestions are there—suggestions even for a fund which can be set up after getting proper portion of the taxes from the various State governments and this fund could be utilised for the purposes of payment of compensation or grant of reasonable and worthwhile public assistance. I would like to know what is happening to all these reports? What action is the Government going to take or again and again will there be the same situation of accidents taking place and then having a post-mortem about the causes of the same?

Therefore, these two basic questions I place before the hon'ble Minister for his active and sympathetic consideration and a clear cut reply. Already an hon'ble Member has given statistics about the accidents and so on and, therefore, I will not again dwell on the same. I, therefore, hope that the matter will receive serious consideration.

I will conclude by referring only to the words of Justice Krishna Iyer. He said that more people die of road accidents than by disease so much so that the Indian highways are among the top killers of the country. Indian transport is acquiring a menacing reputation which makes travel a tryst with death.

Therefore, with respect to both compensation and the situation prevalent on the railways and also with reference to Article 41 of the Constitution and secondly of setting up of a proper effective strong cell for purposes of prevention of accidents, I hope, government will come forward with a definite reply.

Sir, there is a need for the re-orientation of the attitude and is the government taking up that challenge for the re-orientation of the attitude in consonance with Article 41 of the Constitution? There was talk here of a third party insurance. But my information is that, leave aside the question of third-party insurance our DTC buses are not insured because of the paucity of funds. At least a few months back that was the position. Let us, therefore, consider the whole question in its entirety rather than placing hackneyed statements in response to Calling Attention motions.

SHRI BUTA SINGH: Sir, the hon'ble Member has thrown a light on the malady

of our transport system vis-a-vis the road accidents and he has taken us back to the Directive Principles of the Constitution. No doubt, he is very right when he says that the State should ensure the safety of life in the vehicles on the road and he has commanded me to give active and very sympathetic consideration to his suggestions which I do immediately with all the sincerity at my command. I hereby say with sincerity that the hon'ble Member has raised the question I will no doubt try to see that the Government takes into consideration the very valuable suggestions made by the hon'ble Member with the same spirit and depth of sincerity. I have given all the facts in my factual statement relating to this accident. Now, as I have stated in my reply, the terrain is so very difficult. The bridge is very narrow. One has to negotiate a sharp curve over there. If one were to visit that area one would feel that this terrain would definitely require some widening of the road, something to be done with the narrow bridge which is there. Something has to be done and there is no doubt about it. While raising some two or three fundamental points, as the hon. Member referred to the Motor Vehicles Act. In this respect, I would like to point out to him that the Government has taken into consideration the recommendations made by the highest body in which the States are represented, namely, the Transport Development Council. Even some Chief Ministers are there. This highest body goes into the question of road safety, maintenance of roads, fleet maintenance and other things. This body held its meeting recently in Delhi. They have made certain valuable suggestions on the same lines which the Member has referred to, about amending the Motor Vehicles Act. We are seized of the matter and we are at the moment processing these various recommendations made by this highest body, namely the Transport Development Council. So far as the vehicles of the DTC are concerned under the present arrangement, as per the statute, they are all exempted from third party insurance. But they have to make provision for a Special Insurance Fund out of which compensation is paid. So, this is being done. In regard to maintenance, he suggested the creation of a cell in the DTC which is a very valuable suggestion. I find that there is some arrangement already in the DTC whereby they monitor the accidents and they have analysis made out of such data of accidents, so that lessons are learnt and preventive steps taken. Now, if it is really the case that this machinery requires some strengthening. I will definitely see to it that a proper cell is created in the DTC to see that such accidents do not take place on account of human failures. There are certain steps which we have already taken. At the time of recruitment, we

[Shri Buta Singh]

take only the physically-fit and experienced drivers for the DTC. They are being given intensive training. We have our own training school in the Corporation in which training is being imparted to them. Also incentive is given to the driver who renders accident-free service. This is one of the important steps to prevent the recurrence of accidents. Also speed control is there and recently we have introduced the speed control system in the DTC buses and these buses are fitted with the governor so that the driver does not over-speed the vehicle. So, all these steps are taken to see that road safety is ensured and the aspect of prevention of accidents is taken due care of. The hon. Member has made very valuable suggestions and we will certainly fully consider the suggestions made by him. I say this because I am equally concerned about this matter. This House, if it considers better, should give its own views on the malady of this road transport accidents and we will in all sincerity see that whatever amendments are suggested, whatever modifications are suggested in the Motor Vehicles Act, are incorporated.

MR. CHAIRMAN: You did not mention anything about the development of roads. Incidentally I have got a press clipping. A conference of experts in the field was held at Roorkie on the 27th October, 1980 and inaugurating the Conference, Dr. Jagdish Narayan, Vice Chancellor of Roorkie University said that the revenue from the road-transport industry has grown from Rs. 135 crores to Rs. 1238 crores annually in the last 15 years. But the expenditure in the same period on road development had been reduced from 65% to 27%. So, this is an important point to be taken note of.

SHRI BUTA SINGH: Sir, it is the overall situation, if you add up both the Central as well as the States expenditure, it will work out higher. Moreover, it is a national problem and we must do what best we can.

MR. CHAIRMAN: It is for the consideration of the hon. Minister.

14.47 hrs. ————

COMMITTEE ON PUBLIC UNDERTAKINGS

FIRST REPORT

SHRI ARIF MOHAMMAD KHAN (Kanpur) : Sir, I beg to present the First Report (Hindi and English versions) of

the Committee on Public Undertakings on Action Taken by Government on the recommendations contained in the Twenty-fifth Report of the Committee on Public Undertakings (Sixth Lok Sabha) on Jute Corporation of India Limited—Shortcomings in the Functioning of JCI.

14.48 hrs.

ANTI-APARTHEID (UNITED NATIONS CONVENTION) BILL*

THE MINISTER OF EXTERNAL AFFAIRS (SHRI P. V. NARASIMHA-RAO): I beg to move for leave to introduce a Bill to give effect to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

MR. CHAIRMAN: The question is:

“That leave be granted to introduce a Bill to give effect to the International Convention on the Suppression and Punishment of the Crime of Apartheid.”

The motion was adopted

SHRI P. V. NARASIMHA RAO: I introduce the Bill.

14.50 hrs.

MATTERS UNDER RULE 377

- (i) FORESTS LYING NORTH-EAST OF PERUVENNAMUZZHI, RESEVOIR OF KUTTAIDI IRRIGATION PROJECT IN KERALA

**SHRI V. S. VIJAYARAGHAVAN (Palghat): It is reported that some attempts are being made to clear a five kilometre stretch of very dense forest which lies north-east of the Peruvennamuzhi reservoir of Kuttaidi irrigation project in Kerala.

This forest of 500 hectares is lying in an area from where the Kakkazam dam gets surface water. It is understood that this forest is being cleared for planting rubber under the Kerala Plantation Corporation.

In one hectare of forest, as many as 250 trees with a height of over 30 metres and a width of over 75 cms. are standing. If this forest is cleared it is estimated that the timber would fetch

*Published in Gazette of India Extraordinary, Part II, Section 2, dated 27-11-1980.

**The original speech was delivered in Malayalam.