

[Shri K. V. Raghunatha Reddy]

and also by the Lok Sabha on 12th January 1976. The Bill remained unpassed in the Lok Sabha due to prorogation of Parliament. Meanwhile the year 1975 was over making the amendment necessary.

With these words, Sir, I move this amendment to the Bill for consideration of the House.

The question was proposed.

MR. CHAIRMAN : Any member desiring to speak ? The question is :

"That the following amendment made by the Lok Sabha in the Sales Promotion Employees (Conditions of Service) Bill, 1975 be taken into consideration, namely :—

Clause 1

That at page 1, line 4 for '1975' substitute '1976.' "

The motion was adopted

SHRI K. V. RAGHUNATHA REDDY:
Sir, I beg to move :

"That the amendment made by the Lok Sabha in the Bill, be agreed to."

The question was put and the motion was adopted.

THE MOTOR VEHICLES (AMENDMENT) BILL, 1976

THE MINISTER OF SHIPPING AND TRANSPORT (DR. G. S. DHILLON) :
Sir, I beg to move :

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

Sir, I have pleasure in doing so with the Motor Vehicles (Amendment) Bill, 1976, which was introduced in this Sabha on the 6th January 1976. As you are also aware, one of the measures included in the 20-point economic programme is the removal of constraints on the movement of vehicles and an introduction for this purpose of a scheme of national permits. At present, the operation of goods vehicles, that is trucks, between two or more States is governed by agreements among the concerned States. Several administrative and

procedural requirements such as obtaining counter-signatures or permits, payment of taxes etc., are involved in operating vehicles on routes covering two or more States. In order to reduce the inconvenience on this account, a scheme of inter-State regional permits, popularly known as the Zonal Permits was initiated about ten years ago. Four such zonal schemes have already been undertaken. The fifth one has also been finalised and it is expected to be put into operation shortly. Under this scheme 200 public carriers of each State within a zone are authorised to ply in the other States in that zone on the basis of payment of taxes in the home State and a composite fee of Rs. 700 per annum in lieu of taxes in respect of the other States. The composite fee is also paid in the home State. The procedural requirements have been further simplified in the national permit scheme which envisages the issue of 5,300 permits for the goods vehicles by the various States and Union Territories. A national permit holder will have to choose a minimum of four other contiguous States for operating, excluding the home State. He can choose more if he wishes and if this business demands such a course, an authorisation will be required to permit the operator of a vehicle covered by the national permit, to use his vehicle in the other States.

A fixed fee of Rs. 500 per annum is to be paid for the authorisation irrespective of the number of States chosen for operation. The States have agreed that as in the case of zonal permits, the motor vehicles tax payable by the national permit-holder to States other than the home State will be limited to Rs. 700 only. This is a great advantage considering the usual rates of motor vehicles tax for trucks as it stands, at about Rs. 5,000.

The Scheme was finalised after consultations with the representatives of road transport operators, State Governments and Union Administrations. The points of view expressed by them have been taken into account to the extent possible. As the implementation of the scheme required amendment of the Motor Vehicles Act 1939, and as the matter was urgent, the

amendment Ordinance was promulgated on the 26th September 1975. The Motor Vehicles (National Permits) Rules, 1975, were also published on the 17th December 1975, after giving opportunities to all persons likely to be affected to make suggestions and representations and after considering the suggestions etc. The stage is now set for the grant of these permits.

In order to avoid concentration of permits, the scheme envisages that no national permit will be issued to an individual owner if he has already three or more valid national inter-State permits. The ceiling has been fixed at seven in the case of a Company which expression includes a body corporate. To meet the social purpose enshrined in the Ordinance, guidelines also have been circulated to the State Governments for the grant of national permits. The main consideration for the grant of the permits will be that only such applicants as are likely to contribute to the movement of goods between the States in the interest of public, should be given permits. Normally, up to 50 percent of the national permits would be granted to those already holding inter-State permits, up to 25 percent to those holding intra-State permits and the remaining 25 percent to new entrepreneurs including ex-Army personnel holding valid civil licences and un-employed drivers. You will be glad to know that West Bengal has already selected 244 applicants for grant of permits and have already offered to 230 parties. Some other States have also invited applications which are being processed. The remaining States are expected to invite applications shortly. It is possible that the bulk of the national permits may be issued by February-March 1976.

The National Transport Permits Scheme is proposed to be reviewed after one year and the number of permits will be increased if necessary. It was considered desirable to make a modest beginning and that is why, a ceiling of 5,300 permits has been fixed for the present. The incidence of taxation on the operation under the National Permits Scheme will also be less than what they would have

to bear if the vehicles are to operate on the basis of payment of taxes in all the States separately.

The National Permits Scheme, when it is fully implemented, is expected to help in the development of the country's economy by speeding up the movement of goods on long-distance routes. The scheme will, therefore, serve the interest of the public in a big way. The Bill, which is before you, seeks to replace the Ordinance promulgated on 26th September 1975. It is a non-controversial measure. Sir, I commend the Bill for the consideration of the House.

The question was proposed.

SHRI SANAT KUMAR RAHA (West Bengal) . Mr. Chairman, Sir, I welcome this Bill for the introduction of a system of national permits to remove some of the constraints on the movement of goods by trucks and other heavy vehicles. I also welcome Dr. Dhillon who moved the Bill and who has given up the Chair of Speaker to become the Minister of Shipping and Transport.

Mr. Deputy Chairman in the Chair.

Sir the development of transport is a keen necessity in our country in the present juncture of society. The road transport system acts as a development catalyst in our country. Sir, this is also one of the points in the 20-point programme which is very essential for our socio-economic growth. With the changes in the socio-economic set up, the requirements of transportation have been significantly increasing. Although the improvements so far made in our transportation system are not insignificant, we still lack a comprehensive scheme and an integrated system of transportation.

The Motor Vehicles Act of 1939 was enacted under the British rule. We can naturally see for what purpose that transportation system was there under the British rule and for which purpose our transportation system should be changed, with a modern outlook, in view of the growth of our nation.

[Shri Sanat Kumar Raha.]

Sir, in our country, the transportation programme falls short of the over-all requirement of the growth of society and economy as a whole. Transport planning should not be considered isolatedly from national planning. In 1969 we had 44 national highways. During the Fourth Plan we had added another 11 routes but these routes have not yet been completed. In the Fifth Plan there is starvation of planning in the transport system. Sir, if development of the transport system is a continuous process, then I think there has been no serious thought on the part of the Planning Commission to develop transport system with a modern outlook and to repair and maintain those highways which are always catering to vehicles carrying essential supplies to the public. In view of the importance of the transport system, I would urge upon the new Minister to take some imaginative steps and bring forth some comprehensive legislation regarding the national transport system which we still lack.

Sir, in our country, if we have to travel from Kashmir to Kerala and from Manipur to Gujarat, we will have to traverse some nine lakh miles. Ours is a vast country and so, a vast transportation system is essential. We have a regional transport system at the State level; we have a zonal transport system within the States; we have a district transport system at the district level. So many regional transport authorities are there. But who is co-ordinating all their functions? By this Bill the Central Government is taking only a simple measure, that is, amending section 63 in order to issue national permits to the carriers.

But I do want that there should be a comprehensive bill, an integrated approach regarding the entire system of transportation by road, by air, by water and by rail. If there is one single authority at the Centre to coordinate the entire system of transportation in our country, I think the national growth can be easily assessed by this body. At present there are so many bodies. There are Border Road Boards, regional transport authorities, independent

railway system and to coordinate all these systems of transportation it is essential to have one authority at the Centre.

Also there are some problems in different zones regarding check posts and tax posts and there are other complexities in the transport system which causes delay and waste of fuel which is the national wastage. I think a single tax system should be introduced. It would be more rational or scientific to introduce one single tax system instead of having different check posts and tax posts. If there is one Central authority, it would judge all these things comprehensively and remove bottlenecks as are existing in the entire transport system of our country.

The other point is, of there be zonal system of transportation, if there be inter-State transportation system and if there is a national highway system, then there will be clashes and competitions. Already there is competition between the road and railway system. I will, therefore, request the Minister to have one Central body to look after all these things and evolve an integrated approach. I think one Central body should be there to look after all these problems.

I also suggest that the zonal transport system should be merged with the national highway system. We have various transport systems. At present 25 per cent of goods and 60 per cent of food articles are transported by road only, involving more than 4 lakh heavy vehicles like trucks etc. There are 1,10,000 buses and 20 lakh small and medium-sized vehicles. If there is a comprehensive national transport system, a more scientific basis can be created to coordinate all these services and lessen competition between the rail and road transport. So many vehicles are running on the road and there are so many hurdles of check posts and tax posts. So many problems are there. One single body can look into the whole transport system. It can link up villages with the highway roads. Our rural life is cut off from the highway roads. So, I think one Central body should be there and the

whole national transport system should be guided by one single guideline that will cover all these things.

In our country only road transport is capable of penetrating deep into under developed areas. No other transport system would be able to go deeply into these areas. So, mere amendment of section 63 of the Act is not enough. I suggest that some comprehensive bill should be brought forward by the hon. Minister so that progress could be made in the under-developed areas.

Sir, the notional transport system *ipso facto* involves the Central Government, to ensure a modern transport system. Sir, the RTA of the different zones and the districts always issue the route permits as a favour and gift to the big few. When there are more than 4 lakhs of trucks, Government is going to issue only 5,300 national permits. I think this is a very small figure. This is only 1.2 per cent increase over the transport system as it is today. This is a very small number of trucks throughout India. There should be a quota for each State and the quota should also be fixed on some national scientific basis, so that a balanced development in road transport system can be achieved early.

Sir, I would also suggest that the Central Government should also think regarding alternate highways. The Central Government will only delegate powers to the States to make legislation for the States while the Central Government will itself make rules. But there are so many problems to be tackled that the mere delegation of powers for legislation is not going to solve, help, it.

Sir, there is also the private sector, there is also the cooperative sector, and there is also the Government sector (public undertakings) in the field. There should be some coordinated functions in between these three systems. I would prefer that the cooperative sector be expanded: The State sector should grow at the cost of the private sector because we know the private transport system in Chile dragged Chile to such a serious

reactionary crisis that ultimately Government was changed there—Allen was murdered in a *coup*. So this is an example which shows that transport system can also change the government. So, the national government, if it thinks seriously of the transport system which carries essential goods and food to our people crores of people, should also seriously think that the transport system should not be at the mercy of the private sector alone. (*Time bell rings*). Sir, one or two minutes more.

MR. DEPUTY CHAIRMAN: The total time allotted was one hour and it is already an hour.

SHRI SANAT KUMAR RAHA: I would also urge the Minister to see that the transport system keeps up its capacity with our growth-rate. So, keeping in view of the growth and social justice, I request the Government that the issue of national permits should not be favour-oriented; it should be on rational, scientific basis. It is a labour-oriented scheme, but 80 per cent of the roads are not being maintained and fully repaired. So I would suggest that full maintenance and repair works should also be undertaken. Only Rs. 16 crores have been allotted in the current year for maintenance and repair of highways. This is a very meagre amount with which we cannot maintain 55 national highways, not to speak of building new highways which are essential today to carry our essential commodities to the poor people. Under the 21-point economic programme, we are bound to serve the poor people and we are committed to *hatao garibi*.

With these words, I support the Bill.

SHRI SYED NIZAM-UD-DIN (Jammu and Kashmir): Mr. Deputy Chairman, Sir, there can be no two opinions about the desirability of the present amending Bill because the road transport system—as the hon'ble Member on the other side has rightly remarked—is the only system available in the country which can cope with the needs of every part of the country. Sir, we know there are certain parts in this country where railway line does not exist even today; and there are certain areas

[Shri Syed Nizam-ud-din]

where we do not expect railway line to be extended even in the near future, such as my State. Therefore, the introduction of the national permit system—there can be no two opinions about this—is very much desirable. As the hon'ble Minister has rightly remarked, there were certain procedural matters which were hindering the movement of goods and vehicles from one State to another. So, to do away with all those procedural matters, to do away with all the inconvenience being caused to the traffic, especially goods traffic, this Bill is very much desirable.

Sir, at the beginning I would like to submit that while specifying the number of national permits for particular States the Central Government must keep in mind that priority will be given to those States where railway lines do not exist at present or where there is no possibility of railway lines being extended to those areas in the immediate future. Speaking of my own State, it has a very heavy traffic in fruit transportation to outside the State, and fruit is a highly perishable commodity. At present, in the absence of a national permit, we have to carry the fruit from the farthest parts of the State—Baramula, Shopian and Sopore—to the nearest railhead, Jammu. The fruit in the meanwhile gets damaged and considerable loss is involved. So, if the permit is given for direct transport from Srinagar to Bombay or Madras direct, then the State will save a lot of money.

Then, in regard to clause 2 of the Bill—sub-clause (a)—about issuing the permit to individuals and to companies, we know that every State is running its own transport system. I have also given notice of an amendment that whenever a particular number of national permits is specified, they should be for the public sector vehicles and not for private sector vehicles. Therefore every State must in the beginning see what is the capacity of that State transport department in that particular State to run those goods vehicles. As you know, the transport system in private hands is causing a lot of inconvenience to people. These people who have amassed wealth

through this industry do not look to the welfare of their employees, the drivers and the conductors. In sub-clause (b), you have said that other conditions being equal, preference shall be given to applicants who are ex-army personnel, or who have valid licences for driving transport vehicles I would also suggest that after the Government Departments, the cooperatives of drivers should get the second priority. In case the State Departments are not willing to operate these vehicles or where the cooperatives of drivers are not available, then only these permits should be given to the individuals and to companies.

With these submissions, I support the Bill.

SHRI VISWANATHA MENON (Kerala) : Sir, this is a Bill to amend a 1939 Act. It is only to amend a particular provision. It is high time that a comprehensive legislation was brought to amend the entire Motor Vehicles Act. Sir, I do not want to touch the points already covered by other Members. I want to stress on one particular point. The service condition of the workers in this particular industry is in a deplorable state. The total number of workers employed in this industry, both in passenger traffic and goods traffic, comes to more than 15 lakhs all over India. After the Railways, this is the biggest industry which has got so many workers employed. But the question of service conditions of these workers is not at all considered by the Union Transport Ministry or by any other State Government. For example, the wages given to transport workers in Kerala are entirely different from the wages given in Kashmir. There is no common wage structure for these workers. Sir, a committee was set up here some years ago and it went into certain points. But actually nothing has been done for the welfare of these workers. I take this opportunity to highlight the point that the wage structures prevailing in India in various States, in various areas and in various companies in the private sector, have to be consolidated in a particular form. The Ministry should take up this question and a comprehensive legisla-

tion should be brought so that the working conditions of the workers engaged in this industry, whether it is goods traffic or passenger traffic, are improved and they are given some amenities. The workers all over India who are employed in this industry are in some way or the other organised and their main demand is the constitution of a wage board by the Transport and Shipping Ministry. But the Transport and Shipping Ministry is not at all doing anything. On the question of nationalisation of the transport industry itself, the attitude taken by the Transport Ministry is not helpful. In Madras, passenger traffic has been brought under some Company Act. In Kerala, it has been brought under a corporation. Various types of nationalisation are being implemented in this country. But about the goods traffic, nothing has been done. Sir, it is high time that the entire industry was reorganised in such a way that preference was given for nationalisation and through that, the service conditions of the workers were improved.

Sir, I do not want to take much time on this particular point, but I want to stress that the private sector is exploiting the workers and are making tons of money. I agree with my previous speaker, but preference must be given first for the State sector, then for the co-operative sector and then only, if necessary, the private sector should be patronised. This Bill in a way may help the industry, but actually it will only help the private sector. So my humble submission is that the attitude of the Government towards the transport industry must be changed and to bring about that change. I expect the Minister to take the initiative and bring a comprehensive legislation. In the meantime a wage board may be constituted to decide the service conditions of the transport workers all over India. Thank you.

श्री श्यामलाल यादव (उत्तर प्रदेश) :

उत्सभापति महोदय, मैं इस विधेयक का स्वागत करता हूँ और निवेदन करना चाहता हूँ कि इसमें जो नयी परमिट देने की राष्ट्रीय पद्धति अपनाये जाने की

घोषणा है वह एक अच्छी बात है और अभी तक जो गुड्स ट्रैफिक के लिये ट्रक चलती थीं उनके लिये रीजनल अथॉरिटीज परमिट देती थीं। फिर जब उनको दूसरे जोन्स में जाना होता था तो उन दूसरे स्टेट्स से परमिट लेना पड़ता था और इस प्रकार दूसरे राज्यों में जाने के लिये उनको कई परमिट्स लेने पड़ते थे, कई अधिकारियों के पास जाना पड़ता था। तो यह एक अच्छी बात है कि कोई ट्रक ओनर चाहे तो अपने राज्य के अलावा अन्य चार राज्यों के भी परमिट ले सकता है। लेकिन मान्यवर, अभी इसकी संख्या जो 5300 माननीय मंत्री जी ने निर्धारित की है, मैं समझता हूँ कि यह बहुत कम होगी इस बात को देखते हुए कि आज गुड्स ट्रैफिक प्राइवेट ट्रकों में बहुत बढ़ रहा है। रेलवे से सामान भेजने में बहुत वार सुविधा नहीं होती है और सामान सुरक्षित भी नहीं रहता और ठीक से पहुँचता भी नहीं इस कारण से लोग ट्रकों में ही सामान भेजना अधिक सुरक्षित समझते हैं। इसलिए कि वह सामान ठीक उनके घर तक पहुँच जाता है। इसलिए यह गुड्स ट्रैफिक बहुत बढ़ता चला जा रहा है। उसके लिये यह जरूरी है, मान्यवर, कि व्यक्तिगत तरीके से जो लोग ट्रक्स चलाते हैं कुछ अपने राज्यों में ट्रक चलाते हैं, लेकिन जो ट्रक ओनर्स दूसरे राज्यों में अपनी ट्रकों ले जाते हैं, दूर-दूर के शहरों में ले जाते हैं तो वे बहुत मीट्रकों रखते हैं, तभी माल ले जा पाते हैं और अब गुड्स भेजने का जो तरीका है ट्रकों द्वारा, वह बड़े पैमाने पर हो रहा है। उनके अपने गोदाम होते हैं जहाँ से वे माल लेकर चलते हैं वहाँ भी और जहाँ माल ले जाते हैं वहाँ पर भी, और इस प्रकार उनकी एक प्राइवेट एजेंसी होती है। तो मैं समझता हूँ कि जो सीमा निर्धारित की गयी है कि एक व्यक्ति को तीन और एक कंपनी को 7 तक नेशनल परमिट दिये

[श्री श्यामलाल यादव]

पुनर्विचार करने की आवश्यकता है। जो लोग दूर तक माल ले जाते हैं जैसे मद्रास से जम्मू काश्मीर, या जम्मू काश्मीर में कलकत्ता तक जिनकी ट्रकों जाती हैं, वे लोग इतनी कम संख्या से, इतने कम परमिटों से अपना काम नहीं चला पायेंगे। एक और कठिनाई होती है। आजकल उन ट्रकों को मेन्टेन करना बहुत खर्चीला हो गया है। आज जब ट्रांसपोर्ट का खर्च बढ़ रहा है तो उन ट्रकों को मेन्टेन करना भी बहुत मुश्किल होता है, थोड़े ट्रकों को ठीक से मेन्टेन करना मुश्किल होता है। इसलिए मेरा निवेदन है कि इस प्रश्न पर भी पुनर्विचार की आवश्यकता है।

एक चीज और निवेदन करना चाहता हूँ कि जो शुल्क रखा गया है सात सौ रुपये वह तो ठीक है, लेकिन आज ट्रक ओनर्स को एक बड़ी दिक्कत भी है। जैसा कि अभी राहा साहब ने कहा, मैं भी पुनः उस बात को निवेदन करना चाहूंगा कि आज अगर एक ट्रक माल लेकर दिल्ली से कलकत्ता जाय तो रास्ते में सैकड़ों कारपोरेशन्स, म्यूनिसिपल बोर्ड्स, टाउन एरिया और नोटीफाइड एरिया पड़ेगें, और हर एक शहर के बाहर एक बैरियर लगा हुआ रहता है, चेक पोस्ट बने रहते हैं जहाँ ट्रक वालों को हर जगह रुक कर उस म्यूनिसिपल बोर्ड या कारपोरेशन का टैक्स अदा करना पड़ता है और उसके साथ ही कुछ नाजायज पैसा भी देना पड़ता है। शायद ही कोई नगर पालिका या टाउन एरिया ऐसा हो कि जहाँ पर ट्रक वालों को पैसा न देना पड़ता हो। तो क्या मंत्री जी इस बात पर विचार करेंगे कि यह नेशनल परमिट जिन लोगों को दिया जाय उनसे एक लम्बे समय में ही गुड्स टैक्स ले लिया जाय, जितना माल वह लोड कर के चले ओरिजिनेटिंग स्टेशन से उसी

जगह पर उनमें मारा टैक्स कलकुलट करके अंतिम स्थान तक का टैक्स ले लिया जाय एक हिसाब से, और हर नोटीफाइड एरिया और टाउन एरिया पर बैरियर लगाने का जो सिस्टम है वह समाप्त कर दिया जाय। ऐसा होने से उनको राहत मिलगी। नहीं तो 7 सौ रुपये तो गवर्नमेंट लेगी और 15 सौ रुपये उनका रास्ते में खर्च हो जायेगा और इस सिलसिले में वास्तविक स्थिति तो मंत्री जी को पता ही होगी। इसलिए यदि इस समस्या का वह कोई समाधान निकाल सकें तो ट्रक चलाने वालों को बहुत ही राहत मिलेगी और उनके साथ ईसाफ होगा। नहीं तो एक फीस तो सरकार लेती है और दूसरी फीस नाजायज तौर पर वसूल की जाती है और आज जो गुड्स भेजते हैं उनको दोनों का खर्च देना पड़ता है। आपरेटर भी देता है और उस का भार पब्लिक को भी वहन करना पड़ता है। दूसरे ट्रक कितना माल ले जा सकेंगे यह बहुत पहले निर्धारित किया गया था। आज ट्रक बहुत ऊँचे बनते हैं और शायद ही कोई ऐसा ट्रक हो कि जो निर्धारित सीमा के अन्दर वजन लेकर चलता हो। सभी ट्रक निर्धारित किये हुए वजन का डेढा और दूना सामान लेकर चलते हैं और उसके लिये उनको नाजायज तौर पर पैसा देना पड़ता है। ट्रांसपोर्ट अथॉरिटीज को देना पड़ता है और दूसरे अधिकारियों को देना पड़ता है। इसलिए इस पर पुनर्विचार होना चाहिए। जब वाकई हमारी कैपेसिटी इतनी हो गई है कि हमारे ट्रक डेढा या दूना वजन लेकर चल सकते हैं तो क्या वजह है कि उनको ज्यादा लोड करने की परमीशन क्यों न दी जाए। आज 90 फीसदी केसेज में वह ज्यादा माल लेकर चलते हैं इसलिए उनको उतनी कैपेसिटी तक माल ले जाना एलाऊ कर दिया जाय और उसके जायेंगे, मैं समझता हूँ कि इस संख्या पर

लिए उनसे टैक्म लिया जाये। इसलिए इस बात पर पुनर्विचार किया जाना चाहिये और रूल्स में व्यवस्था है, इस सीमा को निर्धारित करने की तो मैं सरकार से निवेदन करूंगा कि वह पुराने हिसाब से ही वजन की सीमा न निर्धारित करे बल्कि उसको ढूना करने की कृपा करें ताकि सही तरीके से ट्रक्स वजन लेकर चल सकें।

तीसरी बात यह निवेदन करना चाहता हूं कि ट्रकों के सिलसिले में जो संशोधन हुए हैं वह तो ठीक हैं लेकिन आज पब्लिक सैक्टर में ट्रकों द्वारा माल ढुलाई की कोई व्यवस्था नहीं है। पैसेंजर बसें जो हैं, वह अलग-अलग राज्यों में उनके परिवहन विभागों के अन्तर्गत चलती हैं। इस सिलसिले में मैं निवेदन करना चाहता हूं कि मोटर वेहिकल्स ऐक्ट जो है उस में एक राज्य के केस के सिलसिले में सुप्रीम कोर्ट ने जो फैसला दिया है उस का परिणाम यह हो रहा है कि राज्यों में राज्य परिवहन के लिये जिन सड़कों को निश्चित किया गया है नोटिफाई किया गया है, उन सड़कों पर अब प्राइवेट बसें चलाने की इजाजत नहीं दी जा रही है और इस कारण बहुत बड़ी व्यवस्था और कठिनाई फैल रही है। मैं निवेदन करना चाहता हूं कि राज्य सरकारों के जो परिवहन चलते हैं उनकी उतनी कैपेसिटी नहीं है कि वह आज मांग को पूरा कर सकें। मैं अपने प्रदेश, उत्तर प्रदेश की बात कहना चाहता हूं कि वहां हर सड़क पर सरकारी बसें चल सकें। इतनी कैपेसिटी राज्य परिवहन की नहीं है और इस कारण वहां बहुत जगहों पर प्राइवेट बसें चलती हैं और केन्द्रीय स्थान जो हर जिले का होता है वहां दूर गांव का आदमी भी पहुंचना चाहता है।

जब दूर गांव का आदमी वहां आता है तो बीच में कोई न कोई ऐसी सड़क पड़ती है कि जो राज्य की बसों के लिये निर्धारित

की गयी है और इस कारण प्राइवेट बसें उसके आगे नहीं आती इसलिए कि उस नोटिफाईड रूट के लिये उनके पास परमिट नहीं रहता। तो इस प्रकार वे शहर से 20 या 25 मील दूर ही रुक जाते हैं और शहर तक नहीं पहुंच पाते और उनको बेहद कठिनाई का सामना करना पड़ता है। उनका व्यय भी बहुत अधिक होता है। इस सिलसिले में मैं माननीय मंत्री जी का ध्यान दिलाना चाहता हूं कि हमारे जिले वाराणसी में भी बहुत बड़ा संकट उत्पन्न हो गया है। वहां तमाम रूट्स ऐसे हैं कि जो शहर से संबंधित हैं लेकिन शहर में आने के लिये उनको नोटिफाईड रूट से गुजरना पड़ता है। अगर उन बसों को शहर में आने की इजाजत न दी गयी तो दिक्कत हो सकती है। मेरा सुझाव है कि उन बसों को नोटिफाईड रूट पर चलने की परमीशन इस शर्त के साथ दी जाये कि वह नोटिफाईड रूट पर सवारी नहीं लेंगे, जो सवारियां वह दूर से ला रहे हैं केवल उनको उतार सकेंगे। वहां से वह सवारियां बिठा नहीं गकेंगे। वे नोटिफाईड रूट की सीमा में चलने के समय न किसी सवारी को चढ़ावें और न उतारें, लेकिन बाहर के जो पैसेंजर हों, जो आर्य हों, उनको केवल उतार सकें या बाहर दूर जो पैसेंजर जाना चाहें वह जा सकें। यह व्यवस्था अभी तक बराबर रही है और पिछले 15 सालों से इस प्रकार के कंडीशनल परमिट मिलते रहे हैं। लेकिन अब जो प्रतिबन्ध लग रहा है उससे मुझे भय है कि जो नागरिक गांवों के शहरों में आते हैं उन्हें महान कठिनाई होगी और उनको बहुत अधिक व्यय करना पड़ेगा। इसके साथ ही साथ जो बहुत से कार लगे हुए हैं उनको भी हटाना पड़ेगा। जो बसें इस काम में लगी हुई हैं, उनमें बहुत सी पूंजी लगी हुई है। आज एक-एक बस एक-एक लाख रुपये में बनती है। जहां इतनी पूंजी लगी हुई है उन की जो क्षति होगी उसकी आसानी से पूर्ति नहीं की जा सकती।

[श्री श्यामलाल यादव]

यह ग्रहम मसला है और इस तरफ हमारे जन प्रतिनिधियों ने इस सरकार का और यहां के मंत्री का ध्यान आकर्षित किया है। मैंने भी पत्र लिखे हैं। मेरा अनुरोध है माननीय मंत्री जी मे कि यह गम्भीर प्रश्न है इसलिए आप इस पर प्रकार की नीति अख्तियार करें जिससे कि गुड्स को ढोने में, सामान लादने में सुविधा हो। जो ट्रक आप रेटर हैं उनकी सुविधा मिले। दूसरी तरफ जो सवारियां ढोते हैं, आदमियों को ढोते हैं उन्हें कठिनाई हो यह बात मुतासिब नहीं लगती। माननीय मंत्री जी इस पर गम्भीरता से विचार करेंगे और मोटर व्हीकल्स ऐक्ट में संशोधन करने की मेहरबानी करेंगे और इससे जो क्वाइट पैदा हो रही है वह दूर हो सकेगी। इन शब्दों के साथ मैं मान्यवर, इस विधेयक का समर्थन करता हूं।

MR. DEPUTY CHAIRMAN: The Minister will now reply.

DR. G. S. DHILLON: Mr. Deputy Chairman, Sir, I have listened with great respect to the views expressed by my hon. friends. I never wanted to counteract their suggestions, but I wanted to accept them as very useful suggestions for my own guidance so that whenever we think of this Department for more improvements these suggestions may also be taken into consideration quite seriously and in a much more useful manner. Personally, I have had the experience at both the levels. I held this portfolio when I was Minister of Transport in Punjab and here also. So I can see the desirability of improvement from both the ends.

These suggestions, though some of them are not directly connected with the present amendment, are also useful for future amendments which I am thinking of. There is so much scope for improvement in this Act.

Mr. Raha said that we should have some modern outlook on this whole question and that there should be some sort of co-ordinating agency or authority among the Railways,

Civil Aviation and Roads. As a matter of fact, when any foreigners meet me and when I tell them that I had got this portfolio of Transport, this is normally taken as combining all these three railways, aviation and road transport. But we have here a different system. Being a very large country, this is very natural that this department is split up. But I quite agree that since these departments are inter-related in the services they provide to the community as is clear from a closer look at the working of these departments, there must be some coordinating authority as suggested by my hon. friend, Mr. Raha. We have at present many levels of consultation; we are informing each other and we have each other's representatives on the various Boards and Committees. But as a broader policy or in our day-to-day work we do not have a much effective agency as suggested by my hon. friend. This is a problem which needs a serious look. I hope that he will not take serious look. I hope that he will not take it as a very definite commitment, but in my own way, I will examine it and will have the benefit of his advice later on also.

Besides the economic side of the question, the roads are so narrow and so much neglected. I must say that the size of our trucks has been growing in capacity, in height and in many other technical aspects.

The roads have not been much widened except a few highways and it is hardly possible for two vehicles to cross each other. In this country, the road system is very complex. Roads are used by pedestrians, horses, tongas, rickshaws, cars and many other types of vehicles. Speed cannot be attained and there is a lot of difficulty in manoeuvring. There are many things which need serious attention. Unfortunately, I have taken up this new portfolio when many schemes for widening or improving our roads are held in abeyance due to financial stringency. I very much hope that this will not last long.

I very much appreciate the suggestion that granting of inter-State permits should not be favour-oriented. I like this word 'favour-oriented' very much. I do not deny that it has been a subject of favours. We

are trying to find out some ways and means so that the gentlemen who have been ignored—I mean the applicants—have some other higher authorities or appellate authorities or revision bodies—I hope I will not be taken in that sense—so that they can have justice if injustice has been done in the consideration of their applications at the first stage. We did have in mind that the Transport Commission should be the final authority. But the State Governments and other factors have come in the way. We could not achieve it immediately. This is in my mind and I want to work on it so that there is apparent justice shown while granting these inter-State permits. There are already many stages, that is, district stage, State stage, zonal stage. This amendment is just a humble and small effort in removing some clogs. I do not say that this is a complete and comprehensive effort. This is just a beginning. Some constraints have been removed and we have to apply our minds for removing others. As Mr. Yadav said, I quite agree that these inter-State permits or zonal permits will not have any obstruction so far as tax collection is concerned. But there are a number of other constraints such as excise posts, corporation taxes, etc. These steps need a lot of persistent effort in order to arrive at some sort of solution. I quite agree that we should take it up seriously. I am trying to collect the data. We will try to categorise what other types of obstructions are still there. We will take them up one by one. We will try to tackle them in as much shorter a time as possible. We could have done it at our level if the other factors had not come

I P.M. in our way. We will have to discuss with the States, we will have to discuss with some common body of the Corporations, we have to convince them and then accept some responsibility, accept some burdens and liabilities also, and that, of course, can be settled when discussing the details.

I very much appreciate the suggestion from Shri Nizam-ud-Din that it should be the public undertakings which should handle this problem of trucks more.
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But, in spite of the wish that the public undertakings could take it up in a big way, up to this time, out of 45 public undertakings, only half a dozen have come forward and that too in not a large number, but just in a small manner. But we have provided in this Act that public undertakings will not be subject to any limit. It is in the interest of the Government, if some funds are available, some other ways are available, this big industry should be by and by shifted to these public undertakings. And that could be a very good justification and some time later could be a source of great income to the Department. But, at present, there is no improvement in the position. But I agree that we should move further.

About this number of trucks, I tried to understand when I came to the Ministry, why this particular number—three—should be allowed to one individual and this number seven to the companies, what rationale is behind it, and what logic is behind it. I went through some discussions in the Department with the States and at other levels. The final point I came to was this that we are not granting more, we will have to cut down the size of many transporters. It may be that in a very few cases, some people gain by one or two, but most of them will have to be cut down to reduce the number to 50%. They say that one individual wants one truck to go and the other truck to come. Two are necessary—one from the other end to come and the other one to go from this end. And the justification for the third one is, in case of a breakdown, there should be some standby. It is a very good logic and I think I can accept it. But the Bill does accept it. I have to accept what has already been discussed and agreed to. In the case of a company, less than seven persons cannot be registered, and one person-one truck is the logic behind it. So, this is the minimum that is possible in this respect. If you could tell me, Sir, any other way to bring about any alterations, I would very much welcome it. But, this is the accepted standard that I have.

Mr. Menon's suggestions are with regard to the working conditions of trans-

[Shri G. S. Dhillon]

port workers. I would certainly be very much ready to discuss so far as the jurisdiction of the Central Department is concerned. I would really like that we should meet some time and have more discussions before I make up my mind as to what should be the final action that I should propose to the States, to the zones and which could be acceptable.

When I was Minister of Transport in the Punjab, I realised that there were serious handicaps from which the transport workers were suffering and even after many years, I feel that their suffering has not been mitigated. One was about fixing of hours of their driving. Now there is no criterion that you can enforce and find out that a particular worker or the driver or the cleaner or the other man working in the workshop has worked more than a particular fixed number of hours. It is specially so at the cost of the driver when he feels sleepy at the vehicle and it is also to the disadvantage of other workers who are there to help him. The other handicap is lack of rest houses. Suppose a driver is finishing his time at a particular point. There are no rest houses. I have seen drivers just having their cots and *charpais* thrown in the open and *dhaba-wallas* providing them with food, then the driver is sleeping in the open with all the noise going on around him. So we badly need some rest houses for them. And it will be still my effort in this direction, if I continue for some time in this department, that we must find a way out.

DR. K. MATHEW KURIAN (Kerala) : For which there is no doubt.

DR. G. S. DHILLON : No, Sir, this a very slippery department. I have tried to cover some points and I assure you that so far as other points are concerned, I have just noted them and I will be very happy if some of us could sit together and elaborate these points so that in my mind I get a fixed position regarding those points after our discussions. One more point which I missed is about the godowns. About the route to notified areas, I will have to collect information from some

transport authorities in many States and will let you know the handicaps they are suffering from. It will be more by persuasion than by reliance on legal steps.

With these words, Sir, I move that the Bill be taken into consideration.

MR. DEPUTY CHAIRMAN : The question is :

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN : We shall now take up clause-by-clause consideration of the Bill.

Clause 2—Amendment of section 63

There are 3 amendments. One by Mr. Sanat Kumar Raha.

SHRI SANAT KUMAR RAHA : Sir, I beg to move the following amendment :

"That at page 2

(i) in line 18, for the word "three" the word 'two' be substituted;

(ii) in line 21, for the word 'three' the word 'two' be substituted;

(iii) in line 23, for the word 'seven' the word five be substituted;

(iv) in line 25, for the word 'seven' the word 'five' be substituted;

(v) in line 35, for the word 'three' the word 'two' be substituted;

(vi) in line 36, for the word 'seven' the word five be substituted;

(vii) in line 39, for the word 'three' the word 'two' be substituted;

(viii) in line 40, for the word 'seven' the word 'two' be substituted;

The question was put and the Motion was negatived.

MR. DEPUTY CHAIRMAN : There is amendment No. 2 by Shri K. N. Dhulap. He is not here. Then amendment No. 3 by Shri Syed Nizam-ud-Din.

Bill, 1976

SHRI SYED NIZAM-UD-DIN : In view of the remarks made by the hon. Minister in his speech, I do not move my amendment.

MR. DEPUTY CHAIRMAN : The question is :

"That Clause 2 stand part of the Bill."

The Motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

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

DR. G. S. DHILLON : Sir, I move :

"That the Bill be passed."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN : We shall take up The Election Laws (Extension to Sikkim) Bill; 1976 after lunch.

The House stands adjourned till 2.15 P.M.

The House then adjourned for lunch at ten minutes past one of the clock.

The House reassembled at eighteen minutes past two of the clock, Mr. DEPUTY CHAIRMAN in the Chair.

THE ELECTION LAWS (EXTENSION TO SIKKIM) BILL, 1976

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD) : Mr. Deputy-Chairman, Sir, I beg to move :

"That the Bill to provide for the extension of the Representation of the People Act, 1950 and the Representation of the People Act, 1951, to the State of Sikkim, as passed by the Lok Sabha, be taken into consideration."

Sir this Bill is of a non-controversial nature. As the House is aware, by the Constitution (Thirty-sixth Amendment) Act,

1975, which came into force on the 26th April, 1975, Sikkim has become a constituent unit of India as the 22nd State of the Indian Union, Section 3 of that Act inserted a new Article 371F in the Constitution to provide *inter alia* that the sitting Members of the Assembly for Sikkim formed as a result of the elections held in Sikkim in April 1974 shall be deemed to be the Members of the Legislative Assembly of the State of Sikkim duly elected under the Constitution, that until other provisions are made by Parliament by law, there shall be allotted to the State of Sikkim one seat in the House of the People and that the representative of that State in the existing House of the People shall be elected by the Members of the Legislative Assembly aforesaid. Section 4 of that Act amended the Fourth Schedule to the Constitution to allot one seat in the Council of States to that State.

With a view to give effect to the provisions of the Constitution (Thirty-sixth Amendment) Act, 1975, it was decided in consultation with the Election Commission that the Representation of the People Act, 1950 and the Representation of the People Act, 1951, should be extended, with necessary modifications, to the State of Sikkim. As Parliament was not in Session and as it was necessary to extend those Acts so that the representatives of the State of Sikkim in Parliament could be elected without delay, the President promulgated on September 9, 1975, the Election Laws (Extension to Sikkim) Ordinance, 1975. This Bill seeks to replace that Ordinance. I commend the Bill for the consideration of the House.

The question was proposed.

SHRI JAGJIT SINGH ANAND (Punjab) : Mr. Deputy Chairman, Sir, I support this Bill. The integration of Sikkim as the 22nd State was a very significant step because, as we know, there are forces, both external and internal, which are inimical to the interests of our country, and when Sikkim was integrated by amending our Constitution, those forces worked overtime to distort the situation. Our friends across the northern border also