

SHRI KANWAR LAL GUPTA : You allowed Mr. Banerjee.

MR. SPEAKER : If I allowed him, the Ministers may or may not reply.

MR. JAGJIWAN RAM : I am going to repeat what the Minister has already said. When I came to know of this and when the procession of the workers of the Mill came to demonstrate, I asked my Chief Labour Commissioner and other officers to take up the matter with the Delhi Administration because it is being dealt with by the Labour Commissioner of the Delhi Administration within whose jurisdiction this dispute lies. I would not like to encroach on the jurisdiction of any State Government. It can be done only in consultation with the State Government.

SHRI RANGA (Srikakulam) : The State Government is under your control.

SHRI JAGJIWAN RAM : Not for all purposes, I am very conscious of that and that is why I sent my officers to take up the question with the employers and the employees along with the Labour Relations Officer of the Delhi Administration; negotiations are being carried on, and it is expected that some solution will be found.

श्री कंवरलाल गुप्त : मैं ने इस सम्बन्ध में एक पत्र माननीय मंत्री महोदय को लिखा था और उनसे प्रार्थना की थी कि एक महीना से अधिक हो गया करीब 6,000 मजदूर हड़ताल पर हैं। हालत यह है कि लोग भूखों मर रहे हैं। उनके खाने के लिये आटा भी नहीं है। मैं इस चीज को मातता हूँ कि यह मामला दिल्ली प्रशासन का है और मंत्री महोदय की यह बात भी ऐप्रिशिएट करता हूँ कि यह अच्छा नहीं होगा कि वह उस के बीच में दखल दें। लेकिन उन की ओवर-आल गाइडेंस ऐडमिनिस्ट्रेशन को मिल सकती है, साथ ही मिल मजदूरों और मालिकों को भी मिल सकती है। इस लिये वह अपने गुड आफिसेज को यूज करें। दिल्ली प्रशासन और दोनों दूसरी पार्टियाँ एक

दिन बैठ कर मामला हल कर लें। मैं चाहता हूँ कि यह ऐश्योरेंस मिल मालिकों से जरूर लिया जाय कि जो मिल मिल मजदूर हड़ताल पर हैं उन को विक्टिमाइज नहीं किया जायेगा।

श्री जगजीवन राम : मैं फिर यह कहूंगा कि यह मामला दिल्ली ऐडमिनिस्ट्रेशन का है, जैसा मैं ने कहा, इस तरह के मामलों में केन्द्रीय सरकार के अफसरों के गुड आफिसेज इस्तेमाल करने की जहाँ तक बात है, वह तो बराबर होता रहता है। हमारे अधिकारी दिल्ली ऐडमिनिस्ट्रेशन के अफसर दोनों मिल कर बातें करते हैं।

श्री स मो बनर्जी : अगर कुछ नहीं किया जायेगा तो दिल्ली ऐडमिनिस्ट्रेशन पर बिड़ला और टाटा असर डालेंगे।

श्री जगजीवन राम : आशा की जाती है कि मामला जल्दी हल हो जायेगा।

12.35 hrs.

MOTOR VEHICLES (AMENDMENT) BILL—contd.

Clause 2—contd.

MR. SPEAKER : We were on clause 2 yesterday. Two amendments were moved by Shri Lobo Prabhu and one was put to vote and lost.

SHRI LOBO PRABHU (Udipi) : The other amendment relates to specification of tourist buses. It is a simple amendment in which I propose that the Central Government, and not the State Government, should lay down the specifications. The reason is simple: tourist buses are not confined to one State; by their very nature they go from State to State and many cover the entire country. Therefore, when you are laying down specifications, they may be licensed in one State but may find themselves in difficulties in another State if

specifications are not the same and I do hope that the hon. Minister, will kindly agree to this very simple change that specifications may be laid down by the Centre instead by individual States.

THE DEPUTY MINISTER IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS, AND IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI IQBAL SINGH) : The specifications are laid down by the States the dimensions of the body, the type of vehicles, etc. They are also enforced by the State. Different States have different specifications according to their needs and convenience and it will not be advisable to accept this amendment.

SHRI RANGA (Srikathulam) : We are aware that there are different specifications and different standards in the States but we do not want this amendment to apply for all vehicles. Let the status quo continue in respect of all the other vehicles. Our suggestion is confined to tourist business only whose owners obtain licences for operating their buses in more than one State. If there are even tourist buses which operate within one State alone, this need not apply to them. For tourists buses that apply for permission to operate in more than one State, the specifications may be laid down by the Union Government. If the hon. Minister is not agreeable to this, at least the Government make a suggestion specifying standards for tourist buses and let them circulate those standard specifications for inter state tourist buses. Let them advise strongly so that the advice may be as good as a directive. Let them specify those things and circulate them to all the States and see to it that there is uniformity in standards all over India.

SHRI IQBAL SINGH : These standards are being laid down by the States and they are being implemented by the Motor Vehicles Inspectors. When they inspect the vehicles, they see to it that the specifications laid down are followed. Of course, we can give them guidance. I agree, but we cannot lay down from here in Delhi what it should be. As I said, regarding the specifications, there are questions as to what should be the difference in these at, what

type is should be and all that, because the specifications are different in so many States, and if we go on standardising it, it will create more difficulties and again it becomes a question of amending the specification. That power is with the States. If there is one seat less, or if a seat is one inch less, and if they have to ask the Central Government, it will create more complications than could be solved.

Regarding the second suggestion, we are already asking the States to standardise all these things. They are being it. But to take the power here, it will be too much,

Amendment No. 41 was put and negatived

MR. SPEAKER : The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. SPEAKER : Then there are clauses 3 and 4. There are no amendments to these clauses. The question is :

"That clauses 3 and 4 stand part of the Bill."

The motion was adopted.

Clauses 3 and 4 were added to the Bill

Clause 5—(Amendment of section 11)

MR. SPEAKER : We will now take up clause 5.

SHRI LOBO PRABHU (UDIPI) : My amendments are Nos. 42 and 43. My first amendment is with regard to the rule for medical re-examination, not medical examination, of those drivers who are paid employees or who drive a transport vehicle, and who previously are bound to have been medically examined : that the medical examination should be done every year. This is going to be a very heavy imposition on the drivers. We have already been dilating yesterday on the subject of

[Shri Lohu Prabhu]

bureaucracy in respect of these motor transport rules : how the drivers and the owners are subject to more than one form of extortion because of the rules. Here, you are exposing the driver first to the RTO's attention and second to the attention of the doctor. Where is the necessity for this annual examination ? Conceding that these drivers carry on very important work on transport vehicles or on vehicles that do not belong to them, may I suggest a simple amendment, that you make this rule for those who are past, 40, because people under that age are normally not likely to deteriorate in their health so much as to require an annual inspection. Do not make the rules so difficult that you are exposing these employees to the bureaucracy. Do not make them so difficult that you add to the cost of transport. Transport is already very expensive. If they have got to be medically examined and passed every year, you are going to make transport expensive not only to the owners and drivers but ultimately to the public. That is my first amendment.

My second amendment is in respect of the re-examination of the licence given to a driver when the application for its renewal is made to another authority.

It is said that this re-examination is necessary to prevent the driver escaping his misconduct since the licence was initially issued. I may point out to the minister who was in the trade himself...

SHRI IQBAL SINGH : I was not in the trade. But so many people from Punjab are there in the trade.

SHRI LOBO PRABHU : I am sorry ; I thought you had at least that much of experience.

I should be known that when there is any censure or conviction against a driver, it is recorded in his licence. It is not necessary to hold up the renewal of the licence for verifying from the authority who first granted it about the conduct of the driver. Why are you bringing in these unnecessary rules ? Already the rules are cumbersome and burdensome. You want

to add another rule and you want to give to your staff the power to harass the drivers. You are preventing the mobility of the drivers. You are trying to make things so difficult that motor transport can only exist by the gratification of Government employees. These rules, when they are so complicated or burdensome, are going to hit the common people.

SHRI OM PRAKASH TYAGI
(Moradabad) : I beg to move :—

Page 4, line 10,—

for "may" substitute "shall" (9)

Page 3,—

after line 39, add—

"Provided further that where the renewal of a licence is sought within a period of five years from the date of previous issue or renewal, the medical certificate shall not be required." (17)

SHRI SHIVA CHANDRA JHA
(Madhubain) : I beg to move :—

Page 4, line 11, —

for "one year" substitute—

"six months" (18)

SHRI OM PRAKASH TYAGI : I beg to move :—

Page 4, line 18,—

after "manner" insert—

"and time" (19)

SHRI LOBO PRABHU : I beg to move :—

Page 3, line 39,—

after "case" insert :—

"provided this shall not apply to those under forty years of age" (42)

Page 4,—

omit lines 1 to 21. (43)

SHRI OM PRAKASH TYAGI : I beg to move—

Page 3,—

after line 39, insert—

“Provided further that this shall not apply to those under forty years of age.” (84)

श्री ओम प्रकाश त्यागी : मैंने कल भी प्रार्थना की थी और आज भी विशेष तौर से प्रार्थना करना चाहता हूँ कि परिवहन में अगर कोई सबसे ज्यादा गरीब आदमी है सबसे ज्यादा शोषित वर्ग है तो वह ड्राइवरों का वर्ग है। उससे बहुत ज्यादा समय तक काम लिया जाता है और वह रात दिन परेशान रहता है। आपने जो नियम बनाया है उस में भी आपने उसी को मारा है। आप ने मॅडीकल सर्टिफिकेट की बात इसमें कही है। मैंने संशोधन दिए हैं और जिस को भी आप ठीक समझें मान लें। डाक्टरी नियम है कि एक बार अगर आई साइट में कोई खराबी आ जाए तो पांच साल तक जहाँ आकर आई साइट टिकती है, कायम रहती है। डाक्टर चाहे तो कह सकता है कि पांच साल के बाद फिर आकर आई साइट टेस्ट करवा लेना लेकिन यह जरूरी नहीं है। डाक्टरों की जो मान्यता है उसको भी आपने समाप्त कर दिया है। जब भी वह लाइसेंस रिन्यू कराने के लिए चाहे छः महीने या एक साल के बाद ही आए, उसको मॅडीकल सर्टिफिकेट देना पड़ेगा। मैं चाहता हूँ कि इस पर आप दुबारा विचार करें।

पहली बात तो यही है कि चालीस साल से पहले किसी की साधारणतया आई साइट खराब होती नहीं है चालीस साल की आयु के बाद

ही आई साइट खराब होती है। इस बास्ते अगर किसी की आयु चालीस साल या उससे कम है तो मॅडीकल सर्टिफिकेट की आवश्यकता ही नहीं है। अगर फिर भी किसी कारण से आई साइट खराब हो जाती है और एक बार मॅडीकल सर्टिफिकेट ले लिया है तो उसको आप इतना राइट दें कि चालीस साल से पहले दुबारा फिर सर्टिफिकेट देने की जरूरत नहीं होगी या पांच साल की मियाद लगा दें कि पांच साल के अन्दर-अन्दर अगर वह अपना लाइसेंस रिन्यू कराना चाहे तो उसको मॅडीकल सर्टिफिकेट की आवश्यकता नहीं है। अगर हर बार उसकी मॅडीकल सर्टिफिकेट लाने के लिए कहा जाता है तो इसका मतलब यह है कि वह डाक्टर को रिश्वत दे। उसकी आई आइड ठीक भी हो तो मॅडीकल सर्टिफिकेट लेने के लिए वह उससे पैसा लेगा। उस गरीब पर यह टैक्स लगाना ठीक नहीं है।

इस क्लोज में कहा गया है कि अगर किसी वैतनिक ड्राइवर की रीन्यूअल के लिए एप्लिकेशन रिजेक्ट कर दी जाती है, तो उसकी फ़ीस “इन सच मॅनर एज मे बी प्रेसक्राइब्ड” रिफ़ंड कर दी जायेगी। मैं अपने संशोधन द्वारा यह चाहता हूँ कि फ़ीस वापिस करने के सम्बन्ध में टाइम फिक्स कर दिया जाये और एक सप्ताह के अन्दर अन्दर फ़ीस वापिस कर दी जाये। इस लिए आवश्यक है कि इस क्लोज में “मॅनर” के बाद “टाइम” जाड़ दिया जाये। मैंने बहुधा देखा है कि अगर एक बार गवर्नमेंट के पास जमा कर दिया जाये, तो फिर उस को वापिस लेने के लिए पहले दफ़्तर के अन्दर जाने के लिए चपरासी को पैसे देने पड़ते हैं और फिर आफिस के क्लर्क को भी रिश्वत देनी पड़ती है, वरना वह कह देगा कि फाइल नहीं मिल रही है। इस लिए फ़ीस का वापिस करने के सम्बन्ध में टाइम भी निर्धारित कर देना चाहिए।

[श्री भोम प्रकाश त्यागी]

इस क्लॉज में यह भी कहा गया है कि रीन्युअल की एप्लिकेशन आने के बाद वेतनिक ड्राइवर के एन्टेसिडेंट्स की वेरिफिकेशन होने तक "सच स्थायिटी में ग्रांट ए प्राविजनल लाइसेंस" मैं अपने संशोधन द्वारा यह चाहता हूँ कि मैं "म" की जगह "शैल" रखा जाये, अर्थात् उस व्यक्ति को प्राविजनल लाइसेंस तो मिलना ही चाहिए, क्योंकि यह उस का अधिकार है। हमारे कैंस्टीट्यूशन के अनुसार लोगों को कुछ अधिकार मिले हुए हैं जब तक कोई व्यक्ति कोर्ट में चोर साबित नहीं हो जाता है, तब तक उसको चोर नहीं माना जा सकता है। इसी तरह यदि किसी व्यक्ति ने रीन्युअल के लिए प्रार्थना की तो जब तक कोई बात उसके खिलाफ साबित न हो, तब तक एथारिटी को उस का प्राविजनल लाइसेंस रोकने का अख्तियार नहीं होना चाहिए। उस व्यक्ति के एन्टेसिडेंट्स का वेरिफिकेशन होने तक उस को प्राविजनल लायसेंस मिलना ही चाहिए।

श्री शिव चन्द्र झा (मधुवनी) : अध्यक्ष महोदय, इस क्लॉज में कहा गया है कि पेड एम्पलाई द्वारा रीन्युअल के लिए एप्लिकेशन दिये जाने पर उस को 'फार सच पीरियड अर पीडियड ज़ नाट एक्सीडिंग वन यीअर' प्राविजनल लाइसेंस दे दिया जाये। मैं अपने संशोधन संख्या 18 द्वारा यह चाहता हूँ कि उस को एक साल के वजाये छः महीने के लिए प्राविजनल लाइसेंस दिया जाये। इस सदन में पेड एम्पलाई के लिए बहुत हमदर्दी दिखाई गई है और कहा गया है कि यदि उस बेचारे को काम नहीं मिलता है, तो वह अनएम्पलायड हो जायेगा आदि। लेकिन यह बात भी साफ है कि इस सम्बन्ध में बहुत सी धांधलियाँ होती हैं चाहे कोई एम्पलाई के रूप में ड्राइवर हो और चाहे कोई अपनी गाड़ी चलाता हो, कई लोग बिना लाइसेंस लिए देहात में गाड़ी चलाते हैं और जब वे पकड़े जाते हैं, तब कोई कार्यवाही होती है। मैं इस बात से सहमत हूँ कि सर-

कार इस बारे में सख्ती करके और एप्लिकेंट के एन्टेसिडेंट्स की पूरी तरह जांच करे, लेकिन तब तक उस व्यक्ति को प्राविजनल लाइसेंस एक साल के लिए न देकर छः महीने के लिए दिया जाये। मेरा उद्देश्य यह है कि उस के पुराने कागज़ात की पूरी छानबीन करके उसे जल्द से जल्द लाइसेंस दिया जाये। अगर एक साल को मियाद रखी जायेगी, तो लाइसेंस देने वाले एथारिटी के यहाँ एक साल तो यूँ ही लग जायेगा और फिर टाल-मटोल में मामला आगे बढ़ता जायेगा, जिससे पेड एम्पलाई को परेशानी होगी। छः महीने रखना इसलिए जरूरी है कि उस व्यक्ति की जो पहली धांधलियाँ हों, उन की जल्द से जल्द जांच कर ली जाये और वह काम छः महीने के अन्दर अन्दर खत्म करके उस को लाइसेंस दे दिया जाये। इसलिए मैं एक साल के लिए प्राविजनल लाइसेंस देने की व्यवस्था से लाइसेंस देने में दो तीन साल लग जायेंगे और उस से पेड एम्पलाई को परेशानी होगी।

SHRI IQBAL SINGH : Regarding the first amendment moved by my hon. friend, he did not understand that licences are renewed after three years. There were many complaints that a driver gets a licence at one place, there is an accident there and his licence is cancelled, then he goes to another place and takes a licence.

SHRI LOBO PRABHU : It is recorded.

SHRI IQBAL SINGH : It is recorded at one place. Therefore, we are asking for antecedents so that we may ask the old regional transport authority, which has granted the licence, for the record of that man.

SHRI LOBO PRABHU : On the licence it is recorded.

SHRI IQBAL SINGH : As Shri Shiva Chandra Jha has explained, we will be giving them a temporary provisional licence for one year. The licence is only for three years.

About the medical certificate, there are complaints after complaints. It is published in the newspapers that drivers whose eye sight is not correct are being given licences. Now when we apply the rigid test of a medical certificate, we are asked why there should be a medical certificate. We cannot have it in two ways. If we want to minimise accidents, we have to apply the rigid test. You apply the rigid test once and then you can ask them to carry on. Renewal will take place only after three years and then we will ask them.

SHRI LOBO PRABHU : Accept the amendment putting "shall" for "may"

SHRI IQBAL SINGH : Regarding "shall" and "may", it is the discretion of the regional transport authority where he is applying for a new licence. If we say that he shall issue a licence, there is no use because he will get a licence and he will not return.

SHRI LOBO PRABHU : It is only for a temporary licence.

MR. SPEAKER : Do you accept any one of these amendments ?

SHRI IQBAL SINGH : No, Sir.

MR. SPEAKER : I shall then put all of them together to the vote of the House.

Amendments Nos. 9, 17, 19, 84, 42 and 43 were put and negatived.

SHRI LOBO PRABHU : What is it ? You are making a farce of it.

श्री ओम प्रकाश त्यागी : अध्यक्ष महोदय, जो कामनसेन्स की बात है, उस को भी मंत्री महोदय स्वीकार नहीं करते हैं। वह कहते हैं कि वह किसी अमेंडमेंट को स्वीकार करने के लिए तैयार नहीं हैं। तो फिर हमारा इतनी मेहनत कर के अपने संशोधन देना बेकार है।

MR. SPEAKER : The question is ;

Page 4, line 11, —

for "one year" substitute—

"six months" (18)

Those in favour will please say 'Aye'.

SOME HON. MEMBERS : Aye.

MR. SPEAKER : Those against will please say 'No'.

SOME HON. MEMBERS : No.

SHRI SHIVA CHANDRA JHA : The 'Ayes' have it.

SHRI LOBO PRABHU : We want a division, Sir.

MR. SPEAKER : I have not yet declared as to who has it.

SHRI LOBO PRABHU : 'Ayes' have it ; 'Ayes' have it.

MR. SPEAKER : I have not yet declared as to who has it. Why do you say that 'Ayes' have it ?

SHRI LOBO PRABHU : I am challenging a division. I shall do so on every one of them, if you do not accept reasonable amendments.

13 hrs.

MR. SPEAKER : I am putting the question again.

The question is :

"Page 4, line 11,—

for "one year" substitute—

"six months" (18)

Those in favour may say, "Aye".

SOME HON. MEMBERS : Aye.

MR. SPEAKER : Those against may say, "No".

SEVERAL HON. MEMBERS : No.

MR. SPEAKER : The "Nocs" have it.....

SOME HON. MEMBERS : "Ayes" have it.

MR. SPEAKER : Let the Lobbies be cleared.

Now Lobbies have been cleared.

SHRI IQBAL SINGH : As it is a non-controversial amendment, we accept it.

MR. SPEAKER : Then I will put Shri Shiva Chandra Jha's amendment to vote. The question is :

"Page 4, line 11—

for 'one year' substitute—

'six months'." (18)

The motion was adopted.

Now the question is :

"That Clause 5, as amended, stand part of the Bill"

The motion was adopted.

Clause 5, as amended, was added to the Bill.

MR. SPEAKER : As there are no amendments to clauses 6, 7 and 8,

I will put them to the vote of the House. The question is :

"That clauses 6, 7 and 8 stand part of the Bill."

The motion was adopted.

Clauses 6, 7 and 8 were added to the Bill.

Now we may adjourn for lunch and meet at 2 p.m.

13.06 hrs

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

The Lok Sabha reassembled after Lunch at six minutes past Fourteen of the Clock

[SHRI M. B. RANA *in the Chair*]

MOTOR VEHICLES (AMENDMENT AND BILL—*contd.*)

Clause 9.—(*Amendment of section 21*)

SHRI IQBAL SINGH : I beg to move :

Page 5, line 10,—

for "1968" substitute "1969"

This is only a very minor amendment. (114)

SHRI LOBO PRABHU : I beg so move

Page 5, lines 18 and 19,—

omit "and the fee to be paid in respect thereof." (44)

Government are taking powers to control the schools for instruction for drivers of motor vehicles. I think that is a fairly reasonable measure because these schools are springing up in large numbers. A certain amount of control would ensure that on the one hand the candidates are not fleeced and on the other that they reach a proper stage of proficiency. At the moment, some of these schools have their difficulties with the police in the sense that even after the driver candidate has become proficient, they have to satisfy the police just as they have to satisfy the driving schools legally. My amendment is this. By all means, let Government take control, make some rules in that regard, but let them not charge any fees on these training schools because they cannot bear it. They will pass on the fees that we impose on them to the drivers and they will pass it on to the consumers. I had pointed out yesterday that motor transport was the most expensive thing in our country. It is bearing so much already which it cannot bear. So, I do hope that the hon. Minister will forgo these small fees which he expects to receive from these driving schools, and accept this amendment.

SHRI S. M. BANERJEE (Kanpur) : I support it.

SHRI JYOTIRMOY BASU (Diamond Harbour) : I also support it.

SHRI IQBAL SINGH : Regarding the fees, we have considered the matter and we have no objection to accepting the suggestion. These are small men who are taking training as drivers, and if we increase the fees, the schools will pass them on to the drivers. So, I accept amendment No. 44 which is to the effect that we should not charge any fees.

MR. CHAIRMAN : The question is :

Page 5, line 10,—

for "1968" substitute "1969"
(114)

The motion was adopted.

MR. CHAIRMAN : The question is :

Page 5, lines 18 and 19,—

omit "and the fee to be paid in respect thereof." (44)

The motion was adopted.

MR. CHAIRMAN : The question is :

"That clause 9, as amended, stand part of the Bill".

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clause 10.—(Amendment of section 25)

SHRI OM PRAKASH TYAGI : I beg to move :

Page 5, line 28,—

for 'three' substitute 'six'. (20)

सभापति महोदय, दसवें क्लॉज में है ।

"Provided that where a motor vehicle so registered is a chassis to which a

body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted with a body, the period may, on payment of such fees, if any, as may be prescribed, be extended by such further period or periods so, however that the total period.....may not exceed.....three months".

मेरा कहना यह है कि तीन महीने के बजाय उसको 6 महीना रहना चाहिए। इस सम्बन्ध में मेरी मान्यता यह है कि इस समय ट्रक और बसों का जो धन्धा है वह अधिकांशतः गरीब आदमी ही कर रहे हैं। किसी तरह से जो फाइनेंस हैं वह उन लोगों को 60 या 80 परसेंट तक फाइनेंस कर देते हैं। लेकिन चेसिस बनवाने के लिये उन लोगों को फिर पैसा देना पड़ता है। चेसिस के बाद फिर इन्शोरेंस का खर्चा आता है। इन मदों पर भी मैं समझता हूँ काफी खर्चा, 20-25 हजार तक आ जाता है। अब मान लीजिए उस गरीब आदमी ने बाड़ी बनाने के लिये आर्डर दे दिया। अब कभी तो बाड़ी बनाने वाला देर करता है और कभी उस गरीब के पास पैसा नहीं होता है। अब मान लीजिये तीन महीने में बाड़ी नहीं बन सकी तब वह क्या करेगा? इसमें वह कोई कमाई नहीं कर रहा है। इसलिए उस गरीब आदमी को कम से कम इतना समय तो दे दीजिए कि उसकी बाड़ी बनकर तैयार हो जाये। कोई भी आदमी जिसने चेसिस खरीदी है और ट्रक या बस बनवा रहा है उसके ऊपर इस्टालमेन्ट लागू हो रहे हैं, ऐसी हालत में वह कभी भी नहीं चाहेगा कि उसकी गाड़ी वर्कशॉप में खड़ी रहे बल्कि वह तो यह चाहेगा कि जल्द से जल्द उसकी गाड़ी सड़क पर आकर कमाना शुरू कर दे। लेकिन किन्हीं एक्सट्रा आडिनरी सर्कमस्टान्सेज में यदि वह डिटेन होती है तो उसके लिए चेसिस वाले को, ट्रक या बस बनाने वाले को बेचनी होनी चाहिए। मेरी समझ में नहीं आता कि गवर्नमेंट को कौन सी बेचनी है कि तीन महीने के अन्दर

[श्री ओम प्रकाश त्यागी]

ही ऐसा हो जाये ? इसलिये मैं चाहता हूँ कि उस गरीब आदमी को आप कम से कम 6 महीने दीजिये ताकि आसानी से अब पैसे का प्रबन्ध कर सके और उसकी गाड़ी बनवा सके ।

श्री इकबाल सिंह : मैं समझता हूँ त्यागी जी इस बात को समझ नहीं पाये । बात यह है कि आजतक कोई मियाद नहीं थी गाड़ी बनाने के लिए या उनके बाद रजिस्ट्रेशन के लिये । लेकिन इस बिल में दो महीने की मियाद रखी गई थीं जोकि बाद में ज्वाइन्ट सेलेक्ट कमेटी में तीन महीने कर दी गई । अगर मैं आपकी 6 महीने की बात मान लूँ तो फिर जिस आदमी ने किरतों पर रुपया लिया है, चाहे किसी बैंक से लिया है, 6 महीने तक अगर उसकी बाड़ी नहीं बनी तो इस दामियान में उसपर इतनी किरतें हो जायेंगी जिनको वह वापिस नहीं कर पायेगा । इसके अलावा उसपर व्याज भी पड़ेगा । इस-लिये हर एक बात रीजनेबिल होनी चाहिये । अबमन सारे हिन्दुस्तान में बाड़ी बनाने में एक महीना या सवा महीना ही लगता है । इसमें तीन महीने दिये गए हैं । अब तीन महीने के बजाय 6 महीने करके आप उस आदमी की कोई मदद नहीं करेंगे । एक आदमी जिसने कर्ज पर पैसा लिया हो—90 फीसदी आदमी ऐसे हैं जोकि कर्ज पर ही पैसा लेते हैं—उसको अगर आप 6 महीने की इजाजत दे देंगे तो इस दामियान में 20 हजार रुपये उससे किरत वाले ही ले लेंगे और बाड़ी कभी बन नहीं सकेगी । इसलिए मेरा कहना है कि तीन महीने का टाइम बहुत मुनासिब है । इसके बाद भी आगे अगर इसमें कोई दिक्कत आती है तो दोबारा बिल आयेगा उसमें उसको दुस्त किया जा सकता है । यह बात उनके इन्ट्रस्ट में ही है । आप इसको वापिस ले लें ।

SHRI OM PRAKASH TYAGI : I seek leave of the House to withdraw the amendment.

Amendment No. 20 was, by leave, withdrawn.

MR. CHAIRMAN : As for amendment No. 106, the members concerned are absent. The question is :

“That clause 10 stand part of the Bill”.

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11 and 12 were added to the Bill.

Clause 13.—(Insertion of new section 31 A).

SHRI OM PRAKASH TYAGI : I beg to move :

Page 6, line 15,—

after “agreement” insert —

“by the parties concerned”. (21)

सभापति महोदय, बहुधा लोग बस या ट्रक हायर पर्वेज पर लेते हैं । जिस समय रजिस्ट्रेशन होता है तो जो रजिस्ट्रेशन एथारिटी होती है वह उस पर अकित करती है कि हायर पर्वेज पर यह बस या ट्रक ली गई है । जब हायर पर्वेज का वह एप्रीमेंट समाप्त हो जाता है तो रजिस्ट्रेशन एथारिटी को पावर है कि वह उस बात को उसमें से हटा दे । लेकिन इसमें यह है :

“Any entry made under sub-section (1) or sub-section (2), may be cancelled by the registering authority on proof of the termination of the hire-purchase agreement”.

सभापति महोदय, समझौता समाप्त हो गया है इसका प्रमाण क्या है ? उन्होंने लिखा है :

'on proof of the termination of the hire-purchase agreement'.

अब कोई थर्ड पार्टी एक प्रमाण लेकर रजिस्ट्रेशन एथारिटी के पास चला जाये और कह दे कि इस प्रमाण के आधार पर आप इसको समाप्त कर दीजिए और इस बात का उन दोनों पार्टीज को कोई पता ही न चले। इसीलिये मैंने यह अमेंडमेंट दिया है कि जो दोनों कन्सन्ड पार्टीज हैं जोकि हायर पचेज में एगेज्ड हैं, दोनों वहां पर जायेंगे और तब उनका नाम हटेगा।

इस प्रकार से मैंने इसको दिया है :

'on proof of the termination of the hire-purchase agreement by the parties concerned'.

जो पार्टीज हायर पचेज में कन्सन्ड हैं वे आकर आपसे प्रार्थना करें कि हमारा हायर पचेज एग्रीमेंट समाप्त हो गया है इसलिये आप ने रजिस्ट्रेशन में जो अंकित किया है उसे हटा दीजिये, तब तो ठीक है लेकिन रजिस्ट्रेशन एथारिटी अपने आप ही उसको करे और असली पार्टीज को उसका पता न हो, यह उचित नहीं है। इसलिये मेरी मान्यता है कि पार्टीज कन्सन्ड के प्रमाणित करने पर, उनके प्रार्थना करने पर तब उसको वहां से हटाया जाना चाहिए। किसी थर्ड आदमी के कहने पर उसको नहीं हटाना चाहिए। इसमें किमां प्रकार की कोई हानि भी नहीं है। जो सम्बन्धित पार्टीज हैं वे आपके सामने आकर प्रमाणित करेंगी और प्रार्थना करेंगी कि रजिस्ट्रेशन पर जो अंकित हुआ है वह उन्हीं से सम्बन्ध रखता है और वह इसको हटवाने के लिए बेचैन भी रहेगी इसलिये आप उनको इस बीच में जरूर लाइये। यही मेरा निवेदन है।

SHRIMATI ILA PALCHOUDHURI
(Krishnagar) : I beg to move :

Page 6,—

omit lines 13 to 15 (30)

Page 6, line 14.—

for "on" substitute—

"after fully satisfying itself about the genuineness and/or correctness of the" (31)

My arguments are very similar to that of my friend opposite. I also object to that word "proof" because that makes it a hardship for the contracting parties. Moreover, I think all hire purchase agreements or financing agreements are governed by the Indian Contracts Act. Why should this not also be governed by the Indian Contracts Act, instead of putting this in this Bill? So, I would request the Minister to omit lines 13 to 15. That would solve the problem.

SHRI ABDUL GHANI DAR (Gurgaon) : I beg to move :

Page 6, line 15,—

after "agreement" insert—

"with the consent and mutual understanding of both the parties." (32)

चेयरमैन साहब, त्यागी जी ने जो अर्ज किया है उसी के साथ मुझे आवाज मिलानी है। यह बड़ा जरूरी है कि अथोरिटी कोई भी हो, जब तक दोनों पार्टीज उस के पास आ कर न कहें कि हमारा एग्रीमेंट कैसिल हो गया, इस बात में कोई मजाज नहीं है कि अपने आप कोई फैसला करे। मंत्री जी खुद समझते हैं, क्योंकि उन को इस की काफी जानकारी है। मैं चाहूंगा कि माननीय त्यागी जी के अमेंडमेंट को मंजूर कर लिया जाय।

جیز میں صاحب صاحبہ نے کیا گیا ہے جو عرض کیا ہے اس کے ساتھ مجھے آواز ملانی ہے۔ یہ بڑا ضروری ہے کہ اٹھتا۔ نی کوئی ایسی ہو جب تک وہ نہ پائیڈ اس کے پاس آکر نہ کہیں کہ ہمارا ایکریمنٹ کینسل ہو گیا اس بات میں کوئی مجاز نہیں ہے کہ اپنے آپ کوئی فیصلہ کرے۔ منتر جی فرم دیکھتے ہیں کیونکہ ان کو اس کی کافی جانکاری ہے۔ میں چاہوں گا کہ مانجبت تہاکی جی کی امانت کو منظر پر لایا جائے

SHRIMATI ILA PALCHOUDHURI :
I beg to move :

Page 6, line 26,—

after "vehicle" insert—

"in a lawful manner". (33)

The provision that trucks or carriages can be taken by force should be omitted. Forcible possession should not be there. It actually militates against bus owners.

SHRI OM PRAKASH TYAGI : I beg to move :

Page 6, line 25,—

after "taken" insert "lawful" (86)

Sub-clause (5) reads :

"Where the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement, satisfies the registering authority that he has taken possession of the vehicle owing to the default of the registered owner under the provisions of the agreement and that the registered owner"

जो मालिक है यह साबित करे कि कानूनन दखल लिया है। मेरा कहना है कि लाफुल पजेशन होना चाहिए। अगर डिफाल्ट हो गया किसी कारण से और उसने बलात पजेशन ले लिया तो उसके आधार पर ही नाम चेंज नहीं हो जाना चाहिए। इसके लिए कानूनन पजेशन होना चाहिए और तभी नाम हटाया जाय।

SHRI IQBAL SINGH : I think the hon. Member has not understood. The Hire Purchase Act is coming in Parliament and all these conditions will be governed by that Act. We have incorporated this provision so that banks and other Institutions may be able to advance loans to the transporter. So far, they were getting loans from the small hire purchase companies only and they had to pay a lot of interest. This is the most important clause in favour

of the operator. By this clause all the banks will be able to advance loans to all the operators, taxi or bus operator. If we insert something here and in that Act it is something different, it will make it much more difficult.

When they go to a court, only a lawful thing can be substantiated. Why do you want to include the "lawful" in the law itself? The R.T.A. cannot make any judgment whether it is lawful or not. It is the court which will decide whether the possession was right or not. So, I hope he will not press his amendment.

This is the most helpful clause to the operator and in fact the operators are saying : please pass this law so that banks may be able to advance funds. Today they are hesitant because their name cannot be registered and they cannot take action against them. This clause goes in favour of small operators. That is why you should let it remain as it is in the Hire purchase Act.

श्री ओम प्रकाश त्यागी : मैं जग आप की आज्ञा से समझा दूँ। यह खतरनाक चीज पास हो रही है। मैं इस को मानूँगा नहीं।

मेरा यह कहना है कि रजिस्ट्रिंग अथॉरिटी जो है, उस के नाम को हटाने के लिये जो पार्टीज कन्सर्न्ड हैं, उन का प्रमाण देने में हाथ होना चाहिये, अगर यह लिखा जायगा कि 'वाई दी पार्टीज कन्सर्न्ड' तो काफी ठीक रहेगा। और अगर न "ओ प्रूफ वाई दी पार्टीज कन्सर्न्ड आ जायगा" तो सरकार को कौन सी बठिनाई आ जायगी, दिल में कौन सी ऐसी बात है जो प्राप्त करेगी इस के उपर। रजिस्ट्रिंग अथॉरिटी को कौन प्रमाण देगा कि हायर परवेज ऐम्प्लेंट समाप्त हो गया है ?

SHRI IQBAL SINGH : Regarding 'parties concerned' I have no objection. But I do not agree with 'lawful'. I am accepting amendment No. 21.

MR. CHAIRMAN : The question is :
page 6, line 15,—

after "agreement" insert—"by the parties concerned". (21)

The motion was adopted.

MR. CHAIRMAN : I shall put the other amendments to vote now.

Amendments No. 30 to 33 and 86 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 13, as amended, stand part of the Bill".

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clause 14 was added to the Bill.

MR. CHAIRMAN : We take up clause 15. Mr. Tyagi has an amendment—No. 87.

श्री ओम प्रकाश त्यागी : मुझे इस में आपत्ति नहीं अगर मंत्री जी यह स्वीकार करें। मैंने कहा है कि जो कोई मोटर खाली है, अगर बस खाली है बाई चांस या वर्कशाप में जा रही है, या और कोई खराबी हो गयी है, तेल नहीं रहा है और कहीं सड़क पर इस प्रकार की वर्कशाप है जहां जा रही है उस का भी आर चालान करेंगे इस में। मेरा कहना है कि अगर खाली बस या ट्रक कहीं रिपेयरिंग या तेल लेने के लिये जा रही है उस पर यह शर्त लागू नहीं होगी। इस प्रकार की अगर आप इस में शर्त रखें तो मैं समझता हूँ...

SHRI IQBAL SINGH : You are referring to clause 17. Are you moving your amendment to clause 15 ?

SHRI OM PRAKASH TYAGI : I am not moving it.

MR. CHAIRMAN : The question is :
"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

MR. CHAIRMAN : Then, clause 16. There are no amendments. The question is :

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17.—(Amendment of section 42.)

MR. CHAIRMAN : Then, clause 17.

SHRIMATI ILA PALCHOU DHURI :
Sir, I move :

Page 7, omit lines 22 to 24. (34)

I have put in a very short amendment for omitting lines 22 to 24, because, in this clause, one is reminded of the fact—and it is a very good saying—that the less one speaks, the more effective one is. The number of words you have put in here are not necessary. If the vehicle is standing for any purpose, say, to take fuel or to have some minor repairs or something like that, and if already the hardships are put on it, then, it becomes very difficult. So, I would beg of the Minister to omit these lines; it would not hurt the clause or the working of the Bill, and the bus-owners will be relieved.

SHRI S. M. BANERJEE : Sir, I support the amendment of the hon. lady Member and I am sure that at least one of the amendments moved by the hon. lady Member should be accepted along with those moved by Shri Lobo Prabhu.

SHRI R. S. ARUMUGAM (Tenkas) :
I also agree.

SHRI LOBO PRABHU : My amendment is identical with that of the hon. lady

[Shri Lobo Prabhu]

Member. I strongly support Mr Banerjee in requesting that the amendment of the hon. lady Member may be accepted. Another male Member or man-Member has moved the same amendment. There are circumstances where a bus has to be empty; for instance, when it goes for repair or when it goes for washing. Exceptions are provided no doubt further on, saying that when it comes from one side to the other, or where there is flood and so on, it is covered. This is a rather cumbersome provision. You provide exceptions and you also say that the State Government may make rules providing for exceptions. If you accept the amendment of the hon. lady Member to delete those words—where it is empty—I think the whole purpose of our amendments will be met.

SHRIMATI ILA PALCHOUDHURI : Sir, I do not want my amendment to be accepted because I am a lady member, but because it has a valid reason.

SHRI S.M. BANERJEE : We never meant it. After all, we have all got equal rights. That was a matter of courtesy.

SHRI IQBAL SINGH : Regarding lines 22 to 24, does the hon. Member want those lines, "whether or not such vehicle is actually carrying any passenger or goods", to be omitted ?

AN HON. MEMBER : Let the amendment be read.

SHRIMATI ILA PALCHOUDHURI : I shall read my amendment. It is as follows :

Page 7, *omit* lines 22 to 24.

Lines 22 to 24 read as follows :

"(a) in sub-section (1), after the words "any public place," the brackets and words "(whether or not such vehicle is actually carrying any passenger or goods)" shall be inserted;"

I want you to omit these lines because it only makes the clause cumbersome. It would not hurt the vehicle nor the working of the Bill. I think that these words,—

lines 22 to 24—could safely be omitted.

SHRI IQBAL SINGH : There is no sense, because it is only a clarification. Actually, if they wanted "any transport vehicle while proceeding empty to any place for the purpose of repair", I can admit it; I can agree to that, but not this, because this does not carry any sense since that is only a clarifactory provision. We have put it like that in order that this Act may have such a clarification.

SHRI S.M. BANERJEE : Do you mean to say that her amendment is senseless ?

SHRI IQBAL SINGH : I did not say that.

SHRI R. S. ARUMUGAM : I move :

Page 8, *after* line 20, *insert*—

"(n) to any transport vehicle while proceeding empty to any place for purpose of repair." (118)

I want this to be added as clause (n) after (m).

SHRI IQBAL SINGH : I am accepting it.

MR. CHAIRMAN : The question is :

Page 8, *after* line 20 *insert*—

"(n) to any transport vehicle while proceeding empty to any place for purpose of repair." (118)

The motion was adopted.

SHRIMATI ILA PALCHOUDHURI : I withdraw my amendment No. 34.

MR. CHAIRMAN : Does she have the leave of the House to withdraw it ?

HON. MEMBERS : Yes.

Amendment No. 34 was by leave, withdrawn.

MR. CHAIRMAN : The question is :

"That clause 17, as amended, stand part of the Bill.

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clause 18 was added to the Bill.

Clause 19.—(*Amendment of section 44*)

SHRI SHIV CHANDRA JHA : I beg to move :

Page 8, line 33,

for "two" substitute "three" (22)

Page 8, line 35,

for "two" substitute "three" (23)

सभापति महोदय, मैं आप के जरिये मंत्री महोदय से चाहूँगा कि वह मेरी बातों पर ठीक से गौर करें। मेरा संशोधन एक ऐसा संशोधन है जो जनतन्त्र को कुछ ज्यादा दूर तक आगे बढ़ाना है। जब स्टेट ट्रांसपोर्ट अधारिटी के सामने कोई बात आयेगी तो उस के लिये क्लॉज 19 में है कि :

"such other officials and non-officials not being less than two, ...such other persons (whether officials or not) not being less than two"

मेरा संशोधन है कि :

for "two" substitute "three".

यह आफिशल्स हों या नान आफिशल्स हों ट्रांसपोर्ट अधारिटी के, इस में है "नाट लेस देन 2" मैं चाहता हूँ कि इस के बजाय 3 होना चाहिये। दो होने पर हो सकता है कि दोनों की राय डिवाइटेड हो। एक आदमी इधर हो जाय और एक उधर हो जाय। तब फिर फैसला कैसे होगा। अगर तीन आदमी होंगे तो बहुमत से फैसला हो सकेगा। इस लिये जहां जहां पर 2 अफसर लिखा हुआ है वहां 3 कर दिया जाये।

इसी तरह क्लॉज 19 में मेरा संशोधन नं०

23 है। उस में भी जहां जहां पर 2 है वहां 3 कर दिया जाये ताकि दो आदमियों की राय डिवाइटेड होने पर एक आदमी के बहुमत से फैसला हो सके।

SHRI LOBO PRABHU : I beg to move: Page 8, line 34,—

for "(whether officials or not)" substitute—

"(only officials, one of whom shall be a serving judicial officer)" (46)

Page 9, line 9,—

for "an official with judicial experience"

substitute "a serving judicial official" (47)

Page 9 after line 15, insert—

"(c) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) The State Transport Authority may declare permits free specified routes as monopolies for a specified period conditionally on the monopolists maintaining the road according to prescribed standards." (48)

Sir, my first amendment is a very important and controversial one. It is that non-officials should not be included in this body. I will explain why. It is because they are appointed by nomination. They are in the gift of the ministers and of the officials. If they are to decide permits worth Rs. 30,000 to Rs. 1 lakh, you are placing a temptation even in the way of your honest non-officials.

SHRI E. K. NAYANAR (Palghat) : Non-officials are more honest than officials.

SHRI LOBO PRABHU : I entirely agree, but those non-officials should be elected and not nominated. Please consider

[Shri Lobo Prabhu]

it very dispassionately. We are trying to improve the permit system so that it will give the least amount of margin for corruption. If you are allowing nomination you are allowing government to reward somebody. A political refugee is generally appointed to these boards and he reimburses himself, and I can tell you that he does that much better than a Member of Parliament. I would ask my good friends who are so warm about non-officials, whether there is any single non-Congressmen in these committees.

SHRI E. K. NAYANAR : Oh yes. Take Kerala.

SHRI LOBO PRABHU : I accept the amendment. In Kerala there is not a single non-Communist in those committees.

SHRI E. K. NAYANAR : There are many. I can prove it.

SHRI LOBO PRABHU : They might have been appointed before his party came into power. Anyhow, I am not entering into a controversy with him. My proposition is a simple one. Do not allow non-officials to sit in judgment on important issues, on civil and criminal issues. This is as important as civil and criminal cases and this is a case where discretion can be used amply. So, I would request the Minister to respect the wishes of this country and not to leave this to the judgment of non-officials.

Then I come to my second amendment as to who should be the members. Here the provision says that at least one of them should have judicial experience. The word "judicial experience" has been very loosely interpreted to mean anyone who was remotely connected with judiciary. A TehsilDar who has dealt with a few criminal cases or a Deputy Commissioner who has tried a few cases is regarded as a person with judicial experience. My amendment says ..

SHRI E. K. NAYANAR : All retired ICS officers should be given preference.

SHRI LOBO PRABHU : He should be not only a judicial officer but he should be

a judicious officer. If we have sub-judges or district judges we can be sure of their impartiality and public will have more confidence in them. This is a very simple proposition but a very important one. So long as they are executive officers, who are amenable to the suggestions of the government, they will not be able not only to do justice but to show that justice is done. People must have confidence in those officers, which they will never have so long as they are only executive officers with judicial experience. I may add for the information of my friends that I had been a regional transport authority as Home Secretary and I can vouch for the influence which was brought to bear on one who is independent as myself. So, if you do not get a serving judicial officer you will not be able to create that confidence in your boards as is necessary.

My third amendment relates to a controversial point. I am afraid it will cause a lot of noise and opposition but I am sure that if my friends will bear with me they may be inclined to agree with me. As I said before, I had been a district officer and I am now a Member of Parliament. In both capacities I have come in close contact with villages. There are many villages which have such bad roads which cannot be used for plying buses. They are isolated places and even if you give a permit no permit-holder is willing to run buses regularly in that area, certainly not in the monsoon. We have to consider the needs of those villages. When the PWD confesses that the road does not belong to them, it is the responsibility of either the taluk board or the panchayat and the local bodies, on their part, say that they do not have funds for maintaining them, we have to find a way out. If we want to serve those villages then we have to find someone who can finance the maintenance of those roads. Some of the licensees will be prepared to finance the maintenance of those roads provided you give them a monopoly over those routes for a period of years. Mind you, these are all poor village roads, not State roads and the monopoly of the route will be decided at the highest level by the State Government. So long as that road is maintained up to a particular standard the

route should be reserved only for that permit holder.

The idea is that the road will improve and will be capable of bearing this traffic and the villagers will have transport. It is not so in the case of all roads.

I am glad that even the previous Minister of Transport is here. The current minister seems to be indulging in politics and parliamentary affairs. I would like to point out to him, because he was responsible for the provision in the Fourth Plan for roads, that Rs. 800-and-odd crores is the total provision for roads in the Fourth Plan out of which Rs. 400 crores are for the Centre and Rs. 400 crores for the States and that out of Rs. 400 crores for the States there is a wish expressed that one-fourth or Rs. 100 crores will be devoted by the States to village roads. I ask him to consider how it is fair to village roads that only Rs. 100 crores are being given for them. Even for such a thing as family planning you are giving Rs. 300 crores; for research you are giving Rs. 350 crores and for all village roads and bridges necessary you are giving only Rs. 100 crores. In these circumstances, when the Government has not provided enough money for village roads, why do you grudge a private party making the road fit for transport on the benefit of getting a monopoly for a period of years, that road and that monopoly being decided at the highest level by the State Government?

SHRIMATI ILA PALCHOU DHURI
(Krishnagarh) : Sir, I move :

Page 8, line 31,—

after "State" insert
"or Regional" (58)

Page 8, lines 33 to 35,—

omit "and, in the case of a Regional Transport Authority, such other persons (whether officials or not), not being less than two" (59)

Page 9,—

omit lines 6 to 9. (60)

I have moved the first amendment to make it quite clear. About the second amendment, why should there be discrimination between the Regional Transport Authority and the State Transport Authority? You are going to allow them to be composed of with or without non-officials whereas the State Transport Authority has to have both. I should say that the Regional Transport Authority should have non-officials represented on it because they represent the will of the people and without them it will be still more difficult for the people to make their voice heard. So the Regional Transport Authority should also have both officials and non-officials like the State Transport Authority.

SHRI ABDUL GHANI DAR : Sir,
I move :

Page 8, line 31,—

after "State" insert "or Regional
or Central" (75)

Page 8, line 34,—

for "whether officials or not"
substitute—

"only officials, one from Judicial
service" (76)

Page 9, line 9,—

after "experience" insert—

"whose service record was above
board" (77)

कल मैंने कहा था कि सरकार ऐसा उपाय सोचे कि किसी भी अप्रेटर को एक ही जगह पर तमाम टैक्स देने पड़ें ताकि कोई रुकावटें उसके रास्ते में न आयें। वह एक रिजन से दूसरे में दाखिल होता है तो रुकावटें पैदा होती हैं, एक स्टेट से दूसरी में दाखिल होता है तब रुकावटों की शिकायत होती है। स्टेट के साथ सेंटर भी मैंने कर दिया था। मैं चाहता हूँ कि सेंटर इस पर सोचे। प्राप इनकम टैक्स लेते हैं और स्टेट्स को उनके हिस्से के मुताबिक बाट देते हैं। सेंटर अपने तहत इनको रखे ताकि

کو دیا۔ اور وہ مذمت نکلاں پاری کو دیا۔
اس کلاز میں ایک ایسے افسر کو رکھنے بات کہی گئی
سے جس کا سر دس۔ یہ رڈ ابو بورد ہا ہتہ مجھے
ڈیفینڈی پتہ ہے کہ ایک افسر کے خلاف کریشن کی
شکایتیں ہیں اور اس کی انٹرویو چل رہی ہے
میں جان بوجھ کر کوئی نام نہیں لینا چاہتا ہوں۔
کیونکہ اس کا اس معاملے سے تعلق نہیں ہے۔ وہ
بنگال میں ایک لائبریری کا معاملہ ہے۔

اس شخص کو ہٹانے کے بجائے اس کے لئے ایک
نئی جوب کیرئیر کر دی ہے اور اس کو لائبریری
کے اوپر بٹھا دیا ہے۔ میں چاہتا ہوں کہ جس افسر
کو عام نوکریاں دے کر اسٹاپ اور سٹریٹ کر کے
تو اچھا ہوگا۔ کیونکہ اس سے آسانی ہوگی۔ اس
کا رپورٹ ابو بورد ہو۔

یہ میری نہیں تھی جی "ن" ارشادات ہیں
اگر ضرورت صاحب انہیں منظر کر کے گئے تو مجھے خوشی
ہوگی اور اگر نا منظر کر کے گئے تو مجھے اعتراض
نہیں ہے۔

SHRIMATI ILA PALCHOUDHURI :
Sir, I have got my amendment No. 60 it
seeks to omit the proviso, I quote :

"(i) where it considers necessary or
expedient so to do, constitute
Regional Transport Authority for any
region so as to consist of only one
member who shall be an official with
judicial experience;"

When you constitute an authority with
only one member, where will justice lie ?
This will concentrate power no matter he
is an official with judicial experience. That
does not put him above everything. So, it
should not be that only one member should
constitute the Regional Transport Authority.

I hope the hon. Minister will agree and
that proviso will be deleted.

SHRI S. M. BANERJEE (Kanpur) :
Sir, the hon. Member, Shri Lobo Prabhu,
said that there should be no non-official
member in the committee. He believes that
when non-official members go there, they
will exert more influence on the R.T.O. I
agree with him that an R.T.O. has always
to face the music from all sides. There
is a pressure on him. In the Chief
'Whips' Conference which was held in
Simla some two years back, we took a
unanimous decision that non-officials
members should also be on the Committees.
Naturally, I oppose the suggestion made by
Shri Lobo Prabhu and I would request him
not to press for that because all the non-
officials are not corrupt people. There are
good social workers also. We want them to
be included in the Committees.

Then, Shri Lobo Prabhu said that where
an owner agrees to build a particular road,
he should be given the monopoly. Generally,
the roads are built by the Community
Development Block people. Supposing there
is a particular road which is not being built
by them, it should be given to a cooperative
society consisting of many people. I have no
objection to a limited monopoly for five or
six years. But it should not be given only
to a particular owner.

SHRI IQBAL SINGH : Actually, the
whole proposition has not been understood
properly. We have provided in this Bill
that there should be two more official and
one non-official and not less than 2. It can
be more than 2 also.

My friend, Shri Shiva Chandra Jha,
says that there should be three. When we
are providing for 2, it cannot be less
than 2 ; it can be 3 or 4 or 5, it can be any
number but more than 2. Even if it is 3,
we have to differentiate between non-
official and official members. It is better
that we leave it to the State Governments
which have to consider all interests before
they appoint people. The only thing which
we have brought is that a person who has
got judicial experience should be there.

This clause, as proposed, is a proper
clause. It is a compromise of all the

[Shri Iqbal Singh]

Interests. It is not going in one way or other. If I accept Mr. Lobo Prabhu's amendments, then others will say, 'Why not accept our amendments?'. These appointments are to be made by the State Governments and not by the Central Governments. We are only providing the guidelines. We are not saying the last word on it. These are only guidelines which we have provided in this Bill.

Then why we are providing for one only is that it is only for small regions or for Union Territories. There we have taken the power. We can appoint only one person. Take the case of Chandigarh. It is only for Chandigarh. Why should we appoint so many persons? That is why we have taken this proviso only for specific purposes where there is no other interest.

SHRIMATI ILA PALCHOUDHURI : Hence you put into the law it will apply to all other places. You have not specified that it is only for Union Territories or for small regions.

SHRI IQBAL SINGH : It is only where the Regional Transport Authority and the State Transport Authority are merged. In other States there are two. In Union Territories there is only the Regional Transport Authority. That is why we have provided.

श्री शिव चन्द्र झा : मंत्री महोदय यह स्याल रखें कि दो ही मैक्सिमम न हो ; दो से ज्यादा होने चाहिए ।

SHRI IQBAL SINGH : Mr. Chairman, Sir, this number can be 5, 6 or 7 or 8 and or more. But generally it is 5 or 6. There are non-officials representing some areas. In some places the interests of lorry owners get representation. It is different from State to State. But it is not less than two. That is what we have provided. It can be 3. If he could persuade his own State Government, it can be 3.

SHRI LOBO PRABHU : You will agree that my amendment for monopoly should be sent for consideration of State

Governments. It was conveyed to me that you will have no objection.

SHRI IQBAL SINGH : Regarding monopoly I cannot say anything. It is beyond me. I cannot be a party to monopoly.

SHRI LOBO PRABHU : Give it to co-operative societies for new routes only.

SHRI IQBAL SINGH : Every permit is to be given for three years. They can renew the permit. I cannot provide for that in a Bill.

15 hrs.

Regarding construction of roads, roads are public places. Anybody can construct and they can give any facility. To provide it in the Act and that I should give a monopoly and I should be a party to that monopoly, that is going too much beyond my power.

Regarding judicial experience, we have consulted those cases. In some States the judiciary is separated from the executive and in some other States it is not. That is why that appropriate term 'with judicial experience' has been used.

MR. CHAIRMAN : I will now put amendments 22, 23, 46, 47, 48, 58, 59 and 60 to the vote of the House.

Amendment Nos. 22, 23, 46, 47, 48, 58, 59 and 60 were put and negatived.

श्री हुकम चन्द्र कछवाब (उज्जैन) : सभा-पति महोदय, व्ययस्था का प्रश्न है। सदन में गणपूर्ति नहीं है।

Mr. CHAIRMAN : The bell is being rung.

Now there is quorum. Shri Abdul Ghani Dar.

श्री अब्दुल गनी डार : मैं वापिस लेता हूँ। मैं ने तो पहले ही कहा था कि मंजूर हो तो मान ले नहीं जाने दें।

شہری عبدالغنی دار: میں نے ایس لیتا ہوں۔ میں نے
 ترقی پے ہی کہا تھا کہ منظور ہو تو مان لیں۔ ہمیں تو مانے
 ہیں۔

MR. CHAIRMAN : Has the Hon. Member the leave of the House to withdraw his amendments ?

SOME HON. MEMBERS : Yes.

MR. CHAIRMAN : The amendments are withdrawn.

Amendments Nos. 75, 76 and 77 were by leave, withdrawn.

MR. CHAIRMAN : The question is :

"That clause 19 stand part of the Bill"

The motion was adopted.

Clause 19 was added to the Bill.

Clause 20—(Amendment of Section 45).

SHRI ABDUL GHANI DAR : I beg to move :

Page 9, line 37,—

for "as soon as may be", substitute—

"three days" (35)

SHRI SHIVA CHANDRA JHA : I move :

Page 9, line 29,—

for "five" substitute "two" (24)

Page 9, line 37,—

for "as soon as may be" substitute—

"within a week" (25)

अध्यक्ष महोदय, मेरे ये संशोधन ग्राम तोर पर जो ग्राम मोटर कार जोनस हैं या जो ग्राम लोग मोटर की खाहिश रखते हैं उनके हित में है। मैं ने बताया था कि पंडित जवाहर लाल नेहरू ने कहा था कि हिन्दोस्तान अभी

बाइसिकल एज में है, लेकिन इस विधेयक के जरिए यह दिखाना चाहते हैं कि हिन्दोस्तान मोटर एज में आ गया। मान लीजिए थोड़ी देर के लिए कुछ मोटरे हमारे समाज में हैं। कोई खाहिशमंद है, कोई आम आदमी है और मोटर रखना चाहता है तो उस में हमें कोई एतराज नहीं होना चाहिए। वह परमिट के लिए दरखास्त देता है तो मंत्री महोदय सेक्योरिटी के रूप में रुपया जमा कराना चाहते हैं कि पांच सौ रुपया पर मोटर कार वह सेक्योरिटी जमा करे। मेरा उसकी जगह संशोधन है कि 200 रुपया रखा जाय। पांच सौ रुपये की रकम ज्यादा है। मैं जानता हूँ कि मोटर वाले पैसे वाले होते हैं। लेकिन औद्योगीकरण के इस युग में इस लहर को आप रोक भी नहीं सकते हैं। परमिट लाइसेंस उठाने की बात चली थी तो हम ने उस का विरोध किया था कि यह कंट्रोल परमिट और लाइसेंस का उठा नहीं सकते हैं। मैं इसके फेवर में नहीं हूँ। लेकिन परमिट लेने के लिए जब कोई आदमी दरखास्त देगा तो वजाय 500 रुपये सेक्योरिटी के 200 रुपये सेक्योरिटी के रुपये रखे जाये। यह 24वां संशोधन है।

पच्चीसवां संशोधन मेरा यह है कि जब उमको परमिट नहीं मिले और पैसे वापस लेने की बात आए तो यहां कहा गया है कि पैसे उसके वापस कर दिये जाएंगे ऐज में बी आफ्टर दि डिस्पोजल आफ दि अप्लीकेशन। चाहे उसे परमिट मिलता है या नहीं मिलता है लेकिन ऊस के पैसे वापस हो जाएंगे मगर वहां ऐज सून ऐज जो शब्द रखे गए हैं उनकी जगह मेरा संशोधन है कि विदिन ए वीक यह हो जाना चाहिए। सरकार मुस्तेदी बरतना चाहती है हर काम में तो वह बेचारा जो 500 या 200 रुपया सेक्योरिटी जमा करेगा उस को परमिट मिला या नहीं मिला उमके बाद उसका पैसा भी विदिन ए वीक मिल जाना चाहिए। ऐज सून ऐज में बी में एक साल लग सकता है, दो

[श्री शिव चन्द्र झा]

साल भी लग सकता है। इस तरह से गाड़ी सरकार की नहीं चलनी चाहिए। इसीलिए एक हफ्ते में उसका पैसा वापस हो जाय यही मेरा संशोधन है। मंत्री महोदय को इस में कोई आपत्ति मैं समझता हूँ नहीं होगी। मैं उन से निवेदन करूँगा कि वह इन दोनों संशोधनों को मान लें।

श्री अब्दुल गनी डार : मैं भा साहब के अमेंडमेंट की ताईद करता हूँ। यह ऐज सून् ऐज जो है यह महीनों ही नहीं कई दफा सालों चलता है और इसमें दिक्कत आती है। इसलिए भा साहब ने जो रखा है मैं उस की ताईद करता हूँ कि उस के लिए लिमिट मुकर्रर करनी चाहिए ताकि उस को आसानी रहे।

شری عبدالغنی ڈار: میں جی صاحب کے امینڈمنٹ

کی تائید کرتا ہوں۔ یہ ایئر سوں ایئر جو ہے یہ ہیسز ہی نہیں کئی دفعہ سالوں چلتا ہے اور اس میں دقت آتی ہے اس لئے جی صاحب نے جو رکھا ہے میں اس کی تائید کرتا ہوں۔ کہ اس کے لئے لمٹ مفرد کرنی چاہیے تاکہ اس کو آسانی رہے۔

SHRIMATI ILA PALCHOUDHURI :
I beg to move :

Page 9, omit lines 26 to 41. (61)

I want that the whole thing should be deleted. If it cannot be deleted then at least my hon. friend's amendment should be accepted. Even so, I would like to ask why he should have to pay Rs. 500 just to ask for a permit. He does not even know whether he is going to get it. So, at the most, when a person is asking for a permit, he may be asked to pay a token fee of Rs. 5 only. Therefore, I want that these lines from 26 to 41 should be deleted at page 9 of the Bill. Some relief should be given so that the private entrepreneur who is a

middle-class person may not be required to deposit Rs. 500 even before he starts his business, when he does not even know that he is going to get that money back ; I think to charge Rs. 500 would be a heavy load on the middle-class persons. If this figure of Rs. 500 is retained, then only the richer people will be able to go in for these permits. I hope the hon. Minister will see his way to deleting these lines or at least to reducing the amount more substantially.

SHRI S. M. BANERJEE : I support the amendments to clause 20. Instead of Rs. 500, I would suggest that it may be made Rs. 200. I fully agree with my hon. friend Shri Shiva Chandra Jha that Rs. 500 will only benefit the rich. I would also suggest that instead of the words 'as soon as possible' a specific period should be prescribed. One week should be enough for paying Rs. 200 ; a transport undertaking should be in a position to pay Rs. 200. I would, therefore, request that the hon. Minister should accept these amendments which are in the interests of the car-owners or drivers.

SHRI LOBO PRABHU : I would like to go further in the direction of socialism, and I would suggest that it may be made Rs. 100 instead of Rs. 200.

SHRI OM PRAKASH TYAGI : I beg to move :

Page 9, line 21,—

after "Gazette" insert—

"and any one of the leading daily newspapers in regional language" (90)

Page 9, line 31.—

after "Gazette" insert—

"and any one of the leading daily newspapers in regional language" (91)

Page 9, line 37,—

for "as soon as may be" substitute—

"within two weeks" (92)

सभापति महोदय, मेरी प्रार्थना यह है कि कोई भी एप्लीकेशन चाहे नये परमिट की हो या या पुराने परमिट की हो या रूट के लिये हो, उसके सम्बन्ध में यहां पर दिया गया है कि—

“State Government may by notification in the official Gazette”

परन्तु आफिशियल गजट में ही उस को छापना पर्याप्त नहीं है। अधिकांश लोग गरीब हैं, वे पढ़े लिखे हैं, आफिशियल गजट को पढ़ा नहीं करते हैं। इस लिये गजट में ही उस स्कीम के छपने से जनता को लाभ नहीं पहुंच सकेगा।

इस लिये मेरी प्रार्थना है कि गजट के अलावा—

‘In any of the leading daily newspapers in regional language’

में भी नोटिफिकेशन होना चाहिये, ताकि जनता को लाभ पहुंच सके। अधिकांश में यह देखा गया है कि गजट में चुरके से नोटिस छप जाता जाता है और जो ऊपर वाले अधिकारी हैं, आफिसर लोग हैं वे कुछ लोगों से मिले होते हैं, कह देते हैं कि अब तो डेट निकल गई। इस लिये कुछ लोग ही उस से फायदा उठा पाते हैं, साधारण जनता को लाभ नहीं हो पाता है। इस लिये मैंने यह संशोधन दिया है कि—

‘The State Government may by notification in the official Gazette and any one of the leading daily newspapers in regional language’

केवल न्यूजपेपर्स में नहीं, बल्कि रिजनल न्यूजपेपर्स में छपे ताकि साधारण जनता उस को जान सके।

मेरे इस संशोधन की भावना को मिनिस्टर साहब पहले स्वीकार कर चुके हैं और उन्होंने कहा था—हां, आपकी बात जायज है। आशा है आपको अपना आश्वासन याद होगा, इस लिये इस के स्वीकार करने में आपको कोई आपत्ति नहीं होनी चाहिये।

SHRI IQBAL SINGH : Regarding the fees, we have so far heard only one side of the story. Without hearing the other side, it will not be possible to appreciate it. Previously there was no fees. Anybody could apply. Thousands of applications came, even from those who were not interested in it but who were interested only in delaying the permits to others. Even for a permit on a private route or on a nationalised route, there were 500 or more applications. In order to put a curb on such practices and to ensure that only genuine applicants were there, we decided to have this. In the original Act, the fee was Rs. 5,000. The Joint Committee reduced it to Rs. 500.

SHRI LOBO PRABHU : Make It Rs. 100.

SHRI IQBAL SINGH : Still if members insist, I have no objection to making It Rs. 200.

श्री हुकम चन्द कछवाय : मान लीजिए, सरदार साहब, वरना आपकी सरकार गिर जायगी।

SHRI IQBAL SINGH : सरकार गिरे तो गिरे, लेकिन यह कोई बात नहीं है। I can consider the question of reducing it to Rs. 200. We have to look at the difficulties. People go to the High Court. They have only one plea. Some of them do not file objection. There is some other procedure also laid down in the principal Act. We have to follow that. Whether it is a private man or a taximan or it is Government, we wanted to ensure that only those who are genuinely interested in plying the vehicle on the route applied for is permitted to apply. For a man who wishes to ply a bus costing Rs. 60,000, Rs. 200 or Rs. 300 is not much and if he thinks this is too much, I would say he is not a genuine applicant at all.

SHRI LOBO PRABHU : Then make It Rs. 200.

SHRI IQBAL SINGH : That I can accept.

As regards the other point that it must be published in the regional language papers, the practice has been to publish this in some trade magazines or journals of transport workers and transport operators. All this is published in those journals. This is more beneficial for the people concerned. There is no use publishing it in the *Statesman* or other papers. We have to publish it in professional journals which are read by the people who are interested in these permits. The present practice is that it is being published in the small trade newspapers whether of the operators or the transport workers. That will continue and in the new Bill we have only brought in the Gazette publication because it should be published in the Gazette also. We have tried to make it more rigid and that is more proper. I am not accepting the daily newspapers because they have no concern. There may be an application for a new route permit, for auto-rickshaw permit or so many small things. It is taking it too far to publish them in the daily newspapers.

श्री ओमप्रकाश त्यागी : सभापति महोदय, मैं एक सवाल पूछना चाहूंगा।

श्री शिव चन्द्र झा : "एक हफ्ते में पैमा वापिस कर दिया जाय", मेरे इस संशोधन का मिनिस्टर साहब ने जवाब नहीं दिया। इस में जो रिफण्ड की बात है, कि उस में एक हफ्ता होना चाहिये।

सभापति महोदय : त्यागी जो बोल रहे हैं, उन के बाद आपको मौका दिया जायेगा।

श्री ओम प्रकाश त्यागी : इसी बिल में आपने एक और जगह पर आफिशियल गजट के साथ साथ "एनी न्यूजपेपर" लिखा है, जब आपने दूसरी जगह इस सिद्धान्त को मान लिया है, तो यहांपर आपको क्या आपत्ति है।

SHRI IQBAL SINGH : Because your amendment is for the daily newspapers, I cannot accept it, because there are trade

newspapers in every place, there is a Transport Workers Gazette or the Transport Gazette, and these things are published in them, and those who are interested in the trade take the trade newspaper and make use of that. I do not know why you are taking us to the daily newspapers.

श्री ओम प्रकाश त्यागी : इस में "डेली न्यूजपेपर" की बात को स्वीकार किया है, फिर वहां पर आपको क्या आपत्ति है आप स्वयं जिस प्रेक्टिस की बात कहते हैं वह इस में नहीं है, इसमें केवल आफिशियल गजट लिखा है। मैं आपसे एक प्रश्न करता हूँ—मान लीजिये किसी ट्रांसपोर्ट अथारटी के आफिसर के दिल में बेइमानी है, वह केवल आफिशियल गजट में ही छपाता है, जैसा कि कानून में है, दूसरी जगह नहीं छपाता है, तो उस को कोई रोक नहीं सकता और न उस पर कोई केस चल सकता है। न आपने इसमें किमी लोकल पेपर का ही जिक्र किया है और न किमी बिजनेस पेपर का ही जिक्र किया है, ऐसी मूरत में गजट में छपने के अलावा दूसरी जगह छपना उस के लिये जरूरी नहीं है। जब आप कानून बनाने जा रहे हैं तो इस में साफ साफ लिखिये। मैं आपसे यह भी निवेदन कर दूँ कि हिन्दुस्तान का आज कोई ऐसा हिस्सा नहीं है जहां डेली न्यूजपेपर और खास तौर से रिजनल लैंग्वेज का न्यूजपेपर न पहुंचता हो, यहां तक कि देहातों तक भी पहुंचता है। इसलिये अगर डेली न्यूजपेपर और खास तौर से रिजनल न्यूज पेपर में यह न्यूज चली जायेगी तो इस में गर्वनेमेंट को क्या हानि होगी? इस से साधारण जनता को पता चल जायेगा कि अमुक परमिट के लिये प्रार्थनापत्र मांगे गये हैं। आज अगर किसी को कलक रखना होता है, टाइपिस्ट रखना होता तो वह भी दैनिक पत्र में निकालता है। आप इस को केवल आफिशियल गजट तक सीमित रखना चाहते हैं यह गलत है, अन्याय है, कुछ मुट्ठी भर लोगों को रियायत देने की बात है।

श्री इकबाल सिंह : आप मेरी बात समझे

नहीं। अब तक जो प्रोसीजर है, हम ने उसी को कन्टीन्यू किया है। बहुत से छोटे छोटे न्यूजपेपर्स हैं, जो ट्रांसपोर्टर्स के हैं, वर्कज हैं, उनमें तो पब्लिकेशन होता ही है, इस के सहारे उन को सरकार से पैसा मिलता है.....

श्री ओम प्रकाश त्यागी : लेकिन इस में यह बात नहीं है।

श्री इकबाल सिंह : सब कुछ है। जो प्रजेन्ट प्रेक्टिस है, उसी के मुताबिक किया जायगा।

श्री ओम प्रकाश त्यागी : हम तो विधेयक में इस को डालना चाहते हैं, आप प्रेक्टिस की बात को छोड़ दीजिये। अगर कोई उस प्रेक्टिस को नहीं मानता, तो क्या कोई उस को रोक सकेगा। जब तक ली में यह चीज नहीं होगी, तब तक कैसे चलेगा।

श्री शिव चन्द्र झा : सभापति महोदय, जो मेरा दूसरा संशोधन नं० 25 है उसके सम्बन्ध में मुझे यह कहना है कि वजाज 20, सब सेक्शन 4 में जो ये कहते हैं—एज सून एज मे बी—उस जगह पर मैं चाहूंगा कि सरकार और साफ करदे कि—विदिन ए वीक। पर्मिट मिला या नहीं, लेकिन अगर पैसा रिफंड करने की बात है तो वह पैसा विदिन ए वीक रिफंड कर दिया जाना चाहिए। मैं समझता हूँ इस बात से मोटर वालों को बहुत ही आसानी हो जायगी।

SHRIS. M. BANERJEE : The hon. Minister has not said anything about this particular amendment. No period is specified. Could he not say a fortnight? A week is very small period. He can say not less than 15 days.

SHRI OM PRAKASH TYAGI : It should be within two weeks.

SHRIMATI ILA PALCHODHURI : The Minister was good enough to say that if a person could pay Rs. 60,000 or

Rs. 70,000 for a bus he can as well pay Rs. 500. He does not say that amount; he goes to a financier and pays the amount in instalments with great difficulty; he pays interest also on these amounts. Rs. 500 is really much more than he can pay as a deposit and it is only rich persons who can do.

श्री शिव चन्द्र झा : उसको तो मान लिया है।

श्रीमती इला पालचौधरी : क्या मान लिया है? दो सौ से कम भी करना चाहिए।

SHRI IQBAL SINGH : I have accepted only Rs. 200 instead of Rs. 500. About the period of one week, we can give direction to the State Government. Regarding my hon. friend Mr. Tyagi's suggestion, we can ask the State Governments to publish them. The only difficulty in putting them in law is we have to say regional newspapers. All these trade journals are small weekly journals; they are not daily newspapers. I think this will satisfy him.

श्री ओम प्रकाश त्यागी : फर्स्ट रीडिंग में आपने इस बात को स्वीकार किया था, एष्योरेंस दिया था जिसके बाद मैं समझता हूँ अभी केवल एक रात ही समाप्त हुई है। आपने कहा था कि हमारी डिमांड ठीक है। स्टेट गवर्नमेन्ट और ट्रांसपोर्ट डिपार्टमेन्ट आपकी प्रेक्टिस को मानेंगे या नहीं, पेपर्स में वह चायेगा या नहीं लेकिन मेरी आपसे यह प्रार्थना है कि इससे जनता को लाभ हो जायेगा। इसमें आपका कुछ बिगड़ने वाला नहीं है। ला में कोई खराबी आती हो, ऐसी भी कोई बात नहीं है।

SHRI IQBAL SINGH : There is no daily newspaper of the trade; they may be weekly. We can ask the State Governments. They are following that practice. Otherwise the whole procedure is nullified.

श्री ओम प्रकाश त्यागी : इसमें आप ग्राफिसियल गजट के अन्तर्गत कुछ तो लिखिये। एनी लोकल न्यूजपेपर इस तरह में कुछ भी तो लिखिये।

MR. CHAIRMAN : The question is :

Page 9, line 29,—

for "five" substitute "two" (24)

The motion was adopted.

MR. CHAIRMAN : I shall now put amendment Nos. 25, 35, 61, 90, 91 and 92 to the vote.

Amendments Nos. 25, 35, 61, & 90 to 92 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 20 as amended stand part of the Bill"

The motion was adopted.

Clause 20, as amended, was added to the Bill.

MR. CHAIRMAN : Then, clause 21. There are no amendments. Clause 22, Shri Madhukar is not here. So, I shall put clauses 21 and 22. The question is :

"That clauses 21 and 22 stand part of the Bill."

The motion was adopted.

Clauses 21 and 22 were added to the Bill.

Clause 23—(Amendment of section 51)

MR. CHAIRMAN : Clause 23. There is an amendment by Shri Lobo Prabhu.

SHRI LOBO PRABHU : I move :

Page 10, line 38, *after "seasons" insert—*

"and the same is prominently marked on the vehicle" (49)

This amendment relates to overcrowding in our buses. It has been ascertained, investigated and found that no bus can be economic unless it is overcrowded. After paying the taxes which Government extracts, after paying the high prices for the vehicle, after paying high prices for petrol, and after paying high wages which our communist friends have secured for the drivers, the only way for a bus to be economic is

to take more passengers than the number which is approved for the vehicle. My proposal is that you can end this by only giving publicity to the capacity of the bus, the number of persons that the bus can carry, both sitting and standing. This, as I propose in the amendment, should be prominently marked on the vehicle. I think the Minister will have no objection to this amendment which only helps, which furthers the very purpose of this section.

SHRI IQBAL SINGH : It is only enforcing it ; they are already marked. You want it to be prominently marked.

SHRI LOBO PRABHU : The numbers are not marked, such as, the seating capacity is 50 ; standing capacity, 25 and so on. They must be prominently marked. It is a very simple thing. I do not think you should make any bones about it.

SHRI IQBAL SINGH : I have no objection ; it is an enforcement, measure. If it is already marked, and when you say, it should be prominently marked,...

SHRI LOBO PRABHU : So, you are accepting it ?

SHRI IQBAL SINGH : Yes.

SHRI LOBO PRABHU : Thank you.

MR. CHAIRMAN : I shall put the amendment to the vote. The question is :

Page 10, line 38, *after "seasons" insert—*

"and the same is prominently marked on the vehicle" (49)

The motion was adopted.

MR. CHAIRMAN : Amendment No. 78 is not moved by Shri Dar. I shall put the clause as amended.

The question is :

"That clause 23, as amended, stand part of the Bill."

The motion was adopted.

Clause 23, as amended, was added to the Bill.

Clause 24 was then added to the Bill.

Clause 25—(Amendment of section 58)

MR. CHAIRMAN : Then, we take up clause 25. There are amendments by Shri Shiv Chandra Jha—26 and 27 ;—by Shri Dar - amendment No. 36 and—by Shri Tapuria—amendment No. 62.

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 11, line 8, for "one hundred and twenty"

substitute "seventy-five" (26)

Page 11, line 11, for "sixty" *substitute "forty-five" (27)*

मेरा संशोधन बहुत साफ और आसान है। आपने 120 दिन की जो मियाद रखी है वह बहुत ज्यादा है। मैं चाहूँगा कि 120 दिन की जगह पर 75 दिन कर दें। इसके अलावा दूसरे सब कलाज में जो 60 दिन आपने रखे हैं उनको जगह पर मैं चाहता हूँ 45 दिन रखे जायें। एक्सपायरी के बाद आप समय बढ़ाते हैं यह ठीक है लेकिन यह मियाद आप बहुत ज्यादा दे रहे हैं।

मैं ज्यादा समय इसलिये रखने के पक्ष में नहीं हूँ कि इसकी वजह से किसी मामले को तय करने में सरकारी कर्मचारियों में शिथिलता आ जाती है।

SHRI IQBAL SINGH : He has not understood the purpose of this amendment. So far it was only sixty days. But we have found from experience that the whole procedure takes about 4 months. First of all, the application must be received. Then it must be published in some newspaper as provided. Objections and counter-objections must be heard. RTA must then take a decision and a permit is issued. All this procedure takes four months. That is why we have provided for 120 days here.

श्री शिव चन्द्र झा : मैं समय बढ़ाने के पक्ष में इसलिये नहीं हूँ क्योंकि इस से मशीनरी में काफ़ी सुस्ता आ जाती है। आप चार माल का समय करना चाहें तो कर दें। लेकिन इस से सुस्ती बढ़ेगी। इसलिये मैं चाहता हूँ कि 120 दिन की जगह 75 दिन कर दें और 60 की जगह 45 कर दें, क्योंकि मैं सुस्ती के लिये समय नहीं देना चाहता।

SHRI IQBAL SINGH : He has not understood me. I have explained that the whole procedure takes four months. How can we reduce it? I am one of those who want the administration to go on the right lines effectively. For that, they must be given time. If the time is reduced, people will go to the High Court and say that the procedure has not been completed. And, the whole thing will be nullified.

श्री हुकमचन्द कछवाय : सभापति महोदय, सदन में कोरम नहीं है।

MR. CHAIRMAN : The bell is being rung. Now there is quorum. Mr. Tapuria is absent and Mr. Dar is not moving his amendment. I will now put to the vote of the House amendments Nos. 26 and 27 of Shri Shiv Chandra Jha.

Amendments Nos. 26 and 27 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 25 stand part of the Bill"

The motion was adopted.

Clause 25 was added to the Bill.

Clause 26 was added to the Bill.

Clause 27—(Amendment of section 60)

SHRI OM PRAKASH TYAGI : I beg to move :

Page 12, line 10—

after "person" insert—

"not below the rank of a Gazetted Officer" (91)

जिस ट्रांसपोर्ट अयोरिटी ने परमिट दिया है वह जो पावर एक्ससाइज करता है वह पावर किसी भी

[श्री ओम प्रकाश त्यागी]

अथोरिटी या परसन को डेलीगेट कर सकता है। मेरा इसमें संशोधन केवल इतना ही है कि जिस अधिकारी को यह पावर डेलीगेट की जाय वह बहुत रेस्पॉसिबिल अधिकारी होना चाहिये, जो ईमानदारी के साथ सही ढंग से कार्य कर सके। इसीलिए उनको यह माना है कि जुडिशियल आफिसर्स गज़टेड आफिसर्स हों जिस से ठीक से काम कर सकें।

इस 2 (ए) सेक्शन में यह लिया है कि :

“The powers exercisable under sub-section (1) or sub-section (1A) (other than the power to cancel a permit) by the transport authority which granted the permit may be exercised by any authority or person to whom such powers have been delegated under sub-section. (5) of section 44;”

मेरा कहना यह है कि कोई कार्य किसी को नहीं दिया जा सकता। जो कार्य जज का है वह जज ही करे। या और जो जिम्मेदारी का काम है उस को अगर ट्रांसपोर्ट अधिकारी अपने अधिकार को किसी को देना है, वह कहीं बाहर जा रहा है तो मैं समझता हूँ कि किसी रेस्पॉसिबिल अधिकारी को ही देकर जाना चाहिये। “It may be exercised by any authority or person” यह इतना गोल शब्द है कि इसका इस्तेमाल किसी भी रूप में किया जा सकता है। इसलिए “any authority or person” को बवालीफ़ाई करने के लिये मैं ने लिखा है : he will not be below the rank of a Gazetted Officer.

अगर वह किसी को पावर ट्रांसफर करता है तो उस को नोट बिलो दी रैंक आफ गज़टेड आफिसर्स होना चाहिये।

SHRI IQBAL SINGH : I do not think there is any need for changing the wording. These are all delegation of powers. Every day so many cases come up for permit,

renewal of permit or change of permit, payment of tax and so on. If it is stipulated that all these powers can be exercised only by a gazetted officer it will only add to the difficulties of the public. I quite appreciate that major decisions should be taken only by a gazetted officer. But that is already provided in the Act. For example issue of permit and change or alteration of a permit can be done only by the STA or RTA. But if it is suggested that even minor matters should be decided only by a gazetted officer it would be stretching the point too far.

श्री ओम प्रकाश त्यागी : आप जरा आगे पढ़ लीजिये :

“Provided that—

(1) no such authority or person shall pass an order suspending the permit for a period exceeding one month or reducing the period thereof by more than one month;”

यह जो अधिकार उम को मिला हुआ है यह अधिकार किसी कर्क का नहीं हो सकता। एक महीने के लिये वह किसी का परमिट कैंसिल कर सकता है। पीरियड भी कम कर सकता है। तो ऐसा आदमी कोई मामूली आदमी नहीं हो सकता।

SHRI IQBAL SINGH : These are executive powers and they are to be exercised by the RTA. There will only be one gazetted officer, namely, the Secretary of the RTA ; no other officer is a gazetted officer. If the Secretary is on leave, it will mean that the whole of the RTA would not function at all.

Then, these are small matters on which power is given. These are not bigger powers. That is why we have provided for any person. I think, he must accept it. If he did not want that power to be exercised by any person except a gazetted officer, it will be taking it too much far.

MR. CHAIRMAN : I shall now put Shri Tyagi's amendment No. 93 to the vote of the House.

Amendment No. 93 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 27 stand part of the Bill."

The motion was adopted.

Clause 27 was added to the Bill.

Clause 28.—(*Amendment of section 62*).

SHRI LOBO PRABHU : Sir, I move :

Page 13, after line 12,—

insert—

"Provided further that the temporary permit shall not be issued to the contending parties." (50)

This amendment has to be considered in the context of the fact that at present the courts are being used to gain time. When a particular party is in possession of a licence or a permit and it has been cancelled, it approaches a court in order to gain time. The question that arises for this House to decide is how to reduce the time which parties gain by going to court. I am proposing that when either party goes to court and when either party can prolong the litigation, the permit should be given to a third party ; it should not be given to either of them. If it is given to a third party, both the parties will have an incentive to settle their differences quickly before the lower court or a superior court.

SHRI ABDUL GHANI DAR : Sir, I move :

Page 13,—

after line 12, insert

"Provided further that temporary permit shall not be issued to those parties who are black listed." (80)

इसमें मैंने यह कहा है कि जो भी टेम्परेरी परमिट दिये जायें वः जो सर्रेंडेड लोग हैं उनको दिये जायें लेकिन कुछ लोग ऐसे भी हैं जिन्होंने

स्मॉलिंग की है जिन को बजह से उनके परमिट सर्रेंडेड या कैंसेल किये गये हैं। स्मॉलिंग भी कई तरह की होती है। पिछले दिनों ऐसा हुआ कि दिल्ली का माल बाहर भेजा गया। उन की गाड़ियां पकड़ी गई और उनके परमिट वकली तौर पर सर्रेंडेड हुये। मैंने अमेंडमेंट में कहा है कि टेम्पोरेरी परमिट उनको दिये जायें जो ब्लैक लिस्टेड न हों। जिन के परमिट स्मॉलिंग या नईमानी या चोरबाजारी की वजह से कैंसेल हुये हैं उनको टेम्पोरेरी परमिट न दिये जायें।

اس میں میں نے یہ کہا ہے کہ جو بھی ٹیمپریٹری پرمٹ دینے والے ہیں وہ مسیڈڈ لوگوں کو دینے چاہیں۔ لیکن کچھ لوگ ایسے بھی ہیں جنہوں نے اسمگلنگ کی ہے جس کی وجہ سے انکے پرمٹ مسیڈڈ یا کینسل کئے گئے ہیں۔ اسمگلنگ بھی کسی طرح کی ہوتی ہے کھیلے دینا ایسا ہوا کہ دہلی کا مال باہر بھیجا گیا ان کی گاڑیاں پکڑی گئیں اور ان کے پرمٹ وقفی طور پر مسیڈڈ ہوئے۔ میں نے همین الینٹ میں کہا ہے کہ ٹیمپریٹری پرمٹ ان کو دے جائیں جو بلیک لسٹ نہ ہوں جن کے پرمٹ اسمگلنگ یا بے ایمانی یا چور بازاری کی وجہ سے کینسل ہوئے ہیں ان کو ٹیمپریٹری پرمٹ نہ دینے چاہیں۔

SHRIMATI ILA PALCHOUDHURI : Sir, I move :

Page 12,—

omit lines 35 to 40. (63)

Page 13,—

omit lines 1 to 12. (64)

I have moved these amendments because you are giving them temporary permits in spite of an order by a court. If you do that, it really puts the court in a very peculiar light. If a temporary permit is granted in spite of restraint or order by a court, it will practically lead to circumventing of the order of the judiciary. It will

[Shrimati Ila Palchaudhuri]

undermine the supremacy of the judiciary and bring it to disrepute in public. Why has the court given a retraining order? Some sort of a fault must have been found with the person. Why should he then be given a temporary permit? I think, this clause should be deleted and, I hope, the hon. Minister will accept it.

SHRI IQBAL SINGH : Regarding the first point, if we allow a third party to come in, the things will again get complicated. Once we give him a temporary permit, then he may establish his claim. So far, the practice has been that this will generally apply to the present operator. If any present operator is affected, then either nationalised transport should come in or other permits should be issued and these permits should be issued in a regular way.

Regarding Shri Abdul Ghani Dar's amendment about the person who has indulged in black-marketing, we cannot provide it in the Act. That is understood. Once a person does not do a proper thing, his permit should be cancelled. Generally, their permits are cancelled. If there is any exception, I cannot say. If he can bring to my notice any case, I can ask the State Government about it. But we cannot provide these things in the Act.

श्री अब्दुल गनी डार : ग्रामी-अभी काफी गाड़ियां पकड़ी गई सिर्फ दिल्ली से बाहर निकलने पर। वह चोरी का माल ले जा रही थीं। आज जिन के लाइसेंस सस्पेंडेड हैं अगर उन्हें टेम्पोरेरी लाइसेंस दे दिया जाय उस वक्त तक के लिये अब तक कोर्ट का फैसला न हो जाय तो इस से आप को नुकसान होगा। मेरा कुछ नहीं है, अगर आप कहेंगे तो मैं वापस ले लूंगा।

شری عبدلعزیز ڈار :- ابھی ابھی کاٹی گاڑیاں
پکڑی گئی ہیں - صرف دہلی سے باہر چلنے پر وہ چوری
کا مال لے جا رہی تھیں۔ آج جن کے لائسنس سسپنڈ
ہیں اگر انہیں ٹیمپوری لائسنس دیا جائے، سو وقت
تک کے لئے جب تک کوर्ट کا فیصلہ نہ ہو جائے تو
اس سے آپ کو نقصان ہوگا میرا کچھ نہیں ہے۔ اگر
آپ کہیں گے تو میں واپس لے لوں گا۔

SHRI IQBAL SINGH : There is another situation also. There are cases where permanent permits are not given and only temporary permits are given. It may be that a particular route may have become a nationalised route. There can be so many reasons. Then, we cannot bring in new people. Actually, the complaint was from other side that once the temporary permits are given, when they are suspended, they are not renewed. If I accept this amendment, I will be taking the power too far.

Regarding the lady hon. Member's amendment, that if there is a court injunction, we have to carry that, there is a difficulty. Supposing there is a general stay order of the court in regard to the taking up of a particular area, then that cannot be taken up. We have to provide transport facility to that area. The people must be provided transport facility as such. There may be a stay order for the whole scheme of nationalisation in a particular area. If we accept this amendment, we cannot provide any transport and issue any new permit.

SHRIMATI ILA PALCHOU DHURI : Will you find out to whom the order is applied? And then don't give any permit to that person at least.

SHRI IQBAL SINGH : Even in that case, there is a difficulty. The State Government may have one district scheme and they may nationalise a particular route. Somebody may take an injunction order from the court that this scheme may be kept pending. The court may give a stay order. Then we cannot issue permits. When the nationalisation comes, the present permits are cancelled. Then, we have to bring in special class of persons. Then, we have to ask them that their permits should not be renewed. Again there will be trouble. So, I cannot accept any one of these amendments.

SHRIMATI ILA PALCHOU DHURI : It is not a case of nationalisation. When it comes to a case of nationalisation, of course, the Government will have to look to its own interest. Otherwise what happens?

MR. CHAIRMAN : May I put all

amendments together to the vote of the House.

SHRI ABDUL GHANI DAR : With your permission, Sir, I want to withdraw my amendment No. 80.

Amendment No. 80 was, by leave, withdrawn.

MR. CHAIRMAN : Now, I put all other amendments to the vote of the House.

Amendments Nos. 50, 63 and 64 were put and negatived.

MR. CHAIRMAN : The question is : "That clause 28 stand part of the Bill."

The motion was adopted.

Clause 28 was added to the Bill.

Clause 29.—(Amendment of section 63)

SHRI LOBO PRABHU : I beg to move:

Page 16,—

after line 2, insert—

"(iv) no such vehicle shall pick up ordinary traffic." (51)

I am not feeling very strongly on this amendment but if the Minister feels like it, he may consider barring these tourist buses picking up ordinary traffic. This arises from the fact that some buses which take a tourist permit also indulge in picking up ordinary traffic thereby disturbing the rights of the regular permit holders of that route. If that provision can be added, it will protect the local permit holders from this encroachment of tourist buses.

SHRI ABDUL GHANI DAR : I beg to move :

Page 13, line 19,—

for "eight" substitute "thirty-two"
(81)

Page 15,—

omit lines 19 to 21. (82)

मैंने यह चाहा है कि आठ किलोमीटर जहाँ आप ने रखा है, उसकी जगह आप 32 किलोमीटर कर दें। बड़ी दिक्कत इससे हो जाती है गाड़ी को आगे पीछे करने में। इसलिए मैं चाहता हूँ कि आठ किलोमीटर के बजाय आप 32 किलोमीटर कर दें।

मैंने यह चाहा है कि 8 किलोमीटर जहाँ आप ने रखा है, उसकी जगह आप 32 किलोमीटर कर दें। बड़ी दिक्कत इससे हो जाती है गाड़ी को आगे पीछे करने में। इसलिए मैं चाहता हूँ कि आठ किलोमीटर के बजाय आप 32 किलोमीटर कर दें।

SHRI OM PRAKASH TYAGI : I beg to move :

Page 13, line 19,—

for "eight" substitute "sixteen"
(94)

मैं चाहता हूँ कि 16 किलोमीटर जो पहले था उसी को रख लिया जाए।

SHRI IQBAL SINGH : Sir I accept amendment No. 94. It was originally in the Bill but the Select Committee reduced it to 8 kilo metres. Our intention was that it should be 16 kilo metres which means 10 miles. That means that they will not require any other permit or counter signature. They can go. So I accept that.

Regarding Shri Lobo Prabhu's amendment, when we frame rules, we will provide that they should not pick up ordinary traffic. We have to frame the rules also for tourist buses. If we provide it in the Act, they may be challaned and unnecessarily harassed and somebody may claim that he is picking up one man and we have to see it from the other side also that local operators may be put to difficulties also. We will provide it in the Rules and we will give instructions to the State Governments also that tourist buses should not pick up ordinary passengers.

SHRI LOBO PRABHU : Sir, in view of the explanation from the Minister, I am not pressing my amendment,

Amendment No. 51 was, by leave, withdrawn.

SHRI ABDUL GHANI DAR : Sir, I do not press my amendments.

Amendments Nos. 81 and 82 were, by leave, withdrawn.

MR. CHAIRMAN : Amendment No. 94 is accepted. The question is :

Page 13, line 19,—

for "eight" substitute "sixteen".
(94)

The motion was adopted.

MR. CHAIRMAN : The question is :

"That Clause 29, as amended, stand part of the Bill."

The motion was adopted.

Clause 29, as amended, was added to the Bill.

Clause 30.—(*Amendment of Section 63A*)

MR. CHAIRMAN : There is Amendment No. 52 by Shri Lobo Prabhu.

SHRI LOBO PRABHU : I move.

Page 16, line 3,—

after "Act" insert—

'(1) after clause (c) of sub-section (2) the following clause shall be added, namely :—

"(cc) to provide guide lines which reduce discretion in the issue of permits through marks to be given for qualifications which ensure due competition, facilities for prompt repairs, economically viable units and freedom from convictions and other criteria." and' (52)

Sir, I feel very strongly about the amendment for the simple reason that it is based on my own experience and the orders of the Government which I issued as Home Secretary and this has been tested in various high courts and supreme court. It is about the system of issuing permits. When I was a district officer I was besieged even by some very important people, people who should not have thought of influencing me. I was besieged by them in support of one party or other applying for the permits. I had high court judges, I had archbishops, I had persons of very very high authority forgetting their position and wanting that a permit may be issued to some party who had approach them. In those circumstances I thought I should insulate myself by a mathematical system, a system which would be impersonal which did not give me or other Members of the Committee any discretion. I may inform the House that the only other Member of the Committee was the District Superintendent of Police who normally does not differ from the Deputy Commissioner or Collector. This actually means if the Collector decides who should get the permit, that is final. My system has proved the test of time, and it has been accepted by the Government, it has been accepted by the courts. For instance, if somebody had workshop he would be given 2 marks. If he had only 2 buses and it requires three to become a viable unit, he would be given 2 marks. If somebody had no buses in that route and some competition was necessary then he would be given some more marks. These criteria can be spelt out. In addition to this criteria, there were certain disqualifications—if a particular owner had some convictions against him or some complaints against him, he will be subjected to a reduction in the way of marks. The net result was, I never considered the application at all, but only considered a chart

which was put before me giving the marks to each party and I would put it then to the large number of lawyers engaged. There are large number of Members of this House who have had very lucrative practice from Bus-permit Raj and the attend they meetings of the Regional Transport Authority, because the amount involved is so much and so substantial.

The result was, this marking system made it very easy for me to discharge my work. It was adopted by the Government. It was contested in the high courts and the supreme court, but it has withstood all these challenges and now it is part of the rules of the Madras Government.

I suggest to the Minister that the Commission must be empowered to give guidelines for making the consideration of choosing the applicants and giving permits an impersonal mathematical affair, making it workable without the opportunity of applying discretion in the matter in favour of those who approach the Road Transport Authorities, including Ministers. Almost every important route permit excites a whisper from a minister. Therefore there should be a simple rule like this and the Commission would be able to frame guidelines for its compliance by the State Transport and the Regional Transport authorities.

16 hrs.

SHRI IQBAL SINGH : These are good, laudable ideas. Put into practical shape on the statute book, they may be a different thing. The Act is to be operated by the State Governments. We can bring these things to their notice in the next Transport Development Council meeting. We can ask them to issue some guidelines to those who are issuing the permits. It is also presumed that good persons will be getting the permits. But to provide these things in the law may lead to complications and difficulties. We will take the experience of those who have done this. We will ask the other States also to follow suit. As I said, we will put it at the next meeting of the Transport Development Council meeting. I would appeal to the hon. Member not to press it.

SHRI LOBO PRABHU : In view of his assurance that he will put it at the next meeting of the Transport Development Council, I seek leave of the House to withdraw my amendment No. 52.

*Amendment No. 52 was, by leave,
withdrawn*

MR. CHAIRMAN : The question is :

“That clause 30 stand part of the Bill”.

The motion was adopted.

Clause 30 was added to the Bill.

Clause 31—(Insertion of new section 63 BB.)

MR. CHAIRMAN : We have already exceeded the time allotted. I hope members will not make long speeches. The amendments may just be moved and then voted upon immediately

SHRI LOBO PRABHU : I beg to move :

Page 15,—omit lines 25 to 28. (53)

I will very briefly and hurriedly explain my amendment as you desire. Here they are allowing 120 days for an appeal to be filed. In the meanwhile, no party knows where it stands. There are no strong reasons or arguments given as to why the period should be extended. Courts have power where there are good reasons adduced, where a copy is not available etc. to give extended time for appeal. But do not provide it in the Bill because then that will become the actual limit for filing appeals.

SHRI IQBAL SINGH : The reason for extension is that somebody who is injured may be in hospital and he is unable to file the application. So many claims come and so many applications come and they stand time-barred by the tribunal. The accident may happen in a village and he may not know where to file the claim. After long experience, practically all State Governments have recommended this extension. Hence we have done it. This will cover more area. Nobody is debarred from applying before that time. But we shall stick to the extended date as the last date.

SHRI LOBO PRABHU : All right—I seek leave of the House to withdraw my amendment No. 53.

*Amendment No. 53 was, by leave,
withdrawn.*

MR. CHAIRMAN : The question is :

"That clause 31 stand part of the Bill."

The motion was adopted.

Clause 31 was added to the Bill.

Clause 32 was added to the Bill.

Clause 33—(Amendment of section 64.)

Amendment made :

Page 17, line 27,—

for "1968" substitute "1969".
(115)

(Shri Iqbal Singh)

MR. CHAIRMAN : The question is :

"That Clause 33, as amended, stand part of the Bill."

The motion was adopted.

Clause 33, as amended, was added to the Bill.

MR. CHAIRMAN : The question is :

"That Clauses 34 and 35 stand part of the Bill."

The motion was adopted.

Clauses 34 and 35 were added to the Bill.

Clause 36—(Insertion of new section 66A.)

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 18, line 33,—

for "exceeding" substitute "less than"
(28)

Page 19, line 1,—

for "exceeding" substitute "less than"
(29)

36 क्लॉज में वह कहते हैं कि कोई एजेंट होना चाहता है तो उसकी क्या शर्तें होंगी। उस में एक दो बातों के अलावा पब्लिक वेहिकल्स के निकट बेचने में उस से डिपॉजिट रखवाना चाहते हैं: deposit of security of a sum not exceeding Rs, 5,000. अध्यक्ष महोदय, सरकार कह रही है कि नाट एक्सीडिंग फाइव थाउजेंड रूपीज अर्थात् 5 हजार रुपये तक की जमानत रखनी होगी। मतलब इस का यह है कि जो आदमी कनवेसर होगा या एजेंट होगा टिकट बेचने के लिए वह गोलमाल कर सकता है, इसलिए यह सिक्योरिटी जरूर होना चाहिए, यह गवर्नमेंट खुद मानती है। लेकिन उस में कहा है कि नाट एक्सीडिंग फाइव थाउजेंड रूपीज। मैं यह कह रहा हूँ कि यह गवर्नमेंट का अर्डर एस्टीमेशन है, इससे कहीं ज्यादा गोलमाल उस में हो सकता है। इस लिए मैंने अपने अमंडमेंट में यह कहा है नाट लैस दैन फाइव थाउजेंड रूपीज आप कर दें।

इसी तरह से मेरा दूसरा संशोधन है नम्बर 29 पर। उस में दूसरे एजेंट्स के लिए जहां नाट एक्सीडिंग फाइव हंड्रेड रूपीज लिखा है वहां भी मैं चाहता हूँ कि नाट लैस दैन फाइव हंड्रेड रूपीज कर दिया जाय। क्योंकि यह गवर्नमेंट खुद महसूस करती है कि उसमें धांधली हो सकती है, गोलमाल हो सकता है, इसलिए मैं चाहूँगा कि इस में सक्ती होनी चाहिए और नाट लैस दैन 500 रूपीज जहां पर कर दिया जाय।

SHRI IQBAL SINGH : These rules are already existing, but some High Court observed that it should be provided in law, and so we are now providing. We have provided not exceeding Rs. 5,000 because it is different in different States. The area he may be covering may not be such as to enable him even to pay so much. We wanted that these agents should be regulated and that they should also go to the small areas, and for that we have provided not exceeding Rs. 5,000. For the bigger areas,

It is not exceeding Rs. 5,000. The States have also got their own rules, and so if you say "not less than" it will create more complications.

श्री शिव चन्द्र झा : पेज 18 पर आप कह रहे हैं—सम नोट एक्सीडिंग रु० 5000 और पेज 19 पर कहते हैं—सम नोट एक्सीडिंग रु० 500—जब कि मैं कहता हूँ कि "नोट लैस दैन" होना चाहिए मैं यह बातों इसलिए कहता हूँ कि सभी राज्यों की स्थितियां भिन्न हैं, यदि आप मेरी अमेण्ड-मेन्ट को मान लेंगे तो आपको अधिकार मिल जायगा, आप सख्ती बरत सकते हैं और काम अच्छी तरह से चल सकता है। एजेन्ट्स को गड़बड़ करने की गुंजाइश नहीं रहेगी।

SHRI IQBAL SINGH : That is already in operation.

श्री शिव चन्द्र झा : तो फिर जहाँ 500 रु० क्यों कर रहे हैं।

MR. CHAIRMAN : I shall put amendments 23 and 29 to the vote of the House.

Amendments Nos. 28 and 29 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 36 stand part of the Bill."

The motion was adopted.

Clause 36 was added to the Bill.

Clauses 37 and 38 were added to the Bill.

Clause 39—(Amendment of section 68 D.)

MR. CHAIRMAN : We go to clause 39. Shri Tyagi has some amendments.

SHRI OM PARKASH TYAGI : I beg to move :

Page 19, line 39,—

after "one" insert "daily" (96)

Page 19, line 39,—

after "newspaper" insert—

"and local paper" (97)

Page 19, line 39,—

after "newspaper" insert—

"In regional language" (98)

सभापति महोदय, यहाँ पर वही बात आ गई जो मैंने पहले कही थी। मंत्री जी, यह आपकी कलम है, मेरी कलम नहीं है, लेकिन उस वक्त आपने मेरी बात को नहीं माना, जब कि यहाँ आप स्वयं उस बात को मान रहे हैं। अब मेरी अमेण्डमेन्ट यह है कि "नोट लैस दैन" के बाद "डेली" को जोड़ दीजिए तथा "ए लोकल पेपर इन रीजनल लैंग्वेज" जोड़ दीजिए। मंत्री महोदय ने इस बात को फण्डामेंटली स्वीकार कर लिया है इस लिए इस में ज्यादा बहस की आवश्यकता नहीं है। आफिशियल गजट के अलावा और भी दूसरे स्थानीय न्यूजपेपर में उस स्कीम को सर्कुलेट करायें। जहाँ तक "वन न्यूजपेपर" का ताल्लुक है, वह हिन्दी में भी हो सकता है, फारसी में हो सकता है, किसी भाषा में हो सकता है, लेकिन मैं चाहता हूँ कि जो वहाँ की रिजनल लैंग्वेज है, उस में जरूर होना चाहिए। मेरी अमेण्डमेन्ट से जो इस क्लॉज का परपत्र है, वह पूरा हो जायगा।

मेरी एक अमेण्डमेन्ट और है—लाइन 4-5 में। इस में रखा गया है—

Any association representing persons interested in the provision of road transport facilities recognised in this behalf by State Government.

मेरा कहना है कि जब यह स्कीम वहाँ प्राउट होगी तो आप किसी भी एसोशियेशन को ऐसा अधिकार देने वाले नहीं हैं क्योंकि इस में रिकग-नाइज्ड बाई दी स्टेट गवर्नमेन्ट डाल दिया है। एसोशियेशन तो कोई भी बन सकती है, एसो-

[श्री ओम प्रकाश त्यागी]

शियेशनज की तो भीड़ लग सकती हैं, इस लिए मेरा अमेण्डमेन्ट है कि रिकगनाइज्ड बाई दी स्टेट गवर्नमेन्ट जोड़ दीजिए, इससे सुभीता हो जायगा। मैं पिछली वाली पर ज्यादा जोर नहीं दे रहा हूँ लेकिन जो पहली अमेण्डमेन्ट्स हैं, उन को अवश्य स्वीकार कीजिये। पहला एक तीर तो आपने मेरे हाथ से निकाल दिया, लेकिन इस में आपने स्वयं स्वीकार किया है। इस लिए डेली न्यूजपेपर के साथ रीजनल लैंग्वेज को जरूर जोड़ दीजिये।

आशा है आप मेरी अमेण्डमेन्ट्स को स्वीकार करेंगे।

श्री वेणी शंकर शर्मा (बांका) : सभापति महोदय, मेरा एक छोटा सा मुद्दा है। इस क्लॉज की भाषा इस तरह कर देनी चाहिये—

“Not less than two papers, one of which should be in the regional language.”

बस मैं इतना ही कहना चाहता हूँ।

श्री इकबाल सिंह : चेंबरमैन साहब शायद त्यागी जी को जो प्रेजेंट प्रैक्टिस है, उसका पता नहीं है। मैंने यह उस वक्त भी यह कहा था कि बहुत से ऐसे न्यूज पेपर हैं, जो ट्रेड में चलते हैं, जो ट्रांसपोर्ट ट्रेड को केंटर करते हैं.....

श्री ओम प्रकाश त्यागी : आप फिर समझ लीजिए—इस में न्यूज पेपर लिखा है, न्यूज पेपर का मतलब बिजनेस पेपर से नहीं है।

श्री इकबाल सिंह : वे न्यूज-पेपर इस तिजारत से ताल्लुक रखते हैं, कई ट्रांसपोर्ट वर्कर्स की तरफ से निकाले जाते हैं, इन में निकालने से इस ट्रेड के लोगों को उस के बारे में मालूम हो जायेगा लेकिन आपकी अमेण्डमेन्ट तो इस फील्ड को बहुत वाइड कर देती है, उस में दिक्कत पैदा हो जाएगी। बहुत से लोग अनपढ़ होते हैं, अगर किसी अंग्रेजी डेली में निकले तो बहुतों को पता ही नहीं लगेगा। इस

लिए जो आज की प्रैक्टिस है, उसी को कान्टी-न्यू रखा गया है। इन अखबारों में निकालने से हर एक को पता है कि नये परमिट के बारे में अगर कोई चीज होगी तो उस अखबार में निकलेगी, अगर कोई आब्जेक्शन मांगी जायेगी तो वह भी इन्हीं अखबारों में जायेगी। इन में ज्यादातर अखबार रिजनल लैंग्वेज में ही होते हैं और हर जगह ट्रांसपोर्टर्स इन अखबारों को पढ़ते हैं। इस से एक दूसरा फायदा यह भी होता है कि बहुत से अखबार जो वर्कर्स की तरफ से निकाले जाते हैं उन को पैसा मिल जाता है और वे अपने आपको चलाते रह सकते हैं। इस लिए यह प्राविजन उन के हक में है।

अब जहां तक रिकगनाइज्ड बाई दी स्टेट गवर्नमेन्ट वाली बात है, वह इस लिए है कि जिन्होंने एतराज करना है उस में कौन कौन लोग आयेंगे, जो रिकगनाइज्ड एसोशियेशन के रिप्रेजेंटेटिव होंगे। अगर आप की बात को मान लूँ तो इस में नुकसान भी हो सकता है। इस लिये जो प्रेजेंट प्रैक्टिस है, उसी के मुताबिक क्लॉज को फ़ैम किया गया है और इस में ही फायदा है।

इस लिए जो तिजारत के न्यूजपेपरर्स हैं, उन्हीं में छपता रहेगा, वे डेली नहीं है, अमूमन वीकली होते हैं।

श्री ओम प्रकाश त्यागी : मैं संतुष्ट नहीं हुआ। आज तक भारत वर्ष में कहीं भी न्यूज-पेपर के मायने वीकली पेपर से नहीं लिये जाते, न्यूज पेपर के मायने तो डेली न्यूज पेपर ही हैं। लेकिन मैं इस पर ज़िद नहीं करता, आप न्यूज पेपर के पहले डेली लायें या न लायें, लेकिन यह बात अवश्य स्वीकार करें कि उस में जहां न्यूज पेपर लिखा है, उस के आगे लिख दिया जाय “इन रीजनल लैंग्वेज”। वह उर्दू का हो, मुझे

कोई एतराज नहीं है, कोई भी निकालता हो, लेकिन रीजनल लैंग्वेज के पेपर में निकालना आवश्यक है। मैं डेली के लिए जोर नहीं देता, लेकिन रीजनल लैंग्वेज पर आपको क्या आपत्ति है।

श्री इकबाल सिंह : मुझे अफसोस के साथ कहना पड़ता है कि रीजनल लैंग्वेज में पेपर छपते हैं और लोग उनको लेते हैं। ... (व्यवधान) ...

श्री ओम प्रकाश त्यागी : सभापति महोदय, यह बिल जो बन रहा है वह जनता के लिए है। हम उसी जनता को रिप्रेजेंट करने के लिए यहां पर आये हैं। करोड़ों लोगों से यह बिल सम्बन्ध रखता है। जब कोई रीजने-बिल बात होती है तो हम चुप रह जाते, अपने संशोधन को विद्वान कर लेते हैं। लेकिन इस बात पर हम बिल्कुल मानने के लिए तैयार नहीं हैं। यह बिल्कुल गलत बात है। मैं आपसे कहना चाहता हूँ कि पहले मैं ने यह कहा था कि आफिशियल गजेट के अलावा उसमें यह शब्द जोड़ दिये जायें—एनी लोकल न्यूज पेपर— उस पर मन्त्री महोदय ने कहा कि परम्परा से ऐसी प्रैक्टिस चली आ रही है, इसमें जोड़ने से कोई लाभ नहीं होगा। लेकिन जब मैं ने इस में जुड़ा हुआ दिखला दिया तो ये दूसरी दलील देने लगे। मैं कहता हूँ कि इसमें लाभ है। एक तो यह डेली न्यूज पेपर को न्यूजपेपर मानने के लिए तैयार नहीं हैं। लेकिन जिन न्यूजपेपर्स को आप दे रहे हैं जिसके लिए आपने लिखा है—नाटलैस दैन वन न्यूजपेपर—तो इसके आगे अगर आप यह भी लिख देंगे—इन रीजनल लैंग्वेज—तो उसमें क्या कठिनाई है? औरों को तो आप दे ही सकते हैं उसके लिए कोई पाबंदी नहीं है लेकिन उस एरिया का जो रीजनल लैंग्वेज में पेपर निकलता हो उसमें जरूर देना होगा। दूसरों को दें या न दें यह बात भ्रमल है। ... (व्यवधान) ...

सभापति महोदय, जहां प्राइवेट बसेज चल

रहीं हैं उस रूट को जब यह शेशनलाइज करेंगे तो ये स्कीम को प्रकाशित करेंगे। इनकी माडी-फाइड स्कीम आयेगी। ये सब चीजें इसमें आयेंगी। इसको ये किसी पेपर में भी निकाल दें, यह चीज नहीं हो सकती है। मैं चाहता हूँ कि लोकल रीजनल लैंग्वेज का कोई भी एक पेपर हो उसमें उसको जरूर निकालना चाहिए। सभी में आप दीजिए उसपर कोई एतराज नहीं है लेकिन—नाटलैस दैन वन न्यूजपेपर इन रीजनल लैंग्वेज—सा जरूर रखना चाहिए, यह मेरा सुझाव है। (व्यवधान) मैं नहीं समझता इसमें हर्ज की क्या बात हो सकती है? ... (व्यवधान) ...

श्री इकबाल सिंह : आप चाहते हैं कि ट्रेड के पेपर बन्द कर दिये जायें और उसकी जगह पर वह पेपर लिये जायें।

श्री ओम प्रकाश त्यागी : इसमें लिखा है—नाटलैस दैन वन न्यूजपेपर— इसमें सिर्फ रीजनल लैंग्वेज और बढ़ा दीजिए। ... (व्यवधान) ... आखिर आप इस चीज को क्यों नहीं मानते, इसमें नुकसान क्या है?

SHRI LOBO PRABHU : Please accept the word 'regional'. (*interruptions.*)

SHRI IQBAL SINGH : All right. I will accept the word "regional language", i.e. I am accepting amendment No. 98.

SHRI TENNETI VISWANATHAM (*Vesakhapatnam*) : I think we can congratulate the Minister for that.

MR. CHAIRMAN : I will now put amendment Nos. 96 and 97 to the vote of the House.

Amendments Nos. 96 and 97 were put and negatived.

MR. CHAIRMAN : The question is I

Page 19, line 39,—

after "newspaper" insert—

"in regional language" — (98)

The motion was adopted.

MR. CHAIRMAN : The question is :

“That clause 39, as amended, stand part of the Bill”

The motion was adopted.

Clause 39, as amended, was added to the Bill.

Clause 40 was added to the Bill.

Clause 41.—(Amendment of section 68 F)

SHRI LOBO PRABHU : I beg to move :

Page 22, line 13,—

for “no permit shall be granted or renewed” substitute

“no new permit shall be granted” (54)

This amendment relates to a subject which raised a discussion for more than an hour in the Rajya Sabha. There was eloquent pleading on both sides. While nationalisation may be a good thing—that is disputed by my party and by some others—it should not prevent a party from having its right until nationalisation is finally decided by government. Now what you are planning to do is that as soon as you announce the scheme of nationalisation you will not allow renewal of existing permits and you will not give new permits. It may be all right as far as new permits are concerned; you may take over those permits. But the existing permits, I wish to press, should continue till the thing is finally decided by the competent authority. Because, to deny a party the right to carry on his business till the matter is settled is unfair, unethical and non-judicial. Also, I do not think it affects your schemes if you confine the restriction to new permits. I may add for the information of the House that the State can take as many additional permits as they like, as soon as the scheme of nationalisation is announced. So, they are not prevented from running their buses. Now what they want is to remove competition from the existing lines even before the scheme of nationalisation is finalised. I have said very briefly what, as I said, took a whole hour in the Rajya Sabha and I do

hope the Minister will concede this, because it does not affect them, they can take new permits and refuse new permits to others. But let the old permits run on till the decision is finalised by the government.

SHRI TANNETI VISWANATHAN : May I know what the hon. Member means by finalisation? What stage? Does he refer to publication?

SHRI LOBO PRABHU : Not publication. When the government finalise the scheme after hearing objections they can do it; not as soon as a scheme is announced, because it is unfair to the existing permit-holders.

SHRI OM PRAKASH TYAGI : I beg to move ;

Page 21, lines 30 to 32—,

omit “if it is satisfied that it is necessary to increase, in the public interest, the number of vehicles operating in such area or route or portion there.” (100)

सभापति महोदय, गवर्नमेंट किसी रूट को नेशनलाइज करती है तो उसको पब्लिश करेगी। पहले स्कीम आउट होती है और उसके बाद में माडीफाइड स्कीम आने के बाद फाइनल हो जाती है कि किसको देना है—आया स्टेट ट्रान्सपोर्ट ही चलेंगी या प्राइवेट बसें भी चलेंगी। फाइनल स्टेज माडीफाइड स्कीम आउट होने के बाद में होती है। एन्टरिम पीरियड में इन्होंने कहा है कि टेम्पोरेरी पर्मिट्स रहेंगे। जिस रूट पर प्राइवेट बसेज चल रही हैं उस पर आपने अपनी स्कीम आउट की और उस स्कीम के आउट होने के बाद में आप इसमें लिख रहे हैं कि पर्मिट देते समय :

“the State Transport Authority or the Regional Transport Authority, as the case may be, shall, if it is satisfied that it is necessary to increase, in the public interest, the number of vehicles operating in such area or route or portion thereof,”

में समझता हूँ कि यह खराब है उस इंटरिम पीरियड में कि वह सेटिफाइड है या नहीं। मोडिफाइड स्कीम के बाद भी स्टेट ट्रांसपोर्ट अथोरिटी को अधिकार है वह प्राइवेट लोगों को चलने दे या न चलने दे। लेकिन उस इंटरिम पीरियड में जिन को आप ने परमिट के रूप में स्वीकार किया हुआ है उन को आपको टेम्पोरेरी परमिट देना ही होगा, चूँकि उन को वह अधिकार है जो आप ने पहले ही दे रखा है। परमानेंट परमिट को टेम्पोरेरी बनाने की बात है।

"if it is satisfied that it is necessary to increase, in the public interest, the number of vehicles operating in such area or route"

यह सब निकाल दिया जाय।

मैं समझता हूँ कि जो व्यक्ति पहले से ओपरेट कर रहे हैं, जब तक स्कीम फाइनल न आवे तब तक उन सभी ओपरेटर्स को जो वहाँ मोटर चला रहे हैं टेम्पोरेरी परमिट मिलना ही चाहिए। वह गवर्नमेंट के अधिकार की बात नहीं है। इसे आप निकाल दीजिये।

श्री अब्दुल गनी डार : चेयरमैन साहब पहली बार मौका दिया आप ने तो मैंने मंत्री जी से कहा था कि यह जो दफा 41 है इस के बारे में मोटर वालों की जितनी असोसियेशन्स हैं उन्होंने सरकार से दर्खास्त की है कि सरकार इस पर विचार करे। और गालिबन जैसा श्री त्यागी और श्री लाबा प्रभू ने कहा, उसी नुकते निगाहों से उन्होंने सरकार की तवज्जह दिलायी है। मैं समझता हूँ कि सरकार को इमानदारी से उनकी मदद करनी चाहिये, ओपरेटर्स को परेशान नहीं करना चाहिये।

एक बात ध्वान में रखने की है। एक जमाना था जब सरकार के पास कुछ नहीं था। प्राइवेट ओपरेटर्स ने अपनी जान लड़ाई और इस प्रोब्लम को हल करने की कोशिश की। तो मैं चाहूँगा हूँ कि इस पर आप गौर करें कि कितनी अच्छी तरह से आप इस को अमेंड कर सकते हैं। न लाना चाहें कोई संशोधन तो इन की खुशी है। लेकिन हम ने मोटर ओपरेटर्स की जो ऐप्रोच है उसको आप के सामने इमानदारी से कह दिया। याद रखिये कि कभी उन्होंने बड़ी खिदमत की थी। उन को भूलिये नहीं। जो लोग बसें चलाते हैं वह कोई बहुत अमीर आदमी नहीं हैं, देहाती हैं। इस लिये उन को

जो दिक्कतें हो सकती हैं इस बिल से उन की तरफ भाप तवज्जह दें ताकि उन को राहत हो। और अगर आप कोई तवज्जह नहीं देनी है तो मुझे कुछ नहीं कहना है।

श्री عبد الغنى دار :- جيمز بين صاحب

مارموقفہ دیا آپ نے، تو میں نے منسٹری جی سے کہا
تھنا کہ یہ جو دفعہ 41 ہے، اس کے بارے میں موڈیوں

کی جتنی ایسوسی ایشن ہیں، انھوں نے سرکار سے

درخواست کی ہے کہ سرکار اس پر دو چار کرے۔ اور

غالباً جیسا شری تیاگی اور شری لوب پر بھی نے کہا

اس نقطہ نگاہ سے، انھوں نے سرکار کی توجہ دلائی ہے

میں سمجھتا ہوں کہ سرکار کو ایمان داری سے ان کی مدد

کرنی چاہیے۔ آپریٹرز کو پریشان نہ کرنا چاہیے۔

ایک بات دھیان میں رکھنے کی ہے۔ ایک

زمانہ تھا جب سرکار کے پاس کچھ نہیں تھا، پراپرٹی

آپریٹرز نے اپنی جان لڑائی اور، سر پرانہ کہ جس

کرنے کی کوشش کی۔ تو میں چاہوں گا کہ اس پر

آپ غور کریں کہ کتنی اچھی طرح سے آپ اس کو مینٹین

کر سکتے ہیں۔

نہ لانا چاہیں کوئی مستشرقین تو ان کی خوشی

ہے لیکن ہم نے موٹر آپریٹرز کی جو اپروچ ہے اس کو

آپ کے سامنے ایمان داری سے کہا گیا۔ یاد رکھیے

کہ کبھی انھوں نے بڑی خدمت کی تھی ان کو بھولنے

نہیں چاہیے جیسے جلاتے ہیں وہ کوئی بہت امیر

بڑی نہیں ہیں۔ دیہاتی ہیں، اس لئے ان کو جو نہیں

ہو سکتی ہیں، اس بل سے ان کی طرف آپ توجہ نہیں

دیں گے اور اگر آپ کو کوئی توجہ نہیں

دینی ہے تو مجھے کچھ نہیں کہنا ہے۔

SHRI TENNETI VISWANATHAM : May I also support the point of view that pending finalisation the existing temporary permits might be continued although they may not entertain new applications ?

SHRI IQBAL SINGH : This clause is the main clause of this Bill. After long deliberation in the Joint Committee and again in the other House this was finally agreed to. What will happen is that when the scheme is published the existing operators will not be disturbed till their time is over. Suppose, a permit is issued for three years ; then, till that period is over they will not be disturbed. When that time is over, Government can have option to give or not to give him a permit. Then, even the operator cannot have any objection.

I cannot accept any amendment to this because this was the properly worded amendment which was put in after considering all the interests and we can go only up to this length.

Moreover, what Shri Lobo Prabhu wants is already given. People who are regular permit holders, if the scheme is approved, will be given the permit up to that time.....(*Interruption*) and when the scheme is finally approved there can be no renewal. If renewal is granted, there can be no nationalisation.

SHRI LOBO PRABHU : Then you give a temporary permit. Don't cancel it till the decision is finally taken. This is very unfair. Supposing the scheme is not sanctioned, this party would have lost that period of time.

SHRI IQBAL SINGH : There are so many schemes. If there is a stay order, then, you say, we should stay everything. There will be difficulties. They will be given temporary permits. But their permits will not be renewed.

SHRI TENNETI VISWANATHAM : If the scheme is not finalised by that date, what is the position ? The term of the temporary permit period is over and there is a gap until you publish your finalised scheme. What is the harm if you renew it until the publication of the finalised scheme? Renewal does not necessarily mean renewal

for three years. This meets natural justice although it may not meet other justices.

SHRI IQBAL SINGH : If that is accepted, then the whole scheme is nationalisation will be affected.

SHRI TENNETI VISWANATHAM : Not at all. It has nothing to do with the nationalisation scheme. It is only granting mercy petition.

SHRI LOBO PRABHU : You don't want to nationalise by unfair methods or pressures like this.

SHRI IQBAL SINGH : We are not giving new permits because that means for three years. But temporary permits will be given. A new permit means a three-year permit.

SHRI LOBO PRABHU : May I explain ? In respect of renewals, I said, you renew it till the scheme is finalised. You have used the word "renewal". It now means there will be no renewal for a further period.

SHRI IQBAL SINGH : That is covered.

SHRI LOBO PRABHU : It is not covered. The words used are :

"no permit shall be granted or renewed during the period intervening between the date of publication, under section 68C of any scheme and the date of publication of the approved or modified scheme..."

All I ask you to remove the word "renew". Certainly don't grant a new permit. But as a matter of natural justice, before a decision is taken, you don't deprive a person of an existing right. It will not affect your nationalisation scheme. I do hope you will agree.

SHRI IQBAL SINGH : A renewal means for a period of three years.

SHRI TENNETI VISWANATHAM : Why is it for of three years ? It

is a temporary permit till the date of the final publication of the scheme.

SHRI LOBO PRABHU : Till the final decision of the scheme is taken.

SHRI E. K. NAYANAR : Only temporary permits should be given, not the permanent permits. Otherwise, it will affect the whole scheme of nationalisation.

श्री तुलसी दास जाधव (बारामती) : जो परमिट शैल बी ग्रान्टेड और रिन्यूड" के माने यही हैं कि पहले जो परमिट दिया उस का पीरियड खत्म होने के बाद नया परमिट नहीं देना है। परमिट तीन साल के लिये होता है तो वह पीरियड खत्म होने के बाद ही रिन्यूअल करना और दूसरा परमिट देना बराबर है। यही इस का अर्थ है।

SHRI IQBAL SINGH : It is provided in the law for temporary permits, not for renewal. The renewal of the permit is for three years. The grant of temporary permits is provided in the clause.

SHRI E. K. NAYANAR : Renewal means for 3 years. But a temporary permit can be given for six months.

SHRI LOBO PRABHU : Would you relate this temporary permit to those whose permits come up for renewal? If you say that, I have nothing more to say. He can get a temporary permit instead of renewal till the publication.

MR. CHAIRMAN : I will put amendments 54 and 100 to the vote of the House.

Amendment Nos. 54 and 100 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 41 stand part of the Bill."

The motion was adopted.

Clause 41 was added to the Bill

Clauses 42 to 51

MR. CHAIRMAN : There are amendments to these clauses;

श्री ओम प्रकाश त्यागी : मैंने लिख कर दिया है अपना अमेंडमेंट। क्लॉज 42 भी लिखा है, 14 वीं लाइन भी लिखा है, लेकिन पेज 9 लिख दिया है। अगर आप देखें तो 42 वां क्लॉज पेज 9 पर हो ही नहीं सकता। अगर आप इसी आधार पर इस को अस्वीकार करना चाहें तब तो बात दूसरी है, मुझे कोई आपत्ति नहीं होगी। लेकिन अगर मेरी बात सुन लें तो ठीक होगा।

SHRI ABDUL GHANI DAR : He can oppose him.

MR. CHAIRMAN : There are no amendments.

श्री ओम प्रकाश त्यागी : मेरा अमेंडमेंट है, आप देख लें।

MR. CHAIRMAN : Not before me. I will give you two minutes to speak on Cl. 42.

श्री ओम प्रकाश त्यागी : जो अमेंडमेंट 89 नं० का है वह क्लॉज 42 पर ही है। मेरी प्रार्थना यह है मंत्री महोदय से कि अगर वह परिवहन अथवा मोटर वेहिकल्स डिपार्टमेंट से करप्शन को निकालना चाहते हैं तो वह परमिट देने के सिस्टम में मेरी प्रार्थना को स्वीकार कर लें। जितनी भी ऐप्लिकेशन्स आयें उन में से जितने परमिट्स वह देना चाहें उनके अनुसार ऐक्सोटेड ऐप्लिकेशन्स पर बाई बिल परमिट्स दें। आज ट्रांसपोर्ट अथॉरिटी में एक एक हजार रुपये नहीं एक एक लाख रुपये की रिश्वत चल रही है। मैंने अमेंडमेंट दिया है कि :

after line 14, insert—

"Provided further that to grant permits to the eligible applicants a ballot shall be held for all the applicants and the necessary number chosen accordingly under the auspices of Transport Authority and in the presence of the applicants."

MR. CHAIRMAN : I have allowed you to speak on clause 42, but not to move your amendment which is not before the House.

श्री ओम प्रकाश त्यागी : मैं अपना अमेंडमेंट सुना रहा हूँ। आप पूछिये कि सही है या नहीं।

MR. CHAIRMAN : You can speak on the clause, but I will not allow you to move an amendment which is not before the House.

श्री ओम प्रकाश त्यागी : मेरा अमेंडमेंट क्लॉज 42 पर है। सिर्फ पेज नं० गलत है। अमेंडमेंट नं० 89 जो है उस को देखिये।

MR. CHAIRMAN : Your amendment 89 has gone under clause 19.

श्री ओम प्रकाश त्यागी : वह क्लॉज 42 के ऊपर लिखा हुआ है। आप देखिये।

MR. CHAIRMAN : It is printed under clause 19. Still, if you want to make some submission, I allow you two minutes.

श्री ओम प्रकाश त्यागी : मेरे कहने का मतलब यह है कि परमिट लेने के लिये जितनी भी ऐप्लिकेशन्स आयें उन में से ऐक्सेप्टेड ऐप्लिकेशन्स पर बाई वॉल्ट परमिट्स देने की बात मंत्री महोदय ऐक्सेप्ट कर लें तो सारा करप्शन समाप्त हो जायेगा और इस में इस गवर्नमेंट की कोई हानि नहीं है। अगर मंत्री महोदय इस को ऐक्सेप्ट कर लेते हैं तो फिर ऐप्लिकेन्ट्स की प्रेजेन्स में बलट होना चाहिये। जिनका नाम निकल आये उन को परमिट दे दिया जाय, बाकी को न दिया जाये। इस से रिश्वत समाप्त हो जायेगी।

श्री इकबाल सिंह : मैं ने कहा है कि हम एक कम्प्रिहेंसिव बिल लायेंगे। उस वक्त जो सर्जेशन इन्होंने अब दो है, ये दे सकते हैं। बाकी सर्जेशंस के साथ उनकी इस सर्जेशन पर

भी गौर किया जाएगा। मैं नहीं कहता हूँ कि इसको मान लिया जाएगा लेकिन इस पर जरूर सोच विचार किया जाएगा।

MR. CHAIRMAN : The question is :

“That clauses 42 to 51 stand part of the Bill”

The motion was adopted

Clauses 42 to 51 were added to the Bill.

MR. CHAIRMAN : Clause 52, Shri Tapuriah is not here, Shri Dar is not here.

The question is :

“That clauses 52 to 61 stand part of the Bill”

The motion was adopted.

Clauses 52 to 61 were added to the Bill.

Clause 62.—(Insertion of new sections 110 CC and 110 CCC)

MR. CHAIRMAN : Shri Srinibas Mishra is not here. Shri Tapuriah is not here. Shri O. P. Tyagi has got amendments No. 101 and 102.

SHRI OM PRAKASH TAYGI: Sir I beg to move : Page 30, line 32,—

for “ by representation of fact which was false”

Substitute “by intentional representation of false fact” (101)

Page 31,—

after line 4, insert—

“ Provided that nothing shall affect the liability of the insurer in respect of payment to be made to third party ” (102)

इनक्वॉरेंस कम्पनी को आपने अधिकार दिया है कि कोई दुर्घटना हो जाए तो जब

क्लेम का समय आए तब वह यह कह सकती है कि इनशोररि ने जो फैंक्ट्स दिए थे वे गलत थे। मैं समझता हूँ कि यह बिल्कुल गलत बात है। मेरी मान्यता यह है कि जब कम्पनी किसी का इनश्योरेंस करती है उस समय वह फैंक्ट्स एंड फिगर्ज की पूरी जांच कर ले और एक बार इनश्योरेंस हो जाने के बाद जब क्लेम का समय आए उस समय वह फैंक्ट्स को किसी भी तरह गलत न बताये। इस में ग्राउंड दिये गये हैं :

The policy of insurance is void on the ground that it was obtained by representation of facts which was false in any material particular.....

दुर्घटना बहुधा सड़क पर चलने वाले गरीब आदमियों के साथ होती है। तब थर्ड पार्टी क्लेम का सवाल आता है। जब यह सवाल आता है तब कम्पनी इसका आधार लेती है कि फैंक्ट्स गलत दिये थे। मेरे पास इस प्रकार के सबूत हैं कि इनश्योरेंस कम्पनी के एजेंट्स कोई न कोई फैंक्ट जानबूझ कर गलत उस में रख देते हैं ताकि उनको मौका मिले बाद में वेईमानो करने का। यह जो आपने लिखा है कि बाई रिप्रिजेंटेशन आफ फैंक्ट व्हिच बाज फाल्स इसको आपको निकाल देना चाहिये। उसको जिस के साथ दुर्घटना हुई है कम्पेंसेशन मिलना ही चाहिये। जब इनश्योरेंस हो उसी वक्त पूरी इनफर्मेंशन की जांच पड़ताल हो जानी चाहिए। अगर ऐसा नहीं होता है तो अन्याय होगा उनके साथ जिन के साथ दुर्घटना होगी।

श्री इकबाल सिंह : जो इस में प्रोवाइड किया है वह लीगल लेंगुएज है। आप जो चाहते हैं अगर उसको कर दिया जाए तो कमप्लिकेशन्स बड़ जायेंगी। इससे फर्क नहीं पड़ेगा। पहले तो इंटेंशनल को साबित करना होगा।

This is a legal terminology. We have provided it. You accept it. Why create complications ?

किसानों की बात होती है, जो देहातों में रहते हैं, उनकी बात होती है। उनको पता नहीं कुछ भी होता है। जितना भी आप इसको कमप्लिकेटिड बनायेंगे उतनी ही मुश्किल ज्यादा होगी।

16.48 hrs.

[SHRI VASUDEVAN NAIR in the Chair]

MR. CHAIRMAN : I shall now put Amendments No. 101 and No. 102 to the vote of the House.

Amedments Nos. 101 & 102 were put and negatived

MR. CHAIRMAN : The question is :
" That clause 62 stand part of the Bill "

The motion was adopted.

Clause 62 was added to the Bill.

Clause 63 and 64 were added to the Bill.

Clause 65.—(Insertion of new section 113A)

SHRI SHIVA CHANDRA JHA : Sir, I beg to move :

Page 31, line 28,—

for "three months" substitute—"five months" (37).

किमी को कोई कार चलाने के लिए मजबूर करता है और इस कानून का भंग होता है, तो इसमें प्रोवाइड किया गया है कि ओनर को सजा होगी। यहां मैं यह कहना चाहता हूँ कि श्री मन्थस की जगह 5 महीने आप कर दें। वह मजबूर करता है चलाने के लिए किसी को

[श्री इकबाल सिंह]

और उस में ऐसी स्थिति आती है तो जहां उस मोटर कार के मालिक को सजा देने की बात है उस में मैं चाहूंगा कि तीन महीने की जगह पांच महीने कर दिया जाय।

SHRI OM PRAKASH TYAGI : I beg to move :

Page 31, line 27,—after “punishable” insert—“on sound proof” (103)

मेरा यह कहना है कि शब्द पनिशेबल के बाद में आन साउंड प्रूफ रख दिया जाय क्योंकि जब तक यह प्रमाणित न हो कि उसी का कुसूर है तब तक किसी को सजा देना यह मैं समझता हूँ कि अन्याय है। इन्होंने लिखा है :

“Whoever being the owner or person in charge of a motor vehicle, causes or permits any person who does not satisfy the provisions of section 3 or section 4, to drive the vehicle shall be punishable with imprisonment which may extend to three months.....”

यह जो आप ने सजा की बात रखी है किसी कार का कोई मालिक है और कोई अन्य उस को ले गया.....

श्री शिव चन्द्र झा : नहीं, इस का यह मतलब नहीं है। इसमें दिया है—काजेज, यानी मजबूर करता है कि चलावे तो ड्राइवर का दोष नहीं है, मालिक का दोष है।

श्री ओम प्रकाश त्यागी : वही मैं कह रहा हूँ। तो उस में जब सजा देने लगे तो साउंड प्रूफ पर देना चाहिए। मालिक ने काज किया या नहीं किया, मजबूर किया या नहीं किया, इस प्रकार की स्थिति उस के कारण पैदा हुई है या नहीं, यह प्रमाणित कर के तब उस को सजा देनी चाहिये अन्यथा सजा नहीं देनी

चाहिए। केवल ड्राइवर ने कोई स्टेटमेंट दे दिया उसी पर उस को सजा नहीं होनी चाहिए।

श्री इकबाल सिंह : चेयरमैन साहब, यह मैं मान इसलिए नहीं सकता कि आज तक तो यही था कि जो सजा मिलती थी वह ड्राइवर को मिलती थी। इस में हमने अमेंडमेंट किया और उसमें अगर् कोर्ट को सबूत मिल जाय तभी कोर्ट सजा देगी वरना तो देगी नहीं। अब उसमें हम साउंड प्रूफ कहे कोर्ट के लिए कि साउंड प्रूफ लो तो यह तो कुछ उचित नहीं मालूम पड़ता। वह तीन महीने की सजा किसी को देगे तो साउंड प्रूफ पर ही देगे। तो इस को उस में स्ट्रेच आउट करना ठीक नहीं है।

दूसरी बात जो है, तीन महीने में सम्भना है बहुत है। अभी यही रहने दें। फिर अगर जरूरत सम्भोगे तो अगले ऐक्ट में फिर इसके ऊपर गौर कर लेंगे।

श्री शिव चन्द्र झा : प्राप निर्धारित करते हैं कि तीन महीने तक सजा वह दे सकते हैं। यानी आप कोर्ट पर भी लिमिटेशन रख देते हैं तीन महीने की। इसलिए मैं चाहता हूँ कि मालिक को सजा देनी है तो तीन नहीं पांच उस की जगह कर दीजिये। कोर्ट हो सकता है कि एक ही महीने की दे। कोई जरूरी तो नहीं है कि तीन ही महीने की या पांच महीने की ही सजा दे।

श्री इकबाल सिंह : चूँकि सेक्शन 13 में तीन महीने हैं इसीलिए इसमें भी मैंने तीन महीने ही रखा है। ड्राइवर को तीन महीने की सजा हो और मालिक को पांच महीने की, यह ठीक नहीं लगेगा। इसलिए इसको इतना ही रहने दिया जाय।

MR. CHAIRMAN : I shall now put amendments Nos. 37 and 103 to vote.

Amendments No. 37 and 103 were put and negatived.

MR. CHAIRMAN : The question is :

"That clause 65 stand part of the Bill".

The motion was adopted.

Clause 65 was added to the Bill.

SHRI TULSIDAS JADHAV : What is the procedure if I want to speak on a clause ?

MR CHAIRMAN : I do not think we can have a general discussinn now. The difficulty is that the time allotted was only 3 hours and we have already taken nearly double that. We have taken almost double the time, that is the difficulty. I can allow only those who have amendments.

Clause 66—(Amendment of section 155).

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 31, line 33,—

for "two hundred" substitute—

"three hundred" (38)

Page 31, line 36.—

for "extend to" substitute—

"be not less than" (39)

सभापति जी, इस में कहा गया है कि जो आफेंस करता है, उस पर जुर्माना 200 रु० तक होना चाहिये, मैं चाहता हूँ कि इस को 300 रु० कर दिया जाय। मेरी दूसरी अमेण्डमेंट में मैं कहता हूँ कि जो दोबारा आफेंस करे, उस पर

जुर्माना 500 रु० से कम न हो इसे आप कम्पलसरी कर दें।

श्री इकबाल सिंह : पहली दफा में हम ने जो 200 रु० जुर्माना रखा है, वह मुनासिब है। लेकिन दूसरी दफा के लिए अगर आप 500 रु० को कम्पलसरी कर देगे तो इस से उनके लिए बहुत हार्डशिप हो जायगी। आप जानते हैं कि इन ड्राइवरों के न जाने कितने चालान होते रहते हैं, पहले ही हमने इन को बहुत सख्त रखा है, लेकिन 500 रु० कर देने से तो उन का जीमा दूभर हो जायगा। इसलिए आप उनकी बाबत भी कुछ सोचें। इस देश में इस एक्ट के नीचे बहुत से चालान होते हैं अगर हर बात में सख्ती कर देगे तो यह भी पता नहीं कि इम्पलीमेंटेशन करने वाले लोगों का जीवन भी कितना मुश्किल हो जायगा। मेरी दरखास्त है कि आप इसके लिये प्रेस न करें।

MR. CHAIRMAN : I put amendment Nos. 38 and 39 to the House.

Amendments Nos. 38 and 39 were put and negatived.

MR. CHAIRMAN : The question is :

"That Clause 66 stand part of the Bill."

The motion was adopted.

Clause 66 was added to the Bill.

MR. CHAIRMAN : The question is :

"That Clauses 67 to 69 stand part of the Bill."

The motion was adopted.

Clauses 67 to 69 were added to the Bill

Clause 70—(Amendment of section 129A).

SHRI LOBO PRABHU : I beg to move :

Page 33, line 2,—

after "vehicle" insert—

"for reasons to be recorded" (56)

This amendment is related to my mistrust of the police. You are giving them power to seize both the vehicle and the registration certificate in respect of autorikshaws which are classified as motor-cycles. What is the necessity for the police to seize the vehicle? Secondly, where are they going to keep these vehicles? Thirdly, for what period are they going to keep them? Is it not enough that they seize the registration certificate and proceed further on that? If you still insist that the vehicle must be seized, I would like the Inspector concerned to be put to the strain of at least giving the reasons why he prefers to seize the vehicle instead of the registration certificate. He should record the reasons. It is a mild amendment which will at the same time save the poor class auto-drivers from the police who now exercise their powers in a very irrational and unfair way.

SHRI IQBAL SINGH : The State Governments have represented to us that in the smuggling of goods some autorikshaws have been used and without this we cannot seize them. This is what is applicable to the trucks. In some places, it has happened that one person goes in a motor-cycle and a truck goes behind so that if there is police the truck can be informed. If they seize a vehicle, they have to challan it; they have to give reasons. The whole thing has to go before a court. In the parent Act it was not there. We received this information and that is why we have made this provision. It is not to punish anybody. Only those who take part in illegal activities will be affected. Only for that purpose we have taken this power.

17 hrs.

SHRI LOBO PRABHU : No body is

objecting to checking smuggling. If the official registration card is not there, he cannot do anything with it. You are effectively checking him and preventing him. I have not asked you to give up your right to seize. I only say do it 'for reasons to be recorded'. I want that so that they may not indulge in seizures too frequently and too freely. I have been reasonable; I have given up many of my amendments. But I think this is rather important and he should accept it.

SHRI IQBAL SINGH : The officer will have to record the reason; he cannot seize a vehicle without recording the reasons. He has to send the challan to the court. He has to give full reason. In some places we find the driver saying: I have no registration; so you take this. Without taking the registration, we cannot prevent this effectively. This is a non-controversial provision which is already applicable to trucks and buses.

MR. CHAIRMAN : I shall put amendment No. 56 to the vote of the House.

Amendment No. 56 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 70 stand part of the Bill."

The motion was adopted.

Clause 70 was added to the Bill.

Clause 71 to 79 were added to the Bill.

Clause 80—(Substitution of Sixth Schedule)

MR. CHAIRMAN : We take up clause 80. There are some amendments.

SHRI IQBAL SINGH : I move :—

Page 43,—

(i) *Omit line 5*

(ii) *after line 11, insert—*

"Tamil Nadu...TN, TM" (116)

SHRI OM PRAKASH TYAGI : I move :

Page 43,—

after line 34, insert—

“NOTE 3. The registration marks shall be displayed in Hindi or English.” (16)

सभापति महोदय, मंत्री महोदय ने इसको स्वीकार कर लिया है कि देश भर में मोटरों पर इस प्रकार की नम्बर प्लेट रहनी चाहिए जिससे किसी भी प्राविंसका पुलिस का सिपाही, आवश्यकता पड़ने पर, उस नम्बर को नोट कर सके। अब अगर अलग अलग रीजनल लैंग्वेज में ही नम्बर प्लेट्स होंगी तो कठिनाई आ सकती है। इसलिये मैं समझता हूँ कि जब भारत में दू लैंग्वेज फार्मूला स्वीकार कर लिया गया है तो फिर उसी के अनुसार मोटरकारों की नम्बर प्लेट्स पर रीजनल लैंग्वेज के अलावा अंग्रेजी और हिन्दी में भी नम्बर प्लेट रहनी चाहिए ताकि किसी स्टेट का सिपाही उसे आसानी से पढ़ सके। अभी फर्स्ट रीडिंग में मंत्री महोदय ने कहा कि उस पर विचार कर रहे हैं। मैं इस अवसर पर आपसे पुनः चाहूँगा कि जब सरकार ने भाषा के सम्बन्ध में पालिसी स्वीकार कर ली है उसी प्रकार से इसमें भी अंग्रेजी और हिन्दी दोनों चीजें स्वीकार कर ली जायें कि उसमें नम्बर प्लेट रहेगी तो मैं नहीं समझता इसमें आपको क्या आपत्ति हो सकती है।

SHRI S. KANDAPPAN (Mettur) : Just a word.

MR. CHAIRMAN : I am very sorry ; please do not persist, because just now, I did not allow another Member to make a general speech. I am sorry.

SHRI S. KANDAPPAN : I am against it, (Interruption)

SHRI IQBAL SINGH : Yesterday, I have explained in full about our thinking in this regard, and we are thinking on those lines. We are going to write to the

State Governments and we want to take their views and then we can form an all-India policy. We are thinking more scientifically, and after all, this is only a consequential amendment. The name Madras was also changed to Tamil Nadu and I have explained in length yesterday what is our thinking on the matter and how we could implement it. This is an enforcement measure, and that is why we want to see that the person who is to enforce it is to be burdened only to an extent so that he is able to enforce it. If he is not able to recollect the numbers, even then, our whole thinking is of no use, and that is why we are thinking how best to do it, and we hope to come to a conclusion. Then we will inform the House and that will be more on a scientific basis. I hope that all of you will agree with this.

MR. CHAIRMAN : I shall put amendment No. 16.

Amendment No. 16 was put and negatived.

MR. CHAIRMAN : The question is : Page 43, (1) omit line 5

(ii) after line 11, insert

“Tamil Nadu ... TN, TM”
(116)

The motion was adopted

MR. CHAIRMAN : The question is :

“That clause 80, as amended, stand part of the Bill”

The motion was adopted.

Clause 80, as amended, was added to the Bill.

Clause 81, was added to the Bill.

Clause 82—(Insertion of the new Schedule)

Amendment made :

(1) Page 45, after Serial No. 12, after line 37, insert—

"13. Motor Vehicles (Madras Amendment) Act, 1957 (19 of 1957) ... The Whole."

- (ii) Pages 45 and 46, Serial Nos. 13 to 34 may be re-numbered as serial Nos. 14 to 35, (117)

(Shri Iqbal Singh)

MR. CHAIRMAN : The question is : "That clause 82, as amended, stand part of the Bill."

The motion was adopted.

Clause 82, as amended, was added to the Bill.

Clause 1,—(Short title and Commencement.)

Amendment made :

Page 1, line 4,

for "1968" substitute "1969"
(113)

(Shri Iqbal Singh)

MR. CHAIRMAN : The question is : "That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made :

Page 1, line 1,

for "Nineteenth" substitute
"Twentieth" (112)

(Shri Iqbal Singh)

MR. CHAIRMAN : The question is :

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill

The title was added to the Bill.

SHRI IQBAL SINGH : I beg to move:

"That the Bill, as amended, be passed,

MR. CHAIRMAN : Motion moved :

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

Shri Jageshwar Yedav wanted to say something on the third reading. Please be very brief.

श्री जयेश्वर यादव (बांदा) : सभापति जी, मोटर बिल में परमिट देने की कोई भी ऐसी व्यवस्था नहीं है जिस की वजह से परमिट देने में भ्रष्टाचार न हो। परमिट देने वाली कमेटी परमिट मांगने वालों को कई कई महीने दीड़ती रहती है, बराबर तारीखें लम्बी देती रहती है और अधिक से अधिक कम्पटीशन रिश्तव देने का करती रहती हैं। अन्त में जो सबसे ज्यादा रिश्तव देता है उसी को परमिट दिया जाता है।

दूसरी बात यह है कि एक आदमी को एक बार में एक परमिट से अधिक न दी जाय तथा परमिट ऐसे आदमियों को दिये जायें जिन के पास कोई रोजी श्रन्धा न हो। दो चार प्रदमियों की कमेटी को बस का परमिट दिये जाने की भी व्यवस्था होनी चाहिये।

बस के परमिट उसी क्षेत्र के लोगों को दिये जायें जिस क्षेत्र के लिये परमिट दी जाये। तीर्थ यात्राओं और मेलों के लिए बहुत सी बसों के लिये परमिट दे दिये जाते हैं जैसे कि हमारे क्षेत्र में चित्रकूट हिन्दुस्तान का सबसे बड़ा तीर्थ स्थान है। वहाँ हर महीने की अमावस्या पर मेला लगता है और सतना जिले, बांदा जिले और इलाहाबाद जिले के जो आदमी हैं वह हजारों बसों के परमिट चार रोज के लिये लेते

हैं और एक एक सड़क से एक एक मिनिट में एक एक बस निकलने की रफ्तार हो जाती है। उन सड़कों पर इतने अधिक मेले चलते हैं कि हर महीने चार, छः या दस ऐक्सिडेंट हो जाते हैं। इस बिल में ऐसी व्यवस्था होनी चाहिये कि मेलों के लिए दिये जाने वाले परमिटों पर कुछ नियन्त्रण हो जिस से ज्यादा भीड़ न हो और यात्री लोग कुचलने से बच जायें।

मैं रात दिन देखता हूँ कि जो बसें और ट्रक चलती हैं उन पर स्थानीय पुलिस चौकियों का इतना नियन्त्रण रहता है कि वह उन लोगों के ट्रकों से अपना मतलब येन केन प्रकारेण सीधा करने के लिये हस्तक्षेप करते हैं और उन की गाड़ियों को पकड़ कर अपने काम में ले आते हैं। यदि वह तैयार नहीं होते तो जानबूझ कर किसी न किसी तरह की तोहमत लगाकर उन पर केस चलते हैं और उनको दबा कर अपना मतलब सीधा करते हैं। इस तरह से पुलिस वाले बिना मतलब छेड़ छाड़ कर के उन को घूस देने लिये मजबूर करते हैं तथा अपना काम करने के लिये ट्रक वालों और बसवालों को मजबूर करते हैं। उन लोगों के लिये इस विधान में कोई व्यवस्था होनी चाहिये ताकि पुलिस वालों का यह करप्शन दूर हो जाये। न तो वह लोग अपना किराया देना चाहते हैं न लगेज का किराया देना चाहते हैं और हर जगह येन केन प्रकारेण उनको रोकते रहते हैं और घूस लेते रहते हैं। इस बिल में इस के बारे में भी कोई व्यवस्था होनी चाहिये।

SHRI S. KANDAPPAN (Mettur) : Sir, there is not much to speak at this stage as the Government has promised to bring forward a comprehensive Bill very shortly. I would like to point out an important fact which has not found a place in this Bill and which I hope will be incorporated in the forthcoming Bill. We know today there is a lot of smuggling going on in this country. There are lorries and other vehicles used for that purpose.

As it is, we do not have any law to confiscate those vehicles. In my State, when we attempted to prevent smuggling of food-grains and other things effectively, our Government contemplated confiscation of lorries that take foodgrains from one State to another or from one district to another in violation of the restrictions imposed. If the Government could amend the Motor Vehicles Act suitably, I am sure it will be an effective check on the smuggling activities going on in various parts of the country.

There is another point I want to impress upon the Minister. In spite of the provision against using Hindi script in name boards, we find even in Delhi, right in the premises of Parliament House, quite a few cars which have got Hindi name boards. In fact, we had occasion to raise this issue and we had also a talk with the Minister. Even though they promise every time that they will take action, somehow they were unwilling to act on that. I would say that the Minister should effectively act on that for the simple reason that if he wants uniformity and mobility in our country it is very imperative for the government to implement this rule about Roman letters effectively.

I may recall here that sometime back a car was seized in West Bengal because the police there were not able to identify the number as it was written in Hindi script. I do not know what happened subsequently. Similarly, soon after the language controversy, my colleague, Shri Sezhiyan, put a Tamil number plate for his car and brought it to Parliament House. So, this kind of competition is not very desirable and it will not lead us anywhere.

I hope our Hindi friends would appreciate the necessity of having Roman numerals in cars. The present idea of the government is very good and if the States agree to it there may not be any necessity for writing any letter except the numerals. In that case, the problem would be simplified and they can stick to Roman numerals.

SHRI SAMBASIVAM (Nagapattinam) : Even government cars are having Hindi numerals.

SHRI S. KANADAPPAN : When a member who, until very recently, was the Government whip says, this, it should be correct.

SHRI SAMBASIVAM : I am not a Government whip.

SHRI S. KANADAPPAN : I hope government would take action soon. Otherwise, the feeling will remain that government say one thing and do another thing, which is not very fair.

Then I come to another point. I happened to travel through a national highway in the Hindi belt, from Patna to Rajgir and I found to my surprise that not even the mile was mentioned in Roman numerals. Leave alone the tourists who come from abroad, it is very difficult even for our own countrymen.....

SHRI B.P. MANDAL : (Madhopura) : You can learn it in half an hour.

SHRI S. KANDAPPAN : It is very uncharitable for our Hindi brethren to compel those of their non-Hindi brethren who want to visit the Hindi belt to learn Hindi. This is not the way to promote national integration. You should have the generosity or magnanimity of having Roman letters, at least in addition Hindi letters. I do not mind your having Hindi numerals but it should be in addition to Roman numerals. You should do this in order to help your own countrymen who come from other parts of India to visit places of Buddhist and other interest in Hindi areas. Even the sign-boards of places are written only in Hindi and they do not know where they are travelling. This is a very sorry state of affairs and I hope government would take some speedy action in the matter.

Lastly, when Dr. V.K.R.V. Rao was heading the Ministry he was very serious about abolishing the octroi. I do not know how far the government have progressed in this matter. If they are not able to persuade the State Government to abolish the octroi they should at least ensure uniformity of rates in order to remove the hurdles that are there in inter-State transport. For example, if somebody has to travel from your State or my State to the north—we know, quite a good number of people

charter buses and come sightseeing to the north or go from here to the south—due to the language difficulty and their not knowing these spots, octroi was collected twice or even thrice and the innocent people thought that probably they had to pay if they wanted to cross that particular area. This is harassment and is a deterrent to the two-way traffic, the inner mobility of our people. It will affect internal tourism, if I may put it that way. 'So, here the Government has got a responsibility and they should try to do something in this regard.

With these words, I hope, the much promised comprehensive and good Amendment Bill to the Motor Vehicles Act will come shortly.

SHRI SHIVA CHANDIKA PRASAD (Jamshedpur) : Make this suggestion to the Tamil Nadu Government also.

SHRI S. KANDAPPAN : For the information of the hon. Member I might tell him that on all the roads as well as on the number plates of buses we do have Roman letters in English.

SHRI SHIVA CHANDIKA PRASAD : From the station no bus has got it in English language. They have it only in Tamil. I know it because I go to Pondy and other places in Tamil Nadu.

SHRI S. KANDAPPAN : Probably it is to teach my hon. friends here. If they change, we will also change.

श्री तुलशी दास जाधव (बाराभती) : सभापति महोदय, मैं ज्यादा टाइम नहीं लूंगा। मैंने तो पहली रीडिंग के वक्त में जो कुछ मुझे कहना था वह कह दिया। एक चीज मैं उस वक्त कहना चाहता था, उस के लिए उठा था लेकिन आपने परमिशन नहीं दी। यह जो 8 किलोमीटर के बजाय 16 किलोमीटर का अमेंडमेंट ऐक्सेप्ट किया है मुझे उस में यह इन्फार्मेशन चाहिए कि हिन्दुस्तान के अन्दर एक स्टेट से दूसरे स्टेट के बीच में, इंटर-स्टेट में अतन्त्र ज्यादा से ज्यादा कितना है जहां से किसी ट्रक या कार मोनर को

जाना होता है ? वह कितना अन्तर है वह लिमिट आप रखिए। ऐसे किसी ने कहा 8, किसी ने कहा 16, किसी ने कहा 32, यह आपको मालूम होगा, या आपके डिपार्टमेंट को मालूम होगा कि दो इन्टर-स्टेट में या उन के बीच में कोई ऐसा एक स्टेट का पोशन आता है तो वह कितना लम्बा है, उतना लम्बा आप रखिए जिससे कि गाड़ी वालों की दिक्कत न हो।

दूसरे यह कहना कि 50 में आप ने कहा कि :

"In section 89 of the principal Act, after the words "when any person is injured", the words "or any property of a third party is damaged," shall be inserted."

अब थर्ड पार्टी के अन्दर गवर्नमेंट भी आ सकती है जैसे मान लीजिए कि एक ब्रिज है और वह टूट जाता है तो उस की भी रिपोर्ट वह गवर्नमेंट को दे। गाड़ी को नुकसान हो या परसन को हो तो वह तो ठीक है लेकिन ड्राइवर जो है वह यह रिपोर्ट भी देता फिरे यह ठीक नहीं है। पुलिस आए और देख ले अपनी आंखों से। यह उस के ऊपर जवाबदेही आप मत रखिए।

श्री शिव चंद्र झा : अध्यक्ष महोदय, सिर्फ दो ही शब्द मुझे कहने हैं। वह यह कि मंत्री महोदय यह साफ कर दें कि कब अपना काम्प्री-हेसिव बिल वह लाने जा रहे हैं ? आगामी सत्र तक क्या हम उम्मीद कर सकते हैं कि आप लाएंगे ? जैसा कि मालूम हो गया होगा, बहुत से संशोधन उनको मानने पड़े, अपने संशोधन भी वह ले आए और फिर भी बहुत सी बातों की सफाई नहीं हो पाई तो इस से मालूम होता है कि विधेयक बहुत साफ नहीं है और बहुत सी बातों की इस में सफाई होना आवश्यक है।

दूसरी बात—जो मैंने रखी थी, वह क्लाइ

वन पास हो गया लेकिन डिफरेंट डेट्स जो आप कहते हैं कि डिफरेंट डेट्स में लागू करेंगे यह बात कुछ समझ में नहीं आती है। जिस रूप में यह विधेयक पास होता है उसे आप एक डेट से लागू करें। कुछ बात आप आज लागू करेंगे कुछ कल करेंगे, कुछ दस साल बाद करेंगे, इस का क्या मतलब होता है ? इसलिए जो कुछ भी लागू करें वह एक साथ लागू हो। नहीं तो इस को वापस ले लें और दूसरा विधेयक लाएं।

तीसरी बात—स्कूल्स और हास्पिटल जोन्स के लिये कोई कानूनी रेस्ट्रिक्शन स्पीड के ऊपर आप ने रखी है या नहीं कि इतनी रफ्तार से ज्यादा नहीं चलेगी और चलेगी तो सजा दी जायगी ? अगर नहीं है तो खास तौर से स्कूल्स और हास्पिटल जोन्स के लिए 25 या 30 मील जो भी ठीक समझें आप निर्धारित कर दें कि इस से तेज वहां गाड़ियां नहीं चलेंगी। यहीं मेरे चन्द शब्द हैं और मैं चाहूंगा कि मंत्री महोदय सफाई करें बरना डिबीजन हो सकता है।

श्री केदार पासवान (रोसेरा) : मैं सभापति महोदय का बहुत आभारी हूं कि मुझे टाइम दिया। मैं मंत्री महोदय से कहना चाहता हूं कि एक तरफ तो श्रीमती इन्दिरा गांधी बैंकों का राष्ट्रीयकरण कर रही हैं, जमीन का राष्ट्रीयकरण कर रही हैं, मकानों का राष्ट्रीयकरण कर रही हैं दूसरी तरफ बसेज जो मिलती हैं वह बड़े बड़े घनाट्य आदमियों को मिलती हैं इस के लिए कोई दूसरा तरीका होना चाहिए गरीब आदमी जो हैं उन की दस बीस आदमी की कोई सोसाइटी बना कर बसों उन को दी जानी चाहिए जिस में उन की बेकारी दूर हो। लेकिन बड़े बड़े आदमी जो दस बीस पच्चीस बसों चलाते हैं उन्हीं को जो यह बसों मिलनी हैं यह गलत है। एक तरफ तो बैंकों का राष्ट्रीयकरण करते हैं और दूसरी तरफ घनों आदमियों को बढावा देते हैं, यह मुनासिब बात नहीं

[श्री केदार पास्वान]

है। मेरा यही कहना है कि गरीब आदमियों को बसें मिलनी चाहिए उन की सोसाइटी बना कर जिस से उन की बेकारी दूर हो।

SHRI IQBAL SINGH : Mr. Chairman, Sir, some hon. Members have at the end given some suggestions.

One was regarding the paying of tourist buses in the country. For that, we have provided a separate clause so that permits for tourist buses may be issued. That is more for internal tourism. So far as the permits are issued, they can be issued to one State. We are going to extend it so that for all the important religious and other festival places the permits can be issued. That way, even internal tourism can be developed. For that, we have provided a separate clause. That is one of the important features of the Bill.

SHRI S. KANDAPPAN : But they should be able to ply without any harassment of the octroi duty being levied at a number of places.

SHRI IQBAL SINGH : I am coming to that.

Regarding the number plates, as I explained yesterday, we are examining the whole issue. We have asked the State Governments whether the policemen on duty, supposing this type of form is there, whenever there is an accident, can locate the number and in what way. It is being done scientifically. After we come to a final conclusion, we propose to bring it in the next Bill and by that time, we hope, whatever decisions are taken will be acceptable to all. In some parts of Canada, there is only the number mentioned. There is no other sign. Now, the traffic is increasing; the number of cars is increasing; the number of trucks is increasing; the number of passengers is increasing and all that. We are examining the whole issue. Regarding accidents, for that purpose, we have appointed a Committee for the Road Safety and we have asked them to examine this issue also so that this may be considered properly. It is just not like taking some point of view. It is

more a question of enforcement. We propose to come to a right conclusion which, I hope, will be acceptable to all the States.

Regarding sign-boards on the national highways, it was taken up in 1960 that, specially, on national highways, after 5th mile, there should be a sign board indicating how many miles away the destination station is. Take, for example, the National Highway from Delhi to Bombay. After 5th or 10th mile, there should be a sign-board indicating how many miles Bombay is. It should be done in respect of all major stations. That is not a local thing. For that, we have said that it should be written in the national language and in English also. Whatever regional language they can write, they can do that. We have no objection to that. They have to write for local stations. Supposing there is a taluka headquarter or a small *mandi*, they can write it in any regional language. We have no objection to that. These things are only for the convenience of the people. This is not to propagate something. This is to provide a convenience to the travelling public so that all may use. If we say that it should be only in English, then millions and millions of our people who do not know English and know only the regional language, will be put to inconvenience. For that we have given some instructions and we are asking the State Governments to implement those instructions. This is a separate thing. One is local thing. Locally they can have it in regional language. They can write any station which they want. They can write the State capital. They can write the district headquarters. But for national highways, for the benefit of long distance passengers, after every 10 miles or 5 miles they have to write it in English and they are doing it. Wherever it is not done, we bring it to the notice of the State Government.

Regarding levy of octroi, I have explained that there are many States where there is no octroi levied. But 5 or 6 States levy this. My predecessor, Dr. Rao, has taken steps and we have discussed this matter in the National Development Council also last year and after that he has written

to all the State Ministers because it is the greatest impediment in the movement of traffic not only for one State but for all the States because now the inter-State traffic is going to develop and octroi will be the greatest impediment there. We are asking the State Governments to remove the octroi. Some are co-operating. Some have promised us and others we are reminding and we hope we will succeed. I won't say that all things will come very soon. We are pressing the State Governments, we are quite alive to this problem and the difficulties of the transport operators as corruption comes in, delay comes in and the people are unnecessarily harassed. All these things are being considered. For that purpose we have written to the Chief Ministers ?

SHRI S. KANDAPPAN : What about confiscation of vehicles indulging in smuggling ?

SHRI IQBAL SINGH : We will examine that. They say that after the Court order they will consider it not before that. We are examining it and in the next Bill we propose to bring, we will take care of that. We have to ask the State Governments about the definition of 'smuggling'. These are things where we have to consult the State Governments also. We do not want that our Act should be applied in such a way that more people are harassed. The minimum harassment should come to our public.

Regarding the different rates which Shri Shiva Chandra Jha has raised—I am sorry I could not mention that yesterday—we have taken action and we are repealing about 35 Acts of State Governments in Cl. 82. These Acts have different interpretations and their clauses are different. For that we have asked the State Governments to send us their comments. This is the only power we take and if we want, we can apply some. Suppose there is one clause regarding filing application. It may be 120 days. Some State Governments say 'You apply it on such and such dates' because there is some legal complication or there may be some other things. For that we have taken this power. Otherwise the Act will apply.

Because we have to repeal about 35 Acts of State Governments, for that purpose

we have taken this power. I hope the hon. Member will appreciate.....

श्री शिव चन्द्र भा : स्कूल जोन में स्पीड के बारे में आपने कुछ नहीं कहा है ।

SHRI IQBAL SINGH : Regarding speed limit in school zones, that cannot be provided in the Act. We have provided one thing. There should be a sign of the school zone when the school is coming. That we have provided in the principal Act. Again regarding further instructions that speed limit may be lowered, that we have provided in the Rules. Where the State Governments think that a hospital is there...

श्री रणधीर सिंह (रोहतक) : चूंकि मिनिस्टर साहब खत्म करने वाले हैं इसलिए आपकी इजाजत से मैं सिर्फ एक बात कहना चाहता हूँ । देहातों में जो बसेज चलती हैं उनके लिये आमतौर पर ये इन्स्ट्रक्शन्स हैं कि स्कूल के लड़के लड़कियों को अपनी बसेज में बिठाया करें । एजुकेशन डिपार्टमेंट और ट्रान्सपोर्ट डिपार्टमेंट की तरफ से पहले से ही इस तरह के इन्स्ट्रक्शन्स मौजूद हैं लेकिन अस्तित्व यह है कि चाहें प्राइवेट बसें हों या स्टेट ट्रान्सपोर्ट हो, वे उनको बिठाते नहीं हैं । देहातों से जवान लड़कियां चार चार पांच पांच मील से आती हैं । इसलिए मैं चाहूंगा कि उनको कहा जाये कि उन इन्स्ट्रक्शन्स पर वे अच्छी तरह से अमल करें और खास तौर से जो लड़कियां और छोटे बच्चे होते हैं उनको जरूर बिठाये । गर्मी के दिनों में उनको बहुत ही मुसीबत हो जाती है ।

SHRI IQBAL SINGH : In regard to these matters, they are enforceable by the State Governments. We can make rules, we can ask them that these signs should be provided and the signs of the speed should be there. It is all left to the State Governments and their Enforcement Departments to take action. We can only provide this. About the facility for school-going children, he mentioned and I may say, they are doing it. I know, in my own State this was done when Sardar Pratap Singh Kairon was the Chief Minister. In

[Shri Iqbal Singh]

other States, we will see to it, if there is any instruction, that may be repeated, and this is a good cause.

MR. CHAIRMAN : The question is :

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

The motion was adopted.

17.38 hrs.

OATHS BILL

THE MINISTER OF LAW AND SOCIAL WELFARE AND RAILWAYS (SHRI GOVINDA MENON) : Sir, I beg to move :

"That the Bill to consolidate and amend the law relating to judicial oaths and for certain other purposes, as passed by Rajya Sabha, be taken into consideration."

This is a Bill to consolidate and amend the law relating to judicial oaths and for certain other purposes. The Bill before the House seeks to implement the recommendations of the Law Commission in its 28th Report.

The Indian Oaths Act, 1873 is a short Act consisting of 14 sections but it is a very important Act. By this Bill that Act is sought to be repealed and in its place a new and shorter Act as recommended by the Law Commission is sought to be enacted.

The most important change sought to be effected in the existing Act, which is an Act of 1873 is to repeal sections 9 to 12 of the Act which provide for settlement of disputes on oath. It is considered to be not a very desirable arrangement that when a party comes to court with a claim and that claim is opposed by the other party there will be a provision by which the court should abdicate its function and the matter left to be decided by the oath of one party or the other before a temple or church or whatever may be the sacred place which

the party may select. I have myself felt while practising in the courts, that this is an arrangement which is degrading. Now, that provision is sought to be repealed. There are 4 sections which provide for that.

There is another new provision namely that the right to make an affirmation instead of taking the oath should be available to every witness and party irrespective of the community to which he belongs. Under the existing Oaths Act this right is available to Hindus and Muhammadans, not to others. This provision by which the right to have affirmation in place of an oath being available only to certain communities is considered to be not a desirable one. Therefore we are providing that if a witness wants to make affirmation instead of taking the oath, that right should be available to him, whatever be the community to which he belongs.

Then we have provided in the Schedule to the Bill two forms of oath/affirmation. Previously the form was left to be settled by the High Court concerned. We thought it would be advisable to have a uniform law in this respect.

Apart from this, there is nothing new in the Bill.

SHRI S. M. BANERJEE (Kanpur) : Then why did he bring it at all ?

SHRI GOVINDA MENON : I brought it for this reason that even small matters are sometimes important. The Act of 1873, as I said, is an Act of 14 sections. If three or four sections from there are repealed, we get a very short Act of 9 sections.

It is very important because the law which makes it an offence to speak an untruth in court is the Oaths Act. I am sure members know that it is not an offence to tell a lie, but it is an offence to tell a lie after having taken oath before a court of law.

SHRI S. M. BANERJEE : After becoming a Minister.

SHRI GOVINDA MENON : What I said applies even to members. Lie becomes