

[Shri Raoof Valiullah] I

I, therefore, urge upon the Government to consider the request of the Government of Gujarat and immediately release the sum of Rs. 200 crores asked for in view of the critical financial position of the State. Sir, since the matter is known to the hon. Minister who also hails from Gujarat, I would request him to give his reaction now because this concerns his Ministry and he knows about it. I would request the hon. Minister to reply.

SHRI B. K. GADHVI: I have noted the point.

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

"That the Bill be returned."

The motion was addpted.

MOTOR VEHICLES BILL, 1983—
Contd.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Now we resume further discussion on the Motor Vehicles Bill. Shri Yashwant to continue his speech.

SHRI B. SATYANARAYAN RED-DY (Andhra Pradesh): Till what time have we to sit?

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): We have to sit up to six and then it will be up to the House to decide.

श्री बी० सत्यनारायण रेड्डी : मालूम तो हो कि ७ बजे तक बैठेंगे या ६ बजे तक बैठेंगे ?

जल-भृतल परिवहन मंत्रालय के राज्य मंत्री (श्री राजेश पायलट) : पहले चलने तो दो ।

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): At 6.00 O'clock hon. Vice-Chairman will take the sense of the House.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): It is only 5.10 now. Generally, the House sits upto six.

SHRI B. SATYANARAYAN RED-DY: So, again at 6 O' clock we have to rise and ask. It is better we decide now itself.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): The Business Advisory Committee has already decided to sit late, after six. Hon Member, Shri Reddy, was there in the Business Advisory Committee.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Now he is bringing it to the notice of the House.

SHRI M. M. JACOB: The Business Advisory Committee in the last meeting decided to skip lunch hour and also to sit late to finish Government business.

SHRI B. SATYANARAYAN REDDY: But up to what time? Are we going to sit up to 9.00 p.m. or 10.00 p.m.?

SHRI VITHALRAO MADHAVRAO JADHAV: We have decided to sit beyond six.

SHRI M. M. JACOB: Mr. Reddy, you have not followed me. I have said that at six hon. Chair will take the sense of the House.

SHRI B. SATYANARAYAN REDDY: That means, again at six we have to rise and ask. Why can't you decide now?

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): It has been circulated in the Bulletin.

PROP. C. LAKSHMANNA: (Andhra Pradesh): That is true, but normally the business hours of the House are up to 5.00 p.m. So, at this hour we can decide up to what time we have to sit.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Let the discussion resume. Yes, Mr. Yashwant Sinha.

SHRI YASHWANT SINHA (Bihar): Mr. Vice-Chairman, I had started- yesterday by saying that I wished to raise a very basic point right in the beginning. Sir, this is a comprehensive Bill which has 217 clauses in it and this is a Bill which is of a technical nature. I do not think anybody can suggest here, either from this side or from that side, that there is any politics in it. This is a straight Bill without any politics in it. It is of a technical nature, but it is a Bill, the provisions of which, when it becomes an Act, will affect us in our day-to-day lives, like the present Bill is doing.

Now the basic point which I wanted to make was, that this relates to the role of institutions. I have moved an amendment with your permission yesterday, suggesting that the Bill be referred to a Selected Committee. I have here the report of the National Transport Policy Committee which was submitted to the Government in May 1980. At page 108A this report says; After making a preliminary scrutiny the Ministry formulated in June 1979—I am laying the emphasis on the date, the period June, 1979—a comprehensive proposal for further amendment of the Act which is given at annexure 11.2. The point I am making is that a comprehensive amendment of the Motor Vehicles Act which was again recommended by the National Transport Policy Committee had already been, or was framed in some manner or other by the Ministry of Transport and Shipping at that time and the date was June, 1979. We have now a Bill which we are discussing in August, 1988. So the Ministry has taken almost ten years, if not more, to bring a comprehensive amendment of the 1989 Act. And the hon. Minister has said that they have 1032 RS—18.

consulted various authorities, various organisations, including the State Governments and a special meeting of the Transport Ministers was held.

Now the point is that in Parliament, those of Us who are in this House or in the other House, what opportunity have we had to make our contribution to this very comprehensive Bill? We will be discussing it for three hours or so, I will speak for 20 minute's, or 15 minutes" or 10 minutes. Other Members will also speak. But there are various important omissions, there are various amendments which will perhaps improve this Bill in a substantial manner. And this is a genuine, honest contribution that we would like to make to a Bill which the Government has taken more than ten years to bring to Parliament. Therefore, I would plead very very earnestly that this Bill be referred to a Select Committee. I am not suggesting that we should take two years or three years. Let us take two months or three months, but let us look at the provisions of this Bill in a comprehensive, in a detailed manner, so that the final product is a little better than what has been presented to us.

The Minister himself had brought a Bill last year before Parliament which he had to withdraw and after a lapse of one year, this Bill has come up again. Nothing is going to be lost if we take it up in the next Session and in the meanwhile a Select Committee at least of this House goes into the various suggestions which might be made. This is the first point I would like to make. I personally feel and the Minister is aware, if-I had been in the Ministry in which I was which he is heading now, as a Joint Secretary I would have had my say much more effectively than I would have today as a Member of Parliament. Now is this what we want to reduce the Parliament to? I am, saying that this is a Bill on which there is no controver-

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sy. We are all interested that a comprehensive Bill should come. I could take two months, three months or even two years advising the Minister as a bureaucrat. But I cannot persuade the Minister to take it to a Select Committee and listen to the important views, the important contribution which the Members of Parliament might have to make. So, as I said, I would very earnestly request the hon. Minister and the Government to consider referring this Bill even at this stage to a Select Committee.

Now I will come to some other aspects of the proposed amendment. The 1939 Act was primarily to regulate road transport specially in relation to railways. Therefore the 1939 Act was entirely regulatory in character, it had no developmental aspect. The National Transport Policy Committee and the other Committees which have gone into this had recommended, and the Minister was giving us statistics yesterday in his introductory remarks that despite the regulatory, restrictive nature of the 1939 Act, there has been a phenomenal growth of road transport. From 3 lakh 50 thousand, we have 7 lakh vehicles in recent years. Now there has been a tremendous expansion, whether it is passenger transport, or goods transport by road, whether it is motor vehicles or personalised mode of transport. Now the point is that any new amendment of the Motor Vehicles Act must take into account the developmental aspect. Today In 1988, no Bill can be brought or should be brought, before Parliament, which does not take adequate care of the developmental aspect of an industry which contributes—as I am sure the honourable Minister is aware—more than Rs. 4,500 crores as annual revenue to Government coffers.

I will come to other aspects later, but what I would like to say is that

this Bill suffers from one basic defect and that basic defect, to my mind, is that it continues to be regulatory, it does not give importance to the developmental aspects as it should have done. For instance—I am only taking these points from the National Transport Policy Committee Report—let us take development of infrastructure for transport. We are not saying anything about infrastructure. I am not talking of national highways or State highways or rural roads but I am talking of other things. You have a very, very brief reference in one of the provisions of this Bill to bus terminals, passenger terminals and roadside facilities. This is very, very important.—to my mind because a phenomenal growth of road transport has taken place without the infrastructure developing in a proportional manner. In fact, this aspect of our road transport policy has been totally neglected. There are hardly any bus or truck terminals. Especially for trucks, we have nothing even on our national highways. I do not know what has happened to the various schemes which we had at one time. We were supposed to set up one truck parking complex at Murthal in Haryana. But you are aware, Sir, that on any road, whether a national highway or a State highway, you see trucks parked in a haphazard way at roadside dhabas, and they create enormous traffic problems; they create problems for other users of the road. We have done very little and there is nothing to indicate that this matter is being taken seriously. Similarly on fare and freight policy. What is going, to be our long-term fare and freight policy, in what manner we want to regulate it. what should be the basic ingredients, what should be the rational behind fixing the rates of fare and freight by the State, by the municipalities or any-body who is running a transport? These things could have been gone

into in greater detail and determined in the Bill itself so that you could

give clear guidelines to the State Governments to follow.

The other is in regard to goods booking agencies. This is one aspect which is again absolutely chaotic. The honourable Minister has brought a Bill and very kindly referred it to a Select Committee—of which I am also a Member—in regard to licensing of Shipping agents. What about the licensing of goods booking agents in road transport? Considering the enormous traffic which is moving by this mode, what are you going to do about this? With the risks involved and all that, this in itself is an enormous field which needs looking into.

Then we have the question of nationalization and a clear demarcation between public and private transport not only in the goods sector but also, and more particularly, in the bus transport sector.

Then, coordination with the railways. I think we have, in this Bill also, depended on the old provisions. We have done nothing dynamic, we have not thought of any fruitful coordination with the railways and, I am sure, the honourable Minister is aware that both in passenger and goods transport if there is an inter-nodal coordination between road transport and the railways, both can function far more effectively, far more efficiently, than they are doing at the moment.

Then, on the question of fuel economy in transport vehicles, on the question of containerization, there are any number of points which concern themselves with the development of road transport which, I am sorry to say, have received scant attention even in the new Bill. Now, another point I raise is in regard to road safety, I mean, this is a major area. What is involved in this? I was going through the debate in the other House, and I found that a lot of statistics have already

been given to the Minister. I am sure, he is aware of them even otherwise. So, I will not take the time of the House on that. But road accidents, traffic accidents, fatality in traffic accidents, the number of deaths which are taking place on our roads every year, the incidence of accidents compared to the number of vehicles, compared to the total population in our country are the highest in the world, and I am sure the Minister is aware of it.

Four things contribute to road safety. The first is the driver himself. The second is the vehicle, the condition of the vehicle. The third is the rule of the road, The fourth is the condition of the road itself. I will leave the last part because though it is the concern of his Ministry, it is another subject altogether. But the driver, the vehicle and the rule of the road are the three aspects which have been covered in this Bill. Now, the question of drivers. No doubt, improvements have been made in regard to the issuance of driving licences.

But before I come to that, I would like to take a minute of your time, Sir, in regard to the definitions which I was suddenly reminded of when I started discussing driving licences. In the new Bill which we are considering, "driver" has been defined. It says:

"Driver" includes, in relation to a motor vehicle which is drawn by another motor vehicle, the person who acts as a steersman of the drawn vehicle; "

The definition in the old Act was:

"Driver includes, where a separate person acts as a steersman of a motor vehicle, the person as well as any other person engaged in the driving of the motor vehicle."

I have not been really able to understand why this definition in the old"

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Act, the 1939 Act, has been changed and what exactly is meant by saying that driver includes only the steersman of the drawn vehicle. I feel most confounded, and I would like to be enlightened when the Minister gives his reply on this.

There are 17 other definitions which have been either changed or have been introduced a new in the definition section, and despite these, three or four definitions have been completely omitted.

For instance, it was pointed out in the other House that "ambulance" has not been defined.

It has been pointed out that "auto, (rickshaw" has not been defined. I would also specially like to draw the attention of the Minister to the fact that we had a scheme, I remember, at one time, for motorising cycle-rickshaws in order to do away with the drudgery, inhumanity, humiliation of the manually drawn rickshaw. We had decided, the Government had decided that motorised cycle rickshaws would be in operation. A lot of research is being carried out in this field. "Motorised cycle rickshaw" has not been defined. If it is in operation—Mr. Matto is pointing out that it is in operation—as an indeterminate vehicle its definition has not been mentioned. It is outside the purview of this Bill. I wanted the Bill to be referred to a Select Committee. These are the things that I would like to point out.

As I was saying, the question about driving licence has been raised here. I am saying that the issuance of a licence has been made more difficult. A point has been made, and very rightly made in the Lower House, that when you come to the question of a commercial vehicle, a heavy goods vehicle especially, then, you are imposing a condition that he must hold a licence for a motor vehicle for two years. The point

made in the other House is that he must have the experience of driving a motor vehicle, a light motor vehicle, for two years. This, I think, is a very very important amendment which was suggested there, and it should be taken into account because merely holding a driving licence is not enough. Unless that fellow gets some experience of driving a light motor vehicle, he will not be able to be a good driver of a heavy goods vehicle or heavy passenger vehicle. We know that the biggest culprits on our roads, the real killers on our roads are these more than anybody else. And the people who are killed are pedestrians and cyclists. These are the people who are the victims. Therefore, I would suggest that experience, rather than mere holding of a driving licence, should be the criterion, and it should be amended to that extent.

Now I would recommend another thing, Sir. The Minister, I am sure, must be aware and so must be many hon. Members of this House that in many foreign countries, especially in West Germany, when you are involved in an accident and the accident is as a result of your mistake, that means that driver's mistake, then not only is the insurance company required to pay the damages, but when you go back to the insurance company they don't insure you only at one hundred per cent. The insurance company raises the charge to 120 per cent or 130 per cent. Then when you get involved into another accident and you go back for insurance, they might raise it to 200 per cent. And beyond that if you get involved in a third accident, then they will not insure you at all. That means whether the courts determine your mistake or not whether they have taken your licence or not, you cannot drive because you don't carry an insurance. Therefore, the point I am making is that we should make a slight distinction between the in-

insurance of a vehicle and the insurance of a driver. At the moment we are insuring vehicles; we are not insuring drivers. I would suggest, let us insure drivers also. If I am driving a vehicle then the insurance company should not only look at my driving licence, it should also have my track record as a driver. And if I am not a good insurance risk, then they should refuse to insure me. This will, in other words, not enable me to drive on the road and kill people. Therefore, I would suggest that in the chapter on insurance we should introduce this wholesome practice that the insurance companies will necessarily raise this charge. In our country you know what is happening. We have "no accident" bonus or "no claim" bonus and then if we have an accident, we make a claim. Then that bonus you will not get. But you insure at 100 per cent. What I am suggesting is you raise it, escalating and escalating until you disqualify him from insurance. This will be, to my mind, a very healthy way of preventing the real killers, those who are indulging in accidents almost habitually, to drive on the road.

As far as the vehicles are concerned, you have introduced a concept of fitness certificate for commercial vehicles. Again I would like to refer to the experience of West Germany. There they have a system of technical inspection even for private vehicles. I feel this is very essential. You are certifying the vehicles for 15 years and then for 5 years. What I am saying is even taxis running in Delhi we know in what conditions they are; You don't feel like sitting in them because you do not know if you will be reaching your destination. We don't have worthwhile technical inspection. The concept of fitness certificate is something which should be introduced. You should look at the durability and longevity of a vehicle. This is something which you must decide. You must decide

how much a Tata vehicle, how much a Leyland vehicle, how much an Ambassador car or how much a Maruti car normally will last. Then you bring it back after 7 years, 10 years or 15 years whatever reasonable time you consider for these in consultation with experts. Ask that vehicle owner to come back with a fitness certificate and with insurance. This inspection must be very strict. I remember in West Germany they will not allow a car on the road if its tyres are worn out. Then the person will not get his registration unless he changes the tyre. I am suggesting that there is a need for fitness certificate even for private vehicles as against commercial vehicles.

Now rules of the road. I have seen in this Bill there are road signs given on these pages. Now, I was trying to compare it. I looked into the library if we have anything international road signs, but I could not find out. Here I will tell you one simple thing. Anybody who has driven a vehicle abroad knows that they have two important signs. One is a square with a yellow border. You see that the yellow square is in your favour. This means you have the right of way. And if you don't have the right way, you are coming from a subsidiary road on to the main road or you are going into a circle, then you have a triangle with a red border. Now, in German they call it 'Vorfahrt' which means this is the right of way. They say Jocularly that a German will rather give up his life than his 'Vorfahrt' that is, his, right of way. This is very important. Now, in our case, even in a place like Delhi, we have a circle and another circle. We say, give way to traffic on your right and you look at it, nobody bothers, traffic from the right keeps on waiting, we keep on going. What I am suggesting is that this is an internationally

accepted practice that you have a square and you have a triangle and this will determine who has the right of way.

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My complaint, Sir, is that we are not making use of the road signs. There are not enough road signs. This is one very important infrastructure. We don't have even milestones. We don't have any signs showing directions on highways. We don't have signs on our city roads. I am suggesting to the Ministry and the hon. Minister that we must have the most liberal use of the road signs and we must improve. Let us look closely into the international road signs and find out which ones are going to be useful to us. This, I am afraid, will have to go. This is not enough because it does not mention many of the road signs of which all of us are aware. So this is one thing.

The third is, Sir, drivers' education. In the Bill, we have a clause about schools—driving schools. We know that these schools are most inadequate, at the moment, not only in terms of numbers but even in terms of quality. A suggestion has been made in the other House which I commend *once* again here that we must decide to open a driver training school in every district of this country and this is a responsibility which the Central Government and the State Government must take upon themselves. If they don't then, *ail* this. Sir, will remain a dead letter. We might write whatever we want in our Statute Book but in the absence of *follow up*, this will remain a dead letter. So, I am emphasising the setting up of drivers' training schools in every district headquarter of the country, I think, we are issuing something like 6 lakh driving licences every year. This is the enormity of the problem. What is happening? Nothing. This is one area where anything goes. I am sure the Minister is aware of it that driving licences are obtained by money, by influence but with very little knowledge of the road.

Now, I will come to another aspect of this Bill. This is in regard to the permit system, goods carriage, passenger transport and all that. Now, about nationalisation of road transport, as I mentioned earlier, the present distribution is 60 per cent of the passenger transport in the private sector and 40 per cent in the public sector. There are States like Gujarat, Haryana and Maharashtra which have hundred per cent nationalisation. There is a State like Bihar, which is my unfortunate State, which has only 10 per cent nationalisation and 90 per cent private operation and 90 per cent private operation is 90 per cent without licences. They are doing it absolutely illegally. All that they do is, they have to pay a new toll tax. Every Police Station in Bihar is a toll barrier where if you will travel by a bus you will know it stops in front of the Police Station, the *Khalasi* or somebody goes, pays his tribute to the *daroga* and the bus moves on. Now, what I am suggesting is that the Government of India will never have money. It has been calculated that we need something like Rs. 11,500 crore or Rs. 12,000 crores by the 2000 A. D. in order to meet the entire requirements of public transport. We would never get this amount if this is the position. So let us come very clearly to a conclusion that the private sector road transport will have a role to play. I am for nationalisation provided we can implement it. But if we cannot implement, let us admit that the private sector will have a role to play and let us define that role as clearly as possible so that the private sector also can operate without any fear of being nationalised in the immediate future. After all, today, a bus will cost Rs. 4-5 lakhs.

There are also regional imbalances. There are, for instance, 10 buses for a lakh of population in Uttar Pradesh and Bihar. Dr. Swamy

is not here, he is from Uttar Pradesh. It is 34 in Tamil Nadu, 31 in Kerala. Now, this is the kind of disparity. In Jammu & Kashmir also it is 31. But then it is a landlocked State and they need it. This is the kind of regional imbalance which exists in passenger transport. This also has to be corrected. Now all this requires that the Government apply its mind even at this stage to determine what should be the role of the public transport and private passenger transport and clearly set out the role for them. The Minister has said in his statement that this Bill is going to liberalise the passenger transport sector and permits will be issued freely.

I am sure, the Minister has the same noble intentions which he had when he liberalised goods transport, but the only difference which I would like to point out is that a passenger vehicle will move from point to point. Even under this Bill, your authorities, RTA or STA will determine what the timing is and you know, the timing is very important. If some operator is allowed to operate during peak time, he makes money. Somebody is operating in non-peak time, he loses. Now, somebody is going to determine. However much you might try to limit discretion, somebody is going to decide whether a bus operator will operate at peak time or he will operate at non-peak time and this will determine the loss or the profit of the operation. Therefore, when you are going to liberalise, I know that there are routes where inadequate transport is there at the moment but you cannot help intervening in that situation in an effective manner and determine how many permits you actually give. You have to do it. You cannot allow the rule of the jungle to operate because even under this Bill. You will have to determine certain things. Now on goods transport. I will just make one point. At the moment, national permit means 1 plus 3 other States. Now, if it

is 1 plus 1, then it will reduce the tax liability on the operators. There are many people who have represented that they should be permitted to operate 1 plus 1 and plus any more. So, this is something which I will commend for the Minister's consideration. The road tax factor is a very major factor. There is no uniformity between the various States. That is a point which is to be taken into consideration. Now, in relation to the claims tribunals, Sir there are two points which I would like to make very briefly. One is the need to raise the compensation for no-fault-liability cases and hit-and-run cases. You have fixed that at a paltry sum of Rs. 8500. It is Rs. 25,000 in the case of liability claims. Therefore, in hit-and-run cases and no-fault-liability cases, also; it is better that this amount be raised to Rs. 25,000.

Then the other is both for this as well as traffic offences. It would be better if we went in for the system of a special magistrate. I have taken it from a reply which the Minister had given in this House that during 1987-88, 8,953 claim cases were pending in Delhi itself. Now what is the point if somebody who has become a widow somebody who has become helpless does not get the necessary compensation in time. (Justice delayed is justice denied, Therefore, we must think in terms of special courts, special magistrate in order to dispose of these cases as well as a number of traffic cases which are pending. One last point which I would like to make is that enforcement is something which has always been one of the weakest points we have had in our system. When I refer to enforcement, I am saying that we have not trained any special cadre for enforcement of the Motor Vehicles Act. We have the Motor Vehicles Act. We have the Motor Vehicles department but enforcement is largely with the police. Now, the police does not understand transport all the time. It is idle to expect that the police understands traffic, that the policeman knows everything about traffic or that the policeman knows everything about transport. Therefore, there is need for a separate and trained cadre of people who will be in charge of enforce-

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merit and we know about corruption (c) this, I will not waste the time of the House on that. But I will only say that compounding of offences, special mobile magistrates, highway patrol, urban patrol and summary trials are things on which greater emphasis should be laid so, that corruption is eliminated.

One last point which I would like to make is that the world over, we have shifted to right hand drive. It is only in this country and some other countries that we are still driving on the left of the road. We have taken to the Decimal system and we have taken to other internationally accepted systems. I would like to urge the Minister that driving according to the international standard on the right of the road and not on the left of the road is something which should receive the Government's consideration, after so many years of our independence. Thank you, Sir.

श्रीमती रत्न कुमारी (मध्य प्रदेश) :
उपसभाध्यक्ष महोदय, माननीय मंत्री जी ने ठीक कहा कि इस बिल का कोई राजनीतिक उद्देश्य नहीं है यह जनता से सीधे संबंधित है और बहुत ही आवश्यक है। निरन्तर प्रगति के साथ बढ़ती जनसंख्या और तीव्रतम गतिशील वाहनों की बढ़ को देखते हुए भू-तल परिवहन को सुरक्षित एवं सुव्यवस्थित करने की दृष्टि से प्रस्तुत विधेयक अत्यधिक महत्वपूर्ण है और इसके गहन अध्ययन से स्पष्ट प्रतीत होता है कि विधेयक में नियमों, उपनियमों को जिस ढंग से सरल किया गया है उससे इस क्षेत्र में व्याप्त अनियमितता पर बहुत हद तक अंकुश लग सकेगा। विधेयक इसलिए और भी महत्वपूर्ण है कि अब तक सन् 1939 में निर्धारित मोटर यान अधिनियम लागू है। उस समय की परिस्थितियाँ, आवश्यकताएँ, व्यवस्थाएँ कुछ और थीं और आज कुछ और हैं। दोनों में जमीन आसमान का अन्तर है। जब यह अधिनियम बना था उस समय से अब जनसंख्या तिगुनी हो चुकी है और वाहनों की संख्या तो कई गुनी अधिक हो चुकी है उस समय के वाहनों के चलने की रफ्तार जो थी उससे आज कई गुना बढ़ गयी है

इस विषय पर तो बहुत पूर्व में ही सोचा जाना चाहिए था परन्तु देर से ही सही दुरुस्त आयद है। इसलिए विधेयक का स्वागत करते हुए समर्थन करने को खड़ी हुई हैं फिर भी विधेयक चूंकि बहुत ही गंभीर विषय पर है जो जन सामान्य के जन जीवन से सीधा जुड़ा हुआ है। एक सर्वेक्षण से प्राप्त आंकड़ों में तो यहां तक कहा गया है कि अब तक हुए तमाम युद्धों से कहीं अधिक मौतें सड़क दुर्घटनाओं में हुई हैं। अतः कुछ महत्वपूर्ण मुद्दों की ओर मैं सरकार का ध्यान आकर्षित करना चाहूंगी। किसी भी व्यक्ति को जो निर्धारित आयु 18 वर्ष से 50 वर्ष तक की जिस भी आयु का हो ड्राइविंग लाइसेंस लेने के पूर्व मेडिकल सर्टिफिकेट का प्रावधान बहुत ही महत्वपूर्ण है। इसमें यह और होना चाहिए कि आवेदक को दिये जाने वाले लाइसेंस प्रमाणपत्र में दृष्टि क्षमता एवं खून के शुप का विशेष रूप से उल्लेख होना चाहिए क्योंकि अन्य शारीरिक क्षमताओं का तो सहज ही अंदाज लगाया जा सकता है किन्तु आंखों के देखने की क्षमता विशेष परीक्षण से ही जानी जा सकती है और वाहन चलाने में देखने की क्षमता महत्वपूर्ण होती है। अतः इसका उल्लेख एवं परीक्षण नितांत आवश्यक होना चाहिए। इसी तरह वाहन चालक के लाइसेंस में उसका ब्लड शुप अंकित होना चाहिए क्योंकि दुर्घटनाओं में अधिकांश मौतें चोट से कम परन्तु खून अधिक बह जाने से होती हैं। दुर्घटना के बाद खून का परीक्षण करने में जो समय लग जाता है वह मौत का कारण बनता है। अतः प्रत्येक लाइसेंस में चालक का ब्लड शुप अंकित होना चाहिए।

विधेयक में ध्वनि प्रदूषण रोकने के लिए वाहनों में उपयोग किये जाने वाले बहुत ही तेज और कर्कश आवाज वाले हार्नों के विरुद्ध कोई उल्लेख नहीं है। ऐसे हार्नों से मात्र ध्वनि प्रदूषण ही नहीं होता बल्कि दुर्घटनाओं की संभावना बढ़ती है। अतः ऐसे हार्नों पर पूर्णतः प्रतिबंध लगना चाहिए और उपयोग करने वाले वाहनों पर कड़े दण्ड का प्रावधान होना चाहिए।

वाहन दुर्घटनाओं के कारणों की दुर्दशा भी महत्वपूर्ण अंग है इसकी समुचित व्यवस्था के साथ ही यह बात ध्यान देने योग्य है कि राष्ट्रीय राजमार्ग पर बसे नगरों, उपनगरों एवं कस्बों में सड़क के किनारे-किनारे व्यापक अतिक्रमण कर दिया गया है जबकि प्रावधान यह है कि राष्ट्रीय राजमार्ग की सड़क के मध्य से 75-75 फुट दोनों ओर कोई भी आवास-निर्माण कार्य आदि नहीं होना चाहिए। राष्ट्रीय राजमार्ग केन्द्रीय लोक निर्माण विभाग एवं भू-तल परिवहन विभाग के अंतर्गत आते हैं अतः इस दिशा में कड़े कदम उठाये जाने चाहिए क्योंकि अतिक्रमण से संकीर्णता के कारण वाहन दुर्घटनाओं की अधिक संभावना होती है। यद्यपि राष्ट्रीय राजमार्ग पर शराब की दुकानों की स्थापना पर पूर्व से प्रतिबंध है किंतु देश के किसी भी राष्ट्रीय राजमार्ग पर चले जाये हर कस्बे, हर नगर में राजमार्ग पर ही शराब की दुकानें स्थापित मिलेंगी। इस पर भी और अधिक कड़े दण्ड का प्रावधान होना चाहिए अन्यथा विधेयक का मूल उद्देश्य सहज, सुलभ, सुरक्षित आवागमन साधन पूर्णतः उपेक्षित होगा। क्योंकि मात्र विधेयक पारित हो जाने अथवा कानून बन जाने भर से कुछ नहीं होता उसके लिए व्यवस्था नितांत आवश्यक है। उदाहरण के रूप में आवागमन सुगम, सुरक्षित एवं व्यवस्थित करने के उद्देश्य से विभिन्न नगरों के बाहर से बाई-पास, रिग रोड निर्माण की बनी योजनाओं को दो पंचवर्षीय योजनाएं दीत गई हैं।

उदाहरण के लिए जबलपुर को ही लीजिए, जो नगर से महानगर बनता जा रहा है किंतु बाई-पास और रिग रोड की योजना मात्र कागजों में स्वीकृत पड़ी है। योजना का समय पर क्रियान्वयन व्यवस्था का महत्वपूर्ण अंग होता है। अतः सरकार को इस दिशा में गंभीरता-पूर्वक सोचना चाहिए।

विधेयक में तीन परीक्षाओं में भी सफल न होने पर चालक लाइसेंस प्राप्त करने के लिए आवेदक को चौथे परीक्षण हेतु एक वर्ष बाद का समय निर्धारित है, जो

पूर्णतः अव्यवहारिक है। जिस तरह तीन परीक्षण का समय निर्धारण नहीं है, उसी तरह आगे के परीक्षाओं का समय प्रति-बंधित नहीं होना चाहिए।

विधेयक में वाहन दुर्घटना में मृत्यु होने पर 25 हजार रुपये एवं विकलांग होने पर 12 हजार रुपये मुआवजा देने का प्रावधान स्वागत्य है, किंतु यदि वाहन दुर्घटना करके भाग जाता है और फिर उसका पता नहीं चल पाता, तो ऐसी स्थिति में मृत्यु होने पर आठ हजार पचा एवं विकलांग होने पर दो हजार रुपये का मुआवजा निर्धारण मानवीय दृष्टिकोण से अव्यवहारिक होता है।

अतः सरकार को अपना नैतिक दायित्व निर्वाह करते हुए इस दिशा में उदारता-पूर्वक विचार करना चाहिए और ऐसी स्थिति में भी मुआवजा उपरोक्तानुसार 25 हजार एवं 12 हजार रुपये ही निर्धारित होना चाहिए और मुआवजे का भुगतानी निर्धारित समावधि में अविलम्ब एवं सहज उपलब्ध हो सके, ऐसी नीति तय होनी चाहिए। वाहन परीक्षण, फिटनेस सर्टिफिकेट हेतु प्राइवेट संस्थाओं को अधिकृत करने से नीति का सरलीकरण तो होगा और इससे भ्रष्टाचार पर भी अंकुश लगेगा किंतु इसमें उन अधिकृत संस्थाओं पर अधिकार के दुरुपयोग पर कड़े दण्ड का प्रावधान होना चाहिए।

विधेयक में वाहन दुर्घटना होने पर चालकों को कम, मालिकों को अधिक दण्ड का प्रावधान है, जिससे चालक निरंकुश होकर वाहन चलायेंगे। मान लीजिए एक बस चालक बीच रास्ते में नजरें बचाकर शराब पी लेता है और वह न दुर्घटनाग्रस्त हो जाता है, जिससे वाहन की क्षति का भार तो मालिक पर आया ही, साथ ही दुर्घटनाग्रस्त यात्रियों के मुआवजे एवं अन्य आर्थिक दण्ड का भारी भी वही बनता है। यह पूर्णतः अव्यवहारिक है। इसमें चालक को भी बराबर के दण्ड का भारी होना चाहिए और अधिक कड़े दण्ड के कारण चालक पूर्णतः सजग, अनुशासित होकर नियमानुसार वाहन चलायेगा जिससे दुर्घटनाओं की संभावनाओं में कमी होगी।

[श्रीमती रत्न कमारी]

इसी तरह वाहन में ओवर लोड करने वाले यात्रियों को बराबर के दण्ड का भारोदार माना जाना चाहिए क्योंकि ओवरलोडिंग में इन तीनों की सहभागिता होती है।

यातायात निबंधन के लिए केन्द्रीय यातायात पुलिस को स्थापित स्थापना होनी चाहिए क्योंकि अखिल भारतीय स्तर पर यातायात निबंधन के नियम समान हैं और ऐसा होने से यातायात व्यवस्था को महत्वपूर्ण बल मिलेगा।

वाहन दुर्घटनाओं से होती मौतें एवं विकलांगता किसी भी घातक रोग से कम नहीं है। अतः इसके विरुद्ध राष्ट्रीय स्तर पर जन चेतना जागृत कराने के विभिन्न स्तरों, माध्यमों से प्रयास किये जाने चाहिए, एवं विद्यालयों में यातायात के अध्ययन का एक विषय अलग से घोषित होना चाहिए अतः भविष्य में आने वाले वास्तविक निबिधक सेम रखने वाले हो सकें। धन्यवाद।

MESSAGES FROM THE LOK SABHA

I. Defamation Bill, 1988.

II. Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Bill, 1988.

III. Motion by Lok Sabha regarding extension of time for presentation of the Report of the Joint Committee of the Houses on the Railways Bill 1986.

IV. Concurrence of Lok Sabha on the Motion regarding Indian Medical Council (Amendment) Bill, 1987 for appointment of Members on the Joint Committee of Houses.

V. Concurrence of Lok Sabha on the amendments made by Rajya Sabha in the Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Bill, 1988.

SECRETARY-GENERAL: Sir I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:—

I

"In accordance with the provisions of rule 96 of the Rule of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Defamation Bill 1988, as passed by Lok Sabha at its sitting held on the 30th August, 1988."

II

"In accordance with the provision, of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Bill, 1988 as passed by Lok Sabha at its sitting held on the 31st August, 1988."

III

"I am directed to inform you that Lok Sabha at its sitting held on the 31st August, 1988, has adopted the following motion further extending the time for presentation of the Report of the Joint Committee of the Houses on the Railways Bill 1986:—

Motion

"That this House do further extend up to the last day of the Winter Session 1988, the time for presentation of the report of the Joint Committee on the Bill to consolidate and amend the law relating to Railways."

IV

"I am directed to inform you that Lok Sabha at its sitting held on Wednesday, the 31st August, 1988, adopted the following motion in regard to the Indian Medical Council (Amendment) Bill 1987

"That this House concurs in the recommendation of Rajya Sabha that Lok Sabha do appoint two members to the Joint Committee of the Houses on the Indian Medical Council (Amendment) Bill, 1987, in the vacancies caused by the resignations of Sarva-shri P. V. Narasimha Rao and Suresh Kurup and resolves that Sarvashri Vijay N. Patil and Hannan Mollah