

उपासभाध्यक्ष (श्री जगेश देसाई) :  
उनका कहना तो यह है कि .... (व्यवधान)

श्री जसवंत सिंह : आपने खुद फरमाया है कि अर्नेडमेंट भी तभी लागू होंगे जब गजट नोटिफिकेशन होगी। मेरी गुजारिश यह है कि .... (व्यवधान)

श्रीमती मोहसिना किदवाई : मेरी पुरी कोशिश होगी कि आपने जो मिसालें दी हैं, उस मिसाल में यह न आए।

श्री जसवंत सिंह : मैं जानता हूँ कि आप पर कई तरह के दबाव आयेंगे।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : The anxiety of the House is there and the anxiety is that immediately after it is passed, it should become operational. That is the anxiety.

श्रीमती मोहसिना किदवाई : जो मैंने कहा है कि नोटिफिकेशन के बाद ही यह लागू हो सकेगा उसमें हमारी पूरी कोशिश है कि नोटिफिकेशन जल्दी हो।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : It should be done immediately. Now, has Mr. Jaswant Singh the leave of the House to withdraw his amendment ?

*The amendment (No. 2) was, by leave, withdrawn.*

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : Mr. Ram Sewak, are you moving your amendment ?

CHOWDHARY RAM SEWAK : No, Sir.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : Now, I shall put clause 1 to vote.

The question is :

"That clause 1 stand Part of the Bill."

*The motion was adopted.*

*Clause 1 was added to the Bill*

*The Enacting Formula and the Title were added to the Bill.*

SHRIMATI MOHSINA KIDWAI :  
Sir, I beg to move :

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

*The question was put and the motion was adopted.*

The Vice-Chairman (Shri Satya Prakash Malviya) in the Chair.

*Aircraft (Amendment) Bill, 1988*

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA) : Now, we shall take up the Aircraft (Amendment) Bill, 1988. Yes, Mr. Shivraj Patil.

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND TOURISM (SHRI SHIVRAJ PATIL) : Sir, this is a very simple amending Bill .. (Interruptions) .....

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA) : Order, order, please. Yes, Mr. Minister.

SHRI SHIVRAJ PATIL : Sir, this is a very simple amending Bill. It proposes to make the offence cognizable. Now the offence is not cognizable. It proposes to enhance the punishment from three months to one year and the fine from one thousand rupees to two thousand rupees. This punishment will be imposed on those persons who would commit the offence within a radius of 10 km. from the airport.

Now, Sir, this is a very very simple amending Bill. The purpose of making this amendment is to see that the law

[Shri Shivraj Patil]

becomes very effective and the bird-hits are avoided. Sometimes the rubbish and other substances which attract the birds are thrown out of the houses and they attract the birds and the birds collect there and when the aircraft are flying, they also fly in the opposite direction and they hit the aircraft. The aircraft is also damaged and sometimes it causes loss of life also. In order to see that this is avoided, we are trying to make this law more stringent and more effective. Thank you, Sir.

\*The question was proposed.

DR. (SHRIMATI) SAROJINI MAHISHI (Karnataka) : Mr. Vice-Chairman, Sir, this Bill, the Aircraft (Amendment) Bill, 1988, is before the House. I do not know, Sir, why the Government required more than half-a-century—54 years have passed since 1934—to realise that birds may be causing so much damage to the aircraft. Sir, from 1934 onwards, during that period, there were only very small aircrafts. It may be either the Skymaster or the Dakota or some such aircraft. But since then, in the last 20 years or even more than that, we find wide-bodied jumbo jets, widebodied Boeings, etc. Why didn't the Government feel the necessity of such an amending piece of legislation much earlier? Now at this point this difficulty has been realised. The runway at that time used to be very short, extending to 4500 or 5000 ft. for the Dakota, the Skymaster and others. Later on, when the Caravelle came into existence, it was extended to 9000 ft. and further more they are lengthening, strengthening, widening and shoulder-lighting. All these things started taking place gradually. I find that a number of improvements have come over. Under these circumstances, wide-bodied jets, which measure from one end of the wing to another end of the wing 136 ft. or so,

have been going through the runway. And you can imagine the menace of the bird-hit or the menace of stray dogs also. Even the menace of stray dogs also happens to be there on a runway of 5000 or 7000 or 10,000 ft. If that happens the international flights are entitled to say that they won't have landing as scheduled. They are entitled to it. Whether the International Airports Authority has been able to bring into force all these things, it is very difficult to say.

Then, Sir, coming to home itself, where is the kitchen of Air India in Bombay or in Delhi? Where is the garbage centre of Air India situated in Bombay and Delhi? I am giving the examples of Delhi and Bombay. Of course, there are other airports also. Sir, if you happen to see the garbage centre at 6 o'clock in the morning, you will find a very long queue of people waiting to purchase the thrown-out things, the waste material. They are waiting in large numbers to purchase these things. What is it that is actually going on between these people who throw away things and those people who purchase these things? It is very difficult to say, Sir. Therefore, I would like the Minister to go into this and visit the garbage centre and also the kitchen early in the morning before, of course, anybody goes there. (*Interruptions*) Garbage centre does not mean actually the garbage centre; good things are also thrown away there by the people who are concerned with the throwing away of things. I have seen people waiting in queue there to purchase those things from the garbage centre—of course, very small things. But what exactly is going on between these people under the very nose of the Government, I would like the Minister to go into it and look into all these things.

Sir, I learn that the Canadian Government gave a fellowship to one of the Indian students here to write a thesis on the Vulture Menace and Aviation in India.

I know he went from University to University. Ultimately, the Kerala University gave him the programme to study the Vulture Menace and Civil Aviation in India. How much damage can a single vulture do to an aircraft costing crores and crores of rupees or some 25 crores of rupees? It is very difficult to imagine. But it is a fact that when this wide-bodied jets move, the damage can take place only during cruise and climb in the air. At a height of 33,000 feet, of course no vulture is going to hit the aircraft. It is only during cruise and the climb, that the bird is sucked by the aircraft and the whole aircraft engine comes to a standstill. The life of the passengers is in danger and the entire thing comes to a standstill causing damage to life and property. It may be a small thing. But it is a very big thing as far as the aviation industry as such is concerned. Therefore, I would like the Government to go into this matter at length.

This piece of amendment says that within a distance of ten kilometres from the reference point... Now I do not know what he means by the reference point, whether it is the edge of the airport or it is the middle of the airport. Of course, I am sorry for my ignorance. But from that point up to ten kilometres there should not be any such offence. Anyone causing such offence shall be punishable with imprisonment the duration of which is increased with greater penalty. The amount of penalty has been increased. Now is this penalty going to be a deterrent penalty? I am quite sure that it is a reformatory thing. It is not a punitive thing. But it should be deterrent. By increasing this penalty to this particular amount or by increasing the tenure of imprisonment also, can it prove to be a deterrent factor? This is a point which the hon. Minister should look into. I am sure that he will look into it in order to find out whether it is a deterrent punishment or not.

Sir, at this stage, I would also like to say that the development and technique improvement that has taken place in the aviation industry is very fast. We are now thinking of bringing the amendment after 54 years to the effect that there should not be anything with a distance of 10 kilometres. The whole outlook towards the aviation industry is changing. The perspective planning is improving. By the time we think of an Airbus or 737 or 747 aircraft, some further development takes place in the aviation industry. Now there may be different aircraft which may need a very short runway. They may not require a very long runway. My point is that we are out of touch with the research and development in the aviation industry. The improvements are taking place in such a large measure that we shall have to prove that we are ready for these things also. Therefore, I would like to ask on this occasion whether we have ever tried to find out how much residential area is there within a distance of ten kilometres from the Delhi Airport or Bombay Airport or Madras Airport. Now that is all residential area. Can we say that there should not be any garbage or we should bring the Municipality or the Corporation under control to ensure that there is no garbage or pieces of edibles. When the Air Hostesses get down from the aircraft or the aircraft comes to a halt, they themselves used to throw eatables on the runway. I don't mean only the Air Hostesses. The crew themselves used to throw eatables on the runway. Therefore, I would ask whether the Minister has gone into these things. You have said ten kilometres from the residential area. Of course your own kitchen garbage centres and all these things are there. Have you gone into these things? In Bombay, on the runway itself there are public cottages built up. The High Court gives a verdict and the Jhonparpattis are removed. Cottages are removed. But they come up again on the runway. The total population of these

[Dr. (Shrimati) Sarojini Mohishu] people may be 20,000 or 30,000. I do not know whether the Minister is aware of these things. Every time the cottages are removed, within a fixed period the cottages come up again. Does the Government know that there is a village under neath the run-way in the Delhi airport? There is a village which has got a population, the entrance and exit from whom is under neath the run-way in the Delhi airport. How many times compensation has been paid to remove them from there and how many times they are claiming compensation again? (Time bell rings) Sir, nobody to speak on this Bill.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA)

There are 8 or 9 speakers. The time allotted is only one hour.

DR. (SHRIMATI) SAROJINI MAHISHI : Compensation has been given to those people who are staying in that village underneath the run-way in the Delhi airport. During what political party's regime it has been given, I do not want to explain all that. They will again claim compensation. They will not go. Entrance and exit have been built underneath the run-way itself in the Delhi airport. Under these circumstances, how do you try to keep away all these things at a distance of 10 kms.? You have high-storeyed buildings. There is the Leila Penta hotel about which so much discussion went on. Of course, that has also come up in Bombay. The only thing is that they put a red light on that. The pilots are so efficient and effective that they will come to know of it and they will not go near. With all the sophistication, their radars and the inbuilt system and all those things, they would not go in that direction, and they will try to avoid all those things. Therefore, these things can come up. These have actually come up. The whole thing is complied in violation rather in compliance. I would like to know that with this avi-

ation industry going up so fast and in such a sophisticated way why are taking this much time in bringing forward this amendment which ought to have been brought at least 20 years back when the jumbo jets came, when the white-bodies jets came into existence. The specifications at that time were quite different. The specifications 20 years back when the white-bodied jets came were quite different. The specifications for the run-way, the specifications for the fire-fighter, the specifications for the spare parts and so many other things, of course, have changed quite a lot. Even in 1953-54 when all these Corporations came into existence, at that time also, these things could have been thought of. The Minister may say that he is new. I am not talking to an individual. I am talking to an institution. These things should be thought of. In other countries, we find much lighter construction in the terminal buildings also. Why should in our country be such a heavy construction for the terminal building? And between the terminal building and the aircraft, actually people have to walk a lot experiencing the contrast in climate also extreme heat and extreme cold. Why should these things continue to remain there? Of course, taking into consideration the nature of the soil and the climate in our country, we have to think of so many other things. I am not here trying to go into all those details. But, of course, this is a very small amendment. I do not mean, of course, that in dimension it is a small amendment or it is a big amendment because one vulture can bring to halt the entire aircraft depriving the passengers of their life except according to procedure established by law. There is no law or anything of that sort. Without that they can do all these things, one vulture can do this damage. Therefore, Sir, bird menace is a very important thing. But I would like the Minister to see how far he can look into this aspect. There is this

kitchen and garbage centres throwing up all these things by the Air-India kitchen and so many other kitchens built up by other international airlines. So, a number of things are there. I would like the Minister to go into all these things. It is very essential that this thing should be gone into. But I would like to know whether the Government will be able to implement all these things or prove exception to this amendment rule. I would like to know whether the Government will try to bring this into force without any fear or partiality, or they will keep this as a piece of literature in the statute book which requires to be kept in the cupboard. I would like to know this. I have not got any prejudice or anything of that sort. But with the coming into existence of this most sophisticated aviation industry and the new aircraft with all the facilities and, of course, our trying to compete with other international airlines and also giving better facilities and incentives to the passengers, I want to know whether these things should also come in the way of progress and I quoted the example not only of the bird menace but also of stray dogs. It is the duty of the management or the airport manager, who is responsible for maintaining the runway, and he has to go through the entire runway. . . .

**SHRI SHIVRAJ PATIL :** Madam, this is not a law against vultures or dogs. This is a law against those people who throw rubbish.....(*Interruptions*).

**DR. (SHRIMATI) NAJMA HEPTULLA (Maharashtra) :** This law is not against vultures or dogs, but it is against those people who attract vultures and dogs around airports.

**DR. (SHRIMATI) SAROJINI MAHISHI :** I do not know whether the Minister is cutting a joke or what. This law is not, of course, against the bird menace or the dog menace but it is against those people who are by throwing away

things and rubbish around attracting birds and dogs around the airports and those people should be punished. I said one thing, is the punishment deterrent ? Is the punishment deterrent, you shall have to find out. According to me the punishment is not deterrent. That is number one. Number two, even if we pass this law, the question is whether we shall be able to put into practice, give effect to it because there is no 10 kilometres distance kept by the people. Residential areas come within that limit. Your own kitchen is there, the Air India kitchen is there. Vultures come and other things are there. They come to pick up what is thrown around. These things are situated within a distance of 10 kilometres area.

**SHRI SHIVRAJ PATIL :** If our people are found to be committing any such offences, we will take action against them.

**DR. (SHRIMATI) SAROJINI MAHISHI :** Whether these are our people or your people, we will not be able to distinguish beyond a particular point. As the Minister was good enough to say, the law is not against the vulture. The vultures will not distinguish whether the piece of bread was thrown by the Air India employee or by any other man. The vultures will not be able to distinguish that. Therefore, I would like to bring it to the notice of the Minister that in the larger interests, of course, these things must be brought into practice and effect both in letter and spirit and it should not be just bringing forward a piece of legislation for the sake of bringing it, after a period of 54 years, because it is a 1934 Act.

**डा० (श्रीमती) नाजमा हेपतुल्ला :**  
थक्यू सर, मुझे ज्यादा नहीं बोलना है हमारी सरोजिनी महिषी जी ने बहुत अच्छा बोल दिया है। मैं अपने साथी का शुक्रिया अदा करूंगी कि उन्होंने मुझे अपनी जगह पर बोलने को अलाउ किया हमारे मंत्री जी जो यह एमेंडमेंट लाए

[श्रीमती) नाजमा हेपतुल्ला]

हैं तो वह 10 किलोमीटर के एरियाज में मेरा घर भी आता है, तो यह जो विधेयक लाया गया है उसके अनुसार अगर मैंने कोई कचरा डाला तो मुझे भी पनिशमेंट मिलेगा तो मैंने सोचा कि मैं जरूर इसपर बोलूँ।

पहली बात तो यह कि जैसे कि सरोजिनी मीहशी जी ने जैसी बातें की कि जो बर्ड मैन्स होती है और डाग मैन्स होती है वह वहां पर झोंपड़ पट्टी है और जो लोग वहां रहते हैं उनकी वजह से होती है और खास तौर पर दिल्ली के अंदर मुझे नहीं मालूम कि कोई विलेज ऐसा है जो रन वे के अंदर बना है।

I do not know whether there is any underground village anywhere in Delhi. I do not know. But at least in Bombay the slums around the airport are very dangerous. इतना ज्यादा उनके अंदर गंदगी और

कचरा है कि जिसकी वजह से एयरपोर्ट अथॉरिटी की जमीन के ऊपर वह झोंपड़-पट्टी बनी है। झोंपड़ पट्टी हटाने के लिए महाराष्ट्र सरकार ने बहुत कदम उठाए हैं मगर उसके अंदर उनको इस लिए कामयाबी नहीं मिलती क्योंकि उन लोगों के पास रहने के लिए दूसरी जगह नहीं होती और अगर महाराष्ट्र गवर्नमेंट की तरफ से या सेंट्रल गवर्नमेंट की तरफ से उनको कोई जगह मिलती है तो वह इतनी ज्यादा दूर होती है कि वे वहां से जाते नहीं हैं और अगर जाते हैं तो फिर किसी कारण से वहां वापस आकर रह जाते हैं तो मैं माननीय मंत्री जी के सामने दो मुद्दे रखूंगी कि पहले तो जो वह यह बिल लेकर आ रहे हैं। इसके अंदर जो यह एमेंडमेंट ला रहे

हैं, चाहे यह देर से है या सवेर से मुझे पता नहीं उसके लिए मुझे लगता है कि पहली बात तो थी उसको ज्यादा डिटोरेंट करने के लिए मंत्री जी ने इसके अंदर बढ़ाया है कि उनको पनिशमेंट भी ज्यादा होगा और उसके अंदर उनको भुगतान भी ज्यादा देना पड़ेगा। मेरे विचार में अभी भी कम है क्योंकि जो ओफेन्स होती है और जिसकी वजह से बर्ड हीट होती है और वल्चर आते हैं और जो हवाई जहाज हैं और जैसा कि हमारे साथी ने कहा कि आज एयरक्राफ्ट इतने हवी बाड़ी बने हैं तो जब वह लैंड करने लगते हैं तो अगर कोई चाहे मैं इसलिए नहीं कह रही हूं कि कोई सीख ले, तो सिर्फ 10 क्यूटर छोड़ दे तो वह जहाज गिर जाएगा, वह सक हो जाएगा। यह सिर्फ हिन्दुस्तान की प्राबलम नहीं है बल्कि एक दफा जब मैं जर्मनी में थी और हमारा जहाज सक हो गया था तो डेढ़-दो दिन तक हमको वहां पर रुकना पड़ा। तो हमारा जहाज 747 वहां से उड़ नहीं सका यह समस्या पूरी दुनिया के अंदर है। एयर पोर्ट दूर होते जा रहे हैं और आबादी भी बढ़ती जाती है इतनी बड़ी जमीन बड़े मैट्रोपोलिटन-सिटीज में जहां इंटरनेशनल एयरपोर्ट हो और दुनिया के बड़े बड़े जहाज आए, यकीनन मिल नहीं सकती है जहां बड़े एयरपोर्ट होंगे वहां की आबादी भी बढ़ी होगी चाहे वह हिन्दुस्तान हो, अमरीका हो, यूरोप हो या फार ईस्ट हो, मैं मंत्री जी को यह कहूंगी कि हमारे यहां बंबई में स्लाटर हाउस था तो उसको वहां से हटाकर बांद्रा से हटाकर देवनार ले गए। दो सौ साल पुराना वह स्लाटर हाउस था और उसकी वजह से वहां वल्चर आते थे लेकिन

स्वाटर हाउस को हटाने से यह समस्या सल्व नहीं हुई। आज हमारे सामने जो समस्या है वह गंदगी और गारबेज को हटाने की है। मंत्री जी जाकर देखें जैसा कि सरोजनी महिपी जी ने कहा, मैं समझती हूँ उनको पसंद होगा या नहीं मैं नहीं चाहूंगी कि

The Minister should go to a garbage town; but he should know that it is a terribly dirty condition over there.

जहां तक विफ्लिडिंग का सवाल है, बंबई में 10 माला के ऊपर बनाने की इजाजत नहीं है क्योंकि बड़े जहाजों के आने में उससे मुश्किल होती है लेकिन जहां तक गारबेज का सवाल है, उसके लिए सरकार को कुछ करना पड़ेगा यह चीज वहां की म्यूनिसिपैलिटी या कारपोरेशन के ऊपर छोड़ दी जाएगी तो आपकी समस्या हल नहीं होगी इसलिए यह काम करने के लिए एयर इंडिया और एयरपोर्ट अथॉरिटी को भी कुछ करना पड़ेगा। तभी इस कानून को आप लागू कर सकेंगे। मुझे यकीन है कि यद्यपि यह मुश्किल काम है मगर मुश्किलें तो होती हैं पर उनका समाधान निकालना पड़ता है। इसलिए यह कारपोरेशन के बस की बात नहीं है क्योंकि इतनी ज्यादा गंदगी फैल गई है।

किचन बनाने की जैसा सरोजनी जी ने कहा फ्लाईट किचन बड़े बड़े होटलों को, फाईव स्टार होटलों को भी बनाने की इजाजत आप देते हैं, जो उनके ऊपर मंडेटरी हो कि वे उस इलाके को भी माफ रखें। मुझे मालूम है कि इंटरनेशनल पाईलेट एसोसिएशन ने अल्टीमेटम दिया था कि अगर वर्ड मीनेस खत्म नहीं हुआ तो हम बंबई से हवाई जहाज उड़ाकर

नहीं ले जाएंगे इससे देश को नुकसान होगा और आज जो लाखों करोड़ों रु. होटल वाले कमा रहे हैं, उनका भी नुकसान होगा तो मैं मांग करूंगी कि जब आप उनको लाईसेंस दें तो यह उनके ऊपर मंडेटरी कर दें कि वे अपनी आमदनी का कुछ हिस्सा उस इलाके को साफ रखने पर भी खर्च करेंगे क्यों कि उनके ऊपर भी जिम्मेदारी आनी है।

इसी के साथ मैं यह भी कहूंगी कि जब वहां से झोपड़ पट्टी को आप हटाएं तो ऐसा कानून लाएं कि उनके रहने के लिए जगह मिलेगी वरना वे लौटकर वापस आ जाएंगे।

तीसरी बात मैं कहना चाहती हूँ कि आप यह कानून लाये हैं डेटेंट पनिशमेंट करने जा रहे हैं, लेकिन यह भी आपका कानून स्ट्रिक्ट नहीं है, दूसरे आप किसको आईडेंटिफाई करेंगे कि किसने कचरा फेंका आप सभी लोगों को तो जेल में नहीं डाल सकेंगे तो इसके बारे में भी आपको सोचना होगा।

How will you identify who is the person who committed the crime or the offence? So, I would like him to take these things into account. Thank you very much. I am sure if I am within the radius of 10 Kms., I do not get punished.

SHRI SUKOMAL SEN (West Bengal) : Mr. Vice-Chairman, the hon. Minister while piloting the Bill said that the Bill is very simple and small. There is no doubt that the Bill is small, but whether it is simple, I have my doubts. First of all, as my hon. colleague has already said, although in our country the aviation industry started more than fifty years back, this simple Bill has come before Parliament only this year; although it is known to all that bird hazard is a serious problem in regard to the flying of aircraft.

[Shri Sukomal Sen]

Sir, looking at the manner in which this Bill has been framed, I have my doubts about its implementation. I do not know how the Government will ensure the implementation of the provisions of this Bill. Look at the airports of our country, whether it is Delhi or Calcutta or Bombay. In the case of Bombay, the airport is surrounded by the biggest of the slums of the whole world and several lakhs of people live around the Bombay Airport, in slums. It is mentioned in this Bill: '...prohibiting the slaughter and flaying of animals and of depositing rubbish, filth and other polluted and obnoxious matters within a radius of ten kilometres... But in the case of Bombay, within a radius of ten kilometres, lakhs of people are living. There may not be a formal slaughter house there. It may not be a slaughter house. But there may be a market, a vegetable market or a fish market accompanied by heaps of garbage and this garbage will definitely attract birds. There may be meatshops. There are many shops where goats are killed on the spot. This problem is there whether it is Calcutta or Bombay where lakhs of people live around these airports. Almost all the airports in the country are surrounded by dense population running into lakhs. We may prohibit the setting up a formal slaughter house within a radius of ten kilometres but it will be very difficult to stop the heaping of garbage or the killing of animals because markets etc. will be there. Therefore, the problem will remain. My point is this. I am not opposed to the Bill. But I would like to know how the Government is going to implement the provisions. Otherwise, this Bill will remain, this enactment will remain, only on paper. It will hardly be implemented and the bird hazard which is endangering our aircraft will go on endangering the flights.

It is not merely the bird hazard which is creating the problem for our aircraft. Other reasons, other hazards, are also there. These are not caused by birds, but these are caused by human beings themselves.

People who are running the aviation industry are creating problems, threatening the lives of passengers. According to a study in some newspaper, in regard to aircraft delays, 55 per cent is due to technical snags in the aircraft. This is not caused by birds. This is not due to the bird hazard. This is because of the poor maintenance of the aircraft. Fiftyfive per cent of the delay is due to technical snags.

Then, Sir, there is another report. I do not know whether the hon. Minister knows it or not. Before an aircraft flies, before it takes off, a certificate by an engineer is necessary that the aircraft is okay. It has been reported that in many airports, in the case of the Indian Airlines as well as Air India, printed certificates, signed by the engineer concerned, are kept ready and these are handed over before the aircraft takes off without the aircraft being checked. There are many instances. Perhaps, the Minister knows it. He was supplied with all information, with all facts. In this way, human beings are responsible for the danger caused to the lives of passengers.

Sir, our aircraft are overstrained. An aircraft comes and within half-an-hour it takes off again. There is hardly any time for maintenance. The poor maintenance of the aircraft endangers the lives of passengers. This is not due to bird hazard. There is a report that in Bombay alone, in the month of July, out of 1,240 flights, 880 flights were delayed. It was 40 aircraft per day. That means 65 per cent of the aircraft were delayed in the Bombay region alone in the month of July.

SHRI SHIVRAJ PATIL : Please calculate the statistics which you have yourself given. It does not come to 65 per cent.

SHRI SUKOMAL SEN : If you are satisfied that out of 1240 the number of aircraft delayed is 808, then it is all right.

SHRI KAMAL MORARKA (Rajasthan) : It comes to 67 per cent.

SHRI SHIVRAJ PATIL : I will answer it.



**SHRI SUKOMAL SEN :** Let us come to the point. My point is, while the Minister is piloting the Bill to prevent bird hazard, he should know that his Ministry is ignoring the other hazards by human beings which are endangering not only the aircraft but the lives of the thousands of passengers. So, I would like to draw the attention of the hon. Minister to these problems. Otherwise, only by passing a Bill to prevent bird hazards, all aircraft will not be safe, the lives of passengers will not be safe. That is why I would like to know how he is going to implement the provisions of the Bill. I feel, to a certain extent this Bill is unrealistic. To stop everything within a radius of 10 kms. is something unrealistic. I would like to know how he is going to implement it and how he is going to check the hazards by the human beings of his own department. There is a shortage of aircraft. They are not procuring aircraft and the result is that there is over-pressure and over-strain on the existing aircraft. How are they going to solve all these problems? The Minister has to clarify all these points. Only then piloting of this Bill is going to be fruitful.

Thank you.

**SHRI VISHWA BANDHU GUPTA (Delhi) :** Mr. Vice-Chairman, Sir, I heard the very eloquent speech of Sarojiniji. She was kind enough to mention that it has taken many many years, perhaps 34 years, in bringing forward this amendment. If I remember correctly, the hon. Member herself was an hon. Minister for Civil Aviation and perhaps she will remember that during that period no amendment was brought forward and nothing was done about this. (*Interruptions*)

Mr. Vice-Chairman, I think the hon. Minister has said that this is a simple Bill. It is a simple Bill and a simple amendment, but it does have far-reaching consequences. To meet the bird challenge, bird menace, a committee of experts, call 'Bird Committee' was set up by the Civil Aviation Ministry. These experts made a

number of recommendations and it is quite possible that this recommendation of deterrent punishment may have been one of them. I would like to know whether this is correct and whether there were some other recommendations made by the Bird Committee, whether those recommendations have been implemented and whether it has helped in eradicating this bird menace.

Sir, while, supporting the Bill I do have reservations with regard to the vigilance, how it is going to be kept on the people who are going to defy the law as far as cutting of animals and other offences in this regard are concerned. I think, the main culprits in this connection, apart from Air India and Indian Airlines godowns and garbage etc. are going to be the New Delhi Municipal Committee and the Delhi Municipal Corporation. How is the hon. Minister planning to have vigilance over the radius of 10 kms. that they do not throw garbage? It is their responsibility to collect the garbage, to clean the garbage, to clean the streets. Will the New Delhi Municipal Committee and the Delhi Municipal Corporation be fined every day and booked for this crime every day? I would like to know this because, Sir, as you would perhaps know, even Nand Nagri which has been a very unclean part of Delhi city will be covered where because of recent cholera epidemic and so on, a cleaning drive has gone on for months and months. I would like to know whether this kind of vigilance is going to be kept by the National Airport Authority and what machinery is going to be at the disposal of the hon. Minister to see who is committing the offence and how they are to be booked.

Sir, the main danger to the aircraft, as the hon. Members who spoke before me have indicated, is by the bird being sucked into the engine of the aircraft. It is not so much on the wings or the body of the aircraft, whether they are wide-bodied and so on and so forth. The main danger is when a bird is sucked into the engine. Now this is an international problem. 1

[Shri Vishwa Bandhu Gupta]

think the IATA has also been involved in this in trying to find solutions to this problem. I would like to know from the hon. Minister whether the recommendations of the IATA made in this connection have been taken into account while framing this amendment.

There is another danger—the danger from the dead animals. Now the dead animals are not those killed specifically in slaughter houses and other places I am talking about the dead animals which die a natural death or an accidental death on the roads of Delhi. These animals lie there for two or three days before they are removed by the concerned people. I would like to know from the hon. Minister whether he would make any special effort in this direction to try and see that these animals are removed speedily.

The next point is the nature of the punishment, itself. I feel a fine of a thousand or two thousand rupees is not going to help matters.

**THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA) :** There is provision of imprisonment for one year also.

**SHRI VISHWA BANDHU GUPTA :** Yes, Sir, I know that is a part of the Bill. But what I am recommending is that apart from imprisonment, the value of the punishment fine should also be increased, may be, to five thousand or ten thousand or twenty thousand rupees, or whatever the hon. Minister feels may be more deterrent as far as this particular offence is concerned.

It is a matter also of educating our people. There are a lot of picnic spots around Delhi. We are encouraging the Indian and foreign tourists to come there. We are also encouraging the people who live in Delhi in the thick of the city to come out and have a little good time outside in the open air. But when they go there, the next morning, as the hon. Member has also said about the Air-India kitchens etc., in places like Suraj Kund etc.

which are on the line of the runway, you will find that a lot of picnickers have left a lot of foodstuffs out in the open lawns which attract the birds. I would like to urge upon the Minister to kindly consider this as a part of his drive to see that foodstuffs from the picnic spots are also removed by the NDMC or the DMC, whoever is responsible, so that there is less bird menace.

In any event, Sir, in view of the great importance of life and limb and the very very expensive aircraft that are flying in our country, I support the Bill.

**SHRI L. NARSING NAIK (Andhra Pradesh) :** Mr. Vice-Chairman, Sir, this is a small amendment that has been brought before the House. Though it is a small amendment, it is likely to cause many hindrances in action. Making a law alone is not enough; its implementation is very necessary. I doubt if this law can be implemented because within the radius of the aerodromes there are so many big houses, slums and other constructions which have come up. Firstly we have to take the cooperation of the Municipal Corporation and of the State Governments also. The Municipal Corporations have permitted some houses to be constructed within the radius of the aerodromes, but the question is whether, after getting the permission of the Municipal Corporation, you will be able to make the occupants vacate the houses. So, a difficulty arises there. Not only this.

Nowadays the aircraft are working overtime due to one reason or other. Because of this overwork, greater strain is being put on the aircraft with the result that there is no time left for the cooling of the engine and so on and, because of that, technical snags and technical difficulties arise. Recently when our Prime Minister took two aircraft abroad with him, all the flight timings here were disturbed. The aircraft are not arriving in time, do not have enough time to rest, and due to lack of sufficient aircraft, the same aircraft are being diverted for some other flights. Therefore, they are working overtime and thus

there is no time for checking them properly in order to set right the technical faults and so on. So, we will have to look into this aspect of the matter also.

To control the menace of vultures and other birds, garbage and remnants of dead animal bodies are to be removed regularly. It is a good thing. My doubt is, who will undertake the responsibility for doing that? We all know that near the aerodromes there are some villages and these villagers can be rehabilitated somewhere else. For that purpose land is necessary, but there is shortage of land. The people who are living in the slum areas are mostly labourers and if the labourers are removed from those places and shifted to other places, they will have to go over to the city to work for their livelihood. But they will have to live far away from the city and come to the city daily to earn their livelihood. But how can they come to the city in the absence of proper transport facilities? What transport arrangements will be made for them? So, that question also arises. So, this question of rehabilitation may be considered and the honourable Minister may clarify if there is some specific plan for their rehabilitation. Most of the slum dwellers are very particular about their living nearer their places of work and that is why they should be rehabilitated nearer the city. If some aerodromes are close to sea coasts, some birds will be flying in the sky for fishing and hovering over the aerodromes also. How can you prevent these birds from hovering over the airports which are close to the sea coasts? It is very difficult for us to control them. Is any measure being taken by the Ministry for this or not?

Our colleagues are saying that for bringing this Bill it has taken 34 years, and to understand technical faults it will take further more time. We have to fix the responsibility for the technical faults on the people, for what causes damage to the aircraft. So, my doubt is this. The Act should be amended for fixing the responsibility for technical faults also.

The Indian Airlines now occupy an important place in our economy also. It is attracting many tourists. I want to make a request to the Minister. The present Hyderabad-Cuddapah flights may be further extended. Only that much length of Hyderabad-Cuddapah is not attracting people. That is why that may be extended, making it Hyderabad-Cuddapah-Tirupati. The Hyderabad-Rajahmundry flight should be extended to Vizag.

In this connection I may request the Minister that arrangements should be made for night-landing facilities at Tirupati and Vijayawada.

With this, I conclude. Thank you.

श्रीमती रतन कुमारी (मध्य प्रदेश) :  
उपसभाध्यक्ष महोदय, यह विधेयक जनघन हानि रोकने के लिए अत्यधिक महत्वपूर्ण है अतः इसका समर्थन करते हुए मैं अन्य महत्वपूर्ण मुद्दों पर सरकार का ध्यान आकर्षित करना चाहती हूँ। मात्र विधेयक लाने और इसके पारित हो जाने से दुर्घटनाएँ रुकने वाली नहीं है अपितु इसके लिए आवश्यक है कि निर्धारित नीति निर्देश और कानून का कड़ाई से पालन हो। संशोधित विधेयक का मूल उद्देश्य यह है कि हवाई अड्डे से कम से कम 10 किलोमीटर की परिधि का क्षेत्र गंदगी और आवासीय ऐसे कार्यों से पूर्णतः मुक्त रखा जाये जिससे कि उस क्षेत्र में पक्षियों का जमाव न हो सके क्योंकि विमान दुर्घटनाओं का यह एक महत्वपूर्ण कारण है। अतः स्वाभाविक हो जाता है कि विधेयक पारित हो जाने के पश्चात सरकार इसे कड़ाई के साथ लागू करें। उन प्रतिबंधित क्षेत्रों में आने वाली बस्तियों के नागरिकों को अन्यत्र बसाने के लिए उपयुक्त स्थान की व्यवस्था करे। यदि यह व्यवस्था नहीं होगी तो

## [श्रीमती रतन कुमारी]

वे फिर आकर वहीं बस जायेंगे जैसे कि आजकल आवासीय दिक्कतों के कारण लोग कर रहे हैं। इस विधेयक से निस्सन्देह विमान दुर्घटनाओं के एक कारण पर अंकुश लगेगा। किन्तु इसके अलावा विमान दुर्घटनाओं के और भी ऐसे अनेक कारण विद्यमान हैं। जिनके लिए कोई विधेयक पारित करने की आवश्यकता नहीं। सरकार को इस दिशा में अविलम्ब सक्रियता से कड़े कदम उठाना चाहिए।

उदाहरण के रूप में सम्पूर्ण एशिया में सुरक्षा उत्पादनों में सर्वोच्च स्थान रखने वाले मध्य प्रदेश प्रदेश के जबलपुर नगर के हवाई अड्डे की दुर्दशा को ही ले लीजिए जहाँ मात्र एक माह में एक के बाद एक निरन्तर चार दुर्घटनायें हवाई पट्टी की जोर्णता के कारण घटीं। पहली दुर्घटना में विमान का एक टायर फूटा तो दूसरी में दो टायर और तीसरी दुर्घटना में तीन टायर बर्स्ट हो गये। जबलपुर के हवाई अड्डे की सड़क की इतनी बदतर हालत इसलिए नहीं कि हवाई पट्टी पर अनेक विमानों के आवागमन का भार रहता हो। मात्र एक छोटा सा विमान एक बार आता और जाता है। चूँकि विधेयक का मूल उद्देश्य विमान दुर्घटनाओं को रोकने का है, अतः सुरक्षा संस्थानों, सुरक्षा सेवाओं एवं पर्यटन की दृष्टि से महत्वपूर्ण नगर जबलपुर में वायु सेवा का अत्याधिक अभाव एवं उपेक्षा पर न बोलते हुए मात्र विधेयक के मूल उद्देश्य विमान दुर्घटनाओं को रोकने के प्रयास हेतु सरकार का ध्यान हवाई अड्डों पर व्याप्त असावधानियों एवं अव्यवस्था की ओर आकर्षित करना चाहूँगी।

अतः मेरा सुझाव है कि विधेयक के साथ ही विमान दुर्घटनाओं से होने वाली

जन-धन की राष्ट्रीय क्षति रोकने के लिए हवाई अड्डों को सुव्यवस्थित किया जाए क्योंकि यह भी तकनीकी दृष्टि से नितान्त आवश्यक है। वहाँ रात्रि को विमान उतारने का कोई प्रबंध नहीं है। मैंने खुद इसका अनुभव किया है कि अगर अकस्मात् कोई सुरक्षा विमान वहाँ आता है, तो उसको उतारने की वहाँ कोई व्यवस्था नहीं है जब कि देशभर में सबसे ज्यादा सुरक्षा संस्थान जबलपुर में हैं, जिस से हवाई सेना के आफिसर्स और बड़े-बड़े लोग वहाँ आते हैं। परन्तु विमान का अड्डा ठीक न होने के कारण वह वहाँ आने में बड़ा संकोच करते हैं और जबलपुर के पिछड़ेपन का यह एक खास कारण है।

मैं मंत्री महोदय का ध्यान इस ओर आकर्षित करना चाहती हूँ कि इस प्रकार के शहर में एक सुन्दर हवाई-अड्डा होना चाहिए। इस तरफ वह ध्यान दें, दुर्घटनाओं को टालना तो आवश्यक है ही। धन्यवाद।

**श्री कैलाश पति मिश्र (बिहार) :** उपसभाध्यक्ष जी विधेयक की चर्चा में बल्लर का उल्लेख बहुत ज्यादा आता है। बल्लर को हिंदी में गिद्ध कहते हैं और उनकी दृष्टि बड़ी तेज होती है। गिद्ध दृष्टि इसका उल्लेख बहुत बार आया है। लगता है कि मंत्री महोदय की दृष्टि भी बहुत तेज हो गई है और गिद्ध दृष्टि की तुलना में यह विधेयक आया है।

मेरी समझ में नहीं आता कि इतना छोटा बिल क्यों आया है। आखिर सयका संबंध है क्राफ्ट की सुरक्षा से, क्राफ्ट में यात्रा करने वाली के प्राणों की सुरक्षा से, उसी अमुविधाओं से भी। यह ठीक है कि जिस बात को ध्यान में रख कर विधेयक आया है, उसका भी अपना महत्व है। मुझे याद है कि लगभग पांच वर्ष पहले पटना में नेपाल एयरलाइंस का बोईंग प्लेन चला, धरती छोड़ कर जैसे

की आकाश में गया, सामने से आ करके एक बल्चर टकरा गया। इंजीनियरों का कहना था कि 12 फाउंड के बेट से आकर के टकराया, सामने का चदरा फाड़ करके पायलट की छाती में लगा। सीमाग्य से कोई मरा नहीं, प्लेन धीरे-धीरे आकर के फिर से एथरोडोम पर लग गया और नेपाल वाले मजाक उड़ाने लगे कि भारत सरकार तो हम लोगों को तंग करती ही है, भारत का बल्चर भी हमको तंग करने लग गया है। लेकिन जिस परिवेष्ट में यह विधेयक आया है, मुझे भी शंका हो रही है कि यह लागू कैसे होगा।

अब मंत्री महोदय हंस रहे हैं। वह बिहार से ही संबंध रखते हैं। उनको मालूम है कि पटना हवाई अड्डे के एक तरफ स्लाटर हाऊस है, जिसकी दूरी एक किलोमीटर से भी कम है। दूसरी ओर एक बड़ा चिड़ियाघर शुरू किया गया है। उस चिड़ियाघर में आज शेर भी है, भालू तथा सिंह भी है तथा पोच भी है। ये सब ऐसे जानवर हैं

5.00 P.M.

जिनका भोजन हम सब लोगों को पता है। बेचारा बल्चर जो बहुत दूर आकाश में उड़ता है और छोटा सा मांस का लोथड़ा कहीं भी दिखाई पड़ जाए तो दृष्टि उसकी इतनी तेज है कि वह वहां पहुंचे बिना नहीं रहता है। एरोड्रम के कर्मचारी कभी बंदूक ले करके घूमते रहते हैं और फायर करके उड़ाते रहते हैं। लेकिन यह समस्या वहां पर दिखाई देती है। इसलिए अच्छा होता कि थोड़ा सा व्यापक विधेयक बनाकर लाते। अगर ले आते तो उससे यह मंशा भी समझ में आती कि पारित होने के बाद लागू अवश्य होगा। वह पटना का स्लाटर

हाऊस वहां से हटेगा, चिड़ियाखाना कहा जायेगा, रहने वाले जानवरों के भोजन का क्या होगा? क्या उनका भी स्वभाव बदल जायेगा कि वे मांस खाना छोड़ करके केला खाना शुरू कर देंगे, यह सारा समझ में नहीं आ रहा है? असुविधाएं एक से एक विचित्र हो रही हैं। कई माननीय सदस्यों ने उल्लेख किया है कि बिहार के अन्दर मुख्यतः दो हवाई अड्डे हैं, एक पटना और एक रांची। पटना में तो रात में हवाई जहाज उतरने की व्यवस्था हो गई है, नाइट लैंडिंग की व्यवस्था हो गई है लेकिन रांची में अभी तक नहीं हुई है। 1986 में उसे पूरा करने का सरकार ने आश्वासन दिया था। मैं माननीय मंत्री महोदय से आग्रह करना चाहूंगा कि इसकी जरा छानबीन करें। 1968 में रांची में हवाई अड्डे पर नाइट लैंडिंग की व्यवस्था कराने का सरकार का आश्वासन हो चुका था और अब 1988 में पहुंच गए हैं। एक छोटा सा काम है कि हवाई अड्डे पर रात्रि में हवाई जहाज उतर सके इसके लिए लाइटिंग की व्यवस्था करना, अगर दो वर्ष में यह काम पूरा नहीं हो पाया तो आज यह पारित होने वाला कानून कब लागू होगा, यह मेरी समझ में नहीं आता, हम लोगों का इससे अधिक संबंध पड़ता है। एक प्लेन है 409 और 410। पहले कलकत्ता से चलता था रांची, रांची से पटना, पटना से लखनऊ और लखनऊ से दिल्ली। इधर से शुरू होता था दिल्ली से लखनऊ, लखनऊ से पटना, पटना से रांची और रांची से कलकत्ता। 6 बजे इधर से चलता था और 2 बजे उधर से आता था। अब किस महाप्रभु ने यह ज्ञान दिया समझ में नहीं आता है, ऐसा उसका समय दिगड़

[श्रीमती रतन कुमारी]

गया है कि कोई उसका उपयोग नहीं हो पाता है। अगर दिल्ली से रांची समय पर पहुंचना चाहें या पटना पहुंचना चाहें तो चलने का कोई अर्थ ही नहीं रह गया है। पटना से दिल्ली पहुंच कर समय पर सदन में आ जाएं तो वह समय भी नष्ट हो गया। इसलिए मैं प्रार्थना करता हूं कि 409 और 410 का समय आप बदलिए और 6 बजे कलकत्ता से शुरू कराइये और 6 बजे से ही दिल्ली से शुरू कराइये तभी उस प्लेन का कोई उपयोग है।

महोदय अभी 28 तारीख को भूकंप क्षेत्र का भ्रमण करके मैं चला और सोचा कि 488 से सड़ें आठ बजे रात में चल कर दिल्ली एक घंटा बीस मिनट में पहुंच जाए और 29 तारीख को सदन में उपस्थित हो जायेंगे, एरोड्रम पर मैं पहुंच गया। रैकॉर्डिंग चैकिंग हो गई। प्लेन पर जाकर हम लोग बैठ गए। प्लेन कुछ सरका और आगे बढ़ा, स्ट्रिप पर जाने के बाद घूम करके फिर जहां से शुरू हुआ था वहीं पर आकर खड़ा हो गया। फिर कहा कि एक घंटे के अन्दर चलते हैं। कुछ मकैनिक आए। घंटा भर उसको ठीक ठाक किया। उसके बाद फिर प्लेन चला और चलकर फिर जब स्ट्रिप पर आया तो लगा कि अब हम आकाश की ओर चलेंगे। लेकिन फिर से घूम कर और वहीं पर आकर वह खड़ा हो गया। तब फिर प्लेन में ही सूचना मिलती है कि अच्छा अब आप लोगों को भोजन सप्लायी किया जा रहा है। आराम से भोजन करिए उसके बाद हम चलेंगे। लगभग सड़ें बारह बजे तक ऐसे होता रहा।

श्री राम श्रवणेशी सिंह (बिहार) : कोई मिनिस्टर आने वाला होगा।

श्री कैलाश पति मिश्र : नहीं, माननीय भजन लाल जी भी उसी प्लेन में बैठे हुए थे। एक बजे रात को हम लोग वहां से उतरे बाहर जाने के लिए कोई सवारी उपलब्ध नहीं, फिर सूचना दी गई कि कल दस बजे आप लोग निश्चित आ जाइये 29 तारीख को और ठीक समय पर वहां से फ्लाईट होगी।

दस बजे दूसरे दिन पहुंच गए। वहां आने के बाद पता लगता है कि 11 बजे चलेगा, फिर 11 बजे तक वहां बैठे हैं, सूचना मिलती है कि 12 बजे चलेगा, फिर पता लगता है कि 2 बजे चलेगा, पोगे दो बजे कहा जा रहा है कि अब थह सड़ें तीन बजे चलेगा। संयोग से दो बजे 410 आ रहा था, हाथ-पैर जोड़े कि हमको एडजस्ट करो, पार्सियामेंट का सेशन छुट रहा है।

तो मान्यवर, कभी कभी लगता है कि बैलगाड़ी तो ठीक समय पर चलती है, रेलगाड़ी में भी कभी कभी देर-विलंब होता है, दो दिन बाद ठीक हो जाती है, लेकिन एअरोप्लेन में तो पता ही नहीं चलता कि कितना विलम्ब होगा। अगर इससे कोई कार्यक्रम बनाया, यात्रा तय की तो ठीक समय पर पहुंच भी जाएंगे या सफलतापूर्वक पहुंच भी जाएंगे, सुरक्षित अपने स्थान पर पहुंच जाएंगे, इसका भरोसा ही समाप्त हो रहा है।

मंत्री महोदय ने गिद्ध-दृष्टि का उपयोग किया है, मैं इसके लिए तो बधाई देना चाहता हूं, लेकिन गिद्ध दृष्टि इतनी छोटी नहीं होती। आप इन सारे पहलुओं पर ठीक ढंग से विचार करिए और यह आपको पता लगाना चाहिए कि प्लेन को किस कारण से देर हुई समय पर क्यों नहीं उड़ा? नहीं उड़ा तो दायित्व

किसका है ? कोई रेस्पॉन्सिबल है या नहीं ? इसका कहीं उल्लेख नहीं है, कुछ नहीं पता है हम 28 तारीख रात 8 बजे से लेकर के 29 तारीख के 2 बजे तक छानबीन करते रह गये, पूछते रह गये, कोई बताने के लिए तैयार नहीं कि किस कारण से ऐसा हो रहा है, कौन इसके लिए रेस्पॉन्सिबल है। बाहर आए तो कान में चर्चा आई एअरलाईन के कर्मचारी बता रहे थे कि छह महीने से एक स्ट्राइक चल रही है कौन सी ? गो स्लो स्ट्राइक। क्या मतलब ? उनकी मांगें हैं, मांगें मानी नहीं गयी, सो उसके अगर काम करने वाले समय समय पर योजना पूर्वक इस तरह के हालात पैदा कर देते हैं। अब सरकार उससे कितनी परेशान होती है, पता नहीं, लेकिन यात्री उससे जरूर परेशान होते हैं। तो कारण का पता लगाना चाहिए और रेस्पॉन्सिविटी किसकी है, इसकी जानकारी मिलनी चाहिए। यह जो अप्रत्याशित घटना घट गई, क्या जानबूझकर उसमें कोई शरारत है या साजिश है, इसकी छानबीन होनी चाहिए।

अगर इन सब विषयों पर विचार करके माननीय मंत्री जी यह विधेयक लाते तो मुझे बड़ी प्रसन्नता होती। इतना ही कहकर मैं अपनी बात समाप्त कर रहा हूं। धन्यवाद।

श्री संतोष बागड़ोदिया (राजस्थान) :  
मिस्टर वाइस चेयरमेन.....

श्री राम अवधेश सिंह : आप तो हिन्दी अच्छी जानते हैं, हिन्दी में बोलिए।

श्री संतोष बागड़ोदिया : मैं हिन्दी में बोल सकता हूं, वाइस चेयरमेन साहब, अगर यह मुझे बोले कि एक बार मेरी भी कमी बात मानेंगे।

श्रीराम अवधेश सिंह : मान लेंगे।

श्री संतोष बागड़ोदिया : ठीक है। मैं हिन्दी में बोलता हूं, बहुत मुश्किल तो होगी क्योंकि मैं अंग्रेजी में तैयार करके आया हूं, फिर भी चेष्टा करता हूं।

वाइस चेयरमेन साहब, यह जो हमारे मंत्री महोदय एअरक्राफ्ट (अमेंडमेंट) बिल लाए हैं, यह बहुत ही अच्छा बिल है और इसको सपोर्ट करने के लिए मैं खड़ा हुआ हूं। यह जो बिल है, जो हमारे यात्री हवाई जहाज में घूमते-फिरते हैं उनकी सुरक्षा के लिए, सेफ्टी के लिए बहुत ही आवश्यक है। जैसा मेडम महिपो जी ने कहा कि इसे काफी पहले आ जाना चाहिए था, फिर भी मैं मंत्री महोदय को बधाई देता हूं कि वेर आयद, दुस्त आयद क्योंकि ज्यों ज्यों हमारी ये उड़ानें या हवाई जहाज बढ़ रहे हैं, एअरपोर्ट्स बढ़ रहे हैं, इसकी आवश्यकता ज्यादा महसूस हो रही है। महोदय, मुझे काफी आपका हवाई जहाज काम में लेना पड़ता है और हर बार जब मैं इसमें चढ़ता हूं तो मैं सोचता हूं कि भगवान बचाए, कहीं कोई ऐसी चिड़ियां या कोई ऐसा पक्षी न भिड़ जाय, जिससे उस पक्षी के कारण हम नीचे ही न उतर पायें था अगर उतरें तो ऐसे उतरे कि पता ही न चले। अब इस बिल के द्वारा अगर आसपास की गंदगी दूर हो जाये तो बहुत अच्छा होगा।

महोदय, हमारे कुछ साथी इसमें कुछ कंट्रोवर्सी खड़ी कर रहे हैं, कुछ उनको शंका है कि यह बिल पास हो जायेगा कैसे काम निभेगा ? जैसे गुप्तः जी ने कहा और सभी साथियों ने कहा कि दस किलोमीटर की दूरी पर मकान भी हैं, स्लाटर हाउसेज भी हैं, बस्तियां भी हैं;

### □ श्री संशोध बागडोबिया

यह बात बिल्कुल सही है। मैं उस संबंध में ज्यादा बहस नहीं करना चाहता। मैं सोचता हूँ कि जब यह बिल लाया गया है तो मंत्री महोदय ने सोचा होगा कि उसको कैसे इम्प्लीमेंट करेंगे? लेकिन मैं कहना चाहता हूँ कि इसमें पनिशमेंट के लिए जो पेनेल्टी रखी है, वह कम है, क्योंकि चाहे वह स्लाटर हाउसेज हों, पिकनिक की जगह हों, ईटिंग हाउसेज की जगह हों, बड़े होटल हों—उनके पास पैसों की कमी नहीं है इसलिए इसे एक वर्ष से बढ़ाया जाना चाहिए। पनिशमेंट डिटरेंट होना चाहिए, बड़ी कड़ाई से पेश आना चाहिए क्योंकि इससे हमारे देश, यात्रियों की जान-माल और हवाई जहाज जो कि बहुत महंगे होते हैं और बड़ी मुश्किल से मिलते हैं, उनके लिए भी खतरा पैदा हो जाता है। इसलिए आप इसे बढ़ाकर दस वर्ष कर दें और दो हजार की जो पेनेल्टी है उसे दस हजार, बीस हजार, पचास हजार या एक लाख कर दें। ऐसी पेनेल्टी कर दें जिससे कि उसके कुछ मायने बनें। इसके अलावा दस किलोमीटर के ऊपर जो भी स्लाटर हाउसेज हैं, उनके लिए भी कुछ रेगुलेशन बनाएं जिससे कि जो मरे हुए जानवर हैं वह खुले न छोड़ दिए जाएं नहीं तो दस किलोमीटर के बाहर स्लाटर हाउसेज के कारण भी एअरपोर्ट पर प्रोब्लम हो सकती है।

महोदय, मैं आपके द्वारा मंत्री महोदय का ध्यान आकर्षित करना चाहता हूँ कि सेक्युरिटी के लिए जो एअरपोर्ट पर अधिकारी हैं और इसके अलावा भी जो सेक्युरिटी है उसकी तरफ भी ध्यान दिए जाने की आवश्यकता है। हम इन सेक्युरिटी आफिसर्स को दया पर हैं। ठीक

है उन्हें अधिकार हैं कि वे वहां की सेक्युरिटी का खयाल रखें। लेकिन मेरा मंत्री महोदय से अनुरोध है कि वह सेक्युरिटी आफिसर्स को बताएं कि यात्रा करने वाली पब्लिक के साथ उन्हें प्यार और मोहब्बत से व्यवहार करना चाहिए। हमारे एम.पी.ज. के साथ भी जिस तरह का दुर्व्यवहार होता है उसकी तरफ ध्यान दिए जाने की आवश्यकता है। वे आफिसर्स समझते हैं कि वे एयरपोर्ट के मालिक बन गए हैं। उन्हें एक पोजिटिव डायरेक्शन दी जाए कि उन्हें किस तरह से सेक्युरिटी लानी है? मैंने कुछ दिन पहले मंत्री महोदय को बताया था कि एक आर्डनरी सिटीजन को हवाई जहाज के पास जाने की अनुमति मिल गयी जबकि हमारे राजस्थान के मुख्य मंत्री को रिसीव करने के लिए एम.पी.ज. और जो मंत्रिमंडल के सदस्य थे उन्हें हवाई जहाज पर नहीं जाने दिया गया। मेरे खुद के जाने के बाद भी नहीं जाने दिया गया जबकि एक आर्डनरी सिटीजन जो कि अपने कुछ साथियों को रिसीव करने गए थे, उनको जाने दिया गया। मंत्री महोदय ने जबाब में यह सफाई दी कि वे कोई बड़े आदमी थे या वे किसी बड़े मंत्री महोदय या बड़े लोगों को रिसीव करने गए थे। मैं उसे बुरा नहीं मानता लेकिन एम.पी.ज. और राजस्थान के मंत्री थे उनको नहीं जाने देने में क्या लाजिक है? उसका मुझे आज तक जबाब नहीं दिया। मैं चाहता हूँ कि मंत्री महोदय इस तरफ ध्यान दें या जबाब दें तो बड़ी मेहरबानी होगी। मैं कह सकता हूँ कि हिन्दुस्तान के आजाद होने के बाद किसी एम.पी. ने चाहे वह हमारे साथी हों या विरोधी पक्ष के हों, आज तक किसी एम.पी.



ने टेरेरिज्म नहीं किया। बस तो नहीं छोड़ा होगा। बाम्बे में एक महाशय तो हवाई जहाज में जाकर बैठ गए और जब उनसे पूछा गया कि कैसे गए? पता लगा कि वे पागल थे, इनसेन थे। मंत्री महोदय, मैं वाइस चैयरमेन के माध्यम से आपसे पूछना चाहूंगा कि इनसेन आदमी जब चला गया तो सेन आदमी का क्या होगा? वह चाहे तो प्लान करके जा सकता है इनसेन आदमी चला गया, इसका मतलब सिक्सप्रीटि आफिसर की जिम्मेवारी नहीं है इनसेन आदमी के लिए। इस तरह की सिक्सप्रीटि हमारे यहां हो रही है।

अंत में मैं यह मोका छोड़ना नहीं चाहता। इसलिए मंत्री महोदय का कुछ ध्यान राजस्थान की तरफ दिलाना चाहता हूं क्योंकि राजस्थान एक ऐसी जगह है जहां टूरिज्म काफी बढ़ सकता है। चाहे वह हिन्दुस्तान के लोग हों, चाहे बाहर के लोग हों और उससे राजस्थान की उन्नति भी होगी। अगर मंत्री महोदय थोड़ा ध्यान देकर के हमारे एयरपोर्ट्स और बढ़ा दें, कुछ फ्लाइट्स और बढ़ा दें और भीलगाड़ा खासकर के राजस्थान का बड़ा औद्योगिक स्थान है वहां भी अगर एक फ्लाइट चालू कर दें और जयपुर को अगर वह इन्टरनेशनल एयर पोर्ट बना दें तो उससे दिल्ली को बहुत लाभ मिलेगा। बहुत सा ट्रेफिक उधर डाइवर्ट हो सकता है। दिल्ली में जो काफी भीड़-भाड़का हो गया है एयर पोर्ट पर वह काफी कम हो जाएगा। इन शब्दों के साथ आपने जो मौका दिया, चैयरमेन साहब ने कुछ लोगों को बीच में घुसा दिया, फिर भी कोई बात नहीं, जितना भी मौका दिया उसके लिए धन्यवाद।

**श्री राम अब्धेश सिंह :** माननीय उप-समाध्यक्ष जी, इस बिल का विरोध करने का कोई सवाल नहीं है, इसमें कुछ सुझाव देने का है। कुछ शंकाएं हैं और शंकाओं को मैं व्यक्त करना चाहता हूं।

पहली शंका तो यह है कि जो संशोधन किया गया है उसमें यह कहा गया है कि 10 किलोमीटर के अगन-बगल में गन्दी चीजें रहने से, खाल उतारने तक तो मैं समझ सकता हूं कि जानवरों की खाल उतारी जाए तो उससे गिद्ध बगैरह आ जाएंगे लेकिन जो गन्दी चीजें हैं, आप मुनिए मंत्री जी आपसे बहुत जरूरी बात करनी है, तो माध्यम, गन्दी चीजों का कोई डेफिनेशन नहीं है कि कौन-कौन चीजें गन्दी चीजों की सूची में आएंगी। तो आप गन्दी चीजों को मोटे तौर पर लिख देंगे, कानून बना देंगे और जिनके हाथों में यह कानून का अनुपालन करने की जिम्मेदारी दी जाएगी वे अकसर इसका दुरुपयोग कर सकते हैं। मान लीजिए कि कोई पटुआ सड़ा हुआ है, उससे गिद्ध तो आएगी नहीं लेकिन जब पुलिस का अधिकारी वहां आएगा तो कहेगा कि यह गन्दी चीज है इसलिए डराकर पैसे ले लेगा। तो गन्दी चीज को आप डिफाइन कीजिए। दो चीजों को बहुत साफ कहा कि जानवर स्लौटर हाउस जहां रहेगा तो उसका मांस या खाल जहां रहेगी तो वहां पर मांसबोरे पंथी आएंगे, लेकिन गन्दी चीजों की डेफिनेशन आपको करनी चाहिए नहीं तो उसका दुरुपयोग होता है। हम लोग भारत की पुलिस के चरित्र को जानते हैं कि वह बालू से तेल निकालती है और नहर

[श्री राम अवधेश सिंह]

गिनने का भी पैसा लेते हैं। तो इसलिए मेरी इसमें शंका है और इसका दुरुपयोग हो सकता है। 10 मील का एरिया कोई कम नहीं है। हवाई अड्डे के 10 किलोमीटर का अगल-बगल का एरिया बहुत बड़ा एरिया होता है और इस एरिया में दसियों थाने होंगे और वहाँ की जनता को वह लोग तरह-तरह से तबाह कर सकते हैं।

इसलिए माननीय मंत्री जी जो आपका संशोधन है उसकी इच्छा भले ही कितनी पावन हो, पवित्र हो लेकिन इसका दुरुपयोग हो सकता है। उसके दुरुपयोग की संभावना की ओर मैं आपका ध्यान खींचना चाहता हूँ।

मैं चाहता हूँ कि आप कृपा करके इसकी गारंटी दीजिए कि आप इस कानून का दुरुपयोग नहीं करेंगे इसके पास होने के बाद इसमें आप कोई पूर्व सूचना नहीं देते। इसमें आप खास तौर से डिफाइन कीजिए कि गंदगी में कौन-कौन सी चीजें आएंगी। किसी ने अपने घर का कूड़ा कचरा फेंक दिया, सब्जों के छिलके फेंक दिए, रोटी के टुकड़े फेंक दिए उन पर चील, कौवे या गिद्ध आएंगे। आप उसकी सफाई की जिम्मेदारी पूरी कीजिए। आप उसको मॉनिटर कीजिए। किसी को कानून की गिरफ्त में लेने से पहले उसको सूचित कीजिए, एक बार, दो बार।

श्री शिवराज पाटिल : यह लोकल सेल्फ गवर्नमेंट का काम होता है कि गांव की गलियों की सफाई करें। अगर किसी ने अपने घर के सामने ऐसी चीजें फेंकी हैं जिसको देखकर पक्षी आते हैं तो उनके खिलाफ कार्यवाही की जा सकती है, यह कानून है।

श्री राम अवधेश सिंह : जैसे जानवर की खाल पर गिद्ध आते हैं, पक्षी आते हैं, मांस खोर पक्षी आते हैं, लेकिन क्या अगर वहाँ कौवे, चिड़िया या कबूतर आते हैं, तो आप कितना भी स्वच्छ रखें वे तो आएंगे। आप उनको भी रोकेंगे क्या इसको आपको साफ करना पड़ेगा। इसकी सफाई नहीं करेंगे तो आगे चलकर और गड़बड़ होगी।

महोदय, इस संशोधन पर बहस के दौरान मुझे मौका मिला है तो मैं आपके विभाग की विसंगतियों की ओर भी आपका ध्यान खींचना चाहूंगा। जैसा पार्लियामेंट हाउस से एयर काउंटर से हम रिजर्वेशन कराते हैं और किसी वजह से हम नहीं जा सकते हैं तो वह हमारा पैसा काट लेते हैं, हमारे वेतन से पैसा काट लेते हैं। मुझे ताजी बात याद है। रेलवे में हम लोक संसद सदस्य रिजर्वेशन कराते हैं तो हम पैसा वहाँ भी नहीं देते हैं और अगर किसी वजह से हम नहीं जा पाते हैं तो उसमें पैसा नहीं काटा जाता है। तो आरक्षण के बाद कोई ऐसी परिस्थिति हो गई जिसके कारण हम नहीं जा सके तो रेलवे भी भारत सरकार का एक विभाग है, आप उसमें पैसा नहीं काटते हैं तो हवाई जहाज में भी मत काटिए। आप इस पर ध्यान दीजिए कि जैसी रेलवे में व्यवस्था है वैसी ही संसद सदस्यों के लिए हवाई यात्रा में भी कीजिए।

उसी तरह से मैं आपसे यह भी कहना चाहता हूँ कि पूर्वी क्षेत्र में जो आपकी व्यवस्था है वह बहुत ही खराब है। जैसे पूर्वोत्तर का आर्थिक शोषण हो रहा है, उसी प्रकार से हवाई उड़ान में भी उसका शोषण हो रहा है। अभी शाम को सात

वजे आप लड़नऊ जाना चाहें तो आपको हवाई जहाज मिल सकता है, बंबई जाना चाहें, बंगलौर जाना चाहें तो मिल सकता है, लेकिन पटना जाना चाहें तो आपको नहीं मिलेगा। पटना भी देश की उसी प्रकार से राजधानी है जैसे और है। हम चाहते हैं कि पटना भी अगर आप समझते हैं कि एक राजधानी है तो वहां के लिए भी हवाई जहाज शाम को दीजिए।

मैं चाहता हूं कि इस तरह से टाइमिंग एरेंज करें कि शाम को एक जहाज जाये और पटना 7-8 बजे तक पहुंचे और उधर से 6 बजे कोई चले, चाहे कलकत्ता से आये और चाहे गोहाटी से आये जो पटना ले जाकर यहां ले आये। रांची बिहार की द्वितीय राजधानी है। उसमें एक जहाज जाता है यहां से साढ़े 12 बजे, डेढ़ बजे के करीब और फिर उधर के पांच बजे के करीब आता है।

उपसमाध्यक्ष (श्री सत्य प्रकाश मालवीय): अब आप खत्म करिये।

श्री राम अवधेश सिंह: मैं दो मिनट में खत्म कर रहा हूं। रांची बिहार की द्वितीय राजधानी है। वहां एक टचिंग प्वाइंट है जो साढ़े 12 बजे या एक बजे उधर जाता है और उधर से पांच बजे आता है। रांची से कोई आयेगा दिल्ली तो क्यों आयेगा। किसी बात के लिए आयेगा। रात में सोने के लिए तो दिल्ली में आयेगा नहीं। कोई काम कराने के लिए आयेगा तो सारे वहां से आयेगा। इसलिए 5, 6, 7 या 8 बजे वहां से चले और 10 या 11 बजे यहां पहुंचे। दिल्ली में अपना काम करें और यहां से काम करके पटना रांची हो कर कलकत्ता चला जाये तो भी 8-10 बजे तक पहुंचे

जाये, ऐसी कोई व्यवस्था होनी चाहिए। मैं चाहता हूं कि इस पर जरा ध्यान दें।

कैलाशपति मिश्र जी ने कहा कि थोड़ा टाइमिंग का ख्याल रखें। दो-तीन घंटे पहले एयर पोर्ट पर बुला कर रख देते हैं और फिर निराश होकर लौट जाना पड़ता है। क्या सारे जहाज श्रीलंका में भेज दिये हैं? हवाई जहाज की कमी से टाइमिंग में गड़बड़ी होती है। या फिर हवाई जहाज खराब हों तब टाइमिंग में गड़बड़ी होती है। मैं यह कहना चाहता हूं कि संख्या की कमी की वजह से ही आपकी टाइमिंग में ही गड़बड़ी हो रही है। संख्या दो तरीके से कम होती है। या तो खराब हो गये हों, रिपेयर के लिए पड़े हों कई महीनों से या हवाई जहाज की उड़ान भरने के लिए श्रीलंका में भेज दिये हों। कोई तो कारण होगा जरूर? मैं जानना चाहूंगा किन कारणों से यह टाइमिंग की गड़बड़ी है? तीसरा कारण यह भी हो सकता है कि आपके ऑफिसर गर जवाबदेही हों। वे यह समझते हैं कि हमारे ऊपर कोई कार्रवाई नहीं की जा सकती है। आप इस बारे में कैटेगोरिकली बनाने की कृपा करें। जो खतरा मैंने शुरू में सुझाया है उस खतरे को दूर करने की कोशिश करें क्योंकि आपके पदाधिकारी किसी निर्दोष व्यक्ति को गंदी चीज रखने के लिए अपने घर के सामने रखने का दांव मढ़ कर झूठे केस में फंसाने की कोशिश करते हैं। धन्यवाद।

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Vice-Chairman, Sir, there is no occasion for all of us to oppose the Bill. I rise to support the Bill except that I would like that the penalty proposed may be enhanced. But I

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think that a Bill of this nature gives us an opportunity for introspection. When I look at this Bill from that angle, I find that the implementation part of the original Aircraft Act of 1934 has been a dismal failure. I do not know what the causes are I do not know whether it is the monitoring or the implementation agency which is responsible. I do not know who is responsible for that. But the fact remains that the establishments have come into being within a radius of ten kilometres and it clearly shows that this Act has not been implemented in letter and spirit and something is lacking somewhere. Therefore, the Minister is well advised to go to the original Act and find out how he is going to do it in an effective way under the rules and how he is going to implement it. While stating this, several things come to my mind and I would request the hon. Minister to take them into consideration. The first thing that comes to my mind is that any establishment or a factory which comes under the purview of this Act, if it has been established at a particular point of time, has the clearance been given to that particular organisation or particular institution to set up that factory within a radius of 10 kms. ? If it has not been done, that means, that particulars institution or that particular person has not complied with the Act. So, if it is not complied with the Act, I think, it is time that the Government should act and ask the person to get a licence and, if need be, remove it from the radius of 10 kms. This way alone the old things can be rectified. Now, with regard to the new factories or new divisions that come into being, there is now an Act which we have passed in Parliament called the Pollution Control Act. Under the Pollution Control Act, certain forms are to be filled, and a certain processing has to be done by the applicant. Now, for the clearance of all that, rules have been framed and the forms have been made out. I think, the Minister will be well advised that he should have a contact with the Environment Ministry and incor-

porate one clause in the form itself where a person has got to get a clearance from the Pollution Board. I may add that under the Pollution Control Act...

SHRI SHIVRAJ PATIL : I would like to mention that this law is not enacted to stop anybody from putting up a factory. This law simply says that if you have a factory or if you are going to put up a factory or if you have a house or any other kind of establishment, it is your duty to see that the surrounding of that house or the factory is kept clean. You can slaughter the animal, you can prepare the food inside the house, but you should not throw it in the open so as to attract the birds. Birds should not be attracted. This is the simple thing. This law does not empower any Airport Authority from prohibiting any company or any factory or any household coming up anywhere.

SHRI GHULAM RASOOL MATTO : Mr. Vice-Chairman, Sir, if this is the fact, then it can clearly be taken that the fault lies with those who have been given the authority for implementing this Act. Now, if a particular organisation or a particular plant or a particular factory has not done what is required, I was under the impression that he has to take permission that he will not set up this factory within a radius of 10 kms. But the Minister has clarified that he can set up a factory within a radius of 10 kms, but he has to comply with certain things, that garbage, etc. should not be thrown and things like that. Then, Sir, I think, you will have to gear up your machinery...

SHRI SHIVRAJ PATIL : If you yield for just a minute, there are the specific points which have been raised by the hon. Members. It is an opportunity given to me. The implementation of the law has to be done by the police and the police is with the State Government. Up to this time the police was not able to do that because the Act provided that the offence is non-cognizable, and the police had to go to the Magistrate, get the warrant and then proceed. Now, we are saying that it is not necessary for the police of the State

Government to go to the Magistrate and get the warrant. He can directly proceed against the offender. Again, let us not say that the Airport authority or the Civil Aviation Ministry is responsible for getting all the cities and all the towns cleaned and swept and things like that. This is the responsibility of the local self-government, not of the State Government also. The State Government's municipal ministries are responsible for seeing that the local-self governments are working. What we are doing today is that we are providing an enabling provision in the Act which will empower the police to proceed against the people.

**SHRI GHULAM RASOOL MATTO :** I agree with you. You have further clarified the matter. But still the confusion is there. The confusion in this respect is like this. My point is that you amend the Aircraft Act.

If the Aircraft Bill does not provide monitoring by the civil aviation authorities or the authority prescribed by you under this Act, then the whole purpose will be defeated. If the civic authorities were as efficient as they should have been, then we would not see the slums being created in Bombay, or other cities as my sister, Najmaji has said, which have been created around her house, where two lakhs of people are living around in slums. If the civic authorities had acted in the right way, this would not have happened. My point is simple. My point is that over and above the civic authorities who are responsible for seeing this thing, a monitoring agency by the civil aviation authorities is very necessary to ensure that the civic authorities do their allotted job. I agree that you have now made it cognisable and you have asked the police to take action, but still the point remains who is going to monitor the civic authorities. They have already got so many problems on their hands that it is very difficult for them to come to our rescue to come to the rescue of your Ministry. So, I request you that you give a serious thought to this matter and kindly

consider this and ensure that a way is found out that you have some sort of a monitoring agency for this purpose. Even if an Act is to be amended, it should be done because, after all, this is a very serious problem, as many Members have also stated, and internationally also it is a serious matter. My point is that if this Aircraft Amendment Bill is to be implemented and if it is left only to the civic authorities of that particular area, within the radius of 10 kilometres, it is not going to help the matters and it is not going to help at all. Please consult the State Governments also in order to ensure that the original Act is implemented.

The second point that I would like the hon. Minister to consider is that when this Act was passed, there were not many industries which could fall under the purview of this Act. Now, Sir, there are specific industries like the leather industry, and industries like the food processing industries which were not included in the ambit of this Act. I think that the Minister would be well advised to consider including those industries which can produce garbage and which can attract birds, to be specified under a schedule and they may be required to do what is required to be done under the Act by those particular institutions or individuals.

The new provision states that if any person contravenes any provision of any rule made under clause (qq) of sub-section (2) of section 5 prohibiting the slaughter and flaying of animals and of depositing rubbish, filth and other polluted and obnoxious matters within a radius of ten kilometres from the aerodrome reference point, he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both. Sir, according to my view one year is not enough. Unless the Bill has been passed by the other House also, I would request the Minister to consider—one year is very little—whether he can say that he shall be punishable with imprisonment which may extend to one year,

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or with fine which may extend to two thousand rupees, or with both, and his establishment is closed. Because if there is an establishment which has contravened the provisions and for which a particular person is being fined or jailed that establishment also should be closed. If the Minister kindly considers to incorporate this amendment in the Bill, shall be obliged.

Now, Sir I have already stated that the pollution control has failed. There is no harm, Sir, if the Environment Ministry is also approached by the Civil Aviation Ministry that in the form that is required to be filled by each entrepreneur, this clause whether the provisions of the Aircraft Act, 1934, have been complied with or not, shall also be incorporated so that one is sure that that particular person has complied with that. This also comes under the environment. This will remind him what he is required to do under the Aircraft Act, 1934.

These are my observations. I would request the hon. Minister to kindly consider whether it is possible to amend the Act even at this stage. If it is possible to do it now, let it be done and if it is not possible, I think there is a provision under the rules and he can do that and make this Bill meaningful; otherwise to my mind if there is no monitoring by the Civil Aviation, the civil authorities will not co-operate as they have not co-operated for the last 54 years, and they will not co-operate in future also unless some teeth are given to the Civil Aviation Ministry to monitor it. With these observations, I support the Bill.

SHRI SHIVRAJ PATIL : I would like to thank all the hon. Members for participating in this debate. All the Members have supported the bill. Nobody has said that this Bill should not have been brought to this House, and I am thankful to them for this also.

Almost all the Members have asked for more stringent punishment than provided in the amending Bill. We are enhancing

the punishment from 3 months to one year and we are also enhancing the fine to Rs. 2000. This matter was considered and it was thought that this punishment is enough and it would be possible for us to prevent the offences with this kind of provision in the Act. Let us experiment with this provision and let us find out what its results would be and later on we may think about the suggestions of the hon. Members in the light of our experience.

One fact which I must make clear on the floor of this House is that it is not the responsibility of the Civil Aviation Ministry to keep the areas within the radius of 10 Km from the airport clean. That is the responsibility of those who are living in those areas. Then it is the responsibility of the Municipalities, the Corporations and the local-self governments. The Municipalities and the Corporations are not directly under the control of the Central Government. They are under the control of the State Government. So, it is the responsibility of the State Government to guide and advise the Municipalities and the local self-governments to see that the city is maintained and kept clean and all the areas are kept clean. Let us not go with the impression that it is the responsibility of the Civil Aviation Ministry or the Civil Aviation Ministry has the machinery for doing all these things.

SHRI GHULAM RASOOL MATTO : Is it not the responsibility of the Civil Aviation Ministry to implement this Act ?

SHRI SHIVRAJ PATIL : We do not have the persons we can go to the streets and clean them; we do not have the persons who can supervise that. We are asking the Municipalities; we are asking the police authorities in the States, in the cities and in the Municipal areas to look after the things. Naturally we are interested in seeing that the areas are maintained clean. Some time our people also will be going and seeing whether the area is maintained clean or not but they do not have the paraphernalia and the machinery and if you want

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them to have the machinery required for this purpose, overhead charges will be too high and there would be duplication and under the Constitution it will not be allowed because. That is within the jurisdiction of the State Government. Let us be clear on this point and then we can proceed.

What is it we are trying to do by amending this Act? It is not that this kind of provision was not there. This kind of provision was there. But under the existing provision, a policeman cannot prosecute anybody, he cannot file a case against anybody, without obtaining the permission of a magistrate. The Criminal Procedure Code provides that if we want to prosecute certain persons in certain cases, if they are not cognisable cases, it is necessary for the policeman to obtain the permission of the magistrate before prosecuting him, before filing a case against the person concerned. Therefore, even to prosecute a person who has thrown rubbish on the street, if a policeman has to go a magistrate and obtain his permission, the law becomes too cumbersome and implementation becomes very difficult.

Therefore, one of the things we are trying to do by amending the law is to make this offence cognisable. If the offence is made cognisable, a policeman can file a suit against the offender. The second thing we are trying to do is to raise the term of imprisonment from three months to one year and a fine of Rs. 2,000/-. By amending this law, we are doing nothing more than enhancing the punishment and making the offence cognisable. These are the only two things we are trying to do.

**SHRI GHULAM RASOOL MATTO :** Can the police take *suo moto* action against the person or this has to be at the instance or the reporting of a person?

**SHRI SHIVRAJ PATIL :** The very definition of a cognisable offence empowers a policeman to take action *suo moto*. If you see the Criminal Procedure Code and the Indian Penal Code, the definitions in regard to cognisable and non-cognisable

offences have been given. If the offence is not non-cognisable, he can take *suo moto* action.

**THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA) :** Has he to inform the police station?

**SHRI SHIVRAJ PATIL :** It is not necessary. This is exactly what I am trying to say. It will be clear if you see the definition of a cognisable offence. If a man has been killed, if a man is being stabbed, a policeman can catch hold of him and file a case against him.

**THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA) :** Even then, an FIR will have to be lodged.

**SHRI SHIVRAJ PATIL :** The policeman himself can do it. If the offence is committed in his presence, he can take action *suo moto*. He can himself file an FIR. He can proceed against the offender on his own. This is the definition. We have to understand the legal procedure, we have to understand the provisions of the Criminal Procedure Code and also the implications of this amending Bill. I have no doubt in my mind that you will accept it and there cannot be any other interpretation of the term 'cognisable offence'. When an offence has taken place, a policeman can proceed against the person concerned on his own, *suo moto*. Application is not necessary. When a policeman finds that something is lying in front of the house of a person, he can file a suit against the person concerned. The question is, how are we going to do it? How are we going to prove that a particular man has done it? How are we going to prosecute the owner of the house for the rubbish which is thrown on the ground?

Sir, the law of evidence is there. It is not necessary always to have direct evidence. It is not necessary that somebody must have been standing there, that somebody must have seen a particular person throwing rubbish on the street and then only a case can be filed or the person can

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be prosecuted. The law says that there can be direct evidence as well as circumstantial evidence. If there is circumstantial evidence, on the basis of the circumstantial evidence also, a person can be prosecuted. That is why there is no difficulty in implementing this law. How stringently we have to implement it, whether the police force or those who are responsible for the implementation of the law will implement it properly or not is altogether a different thing. But as far as the law is concerned, there is not going to be any difficulty in collecting evidence, in filing a case in the court of law and producing evidence which would enable the court to punish the person who has thrown rubbish on the ground.

**DR. (SHRIMATI) NAJMA HEPTULLA:** Just one clarification. As I said in my speech earlier, my house comes within a radius of ten kilometres of the airport. Now there is a dust bin put by the Municipal Corporation opposite my house. That kachra does not belong to me alone, it belongs to everybody living in the community. Now, who is to be punished?

**SHRI SHIVRAJ PATIL :** The municipality.

**DR. (SHRIMATI NAJMA HEPTULLA :** But, I will give you an example. That land on which the jhoparpatti is, belongs to the Airport Authority or the Civil Aviation Ministry. The slums are unauthorised there and the municipality does not take the responsibility of cleaning those slums. There are no roads, nobody goes there, no excavating is there at all. We are experiencing these difficulties for the last 20 years. They say that it is not their responsibility. In that case, what are you going to do?

**SHRI SHIVRAJ PATIL :** It is not necessary that the land should belong to the municipality. Even if it does not belong to them they have to clean the area it is their responsibility. If it is a road, they have to clean it and if they are not doing it, they are not doing their duty.

**DR. (SHRIMATI) NAJMA HEPTULLA :** I am telling you about what is practically happening. I know that there are many laws, but what is happening in day-to-day life?

**SHRI B. L. PANWAR (Rajasthan) :** If the land is not handed over to the municipality, they do not clean it.

**SHRI SHIVRAJ PATIL :** Let us not enter into an unending argument. If the municipality is not doing it, if there is a Corporation and it is not doing it, if there is any other government organisation and it is not doing it, and if they are throwing rubbish on the road, I think they become liable to be prosecuted. Whether you prosecute them or not, that is the question to be decided by the local authorities, the local police over there, but there is no bar in prosecuting them.

I would like the hon. Members to understand one more thing. Our aircraft have suffered from the bird-hits. The defence aircraft also have suffered from bird hits. In certain cases we have lost, the aircraft, we have lost valuable lives also and the Defence Ministry has suffered more than the Civil Aviation Ministry in this respect, the reason being that the Defence aircraft fly low and when they fly low, the possibility of the bird-hit is more. Generally, the civil aircraft do not fly low. Once they take off, they go to a certain height. When the aircraft takes off from the airstrip it goes up and within the distance of 10 kms. it goes to such a Height that the birds generally do not cause menace to the aircraft. That is why this 10 km radius limit is provided. The Defence Ministry and the Defence aircraft have suffered. A Committee was appointed. It is not that by only punishing the people we are trying to remove this menace. Punishment is one aspect. Other aspect is the corrective aspect. So, a Committee was appointed under the chairmanship of late Shri Salim Ali. This problem of bird-hit was put before them. This matter was gone into great details. There are others who



have made certain suggestions. The suggestions given were that it is necessary to see that the roads are kept clean and the municipalities also do not allow the rubbish to be dumped at a certain place, that the rubbish is immediately removed, that the entire area is kept clean and all those things. The matter was again referred saying that the municipalities or the Corporations do not have enough of money and who is going to contribute to this. The roads have to be clean, the city has to be clean and it is causing some concern, it is causing some problems. It is the responsibility of the local self-government but some authorities are saying that it is your responsibility why you do not do it. What do we do? We have said: "Well, you shall have to see that the money is found for this purpose and you shall have to see that this kind of cleanliness is maintained in the city". Now if somebody has the money and if somebody wants to help them and if the money is available, then they can do that. If the money is not available at the other end then difficulty will arise.

**SHRI SHANKER SINGH VAGHELA (GUJARAT)** : There are so many doubts raised. This is all beyond us. I would like to know if any kind of suggestion has been made for implementation by the aircraft itself like having some pointed net down the slope or things like that. I am not a technical man, but there is any suggestion like that to give protection in the aircraft itself?

**SHRI SHIVRAJ PATIL** : It is very difficult. I think technologically probably it is not feasible. That kind of suggestion has not been given. The suggestion given by Dr. Salim Ali was that cleanliness should be maintained, the dumps should be cleaned, the municipality should be given other instruments and equipment for cleaning these.

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There are two ways of tackling this problem. One is to see that the area is maintained clean. This is the positive aspect. And the second is, if people are not taking the necessary precaution, they should be punished... Sir, I would request that certain important points have been raised by the Hon. Members and if I do not reply to these, probably they will feel a little hurt. So I would request that time may be given to me also and the other Bill can be taken up a little later.

**THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA)** : Yes, from the aircraft we will go to the motor car.

**DR. (SHRIMATI) NAJMA HEP-TULLA** : What a decline, Sir!

**SHRI SHIVRAJ PATIL** : That is why we are trying to tackle this problem by using two methods. One is the positive method and the second is a penal method. We want to penalise those who do not clean their areas. Then we thought that the positive method would be more useful and it should not be necessary for us to penalise them. But now we are trying to tackle this problem from both the angles.

Sir, I do not think that after this much of explanation on the substance of the Bill, it is necessary for me to dilate any more on this point. Let us be clear that this is not the only method of removing this menace. Let us not be under the impression that we in the Central Government are solely and entirely responsible for this. Cleanliness is the responsibility of other organisations also and we are trying to cooperate with them. They are also trying to cooperate with us. I am not complaining against anybody. They are also trying to do their best. But the problems are there.

Having said this much, I do not think it would be necessary for me to go into

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details on other points which have been raised by the Hon. Members. I would only say that I have noted these points and to the extent possible, we would like to act upon them and it would not be possible for me within the given time to reply to each of the points which have been raised. But there are two or three salient features of the debate to which I would very very briefly reply.

One of the points mentioned was whether the maintenance is good or not. For the information of the Hon. Members I would like to say that the reliability factor, from the point of view of maintenance, is about 90 per cent. Only less than 2 per cent of the aircraft have not been able to fly because of the maintenance factors. The reliability factor is very very high.

6 00 P M

Secondly, I do agree that we shall have to have more capacity. Without having more capacity, it will be difficult to meet all the demands. For the information of the Hon. Members I would like to say that in a large and vast country like ours, the Civil Aviation Ministry is serving with 50 aircrafts. The Indian Airlines is having only 50 aircrafts. We would like to add more aircrafts to the fleet and we have already contracted, the Indian Airlines contracted to get 19 aircraft and 12 more aircraft also will be taken. Permission is given to the Indian Airlines to take six more aircraft on lease. Thus we will be adding to our fleet and be having enough number of aircrafts. It would be possible for us to meet the demand. Again, I would like to say that with 50 aircrafts, flying through the length and breadth of the country, one crore of passengers are transported by the Civil Aviation Ministry.

DR. (SHRIMATI) NAJMA HFP-  
ULLA : Every day ?

SHRI SHIVRAJ PATIL : Not every day. One crore persons are being transported. So, you can realize the immensity of the problem, you can realize how difficult is the problem. But it does not mean that there is no scope for improvement. There have been some difficulties and defects also. It would be our constant endeavour, with all the equipment that we have at our disposal, to provide a service, which is, if not totally acceptable, acceptable to a great extent to the consumers, to the passengers, also.

श्री कलशपति मिश्र : एक पाइंट है, मैं कुछ जोड़ने के लिए नहीं कह रहा हूँ, लेकिन टाइमिंग के बारे में है।

SHRI SHIVRAJ PATIL : मैं उसी पाइंट पर आ रहा हूँ। We are touching about 100 points and we are touching the points throughout the country, if we are flying only 50 aircrafts and we have to see that full security is provided ..... Supposing a passenger has given his luggage and he has not come, the entire luggage has to be offloaded and then the checking has to be done. His luggage has to be removed. All those things are there. Even if there is the slightest doubt about the engine or any part of the aircraft not being proper, even then we do not fly, because once we fly in the sky it will become very difficult. So, all these factors have to be taken into account.

On delay I would like to say that I agree with you that there have been delays and they should not have been there.

श्री कलशपति मिश्र : टाइमिंग के बारे में मैंने कहा, यह जो 410 और 409 है

उपन्यायधर श्री सत्यप्रकाश मालवीय :  
उनका पहले परा रेप्लाय सुन लीजिए।

श्री कैलाशप्रति मिश्र : नहीं-नहीं, आप दूसरा उल्लेख कर रहे हैं। म गूछ रहा है कि यह जो 409 चलता है ..... (व्यवधान)

SHRI SHIVRAJ PATIL : I was trying to say that these delays are there because the machines and the manpower which are available in the Indian Airlines are stretched to the maximum extent. Moreover, the honourable Member himself has seen it. He is making a suggestion to change the time. Now if the time is to be changed to suit his convenience, there is the convenience of other Members and other consumers also. They would come to us and say, "This time is not suitable; you change the time." Then there are people at other places also... (Interruptions). I am not yielding. The point is, if possible, we will certainly try to see that it becomes convenient to you. But if it is not possible this is not an assurance on the floor of the House because if I have to change the aircraft timings according to the convenience of some Members, inconvenience of other Members occurs, we have to take the totality of the convenience of all the people and then we have to fly. I do agree that at times it becomes very inconvenient for some persons when there are others to whom that kind of timing is suitable. That is our difficulty. But, if it is possible, nobody will be as happy as we would be, to provide timings of the aircraft according to wishes of the members, if it is possible... (Interruptions)... I am not yielding; please do not interrupt now. So my request would be : Please understand our difficulties. If there are defects, if there are inconveniences caused, I have been saying that the relations of the Civil Aviation Ministry and all those who are using the aircraft have to be very cordial, and everything you suggest we would like to examine with great respect and with an intention to see that we meet your demands. But in

the existing circumstances if it has not been possible for us to meet your demands, our request to you would be to understand our difficulty; nothing more than that. We are not saying that what you are saying is incorrect; we are not saying that your suggestions are fantastic suggestions and that they are not acceptable suggestions; we will never say that. We will not expect our people who are in the Civil Aviation Ministry to say these things. But the only request would be to understand their difficulty. And this difficulty, in my opinion, is going to be a temporary difficulties. With addition of more aircrafts and with modern equipment and modern techniques it should be possible for us to meet some of the demands of the passengers. We are hopeful ; we are not pessimistic ; we are optimistic. We shall see that the services which are provided to the people are acceptable to the people to a very great extent if not totally and that we are as competitive as any other airline anywhere in the world. Please wait for some time. We will certainly provide these things to you.

Thank you.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA) : Now, the question is :

"That the Bill further to amend the Aircraft Act, 1934, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA) : We shall now take up clause-by-clause consideration of the Bill.

*Clause 2 was added to the Bill.*

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

SHRI SHIVRAJ PATIL : Sir, I move :

"That the Bill be passed."

*The question was adopted*

SHRI GHULAM RASOOL MATTO :  
Sir, one sentence in the third reading.

I would request the Hon. Minister, now that the Bill is being passed, that he should have an exercise in the Ministry. For instance, if somebody does an illegal construction, the ward Officer of that particular area takes cognizance of this and then reports to the Municipal Commissioner who goes to the court. On the same lines, some exercise should be done. It should not be left only to the police to take cognizance of violation of this, but some other machinery should be there. I would request him kindly to ask his Ministry to have an exercise in this respect, and, if possible, to come out with an amendment in this Act in due course of time.

SHRI SHIVRAJ PATIL : To reply to this good suggestion, I should say that under the constitutional arrangement probably municipalities are under the jurisdiction of the State Governments.

SHRI GHULAM RASOOL MATTO :  
Maybe, I agree with you.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA) : The question is :

"That the Bill be passed."

*The motion was adopted.*

#### MESSAGE FROM THE LOK SABHA

Motion regarding committee on Welfare of Scheduled Castes and Scheduled Tribes

SECRETARY-GENERAL : Sir, I beg to report to the House the following message received from the Lok Sabha, signed

by the Secretary-General of the Lok Sabha :

"I am directed to inform you that Lok Sabha, at its sitting held on Tuesday, the 30th August, 1988, adopted the following motion :—

"That this House do recommend to Rajya Sabha that Rajya Sabha do agree to nominate a member from Rajya Sabha to associate with the Committee on the Welfare of Scheduled Castes and Scheduled Tribes of this House for the unexpired portion of the term of the Committee Vice Prof. N. M. Kamble resigned from Rajya Sabha and do communicate to this House the name of the member so nominated by Rajya Sabha."

2. I am to request that the concurrence of Rajya Sabha in the said motion, and also the name of the member of Rajya Sabha so appointed, may be communicated to this House."

#### MOTOR VEHICLES BILL, 1988

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA) : The Motor Vehicles Bill; 88.

डा० श्रीमती नाजमा हेयतुल्ला : (महाराष्ट्र) : इसके लिए कितना समय है ?

उपसभाध्यक्ष श्री सत्य प्रकाश मालवीय :  
तीन घंटे ।

श्री मीर्जा इशविदेग (गुजरात) : हवाई जहाज से तो यह कम गति से चलता है तो इसके लिए तो ज्यादा समय दिया जाना चाहिए ।

श्री राम चन्द्र बिकल (उत्तर प्रदेश) :  
हाउस कब तक चलाएंगे ?

उपसभाध्यक्ष श्री सत्य प्रकाश मालवीय :  
जब तक आप चलाएँ ।