

SHRI M. P. BHARGAVA (Uttar Pradesh): Madam, before you take up legislative business, I have to make a small submission. You have just announced that two hours have been fixed for the discussion on the UP secondary teachers which will take place at five O'clock. A large number of Members have expressed their desire to take part in this discussion and, therefore, I would suggest that we take up this item at four O'clock instead of at five O'clock, if the House is agreeable to it.

THE MINISTER OF EDUCATION (DR. TRIGUNA SEN): No, Madam. I have an engagement before that. At three O'clock, the National Awards to teachers will be made by the Vice-President and it will not be possible for me to come here at four O'clock.

THE DEPUTY CHAIRMAN : The discussion may start and you may come later to reply. I leave it to the House.

श्री राजनारायण (उत्तर प्रदेश) : माननीया, मेरा निवेदन तो यह है कि अगर 3 बजे से यह बहस हो तो अच्छा रहेगा। हम चाहते हैं कि यह बहस 3 बजे से हो, मगर मंत्री जी यहां पर जरूर रहें। (अन्तर्वाधा) :

उपसभापति : मंत्री जी को तो एक घंटे के लिए जाना है।

Now, that will do. Please do not take the time of the House.

श्री राजनारायण : माननीया, जरा एक मिनट के लिये मुना जाय। जब मंत्री जी राष्ट्रपति जी के पास जा रहे हैं, तो मैं समझता हूं कि वहां पर उत्तर प्रदेश के टीचरों के संबंध में कुछ बातचीत होगी।

(Interruptions)

THE DEPUTY CHAIRMAN : If the House is agreeable, we may start the discussion, to which Mr. Bhargava has drawn our attention, at four O'clock. The Minister feels that he will not be here, but somebody from his Ministry should be in the House to report to him what discussion has taken place.

THE LEADER OF THE HOUSE (SHRI JAISUKHLAL HATHI) : Someone of his colleagues can be here in the House. If all are engaged in that function, at least somebody you can send here.

THE DEPUTY CHAIRMAN : Any one of the three Ministers in the Ministry could be present for the discussion. The House could begin at four O'clock, if the House is agreeable. That is agreed to.

THE MOTOR VEHICLES (AMENDMENT) BILL, 1965

THE MINISTER OF TRANSPORT AND SHIPPING (PROF. V. K. R. V. RAO) : Madam, I beg to move :

"That the Bill further to amend the Motor Vehicles Act, 1939, as reported by the Joint Committee, be taken into consideration."

In moving this motion, I would like to point out that this has been hanging fire for a very long time. The House is aware that this amending Bill was introduced in 1965. A proposal for the appointment of a Joint Select Committee was made in 1966 and due to the dissolution of that House, the whole thing fell through. It is only a few months back we were able to reconstitute the Joint Select Committee. The Joint Select Committee held a number of meetings, heard a large number of witnesses and has submitted what can practically be considered a unanimous report. There are only two minutes of dissent, one of which really does not pertain to the amending Bill because it deal with clauses which have not come up for amendment in the Bill. The other minute of dissent deals with the question of definition of claim for insurance by passengers and the contributory negligence and so on. For that there is a non-official amendment coming before the House in consonance with the minute of dissent given by Mr. Mahajan and Government would be prepared to consider it when that stage comes. The point is this. As far as this Bill is concerned, there has been really no controversy of any kind within the Joint Select Committee. I would like to take the opportunity of paying my tribute to the Chairman of the Committee, Shri Bhargava, who conducted the proceedings of the Committee with great efficiency and was able to secure, more or less, the unanimous acceptance of the Bill by the Joint Select Committee. I would also like to point out that the Joint Select Committee itself made quite a number of very useful and important changes in the Bill as originally placed before them. As far as the amending Bill itself is concerned, the main object

[Prof. V. K. R.V. Rao]

of the Bill is to implement the recommendations of the Masani Committee and the recommendations of the Motor Vehicles Insurance Committee, in addition to the suggestions which had been made by the State Governments, by the Transport Development Council and by other bodies which had been connected with road transport problems. Now, among the original items, which have been incorporated in the amending Bill, I would like to mention provisions which have been made for the better control over driving. We have tried to minimise, to the maximum possible extent, the possibilities of accident.

Therefore, regarding vehicles' trustworthiness, renewal of permits, fitness of drivers, and so on, stricter measures have been included in the Bill. Then we have also tried to see that more opportunity is given for victims of accidents to claim relief. Third party insurance has been added to the insurance provision and the amount of compensation has been increased. The time limit for filing claims has been increased. Therefore on the one hand we are minimising the possibilities of accidents, and on the other hand we are trying to increase the compensation and liberalise the provision relating to those who are victims of accidents.

We have also seen to it that if a Regional Transport Authority is constituted if it consists of only one person, then that person must have judicial experience. It has been said definitely that the person must have judicial experience. Then we have also tried to liberalise the provision regarding the amount of security for permits. As far as the small people are concerned, a number of people apply for carriage permits or passenger permits. The amount of security required from them for putting an application has been drastically reduced from Rs 5000 to Rs 500, the idea being to give opportunity to as many small people as possible so that they are not shut out by a very large sum being imposed upon them even for filing an application.

Then, Madam, some provision also has been made for facilitating inter-State transport especially in regard to tourist vehicles. Provision has been made for that and also some centralisation of the permitting authority for intra-regional and inter-State transports within the State Transport Authority.

Then, there is also a thing which has been causing a great deal of public concern. There are a number of agents who issue tickets or specially arrange for transport of goods. We have seen to it that all these people must be licensed, and they must also deposit a substantial amount so that we can see that the interests of the consignors and the consignees are properly safeguarded.

Then as far as the other points are concerned, I do not think there is really any matter of controversy on this Bill excepting for one particular clause on which I am sure we are going to have a full-dress discussion. My friend, Mr Dahyabhai Patel among others is party to an amendment before this House, and I think we will have a proper discussion. I will mention only one topic before we go to discuss clause by clause. There seems to me to be some misunderstanding on what the Government is trying to do by clause 41, what the Joint Select Committee has agreed to. First of all it must be remembered that the principle of nationalisation of road transport passenger service is an accepted principle. This was something which was discussed a long time ago. It was agreed to and necessary legislation has been introduced for the purpose. The legislation also makes provision that when the State Transport Authority draws up a scheme, there are two stages. One is the Transport Authority draws up what is called a preliminary scheme for nationalisation of a certain route or a certain area, and so on. Then objections are invited against the preliminary scheme by interested parties. These objections are heard; the State Government has to be satisfied that these objections are valid or not valid; and then the State Government can also modify the preliminary scheme in the light of the objections that are received or may decide to approve of it in the original form. After the State Government has considered the preliminary scheme it is then notified as the approved scheme. It is only when the approved scheme is published that nationalisation takes place. The moment the approved scheme comes into force no new permit can be given, all existing permits automatically stand cancelled, and only the State Transport Undertaking can ply on that particular route. This has been the position. I would like to point out that as far as the basic position is concerned no significant change has been made, but I should also like to take the House into confi-

dence by pointing out that while this provision was made for objections to be filed, the idea was that objections should be filed which would strictly refer to the transport interests. Instead, Madam, it has been found by experience—and every State Government has complained to us—that many objections which are filed are completely frivolous. When the discussion comes on the clause, I am prepared to go into it in detail. Printed objection forms are filed, cyclostyled forms are filed, and all sorts of completely irrelevant questions are brought in. Witnesses have to be brought and they have to be examined and the proper procedure has got to be followed. Then writ petitions are also submitted. The result has been that many State Governments have felt themselves completely frustrated in implementing what already is an accepted policy, and the interval between the publication of a preliminary scheme and the publication of the approved scheme has been as much as two years, two years and six months, three years, and so on. What has been happening is that the operators have been spurred by their own self-interest. I do not blame them. Everybody is spurred by his own self-interest. The operators in many cases have been using this clause for objections to delay and to bring about a very big time-lag between the initial publication of the scheme and the authorised final publication of the scheme, and many profitable and worthwhile routes which the State Governments wanted to nationalise, they have not been able to nationalise and there had been a great deal of complaints. The Madhya Pradesh Government brought this matter to the notice of the Central Government and they wanted certain amendments to be made. Subsequently the Madras Government also brought this up. In fact they intimated to us that they were issuing an Ordinance for this purpose. Then the matter was also discussed in the Government and finally we agreed—the Madras Government already has this law—that while every State Government had a right to pass its own legislation for local areas, we thought that instead of different State Governments passing legislation we should bring it up before the Joint Select Committee. In the Joint Select Committee there was no objection at all. It was considered by the Joint Select Committee, and I am sure when the Chairman of the Committee intervenes during the course of the discussion, he will also tell that there was no objection and it was unanimously approved.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : But it was not in the original Bill.

PROF. V.K.R.V. RAO : That may be. After all we must remember that a number of changes were made. The original Bill was introduced in 1965. We could not bring in amendments except at the Joint Select Committee stage. I am sure the hon. Member who is a very senior Member of the House would know it was not possible for us to introduce amendments to the Bill before it was committed to a Joint Select Committee.

SHRI AKBAR ALI KHAN : But it was a very important thing.

PROF. V. K. R. V. RAO : It is a very important thing but it is not a new thing. This is a matter that was discussed at full length four or five years ago. This is not something new. This has arisen as a result of the experience of the State Governments. While we all want to nationalise, let not the operators be apprehensive that nationalisation is going to proceed at a very big pace. Let us also remember that the capacity of the State Governments to nationalise road transport also depends upon their resources. Then when they are in a position to do it, they are frustrated, they are not able to do it, all sorts of objections are raised, and writ petitions are there. Therefore, the feeling among the State Governments, in the Joint Select Committee and in the consideration that we gave it ourselves in the Government of India was—because this matter has been considered by the Cabinet and the legislation that has come up has been approved by the Cabinet, the particular clause was approved by the Cabinet, it was not something that was not approved...

PANDIT S. S. N. TANKHA (Uttar Pradesh) : Is it not a fact that various High Courts have intervened from time to time on these writ petitions? You cannot say that these writ petitions are wholly unjustified.

PROF. V. K. R. V. RAO : I am prepared to discuss this matter because I thought I would keep myself confined to the introductory remarks before we adjourned for lunch. I think the biggest discussion will be on clause 41. I thought I would be able to give information...

SHRI DAHYABHAI V. PATEL (Gujarat) : Madam, he can continue after lunch.

THE DEPUTY CHAIRMAN : How much more time do you want?

PROF. V K. R. V. RAO : About ten minutes.

SHRI DAHYABHAI V. PATEL : Let us adjourn

PROF. V K. R. V. RAO : I am prepared to make it five minutes. Madam, I will finish in five minutes and let me introduce this, because I will have more opportunities to speak again.

I would also like to point out again that we have done one thing, and actually this was done at the specific instance of the Ministry in order to see that everybody gets full information. Hitherto the provision was that it should be published in the Gazette and such other action should be taken as was considered desirable to see that the public got informed. Now, we have put in a special clause saying that this information should be published in a local paper, in a regional language paper in the local area, so that everybody should get to know about it. There was no such provision before either in the amending Bill or in the original Act. This was specifically introduced. And if I may take the House into confidence, I was responsible for saying that this must be done so that the people should get a chance and they may file their objections. Every opportunity should be given to people for filing legitimate objections. Therefore, it was important to see that wide publicity was given.

We have also introduced a new clause which was not there before, whereby the Regional Transport Authority can be given a directive. If any operator finds himself deprived of running a service because of nationalisation, then a directive is given to see that he is given an alternative route. Such a clause was not there. Some kind of an understanding was there but the clause was not there. Clause 18 specifically says that whenever an operator loses the right of plying over a route, an opportunity should be given to him, an alternative route should be offered to him. Madam, quite honestly, I do not think we have done any injustice to the private operators. I know that we have received about 200 telegrams. I may also add that many of the telegrams have a lot of family resemblance more or less. Excepting that the signatures are different and they come from the different parts of the country, they all seem to very well organised, and the wording is about the same.

SHRI DAHYABHAI V. PATEL : From the members of the Congress Party.

PROF. V K. R. V. RAO : All parties. This is not a matter of the Congress Party or any other party.

Well, on this particular point, because of the importance attached to getting this thing through, the Madras Government already has its legislation. And I am quite prepared to give the assurance that this is not intended to take away the rights of the operators to frame objections. I must also make it clear that it is not intended to take away the existing permits the moment the preliminary scheme is published. The existing permits can lapse only after it becomes authorised and in between the preliminary and the authorised schemes, there is every opportunity given to the operators to file their objections. Therefore, nothing wrong has been done, and unnecessarily an uproar has been created on this particular subject of clause 41. I would beg of the House to take it that this is something which has further rationalised the position and also enabled the State Governments to carry out the scheme which this House several times, and all of us have accepted, that the State Governments should go ahead with their scheme for nationalisation of passenger road transport, without at the same time doing injustice to the private operators.

As regards the other amendments, Madam, the question is of language. This is a matter which could not come within this amending Bill because we are not amending that. But we are considering the whole matter. The subject whether there should be Hindi wording or not is a matter which is under discussion with the Ministry of Home Affairs. The State Government also have got to be consulted. And I would like to tell the House that this is not the last amendment of the Motor Vehicles Act. A more comprehensive and a bigger measure is going to be introduced probably some time towards the end of next year, because a number of other Committees have reported and it has not been possible to bring everything before the Joint Select Committee. And therefore, we expect to bring forward a more comprehensive Bill after eight or nine months, in which case we will also take up this question of language, or earlier if we are able to come to a decision earlier.

Madam, I do not think that I should take up more time of the House at this

stage. I would like to commend the Bill as it has emerged from the Joint Select Committee for the acceptance of the House. And once again I should like to pay my thanks to the Chairman and Members of the Joint Select Committee for the expeditious way in which they have dealt with this particularly complicated problem and for having presented the House with a Bill that practically contains no minute of dissent of whatever kind.

Thank you.

The question was proposed

THE DEPUTY CHAIRMAN : Before we adjourn, I would like to say that Shri Man Singh Varma will be the speaker at 2.00.

The House stands adjourned till 2.00 P.M.

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

The House reassembled after lunch at two of the clock. The DEPUTY CHAIRMAN in the Chair.

श्री मानसिंह वर्मा (उत्तर प्रदेश) : माननीय उपसभापति महोदया, स्वतंत्रता के पश्चात् जितनी अवहेलना परिवहन के विषय में हुई है उतनी अवहेलना मैं समझता हूँ किसी और विषय में नहीं की गई है। देश में प्रगतिशीलता आई किन्तु उस के अनुपात से मैं ऐसा समझता हूँ कि ट्रांसपोर्ट डिपार्टमेंट को एक प्रकार से नजर-अदा किया गया। मैंने इस बात का प्रयत्न किया कि मोटर वहिकल्स एक्ट को पढ़ूँ, उसको समझने का भी प्रयत्न किया और जो बिल इस समय प्रस्तुत है उसको भी देखने की कोशिश की, तो मुझे ऐसा लगता है कि जैसे कोई भवन किसी ऐसे नक्शे पर बना दिया जाता है जिसका कि कोई विशेष उद्देश्य नहीं उसी प्रकार से ट्रांसपोर्ट का यह भवन बना दिया गया है और जैसे कि बिना किसी उद्देश्य के, बिना किसी नीति के, भवन बना दिया गया तो समय समय पर जो खामिया पैदा होती हैं, जो उसके दोष मानने आते हैं उसके लिये जल्दी से मकान में रिपेयर की जाती है उसी प्रकार से बड़ा ट्रांसपोर्ट के भवन में मरम्मत की जाती रही है।

मैं तो यह समझता हूँ कि इस पूरे विषय पर बड़े गम्भीर चिन्तन की आवश्यकता है और यह देखने की आवश्यकता है कि किस प्रकार से देशके परिवहन का संचालन किया जाय, किस प्रकार से इसको चलाया जाय।

यह मुझे मालूम है जैसा कि माननीय भत्री महोदय ने अभी अभी, जब कि उन्होंने इस बिल को पेश किया, कहा था कि सरकार की नीति नेशनलाइजेशन की है, और उन्होंने कहा कि इसमें कोई दो राय नहीं है। ठीक है, किन्तु नेशनलाइजेशन करने से पूर्व यह भी समझने की, देखने की, आवश्यकता है कि क्या सरकार में इतनी सामर्थ्य है कि वह नेशनलाइजेशन कर सके। कह देना तो बड़ा आसान है और उसको अपनाना भी आसान है किन्तु उसका संचालन मुचारू रूप से होगा इसको देखने की आवश्यकता है। बहुत अधिक लम्बे समय तक तो नहीं किन्तु चार पांच महीने तक मुझे उत्तर प्रदेश के परिवहन विभाग को देखने का अवसर मिला। वहाँ भी मिक्स्ड एकानामी के नाम पर कुछ रूट्स ऐसे हैं जो कि नेशनलाइज किये गये हैं और कुछ रूट्स ऐसे हैं जो कि प्राइवेट आपरेटर्स द्वारा संचालित होते हैं। उसका मेरा बड़ा कटु अनुभव रहा। जिन रूट्स को नेशनलाइज किया हुआ है उनके दोषों को मैं अगर यहाँ बताऊँ तो मैं समझता हूँ कि बहुत लम्बा चौड़ा भाषण हो जायगा किन्तु विशेष रूप से एक बिल्कुल स्पष्ट बात है कि सरकारी मशीनरी इस योग्य नहीं, सक्षम नहीं कि वह अपनी तरफ से मुचारू रूप से परिवहन को चला सके। एक वर्कशाप में अचानक ही सरप्राइज विजिट करने के वास्ते मैं चला गया और मैंने वहाँ देखा कि बहुत सी बसेज वहाँ डीप में खड़ी थी। मैंने पूछा कि आखिर ये क्यों खड़ी हैं, ये मडक पर क्यों नहीं आती और जनता की माग को क्यों नहीं पूरा किया जा रहा है, भीड़ बहुत बढ़ रही है और यहाँ पर बसेज पड़ी हुई हैं इसका कारण क्या है। और जिस समय मैं उसकी स्कुटिनी करने लगा तो मुझे बताया गया कि दस बसेज ऐसी थी जो कि केवल इस वजह से खड़ी थी कि बैटरी का जो एक टरमायल होता है, एक तार होता है, जो कि उसको मोटर से जोड़ता है और जो कि केवल 12 आने में आता है वह

[श्री मानसिंह वर्मा]

दस बैटरीज के लिए नहीं था और ज़िमके कारण से वे दस बसेज वहाँ पड़ी हुई थी। मैंने हिमाब लगाया कि 12 आने गुना दस यानी 120 आने खर्च करने के पश्चात् वे दसो बसे रोड्स पर आ सकती थी किन्तु नहीं आ सकी क्योंकि उसके लिये पैसा नहीं था। अगर अधिगृहीत को यह अधिकार होता कि उसको बाज़ार से खरीद सकते या अगर बैटरीज नहीं थी, इडेट की हुई थी और समय पर नहीं आ सकी थी तो तीन चार या पांच रुपया रोज़ाना पर बाज़ार से बैटरी ले कर लगा देने और दस गुणा 5 यानी 50 रुपया खर्च कर देते तो उससे कम से कम 500 रुपया रोज़ कमा कर देते। तो मेरे कहने का अभिप्राय यह है कि जो इस तरह की बात है उसके कारण से पूरा परिवहन विभाग उत्तर प्रदेश का घाटे में चलता रहा है। वहाँ पुर्जें खरीदे गये, लाखों-लाख रुपये के पुर्जे केवल इस नाते में खरीद लिये गये कि उसमें कमीशन मिलना था। वहाँ कानपुर की वर्कशॉप में मैंने जाकर देखा कि जमीन के नीचे डम्प बना हुआ है और उसमें पुर्जे दबे हुए हैं, मैंने पूछा कि पुर्जे यहाँ क्यों पड़े हुए हैं तो कहा गया कि काम नहीं आने वाले हैं और इनके लिए बाज़ार में भी मार्केट नहीं है, तो मैंने पूछा कि क्यों खरीद लिये गये तो कहा गया कि उस समय खरीद लिये गये और जब पूछा कि क्यों काम नहीं आये तो इसका कोई उत्तर नहीं था। तो इस प्रकार की जो बात है यह नेशनलाइजेशन के कारण से होती है। एक दूसरी बात यह है कि नेशनलाइजेशन पब्लिक वेलफेयर के लिए हुआ करता है और अगर आप को नेशनलाइजेशन करना है तो उतनी मक्षमता प्राप्त कीजिये, उतनी सामर्थ्य आपमें होनी चाहिये। किन्तु जहाँ रद्दी रूट्स पर, इटीरियर में बड़ी आवश्यकता होती है वहाँ कहते हैं कि प्राइवेट आपरेटर्स चलाये और जब वहाँ ठीक प्रकार से सर्विस हो जाती है तो फिर उसको छीन लिया जाता है। यह बात समझ में नहीं आती। जब चारों तरफ से शोर मचता है तो प्राइवेट आपरेटर्स की सहायता के द्वारा उसे करना चाहते हैं और वहाँ चलाना चाहते हैं किन्तु जब वह सुचारु रूप से चलाने लगते हैं तो फिर

उस रूट को आप नेशनलाइज कर लेते हैं। मुझे एक उदाहरण याद आ गया अपने जिले मेरठ का ही। हमारे एक मित्र थे जो कि अपने आप को बड़ा सुधारक कहते थे और कहते थे कि मैं तो हरिजनो का बड़ा सुधारक हूँ, उनके मसीहा बने हुए थे, तो उन्होंने क्या तरकीब मोची। वह एक गांव से लगभग 100 परिवारों को उठा कर एक जगह ले आये, ऐसी जगह ले आये जहाँ कि जमीन बिल्कुल बज़र पड़ी हुई थी और कहा कि यह जमीन ले लो और इसको जोतो बोओ। तीन वर्ष तक वे बेचारे उसमें लगे रहे और उसको जोतते रहे, पहले माल में कुछ नहीं हुआ, दूसरे साल में कुछ नहीं हुआ और तीसरे साल में कुछ पैदावार हुई और चौथे साल जिस समय कि खेत लहलहाने लगे तो पटवारी से मिल मिलकर उन्होंने सारी जमीन अपने नाम करा ली और उनसे कहा कि तुम लोग अपनी जगह जाओ। परिश्रम न करने वाले बेचारे ने किया, बज़र जमीन को ज़रखेज उन्होंने बनाया और जब खेत लहलहाने लगे तो उन्हें धता बताई। कुछ इसी प्रकार की नीति मिक्सड एका-नामी के नाम पर यहाँ भी आज हमारी सरकार ने अपनाई हुई है। आपकी बसेज बढ़िया आती है और रोड्स बहुत खराब हैं, आपकी बसेज जल्दी टूट जायेगी इसलिए कहते हैं कि वहाँ पर प्राइवेट आपरेटर्स चलावे और जब इस प्रकार की स्थिति आ जाती है कि वहाँ बसे चलने लगती हैं तो उनको हटा देते हैं। मुझे अभी बुदेलखण्ड जाने का अवसर मिला तो वहाँ पर एक प्राइवेट बस आपरेटर की रूट पर मैं गया, तो आप समझिये कि लगभग 26 मील का वह रूट था और वहाँ पर पहुँचने के लिये पांच घंटे लगे।

26 मील का रूट पांच घंटे में बस द्वारा तय हो, इस प्रकार की बात मैंने देखी और जहाँ पर अच्छी आमदनी होती है वहाँ पर नेशनलाइज हो जाता है। अच्छी आमदनी के रूट का हर प्रकार से सुचारु रूप से संचालन हो सकता है लेकिन उसके पश्चात् भी यदि घाटे में चलता है तो यह बात हमारी समझ में नहीं आती है। तो क्या इसी का नाम नेशनलाइजेशन है यही तो कारण है कि न तो आप उनको इम्पीट्स देते हैं, न उनको आप इन करेजमेंट देते हैं बल्कि आप उनको हतोत्साहित करते हैं, उनके

कार्य में बाधा डालते हैं, स्वयं उसको चला नहीं पाते हैं, जिसका नतीजा होता है कि आज तक परिवहन विभाग इस प्रकार से रह रहा है जिस प्रकार से कोई अनाथ होता है, जिसकी कोई देखरेख करने वाला नहीं होता। तो इस पर सोचने की आवश्यकता है।

मैं यह समझता हूँ कि मिक्सड एकानामी का मतलब यह है कि आप कंपिटिटिव बेसिस पर बसेज को चलाइये। वहाँ पर सरकार की बसे भी चलाइये और प्राइवेट आपरेटर्स की बसेज भी चलने दीजिए। इस प्रकार का प्राविजन होगा तो आप देखेंगे वहाँ पर सुचारु रूप से बसेज चलने लगेंगी। आपने कहा कि प्राइवेट बसेज के आपरेटर्स को हम इनकरेज करते हैं, परमिट देते हैं। अभी माननीय मंत्री महोदय ने बिल को प्रस्तुत करते हुए कहा था कि परमिट और आसानी से दिये जा सकें इसकी व्यवस्था की है, इसको रेगुलराइज किया है, बड़ी प्रमत्तता की बात है। मैंने अपने जमाने में यह कोशिश की थी कि परमिट सिस्टम को अबालिश कर दिया जाय क्योंकि परमिट सिस्टम—this is a source of corruption—भ्रष्टाचार की जड़ है। मैं दूसरे प्रांत की नहीं कह सकता, यू० पी० के अन्दर तो एक-एक परमिट एक-एक लाख रुपये में मिलता है। एक कागज आर० टी० ए० कमेटी की तरफ से मिलता है, उसका मूल्य एक लाख, पचहत्तर हजार, पचास हजार रुपये तक हो सकता है। इस प्रकार के भ्रष्टाचार को रोकने के लिये इस बिल में मैं समझता हूँ कोई प्राविजन नहीं है, असल में प्राविजन इस संबंध में होना चाहिये था। जहाँ पर सरकार की तरफ से व्यापार करने की बात आ जाती है वहीं पर गड़बड़ हो जाती है। बनिये की दुकान भी सरकार खोलने लगे, पान की दुकान भी सरकार खोलने लगे, हर प्रकार का काम अगर करने लगे तो कर सकती नहीं। इसका नतीजा यह होता है कि जो स्टेट वेलफेयर की बात कही जाती है कि जनता के लिये सुविधाएँ दी जाय वह बात केवल शब्दों में रह जाती है, पुस्तकों में रह जाती है, किताबों में रह जाती है, उसका कोई उपयोग नहीं हो पाता है और यही मैं देख रहा हूँ। तो

इस भ्रष्टाचार को दूर करने के लिये मैं यह चाहूँगा—अभी माननीय मंत्री महोदय ने यह बात कही कि कोई कंफ्रिहेंसिव्ह बिल वह लाने वाले हैं, मुझे प्रसन्नता हुई यह जानकर—तो मैं यह चाहूँगा कि पूरे बिल की ओवरहालिंग होनी चाहिए, एक नीति निर्धारित होनी चाहिये कि हमें इस ट्रामपोर्ट व्यवस्था को किस प्रकार से चलाना है।

अभी मैंने परमिट सिस्टम की बात आपको कही। आर० टी० ए० कमेटी मुकर्रर की जाती है। उसमें आपने कहा कि यदि एक मेम्बर है तो उसको जुडीशियल एक्सपीरियन्स का होना चाहिये, बिल्कुल ठीक है मैं इससे इत्तिफाक करता हूँ कि बहुत आवश्यक है लेकिन जहाँ पर और मेम्बर्स होते हैं वहाँ पर, मैंने मारे बिल को देखा, मैंने कही पर किसी प्रकार का कोई क्राइटेरियन नहीं देखा, वह परमिट कैसे दे इसका कोई क्राइटेरिया नहीं देखा, बिल्कुल मनोवाञ्छित है, जैसा चाहें करें। उसका नतीजा क्या होता है कि दो-दो मेम्बर होते हैं, एक मेम्बर होता है, एक कमिश्नर होता है, एक आर० टी० ओ० होता है, इस प्रकार तीन आदमियों की कमेटी है और जहाँ तक मुझे मालूम है, उसका परिणाम यह होता है कि तीनों आदमी मिलकर बांट लेते हैं, यह मेरा आदमी है, यह तुम्हारा आदमी है। इस प्रकार इस बिल में कोई ऐसी धारा नहीं है कि अगर इस कंडीशन को फुलफिल करता है तो परमिट दिया जाय। उसका नतीजा यह होता है कि एक-एक व्यक्ति के पाम चौदह-चौदह, सत्रह-सत्रह, बीस-बीस परमिट दिये हुए हैं जो स्ट्रूम को मोनोपोलाइज किये हुए हैं। दूसरा दुष्परिणाम यह होता है कि अगर कोई दूसरा आदमी व्यापार में आना चाहता है, इस लाइन में आना चाहता है तो फौरन ही हाईकोर्ट से रिट ले लिया जाता है कि चौदह परमिट है तो पन्द्रहवाँ न चलने पाये। उसका नतीजा यह होता है कि जनता चिल्लाती रहती है और अगर आप परमिट देना चाहते हैं तो आप दे नहीं पायेंगे क्योंकि हाईकोर्ट से रिट हो जाता है। इस कारण से मैं समझता हूँ इस धारा को समाप्त करना चाहिये, परमिट सिस्टम को एबालिश करना चाहिये। और जगहों में क्या होता है उसके बारे में मैं नहीं कह सकता लेकिन अपने प्रांत में मैंने देखा कि ट्रक

• [श्री मानसिंह वर्मा]

के मामले में पहले वहां भी बड़ा भ्रष्टाचार था लेकिन अब डिलाइसेन्स कर देने से जो चाहे रोड पर ट्रक को खड़ा कर सकता है और उसका नतीजा यह है कि वहां सुचारु रूप से रोड ट्रांसपोर्ट चल रहा है, उसमें किसी प्रकार की कोई शिकायत नहीं है। इधर मैंने देखा जो प्राइवेट बस आपरेटर्स द्वारा रूट्स चल रही है, उदाहरण के रूप में मैं कहना चाहता हूं जैसे मेरठ शहर है, बुलन्दशहर है, वहां पर इतनी सुचारु रूप से बसें चल रही हैं कि वहां पर आपको दस मिनट भी बस पकड़ने में नहीं लगेगी, दस-दस पांच-पांच मिनट बाद आपको गाड़ी मिल जायगी, एक सवारी ज्यादा नहीं बैठायी जाती है। मैं मानता हूं जिस समय तक सरकार की बसेज नहीं आयी थीं तब प्राइवेट बस आपरेटर्स बहुत परेशान किया करते थे। बसों को सुचारु रूप से चलाने का एक ही अल्टरनेटिव, एक ही विकल्प है, और वह यह है कि कंपीटीटिव बेसिस पर बसेज चलनी चाहियें। सरकार की तरफ से भी चलें और प्राइवेट बस आपरेटर्स भी उस रूट्स पर चलें ताकि एक दूसरे के मुकाबले में जनता को अधिक से अधिक सुविधायें मिलें। (*Time bell rings*) किराया बढ़ाने की बात क्यों आती है क्योंकि मोनो-पोलीज़ के कारण चार बसेज चल रही हैं, पांचवी आ नहीं सकती। डिमान्ड ज्यादा हो गयी तो लोग ज्यादा बसों से चलने लगे।

THE DEPUTY CHAIRMAN : You must wind up now.

श्री मानसिंह वर्मा : उपसभापति महोदय, अभी तो आधी स्पीच भी नहीं हुई है। कृपा करके थोड़ा टाइम और दीजिए। मैं जल्दी समाप्त करूंगा।

टैक्सेशन के विषय में कहना है, टैक्सेशन यूनी-फार्म होना चाहिये सब स्टेट्स में। मैंने यह देखा है कि किसी स्टेट में किसी प्रकार का टैक्सेशन है, किसी स्टेट में दूसरे प्रकार का टैक्सेशन है और उसके कारण यह होता है कि एक स्टेट से जब गाड़ी निकल कर दूसरे स्टेट में जाती है तो वहां पर आपरेटर को बड़ी परेशानी उठानी पड़ती है

और इस प्रकार की एनोमोलीज़, विविधताएं हैं, जिसके कारण उसको परेशान होना पड़ता है।

ड्राइवर्स के बारे में माननीय मंत्री महोदय ने कहा है कि इस प्रकार का प्रोविजन किया गया है जिससे एक्सीडेंट्स न होने पायें और ड्राइवर्स के लाइसेंस को रिन्यू करने का इस प्रकार का प्रोविजन किया गया है। यह बड़ी प्रसन्नता की बात है किन्तु मुझे एक ही बात में आपत्ति है कि जब वह दोबारा रिन्यूअल के लिये आयेगा तो उसको फिटनेस का मेडिकल सर्टिफिकेट देना पड़ेगा। तो मैं इसमें इतना परिवर्तन चाहूंगा कि वह किसी भी डाक्टर से सर्टिफिकेट ले आए यह उचित बात नहीं होगी क्योंकि आप तो जानते ही हैं कि मेडिकल सर्टिफिकेट किस प्रकार मिल जाया करते हैं, दो-दो एक-एक रुपये में मेडिकल सर्टिफिकेट मिल जाया करते हैं। वह एक हानिकार बात होगी। मैं चाहता हूं उसका मेडिकल टेस्ट सरकारी डाक्टर के द्वारा होना चाहिये और किसी भी तरह से वह मेडिकल सर्टिफिकेट ले आये यह उचित बात नहीं।

दंड की व्यवस्था के बारे में भी सोचने की आवश्यकता है। ऐसे केसेज भी हमारे सामने आए हैं कि मालिक का कसूर है तो ड्राइवर को सजा मिल जाती है और ड्राइवर का कसूर है तो मालिक को सजा मिल सकती है। वास्तव में इस चीज़ को देखने की आवश्यकता है कि जिसका कसूर है उसी को पनिशमेंट मिलनी चाहिये।

नया क्लाज़ 41 जो जोड़ा गया है, यद्यपि उसमें मैंने अमेंडमेंट दिया है लेकिन अभी उस पर मैं कुछ कहना चाहूंगा।

श्री श्रोम मेहता (जम्मू और काश्मीर) : अमेंडमेंट जब आयेगा तब उस पर बोलिये।

श्री मानसिंह वर्मा : ठीक है। इसके विषय में, चूंकि अभी जिक्र कर दिया था माननीय मंत्री महोदय ने, लेकिन उससे मुझे संतोष नहीं हुआ है। उससे मैं समझता हूं प्राइवेट बस आपरेटर्स के साथ अन्याय किया जा रहा है कि पबलिकेशन के बाद उनको परमिट मिलेगा नहीं, स्टेट अडरटेकिंग को परमिट मिल जायेगा। इसको भली प्रकार से संशोधित कर सकेंगे तो

मैं बड़ा अनुग्रहीत होऊंगा। अब तक जो प्रोविजन हैं उसमें यह है कि पबलिकेशन के फौरन ही बाद उनके जो परमिट आयें वह कैंसिल कर दिये जायें और उसके पश्चात फिर अप्लाई करेंगे, उस अप्लाई करने में . . .

परिवहन तथा नौवहन मंत्रालय में उपमंत्री (श्री भक्त दर्शन) : ऐसा नहीं है।

श्री मानसिंह वर्मा : तो आप इसका स्पष्टीकरण कर दें।

इन शब्दों के साथ मैं अपने कथन को समाप्त कर रहा हूँ और यह चाहूँगा कि परमिट के संबंध में और टैक्सेशन के संबंध में आप विशेष रूप से प्रकाश डाल सकेंगे तो बड़ी कृपा होगी। धन्यवाद।

SHRI T. CHENGAL VAROYAN (Madras): Madam Deputy Chairman, I rise to support this Bill and in doing so, I have two personal reasons. Firstly, may I join most respectfully the ministerial compliment paid to my esteemed friend, Mr. M.P. Bhargava, the Chairman of the Joint Committee on this Bill? I must record, if record has not already been made, about the massive impact which he has brought to bear upon the deliberations and discussions of the Joint Committee. The second reason is that I had something to do with the evolution of the legal renaissance on the subject of law relating to motor vehicles for more than one decade or so. I must, therefore, at the outset state, Madam Deputy Chairman, that this amending process that has been undertaken in respect of the Motor Vehicles Act is, if I may say so with great respect, rather fragmentary and to a certain extent a little out of date, for if we recall to ourselves, it was in the year 1965 that we thought of bringing certain amendments and due to a variety of reasons, and, if I may say so, because of the conspiracy of circumstances that could not be brought at the earliest time. But I am very particularly grateful to the honourable Minister of Transport when he assured us that in proper time the Government would come with a very comprehensive amending legislation with reference to the Motor Vehicles Act. With this preface, Madam Deputy Chairman, may I have your leave to make my observations with regard to so many salient features and provisions of the amending Bill?

In the first place, I am very much struck by the definition of the term "route" which has been incorporated in the very early part of the amending Bill. Those of us who had something to do with the professional aspect of the working of the Motor Vehicles Act, we had considerable difficulty in arguing cases that came before the court. When a particular operator has offended the provisions of the Act or violated the conditions of the permit or deviated from the sanction of the specified route, the controversy and the argument was "What was your route" and it required a considerable legal and judicial learning for the purpose of defining what is a "route". And on that the learned judges could say "Imaginary line that connects the starting point and the ending place". I am glad that that controversy is now set at rest because their Lordships felt that in the absence of a precise definition, which the Parliament alone could give, as to what is meant by a "route" we are at a loss. In fact, one learned judge who was hearing the case, said, "To me it is a jungle law and I do not know where I stand". Now, therefore, I very respectfully submit that this definition of "route" is very precise, very clear and to a very great extent gives what is the purpose behind this Act.

The second provision, Madam Deputy Chairman, that strikes me very important and significant and to a certain extent is going to give considerable relief to the parties who are affected by it, is the provision relating to what they call the hire-purchase endorsement on the certificate of registration. We have been feeling rather remorsefully till this amendment is now brought before this House that a person who has given financial assistance in respect of a motor vehicle, has considerable difficulty in recovering possession of the vehicle and even if he were to recover possession by the terms and conditions of the hirepurchase contract, he had to face the difficulty of getting the registration certificate. Madam Deputy Chairman, Rules 87 and 88 of the Motor Vehicles Rules framed by different States, for the purpose of giving a duplicate registration certificate in case of loss of registration certificate are the only provision. And in the case of hire-purchase contract we know these respectable and respectful hirers, who will become very scarce and commit default in the payment of monthly hire, would not only not return the vehicle and even if the vehicle could be seized at some place,

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we could not get the registration certificate and we go to the registering authority and apply for a duplicate and the registering authority would want us to say on solemn affirmation that the registration certificate has been lost. No person who has given the financial assistance could honestly state that the registration certificate is lost. On the other hand, it is a loss to him because the hirer would not return it and would not even give the whereabouts of the registration certificate. That was a great dilemma and people were forced to go to courts for the purpose of getting injunction orders for getting the possession or the custody of the registration certificate. Now, Madam, this provision relating to the issue of a duplicate registration certificate in case of such circumstances is very salutary and I am sure everybody would be grateful for this provision in this amending Bill.

Madam Deputy Chairman, one other point that strikes me, and rather it strikes me personally is the amendment that is proposed to Section 42. Section 42, Madam, is the key section of the entire Motor Vehicles Act. In fact, it is the arch-stone on which the entire working of the Motor Vehicles Act will depend. It states, as you know, Madam, that "no person shall use a motor vehicle in a public place unless with the permit and in terms of the permit granted..." I argued before the court, I must confess, and I am sure I will be pardoned for that—I was a villain of the peace in that case—that "use" in Section 42 can only be "use" as a stage carriage or a contract carriage or a public carrier. That is to say, if a stage carriage which has a permit or a contract carriage which has a permit or a public carrier which has a permit, goes on a public place other than the sanctioned route and is not used as a stage carriage or as a public carrier or as a contract carriage in the sense it never carried either persons or goods or both, then there is no offence under Section 42. The learned judge concurred with my submissions and ordered that under Section 42 there will be no dereliction of the provisions of the Act. "If a motor vehicle even though covered by a permit is used in a place without carrying either persons or goods..." that lacuna in the section is now very ably filled up with this provision by an amendment to Section 42, and some of us may not have

in future briefs on that account. But nevertheless, Madam, I must state with reference to the other provision which is again very salutary and my respectful submission is the insistence on the judicial knowledge or experience of the presiding officer or the presiding authority in the Regional Transport Authority in the States. We have had occasions to appear before those distinguished persons and I may say without any reflection whatsoever, however eminent they may be as administrators, however great their integrity may be, that the purpose of judicial understanding and disposal of the claims and objections, etc. requires a person with some judicial experience. I must very sincerely offer my full support to this provision of insistence on the presiding officer of the Regional Transport Authority to have judicial experience.

Now I may step on to consider the other important innovation that has been provided for Section 58. The amendment to Section 58 relates to the renewal of the permit granted by the Transport Authority. In order to make an application under Section 58 provisions have been made both under this Section as well as under the rules framed therein that a certain period of time must be elapsing before the application is made. It is a well known principle in all matters of licensing and permit system that an application for renewal must be made before the expiry of the licence or permit. In the original Act, Madam, the provision of 60 days was put. Today I am glad that has been enlarged to 120 days. The reason I see behind this amendment is that the operator must be in time to make this application and the processing of that application under Section 57 and other Sections for the purpose of getting the said renewal for consideration will certainly require that much time or even more. And very often, Madam, we were faced with this difficulty that these applications for renewal were taken long after the expiry of the permit period with the result several other consequences and complications arose. Now, this provision enlarging that period to 120 days gives sufficient breathing time both for the operator and for the authority to process the renewal application.

I may also consider the amendment in relation to the other section which is about counter-signature under Section 63. It was a very important innovation because we know, Madam Deputy Chair-

man, in the way in which routes are designed, areas of operation are opened, there are bound to be, in the case of inter-State operations, certain enclaves or certain pockets which lie in between one State and another, and in such cases a question arose and a controversy cropped up whether there should be a separate permit or whether a counter-signature would be enough. In fact, the argument was with reference to Pondicherry and Madras States that a separate permit would be necessary because even though the location of the route in the other territory is just for four miles or two miles, still that process of getting a complete and a separate permit was insisted upon.

Now this provision of limiting that distance in extra State territory is very salutary and I very heartily welcome this proposal that is made in regard to the counter-signature of the permits. I do not want to go into the other details of the provisions of the Bill but I will have your permission with regard to taking one other important matter and that is with reference to what we call the State Transport Undertakings or the nationalisation of the motor transport. On this subject I must, without any fear of contradiction, proclaim here as I have done elsewhere that nationalisation of the transport system is one of the fundamental progress that we should have made and we have made in some States and I am proud to say that in Madras, during the Congress regime from 1957 to 1967, we have done it and inaugurated a very rational system of nationalisation and thanks to the present Government, they continue the policy of nationalisation. But in this matter I want to make a personal appeal to the Government and to those enthusiasts of nationalisation that while we have that zeal and zest for nationalisation, let us not embark on any legal complications. In fact there has been a first attack this very Chapter IVA has been argued to be *ultra vires* of the provisions of the Motor Vehicles Act and even unconstitutional and repugnant to the question of equality of law guaranteed under article 14 but thanks to the decision of the Supreme Court in Nageswara Rao's case coming from Andhra, it has been completely and conclusively laid down that the State Transport Undertaking Provisions are not only *intra vires* of the Motor Vehicles Act but also absolutely constitutional and valid. But under the provisions of Chapter IVA and

particularly with reference to two important aspects that emanate from the State Transport Undertakings, namely, that a scheme has to be promulgated and there are two stages, important stages, integral stages, stages which have some important significance attached to them. They are the publication of the scheme and the approval of the scheme. There has been again some controversy and the courts have now come to set at rest that controversy but unfortunately in setting at rest the controversy there arose a controversy between two courts. The Rajasthan High Court has said that there is absolutely no difference between the publication of the scheme and the approval of the scheme and the Regional Transport Authority or the S.T.A. can take it into account under section 47, having regard to the question of the publication of the scheme but the Madras High Court, on our persuasion and argument, came to hold that the mere publication of the scheme does not confer any jurisdiction upon the Transport Authority either to cancel an existing permit or to refuse the renewal of a permit which expires or to do any other thing which Chapter IVA in respect of State Transport Undertakings enjoins. The Madras High Court has given the view that unless there is an approved scheme, section 68F confers the jurisdiction upon the Transport Authority either to cancel an existing permit or to refuse a renewal at the time of renewal. Now, therefore, this Bill attempts at some kind of reconciliation between these two but may I point out certain incongruities, if I am permitted to use that expression, between the amending provision and the existing provision? Now the existing provision with relation to State Transport Undertaking is contained in Chapter IVA. In respect of Chapter IVA a scheme, which has been published, can be modified and if it is to be modified, it has to follow the same procedure as the original scheme and after it is approved it will be considered to be a separate scheme. Now I have a small grievance and I am sure it can be redressed by the Minister. When it is stated under clause 40 that in case of modification of these scheme there need not be the requirement of following the provisions of Section 68C and 68D and still it will be considered as if it is a scheme, my most respectful submission to the Government is that the idea behind the publication of the scheme and the modification of the scheme is to hear represen-

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tations of persons who are going to be affected by such modification. If that modification is not to be published for the purpose of representation, I would very respectfully submit that it will become rather arbitrary and may be open to judicial scrutiny and ultimately be struck down. I, therefore, in time, beg of the Minister to consider this aspect of the clause which states that in case of modification of the scheme, recourse to section 68C and 68 D may not be had.

One other point is about clause 41 which seems to be the much-debated and controversial clause in this Bill. I have no quarrel with the sequence or with the purpose of the amendment but my difficulty is to reconcile this provision with the existing provision. If you read section 68F (1) which is kept intact by the amendment, this amending clause 41 adds (1A) to section 68F. Therefore, if we read section 68F as to be amended this will be the effect. Section 68F retains what we may call the dichotomy between the publication of the scheme and the approval of the scheme. If we just read section 68F(1) it states as follows:

"Where in pursuance of an approved scheme any State Transport Undertaking applies in the manner specified in Chapter IV for a stage carriage permit or a public carrier's permit in respect of a notified area or notified route the Regional Transport Authority shall issue such permit to the State Transport Undertaking notwithstanding anything to the contrary contained in Chapter IV".

You will kindly note clause (2):

"For the purpose of giving effect to the approved scheme in respect of a notified area or notified route, the Regional Transport Authority may order ..."

If you take clause 41, it states that in case where there is a mere publication of the scheme and during the interval which may be long or short according to the exigencies and expediencies of the Authorities concerned, then temporary permits may be issued in respect of the route for one or more buses thus covered by the scheme. I have no quarrel with the issue of a temporary permit during that interval but the difficulty I feel is, in case the publication of the scheme is enough, the approval of the scheme is kept intact

there under section 68F, then this clause (1A) when added to Section 68F may be incongruous. It has to be read with or under section 68F. If that is so, then the question of the issue of a temporary permit immediately after the publication of the scheme and not waiting for the approval of the scheme may not be proper and justified. But whatever it may be, since the whole motor transport is vested with the concept of public interest I want to look at this clause from the point of view of public interest. Even assuming without admitting for the purpose of argument that after the publication of the scheme a temporary permit may be issued to fill up the vacancy but the question is, without the publication of the scheme a State Undertaking may apply and it shall get a temporary permit. It is also provided by a sweep of generosity that in case of the State Undertaking not coming for a temporary permit, even a private operator could apply and get a permit. I must respectfully ask, which operator is there in the country who could be so foolish to come for a short period, precarious in its tenure, for a temporary permit? Therefore the State Transport Undertaking after the publication of the scheme may have second thoughts on the whole question. Either due to financial reasons or to operational factors, they may abandon the scheme. And if they abandon the scheme, what happens to the portion of that particular route which is notified? It becomes nobody's land and the public will suffer, and I beg of the Government and particularly the hon. Minister to examine this position; in a case where a State Transport Undertaking publishes scheme and there is an interval and time-lag between the publication and the approval, the question of the grant of a temporary permit either to the State Transport Undertaking or to a private operator bristles with great operational probabilities, and I would expect, on the other hand, that in a case like this the transport authorities may be given discretion to deal with the subject as and when it arises. For example, if the State Transport Undertaking applies for a temporary permit, they may grant it. If somebody else, who is so zealous as to serve the cause of the public comes with a bus and tries to operate the service on a temporary permit, however short it may be, they may grant it or, if none of them comes, they may continue the existing permit till the nationalisation scheme is approved. I submit, therefore, Madam Deputy Chairman, that

with these important innovations in this Bill this Bill certainly cuts new ground.

Now I will have a word or two with reference to the other provisions in general particularly to the provision in the insurance clause in this Bill, which is very salutary indeed. In fact, the amending provision that gives a power to the court that the insurer shall be impleaded under the scheme as a party, as the defendant in the case, is a very good provision. In fact it removes certain judicial doubts on the scope of section 99, because section 99 states that whenever the insurance company has got a policy, in that case it will be covered by the judgment. And there has been a controversy in the courts whether the insurance company should be made a party at the time of the trial, or it should be made a party at the time of the execution. Such a controversy is now set at rest by the salutary provision enabling the court or the Claims Tribunal to direct that the insurance company shall be made a party.

With these words, Madam Deputy Chairman, I have very great pleasure in lending my wholehearted support to this Bill with the hope that in the fullness of time the Government would come with a very comprehensive amending Bill so as to keep pace with the judicial decisions on various complicated questions of the motor transport law. Once more I offer my fullest support to this Bill.

SHRI DAHYABHAI V. PATEL : Madam Deputy Chairman, this Bill has come on the lines of the criticisms that have been levelled against motor transport and its administration in this country and therefore generally it is welcome.

I would also like to congratulate our friend, Mr. Bhargava, in having piloted the Bill so well.

Having said this, Madam, I must say that the hon. Minister was not quite right when he assumed that we are all in favour of nationalisation. Our opposition to nationalisation remains, and if he would look to the State from where he comes—not Gujarat—he will see exactly what I mean. If the State of Madras or any other State is able to give us a nationalised bus service as efficient as the TVS service, certainly nationalise it everywhere. But where is it?

DR. V. K. R. V. RAO : My State is Mysore.

SHRI DAHYABHAI V. PATEL : I beg your pardon. I stand corrected.

If anywhere in India, if you can give us a nationalised bus service like what is popularly called the TVS service in Madras, where people in the villages set their watches according to the arrival or departure of the TVS buses, where they keep to such time and provide such efficient service, certainly go ahead with nationalisation.

SHRI M. RUTHNASWAMY : A courteous service.

SHRI DAHYABHAI V. PATEL : Of course very courteous. If you can do it, then go ahead. But where is it? Is there any other place where we can find it?

Madam, we stand for free enterprise and free competition but we stand for reasonable regulation particularly when we are dealing with motor vehicles. Where the question of safety of life is involved, the convenience of passengers, of human material, is involved, there certainly we stand for regulation and reasonable regulation. I wish it does not go beyond the bounds of reason. That is the point that I would like to make at the outset.

Perhaps it was not within the scope of the Bill, but I may say this by the way. Just as the Bill envisaged uniformity of application of certain laws, taxation, etc., as a motorist, as one who has been a motorist for a long time and still continue to be fond of motoring, even though it might not be quite relevant to this measure, may I say there is another type of uniformity which is very essential, which will help not only the bus driver but also the ordinary motorist? We have no uniformity on road signs. Some of the States have put up huge big boards, as somewhere you see in Delhi, for marking road signs thereon. But the lettering is so small that at least at my age I find it difficult to read it from a distance. I used to boast of very sharp eyesight and I could read very small types even from a distance. Now I am finding it difficult. And would it not cause difficulties on the road when road signs are written in such small type? And this is a uniform thing that is experienced all over. It is not particular to one State or Delhi. I find it is in Gujarat and I find it in many other places. You have this new method of road signs. I like them. They are big. They are evident. But when there is the four or five feet board, the lettering of the

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road sign thereon is not even four inches and it is not possible to read the signs from a distance.

The other point I would like to urge also is the marking of the mileage. We have still not got out of the confusion of marking of mileage, and of the colours. In some places it is kilometres; in some places it is miles, and it has made confusion worse confounded. Which is the mile sign, which is the kilometre sign, it is difficult to distinguish. If you can decide on and use a distinctive colour for the marking, perhaps something like that would be helpful to the motorist as also to the bus driver. These are small things which I thought I could take advantage of this opportunity to mention.

Generally the previous speaker has referred to the various aspects of the Bill. Perhaps I may not refer to all of them, but I would like to say a few things more. The Minister while introducing the Bill explained the present position as a preliminary scheme to be published. Then objections would be invited. Then, if a State Government was satisfied, it could either approve of the scheme as it is, or with modifications. Now how does this work? The approved or modified scheme would be published again and only after the publication of the approved scheme, which is called the notified scheme, that the permit, etc. of the existing owners would be refused. The preliminary scheme is the one that is published under section 68C and the approved scheme is the one published under section 68F—I hope I am not making a mistake. And what would be the effect of this? The effect of the new amendment is that the permit, etc. of existing bus operators will now be refused just on the publication of the preliminary scheme itself.

DR. V. K. R. V. RAO : No, no.

SHRI DAHYABHAI V. PATEL : I wish the point to be clarified. That is why I raised it.

PROF. V. K. R. V. RAO : That cannot be brought into question.

SHRI MULKA GOVINDA REDDY : (Mysore) : But that is what you said.

PROF. V. K. R. V. RAO : I made it clear; it cannot be so.

SHRI MULKA GOVINDA REDDY : But that is what you said.

SHRI DAHYABHAI V. PATEL : We want that point to be clarified. That is why I raised it. If that be so, it would be most unfair and unjust. When a State Government has not considered the objections and considered the scheme it would be improper to refuse new permits for the existing operators.

PROF. V. K. R. V. RAO : They are two different things. May I seek a clarification from the hon. Member? Is he talking of existing permits or new permits? Because any existing permit will not be disturbed merely on the publication of the preliminary scheme. It is only when the final scheme is notified does the Government get the power to cancel even an existing permit.

SHRI MULKA GOVINDA REDDY : No, Sir. Please read the clause on page 21.

PROF. V. K. R. V. RAO : No, no. It is quite clear. I think there has been some misunderstanding on this particular point.

SHRI DAHYABHAI V. PATEL : In there a need for hurry, if the permits can be cancelled when the scheme is finally approved, to proceed in this manner? The reason given by the Minister for this is that the operators put in all sorts of objections, printed, cyclostyled objections, and this has caused delay and sometimes litigation and writ petitions. Well, a person who has been in business for a long time . . .

SHRI MULKA GOVINDA REDDY : Madam, the Minister was misleading when he answered the criticism made by Mr. Dahyabhai Patel. On page 21 of the Select Committee Report it is said in clause 41(b) :—

“(1A) Where any scheme has been published by a State Transport Undertaking under section 68C, that Undertaking may apply for a temporary permit, in respect of any area or route or portion thereof specified in the said scheme, for the period intervening between the date of publication of the scheme and the date of publication of the approved or modified scheme, and where such application is made, the State Transport Authority or the Regional Transport Authority, as the case may be, shall issue the temporary permit prayed for by the State Transport Undertaking.”

That means cancelling the existing permit.

THE DEPUTY CHAIRMAN : I think the Minister has made himself very clear.

SHRI MULKA GOVINDA REDDY : He has confused the whole issue. It is very clear to us that the permit can be issued to the State Transport Undertaking cancelling the existing permit.

SHRI DAHYABHAI V. PATEL : Madam, that is the main point that I wanted to raise. And I got up only for this reason and that is why I have given notice of this amendment. Mr. Man Singh Varma also spoke on that amendment. That is the point that is worrying us. If the explanation that the Minister now given is put into the Bill in a satisfactory form then it will go a long way to satisfy us; otherwise we would like to press the amendment for the deletion of sub-clause (b) onwards.

Then there is the question about compensation. When an operator's route is taken away according to the present arrangement the operator will be allowed to get compensation. According to the new provision as we read it, it will deprive him of his compensation. Is it the intention of the Minister to get round this obligation to pay compensation to an operator whose bus route is cancelled or whose permit is revoked? I hope that is not the intention.

PROF. V. K. R. V. RAO : Of course not. The clauses regarding compensation are not disturbed by this amending Bill.

SHRI DAHYABHAI V. PATEL : The effect of publishing a scheme after approval under section 68D will be that the permit of the existing operators shall be cancelled and given to the State Transport Undertaking and the operator shall be paid Rs. 200 per month for the unexpired portion of the life of his permit. Will this provision remain? I want to be clear about that.

PROF. V. K. R. V. RAO : Madam, the amending Bill makes absolutely no difference to the sections in the original Act regarding compensation when a continuing permit is cancelled.

THE DEPUTY CHAIRMAN : I think he has made it very clear.

SHRI MULKA GOVINDA REDDY : The question is not his making it clear. That ought to be clear in the Bill.

SHRI DAHYABHAI V. PATEL : Madam, the Minister says so but on this side none of us seems to be satisfied with that. So we would like the hon. Minister to make this point very clear.

THE DEPUTY CHAIRMAN : That is all right. You have given an amendment, is it not?

SHRI DAHYABHAI V. PATEL : I have given amendment for the deletion of this sub-clause. We are doubtful about this and that is why we have given notice of this amendment and we would like the Minister to satisfy us that what he says is correct. That is the main purpose of my getting up and speaking on this Bill. Otherwise we welcome the other general features of this Bill generally in the terms of the previous speaker. We do not mind giving praise where praise is due. Even if he had been generous we are not against joining him in his generosity.

PROF. V. K. R. V. RAO : Thank you, thank you.

SHRI DAHYABHAI V. PATEL : We would like the motor transport industry in this country to progress, progress satisfactorily and be a useful service in this country but the effect of the State Government taking over and monopolising it is going to be different. I will just give the example of a poor farmer since the Government has now realised the importance of helping the farmer. How much they do is a different matter. Suppose under the existing system there is a permit holder in a village who plies a route. To go to the market the village farmer can go to him and persuade him to take the vehicle to the farm which is right there and from there it can be taken to the market. No State Transport Undertaking is going to help him to do this. And you know what it means to the poor farmer; he will have to incur expenditure for carting his produce to the depot where it will be put into the bus. Because it is a nationalised route...

PROF. V. K. R. V. RAO : There is no proposal for goods transport nationalisation.

SHRI BALACHANDRA MENON : He wants the bus to be used for that perhaps.

SHRI DAHYABHAI V. PATEL : But in different States different Ministers

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have made different statements on this matter. Therefore I am not sure about it. But if the Minister says that he is not going to nationalise goods transport so far so good. I am glad that the Minister realises that they cannot do everything and there is something which has to be left for the people to do. And they want active co-operation of the people in this. If you want the active co-operation of the people then you must also respond in that spirit. That is what I am trying to tell the Minister. Thank you, Madam.

SHRI K. P. MALLIKARJUNUDU: (Andhra Pradesh) : Madam Deputy Chairman, I rise to support this Bill but in doing so I would like to make a few observations. I heard the hon. Minister's introductory speech and I must pay my humble tribute to him for his clear, lucid and illuminating speech. It is my firm opinion that service like the transport service should be nationalised because it is a service which is essential and vital to the life of the community.

Madam Deputy Chairman, you know that our transport service, so far as the railways are concerned, has already been nationalised and the road transport service is in the course of nationalisation. If we refer to the provisions of the Indian Constitution we find in Entry 35 of the Concurrent List in the Seventh Schedule there is a provision which empowers Parliament to make laws with respect to mechanically propelled vehicles. It is clear from the Constitution itself that Parliament can enact laws in regard to matters which deal with road transport.

If my information is not incorrect, there are nearly 89,000 buses plying throughout the length and breadth of India, of which I am told that 40 per cent are in the public sector and the rest in the private sector. Even the estimates of the Planning Commission, so far as the Fourth Five Year Plan is concerned, show that at the end of the Fourth Five Year Plan we can only bring in fifty per cent of the buses into the public sector. Hence we see that there is need still for private operators. In that context I would like to submit that the private operators should not be made to feel that they are unnecessarily handicapped or put at a disadvantage. I might say that I am completely in favour of the nationalisation of road transport. As I have already stated, it is an essential service,

which can be put into operation effectively only by the State. In that view of the matter I may submit that I am not against nationalisation. On the other hand, my firm conviction is that road transport and every other form of transport should be nationalised.

While I welcome this Bill, I would submit that clause 41 of the Bill needs a little recasting. It is a clause which has come into existence during the stage of the Joint Committee. It was not there originally in the Bill. Subsequently, during the course of the Joint Committee meetings, it was introduced. In my opinion, it would cause a little hardship to the existing private operators. If their difficulties can be removed, I have practically no objection to the other provisions of the Bill. Clause 41 seeks to amend section 68F of the principal Act. According to the principal Act till the scheme is approved, nothing can be done by the State Transport Authority. Here we find a new clause inserted by which a temporary permit can be granted for a route or routes which are the subject-matter of a scheme which is under provisional publication. I would like to say that some protection should be given to the existing permit-holders. Under the proposed amendment what is sought to be achieved is this. Suppose a scheme is provisionally published. Objections are invited. After hearing the objections, the scheme is either approved or modified. During the interregnum if the State Transport Undertaking makes an application for a temporary permit, it shall be granted. The new section introduces a mandatory provision for granting a temporary permit during the interval. By necessary implication we find that even though the existing permit-holder has a permit current, that has got to be annulled and the State undertaking should be granted a permit. I am afraid it may become subject to some kind of litigation as to whether that right can be annulled. A permit is held to be property by courts of law. If the existing permit is property, according to law and if that permit is to be cancelled by necessary implication, I am afraid it might violate certain principles of law. From that view also I respectfully submit to the hon. Minister to look into the matter and see that it is free from any such doubt. It is with that in view I gave notice of a few amendments. I hope and trust that our Transport Minister will consider them with sympathy and understanding. I know that he is a man of broad vision and he should

comply with the request of so many poor permit-holders. I do not think that all the existing permit-holders are rich people. There are many poor people, middle-class people. It is not quite fair to cause them any injustice in this matter. It is a new provision. It is not a provision which is already there. When such a new provision is being introduced, I should think some attention should be paid to the existing permit-holders, who will now be deprived of their right to operate on those routes which are the subject-matter of a scheme. Hence my personal request to the hon. Minister to sympathetically consider and effect some changes in this controversial provision of clause 41, by which the existing operators can get some relief. At the time of consideration of amendments, we will have an opportunity to speak a few more words.

With these remarks, I entirely and wholeheartedly support this Bill.

श्री बालकृष्ण गुप्त (बिहार) : उपसभापति महोदया, ट्रान्सपोर्ट मिनिस्टर साहब मेरे इंग्लैंड प्रवास के समय से मेरे मित्र रहे हैं लेकिन मुझे दुःख होता है कि उन्होंने इस तरह का गंदा बिल इस सदन में पेश किया है।

श्री डाह्याभाई व० पटेल : वह कहाँ गये, आप कहाँ गये।

श्री बालकृष्ण गुप्त : हिन्दुस्तान में बस यातायात, ट्रक यातायात और टैक्सी यातायात की जो हालत है, जितने कर यहाँ लगे हैं उतने अमरीका में भी नहीं हैं, जितने बसों के, ट्रकों के दाम यहाँ हैं वह दुनिया के सबसे समृद्ध देश अमरीका में भी नहीं हैं, तेल के जो दाम हैं वह दुनिया में इतने कहीं नहीं हैं, ट्रकों और बसों पर जो टैक्स हैं वह भी कहीं दूसरी जगह दुनिया में इतना नहीं है जितना इस देश में है। फिर यह जो ट्रान्सपोर्ट की मोनोपोलीस स्टेट गवर्नमेंट्स ने जगह-जगह बना रखी है खास कर बंगाल और बिहार के बारे में मैं अच्छी तरह से जानता हूँ, हर साल उनमें लाखों रुपये का घाटा होता है जब कि दो चार बस चलाने वाले एक लाख रुपये सालाना कमाते हैं। और यह परमिटें भी जिस तरह से काँग्रेसी राज में भाड़ियों को, भतीजों को, सालों को मिले हैं उसको कौन नहीं जानता।

यू०पी० के एक मिनिस्टर मुज्फर साहब ने तो अपनी सास के नाम से भी परमिट ले रखा है। यह एक खुला स्कैंडल है। रोजाना हम इस चीज को देखते हैं। लोक सभा के स्पीकर साहब भी इस बम स्कैंडल में अपने आंध्र प्रदेश का मुख्य मंत्री पद खो बैठे। बड़े-बड़े लोग इस ट्रान्सपोर्ट में अपनी पाँचों उंगलियाँ धी में डाले हुए हैं और सारे दिन मक्खन निकालते हैं। गरीब जनता की तरफ कोई ध्यान नहीं है।

यह सब देखकर दुःख होता है। हमारे देश में 90 हजार बसें हैं जिनमें 40 हजार पब्लिक सेक्टर में हैं और 50 हजार प्राइवेट सेक्टर में हैं। लेकिन यह प्राइवेट सेक्टर भी काँग्रेस का सेक्टर है। उसमें मिनिस्टर और आफिसर सब चीज अपने हाथ में रखते हैं ताकि उसके जरिये पैसा कमाया जा सके और इस तरह से गरीब जनता मरी जा रही है।

SHRIMATI YASHODA REDDY (Andhra Pradesh) : He has made a misleading statement. The Chief Minister of Andhra Pradesh did not get out of his power because of giving wrong permits. He had to get out because of nationalisation policy or something. He did not get out because of giving wrong permits.

श्री बालकृष्ण गुप्त : श्रीमती यशोदा रेड्डी मेरी मित्र हैं, जिस तरह से श्री वी० के० राव साहब मेरे मित्र हैं। जब किसी चीज को नेशनलाइज्ड करते हैं, किसी पोलिटिकल ओपोजेंट की चीज को नेशनलाइज्ड करते हैं, उस मिलमिले में इस तरह की सब चीजें होती रहती हैं।

SHRIMATI YASHODA REDDY : I do not want to say anything about the judgement of the court.

श्री बालकृष्ण गुप्त : कम से कम आन्ध्र हाई कोर्ट तो श्रीमती यशोदा रेड्डी से ज्यादा विश्वसनीय है और उसकी बात जरूरी सुनी जानी चाहिये।

SHRIMATI YASHODA REDDY : He had the courage to give up the biggest power.

श्री बालकृष्ण गुप्त : हमारे यहां ट्रान्सपोर्ट की जो व्यवस्था है उसका बहुत बुरा हाल है और यशोदा जी उसमें और भी बुरा हाल करने वाली हैं। वे मेरे भाषण के बीच में आपनि उठा उठाकर इसमें मदद दे रही हैं और मैं नहीं चाहता हूँ कि वे इस गन्दे काम में खुद शामिल हों। लेकिन हम रोजाना स्टेट ट्रान्सपोर्ट की बसों को देखते हैं। ये बसे प्राइवेट बसों के मुकाबले में बहुत जल्दी खराब हो जाती हैं और उनकी उम्र भी बहुत कम होती है। स्टेट बसों की जिन जिन प्रान्तों में व्यवस्था है, वहां पर टायरों की चोरी होती है, पेट्रोल की चोरी होती है, स्पेयर पार्ट्स की चोरी होती है और नई बसों को पुरानी करार देकर बेच दी जाती हैं। इस तरह की बातें सब प्रान्तों की बसों में जहाँ कि नेशनलाइजेशन हो चुका है, हो रही है। मैं चाहता हूँ कि श्री वी०के० राव जो केम्ब्रिज के ग्रेजुएट हैं, जिन्होंने विलायत का यातायात देखा है, कोई इस तरह की योजना बनाते जिसके द्वारा लोगों को हर तरह की सुविधा मिलती। जिस तरह से अमेरिका में ग्रेहाउन्ड बसे न्यूयार्क से लास एंजिल्स तक चलती हैं। उसी तरह से कलकत्ते से बम्बई तक इसी तरह की बसों की चलाने की वे व्यवस्था करते। लेकिन आज हालत यह है कि हमारे देश में लोगों को बसों पर बैठने की जगह नहीं मिलती है। मैं बिहार और राजस्थान में रोजाना देखता हूँ कि 100 तक आदमी छतों पर चढ़े हुए सफर करते हैं।

एक माननीय सदस्य : बंगाल में भी।

श्री बालकृष्ण गुप्त : बंगाल में भी बसों का बुरा हाल है, वहां पर भी लोग बसों की छतों पर चढ़कर सफर करते हैं। इस तरह से लोगों को मजबूरी होकर सफर करना पड़ता है और अक्सर एक्सीडेंट हो जाते हैं। बंगाल का भी बहुत बुरा हाल है।

श्री अर्जुन अरोड़ा (उत्तर प्रदेश) : सब तरह से बुरा हाल है।

श्री बालकृष्ण गुप्त : हाँ, सब तरीके से बुरा है। मैं रोजाना बिहार और राजस्थान में देखता हूँ

कि लोगों को बसों पर बैठने की जगह नहीं मिलती है। इस तरह की जो नसे चलती हैं वे बड़े-बड़े राजनीतिज्ञ लोगों की चलती हैं जो कि पैसोंजनों की परवाह नहीं करते हैं। ये लोग पुलिस के कृपापात्र होते हैं और पुलिस उनका चलान नहीं करती है। पुलिस का महकमा बस आपरेटरों से मिला रहता है और इस तरह से जनता को चूसने में मदद करता रहता है।

उपसभापति : आपको विल पर बोलना चाहिये।

श्री बालकृष्ण गुप्त : कलकत्ते में मुबह और शाम को टैक्सी नहीं मिलती है। वहाँ पर 4 हजार टैक्सी हैं और वहाँ की आबादी करीब 60 लाख के है। इस तरह से वहाँ पर कम टैक्सी चल रही हैं जिसकी वजह से वहाँ की जनता को बहुत तकलीफ का सामना करना पड़ रहा है। (Interruption) हमारे देश में 55 करोड़ आदमी हैं और उनको यातायात के लिए ज्यादा सुविधा दी जानी चाहिये, बसों तथा यातायात व्यवस्था में ज्यादा सुधार किया जाना चाहिये। ऐक्ट पास करने से यातायात की दशा नहीं सुधरेगी बल्कि इसके मुकाबले में उनकी व्यवस्था और भी खराब हो जायेगी। नये ऐक्ट के पास होने से नये-नये ठेकेदार सरकारी दफ्तरों में और सरकारी दफ्तरों के बहर बैठ कर सौदा करेंगे। इस तरह से एक बस की परमिट पर 20 हजार, 30 हजार और लाख रुपये तक मिल जाते हैं। तो मैं यह कहना चाहता हूँ कि इस तरह के कानून पास करने से क्या फायदा है।

श्री शीलभद्र याजी (बिहार) : संविद की सरकार में इस तरह की बातें हुई हैं।

श्री बालकृष्ण गुप्त : कामराज ने कितना पैसा लिया है और बिहार के श्री राघवेन्द्र नारायण सिंह ने, जो बिहार में ट्रान्सपोर्ट मिनिस्टर थे और जिन्होंने चिरकुन्डा के चैकपोस्ट में पुलिस के द्वारा ट्रकों को रोकवाकर रोजाना हजारों रुपया कमाया।

THE DEPUTY CHAIRMAN : No reference to names and all that. I want you to speak on the Bill.

श्री राजनारायण : जब सरकारो पक्ष कुछ कहेगा तो उसको जवाब दिया ही जायेगा । आप सरकारी पक्ष को कहिये कि वह चुप रहे ।

THE DEPUTY CHAIRMAN : You must speak on the provisions of the Bill.

श्री बालकृष्ण गुप्त : अगर मैं मोटर के बारे में नहीं कहूंगा तो इससे भ्रष्टाचार गन्दगी और दूमरी खराबियाँ उसमें और फैल जायेगी । यह बिल तो पास होकर कानून की किताब बनकर वकीलों के दफ्तरों में चला जायेगा । इससे न बस पर पढ़ने वालों को फायदा होगा और न ही बस चलाने वालों को फायदा पहुँचेगा । इस कानून से न बस कंडक्टरों को फायदा पहुँचने वाला है और न ही ड्राइवरों को फायदा पहुँचने वाला है । यह बिल तो कांग्रेस वालों के लिए बनाया जा रहा है जो गटियों में बैठकर खूब रुपया कमा रहे हैं और इलेक्शन के लिए जबर्दस्ती चन्दा वसूल कर रहे हैं । हम हमेशा हर इलेक्शन में देखते आये हैं कि किस तरह से बस अपरेटरों से चन्दा लिया जाता है, किस तरह से नये परमिट देने का आश्वासन दिया जाता है और लोगों के फायदे के लिए नये नये रूट खोले जाते हैं । जब लोग कांग्रेस वालों को चन्दा नहीं देते हैं तो फिर नेशनलाइज्ड करने की धमकी दी जाती है । आज कांग्रेस वाले नेशनलाइज के नाम से यहां की गरीब जनता को तरह तरह से भुलावे में डालकर उन्हें मार रहे हैं । आज बसों के द्वारा यहां की गरीब जनता को जो कठिनाई सहनी पड़ रही है अब वह बर्दास्त के बाहर हो गई है ।

यहां दिल्ली में 700 बसें हैं और उनमें से 200 बेकार पड़ी हुई है । दिल्ली कारपोरेशन के नेशनलाइजेशन का नमूना आप यहां पर देख सकते हैं । आप को यह जानकर हैरत होगी कि यहां पर बसें कभी भी समय पर नहीं मिलती हैं और न उनमें बैठने के लिए जगह ही मिलती है जिससे यहां की जनता को टैक्सी और स्कूटर का आसरा लेना पड़ता है । (Interruptions)

श्री चित्त बासु (पश्चिमी बंगाल) : कार रखनी चाहिये ।

श्री बालकृष्ण गुप्त : कार तो 20 हजार रुपये में आती है और इतना रुपया कहाँ से आयेगा । पहले छोटी कार की बात थी कि वह यहां पर बनाई जायेगी मगर उसका कोई पता ही नहीं है क्योंकि विरला का ट्रान्सपोर्ट मिनिस्टर, इन्डस्ट्री मिनिस्टर और फाइनेन्स मिनिस्टर से गठबंधन है ((Interruptions))

श्री राजनारायण : अब तो कार संजय गांधी बनायेंगे जो कोई डिग्री लेकर नहीं आया है । (Interruptions)

SHRI SHEEL BHADRA YAJEE : Let him speak on the Bill. He is speaking non-sense. Will he not speak on the Bill?

श्री बालकृष्ण गुप्त : मुझे मालूम हुआ है कि संजय गांधी को 10 करोड़ रुपया छोटी कार के लिए दिया जायेगा और वह किसी फारेन कोलो बोरेटर से मिलकर यह कार बनायेगा । इस तरह के स्कैन्डल अब रोजाना की चीज बन गई है । अगर हम यह ऐक्ट पास करते हैं तो इस तरह के स्कैन्डल और भी बढ़ते चले जायेंगे । जिस तरह से अयूब का बेटा गौहर जनरल मोटर के साथ मिलकर पाकिस्तान में लखपति हो गया है, उसी तरह से यहां पर संजय गांधी भी जनरल मोटर से कोलोबोरेट करके लखपति बनना चाहते हैं । यह तो अब रोजाना की चीज हो गई है और इस ऐक्ट से आप क्या करेंगे । आपका यह ऐक्ट तो घरा का घरा ही रह जायेगा ।

(Interruptions)

THE DEPUTY CHAIRMAN : I think you should be more relevant and speak on the Bill. You cannot bring in names. Do not mention names.

श्री बालकृष्ण गुप्त : कानून की धारा पर बोलने पर देश की असली हालत का पता नहीं चलता है और देश की यातायात को हालत का पता नहीं चलता है । आज देश में एक लाख की जगह 5 लाख बसें होनी चाहिये थी और हर एक आदमी को बैठने की सुविधा मिलनी चाहिये थी । यह न होकर हर जगह स्कावट और बेइमानी फैला रखी है । आज यातायात एक

[श्री बालकृष्ण गुप्त]

घूस का अड्डा बन गया है। जितने टैक्स इस देश में हैं, उतने दुनिया के किसी भी देश में नहीं लगे हैं। ट्रान्सपोर्ट आथारिटी में और रीजनल आथारिटी में अफसरों और मंत्रियों ने अपने अपने जान पहिचान के लोगों को भर रखा है। इसका आधा इस तरह से सब यातायात कंपनियों में इन लोगों ने अपने रिश्तेदारों और जान पहिचान वालों को दे रखा है। इस तरह से यातायात का आधा नफा सरकारी अफसरों और कांग्रेस वाले खा जाते हैं, यह एक आम चीज हो गई है और आप चाहे जितने ऐक्ट पास करें, चाहे ताजीरात हिन्द की तरह 500 दफाएं बनायें, तो भी इस तरह की बात चलती ही रहेगी। यह चीज तो तब ही खत्म हो सकती है जबतक कांग्रेस का शासन इस देश में खत्म नहीं हो जाता है और जबतक उनका शासन खत्म नहीं होता है तबतक यह चीज मिटने वाली नहीं है।

SHRI N. PATRA (Orissa): Madam Deputy Chairman, I wholeheartedly support this amending Bill. There are many salutary provisions in the present Bill which were not there in the previous Bill which was introduced in 1965. There are about 2½ lakhs of trucks and 80,000 buses plying in the country. And most of the buses and trucks are owned by single individuals. They are a vast fleet of vehicles. Therefore, Government should regulate the movement of these transport services. The private sector people complain that there is some discrimination between the private sector and the State transport undertaking. When overloading is prohibited in the privately operated vehicles, in the State transport buses this is allowed and they are not taken to task. Neither are they required or asked to keep insurance funds to pay to the third party. Therefore, in the fitness of things the Minister should see that there is no discrimination and that the State transport authority or undertaking also contributes to the insurance fund. In case of accidents, the third party has to be paid. When we insist upon this deposit of funds by the other operators, the State transport undertakings should also create certain funds so that when the time arises, when there are accidents, there will be no difficulty for

those people affected in getting compensation. This has to be insisted upon the State transport undertakings also.

The private sector people complain that qualified drivers are wanting. A truck costs about Rs. 50,000 and they are entrusted with goods worth more than a lakh of rupees. They have to be handed over to drivers who have not got the requisite qualifications, who have not undergone training in driving effectively and who take advantage of some training at some road-side workshop. A driver might have served only as a cleaner and he would not have got any effective, practical experience; he would not have got even rudimentary knowledge about driving. If things are entrusted to such drivers, then it will tell upon the life and property of the people. Therefore, in consultation with the State Governments training schools have to be started. They say that about Rs. 400 crores of income accrue from these transport services. The Government is paying heed to construction and repair of the roads. But they have neglected this aspect of the betterment of the workers or of giving them training facilities. Therefore, I draw the attention of the Minister that in consultation with the State Governments they should start training schools. In the interests of the private operators also, they should be persuaded. They will not lag behind in making contributions for this purpose. Therefore, steps will have to be taken for properly training the personnel of drivers and the conductors who are entrusted with the running of the buses and trucks. For those who are already in service, refresher courses or orientation courses have to be given in the techniques of driving. Sophistication of the machinery has also been developed. Therefore, this aspect has to be looked into.

There is some improvement in the Bill. In clause 17, they have added one sub-clause (m). That is most welcome. It says—

“to any transport vehicle which owing to food, earthquake or any other natural calamity, is required to be diverted through any other route, whether within or outside the State, with a view to enabling it to reach its destination.”

Last time when I was coming to Parliament, I wanted to come via the usual route. But there were some railway breaches. So I wanted to come by bus up to Berhampur and then catch the train. In between

Palasa and Berhampur there were breaches and therefore I availed of the bus service up to Berhampur. But I was asked to get down at Ichhapur because there were breaches ahead. From Ichhapur to Berhampur there is the State highway, the alternative route. But they have not got any licence to go *via* this alternative route though it happens to be in my State. The bus emanated from Parlakimidi in Orissa. But I was not allowed to go. Therefore, I had to get down there and continue the rest of the journey by train, return all the way, and *via* Vizianagram had to come to this place, covering 200 miles more. I could have managed to go to Bhubaneswar and catch hold of the train.

Therefore, there is a very welcome advantage because of this sub-clause (m). I wholeheartedly welcome this.

There is a controversy now about this clause 41. But I do not see any reason why a clamour has been raised, though my learned friend, Mr. Chengalvaroyan, has argued this point. Where is the difficulty in this? Clause 41 says—

“(1A) Where any scheme has been published by a State Transport Undertaking under section 68C, that Undertaking may apply for a temporary permit, in respect of any area or route or portion thereof specified in the said scheme, for the period intervening between the date of publication of the scheme and...”

It may be 15 days, one month or two months. Not more than that. Only one-third of the buses are in the hands of the State sector and two-thirds belong to the private people. People are saying hallelujah to the private sector. But when I leave my place, Parlakimidi, I have always to take the private service. There is no public service, the State transport. We know how much difficult it is for us. Though I am an M.P., there is no discrimination, we have to come standing for some distances. But they are paying a high tribute to the private sector.

We have always wanted routes to be taken over by the States. But that is not being done. Some people are always interested somewhere against it. I am speaking from personal experience. Though people complain that the private sector is not doing things correctly we have got these pamphlets from several sources. Since this report is published the people who are interested in the private sector have become very alert. Somebody was telling that telegrams are being sent to the Government

and Members are being approached at their residence. Why should they do so? When two-thirds of the road transport operation is already in the hands of the private sector why do they want this one-third also to go to them? Why do they envy? All precautions were taken, a period of one month or so was given, before it reached the preliminary stage. Now when it has reached the final stage why should they raise a hue and cry I do not understand. This is not intelligible to me.

Madam, peculiarly they say that all this was not in the original Bill. What is the purpose of a Select Committee if they can not add something whether it was there in the original Bill or not? Because it was not there sometime back, does the Select Committee not have the authority to review the original thing and put some new clauses into it? Because it was not there in 1939 or in 1965, after which it did not see the light of the day, should the Select Committee not think of certain salutary provisions and add them up to this Bill? Therefore, their argument is not reasonable. Therefore, when a thing is being done in the interest of the transport users they should not raise unnecessary hue and cry.

Madam I heard the Minister saying that he wanted the octroi check-posts to be abolished. That would be a good thing. Now even the tourist vehicles are not spared. About fifteen days back a team of Members of Parliament was going to Ludhiana. I was one of them. At a place, about 75 miles beyond Ludhiana—that day the carathon race was on, the London-Sydney rally—our car developed some mechanical defects. We were using the Delhi tourist cars. We were already late. After a journey of 250 miles obviously one must be hungry. We wanted meals. It was already one o'clock. We were prevented by a *posse* of police. They questioned us, and wanted to know whether we were tourists. I replied whether we were foreign tourists or not we were going on a tour all right. It did not carry conviction with those people. Although our car had four Members of Parliament we had to wait for about an hour for our release after giving some kind of undertaking. They demanded Rs. 102 on the spot. Neither the Department of Parliamentary Affairs which is arranging these tours will pay this amount nor the proprietor of the cars would have paid the driver this amount. He might have been paid only a few chips to meet his expenses on the way. That day, Madam Deputy

[Shri N. Patra,]

Chairman, we lost our meals and reached Ludhiana at 4 O'clock. That was our plight. Therefore, it will be doing a great service to the transport users if these octroi check posts are removed.

The hon'ble Minister in his introductory speech was referring to bringing forward a comprehensive Bill. It is already three decades that we have been waiting for such a Bill. The problem is a big one. Somebody stated that there are already 2½ lakhs of trucks and about 80,000 buses on the roads. There are lots of problems waiting to be attended to. There is the question of training and so many other aspects. Therefore, to me these gigantic needs a comprehensive Bill is a necessity. With these observations I resume my seat.

SHRI BALACHANDRA MENON (Kerala) : Madam, I welcome this Bill to the extent it goes, not that I am quite happy because I do feel it is high time that we bring forward a very comprehensive Bill which would satisfy our people. Most of the provisions are good. I want only to speak on two or three points. One is mainly about the question of nationalisation.

Madam, let us be very clear about our objective. I come from a State where most of the routes are already nationalised. From 1937 onwards, when Sir. C. P. Ramaswamy was the Dewan of Travancore, the routes were nationalised. Then Cochin also came in. Now we are extending it to Malabar. This is one of the State undertakings which has been successfully working. Even last year we got about Rs. 87 lakhs as profit after giving a bonus of about 19 per cent. to the workers, full wage. This has been given.

The two undertakings that are successful in the south are T. V. S. and the State Transport bus service. Why are they successful? It is because the T. V. S. is a big service, a dominant service in that area. One must understand that if I buy a car it is for my private consumption. But if that is used as a taxi it is for public consumption. We forget that and again and again insist on individual owner's rights forgetting the demands of the public. It is a very wrong notion. I am not one of those who believe that private undertakings should be very big. I am also not one of those who want every small man to have a bus. Therefore, we have to carefully consider and eliminate such uneconomic ventures and bring them under co-operatives.

I do not now want the workers' co-operatives. Let the small fellows come into co-operatives. The idea of small transport services is thrown back. When we think of agriculture we think of dividing the entire lands into small pieces and not bringing them under co-operative, resulting in stagnation of agriculture. All kinds of people get licences. This has to be ended. I would insist that when we give licence it should be for a co-operative of private owners and not for individuals as that will only create greater problems in our transport system. This is what I want to urge.

Then, I would like to say something about the drivers. Now, actually anybody who gets a licence from a small training school, after years of not doing any drivers job and working in some place as a servant, comes back and becomes a driver. Such a person is a nuisance to the entire people. It is not a question of his right for a licence. We have to see whether he is properly trained in driving. It is absolutely necessary that in every State we should have approved training schools. Unless that is done unless training is given by people who know how to train drivers, it will be wrong to entrust the vehicle to such persons and this may cause loss of life and loss of property. So training is absolutely necessary. It is not the driving licence alone that should count. It should be the training that he gets from approved training schools that should count.

Then I come to the fitness of vehicles. How many buses are now running here which must have been written off? And 80 to 100 people are packed like sardines or fish in a bus. Now the unsocial elements in our country are the private school manager, the small proprietor of buses, the toddy contractor and the rice mill owner. These are the fellows who have become pests in our society. Let us not speak about small men too much. Therefore, I say that the fitness of vehicles must be insisted upon and checked, and there should be a State machinery to see that things which deserve to be scrapped are put on the scrap-heap. Every day we read about so many accidents. People have lost respect for life. Drunken people drive the buses and topple them. The Number of lives that are lost in this country due to such mishaps is something which will have to be accounted for. There is not so much traffic all over India.

SHRI B. K. P. SINHA (Bihar) : It applies to the State transport also.

SHRI BALACHANDRA MENON: Certainly. That is why I say you should enquire and find out as to how far the State transport is serving the people. At least as far as I know, in spite of the fact that my State is full of hills, valleys and all that, and in spite of the fact that buses are run all through the night every one hour, there have been very few accidents in the State transport compared to the number of accidents involving private buses. This is because the private owners do not have proper workshops. They cannot afford to do it. Accidents are caused not only because of the drivers, but also because of the defects in the vehicles. That is why I insist on the fitness of vehicles.

SHRI SUNDAR SINGH BHANDARI (Rajasthan) : What about the drinking percentage?

SHRI BALACHANDRA MENON : I have already mentioned what nuisance they are creating.

SHRI B. K. P. SINHA : I would inform The hon. Member that in Bihar, in my experience, the State transport buses are a greater menace than the private transport buses. When the tyres, etc., are purchased in bulk for the State transport buses, we see them still running on the old wheels with the old, worn-out tyres, etc., and the new tyres, tubes and other accessories are sold in black market to others.

SHRI BALACHANDRA MENON : That is exactly so. So the defect is not with the State transport. The defect is with the management. I will tell you how that can be got over. In the Stores Purchase Committee if you have got the workers' representatives also who will see that these top officers do not sell away the new tyres, if you have got such committees to check, then you can get over that. Anyhow, I do not want to speak on that now.

The next point is about the judicial officer who should be in charge of the State Transport Authority. This is an absolute necessity. Here is a question of favouring people and one may not exercise one's mind properly. Therefore, it is necessary that somebody who has got judicial training is made the authority there.

As far as nationalisation is concerned, clause 41 is there. But what we find is that the private bus owners create a lot of difficulties whenever you try to nationalise an area. They go to the High Court, they go to the Supreme Court, and they get it prolonged by any number of days. The result is, even when the demand is there from the

people and the Government is prepared to extend State transport to that area, it cannot be done. When a private bus owner withdraws his bus service I would go to the extent of saying that the State transport organisation should be allowed to take over that area for the time being. This is an absolute necessity. All formalities can be looked into later. Otherwise, for example how can a student attend his classes? It is a question of serving the people. It is not a question of that man's right. The whole thing is looked at in the wrong way and that is why all this problem is created. The high school or college students cannot attend their schools or college when the private bus owner withdraws his service. The matter is then taken to the court. An injunction is got. Much difficulties will be created. Therefore, I would say when the Government have exercised their mind over nationalisation of any route, temporary permit should be given to the State Transport.

I may tell you, these private buses never run at the proper time, because they have to first collect people. And at every station, they just pay three rupees to the policeman. This is what is being done. It between two places 50 miles apart there are 10 police stations, they pay everywhere three rupees or five rupees. It is done regularly. This is a fact which everybody knows. Well, from the State authorities they will not be able to get it so easily because they would have to account for it. That is the whole thing. Therefore, I would suggest that in such cases, a permit should immediately be given to the State transport. Then if there is a valid objection, it can be considered. Now the question has been asked: If you take over like that, what will that man do? Will he not suffer? All right, he may get the feeder routes. But the main routes cannot be given. Now every State will have to decide that the main routes in our country will be covered by the nationalised service, because that is how the States can improve their income and that is how the people can be served better. You may say that the feeder routes would not be profitable. As we nationalise more and more, the private employers may not be able to make the old profits, profits which they made before. They will have to realise this, and come to an understanding with the State authorities and agree to have some feeder routes. That is what I would say. So I would suggest that in those areas where they can be given alternative routes, a scheme will have to be worked out for that.

[Shri Balachandra Menon]

Then again, the Government have no idea of the havoc done by private goods service. Most of the smuggling get through that. Some checks will have to be put on this menace. So, even in the case of goods traffic we will have to very seriously consider why big cooperatives or State Corporations should not get it. That is the only way to stop smuggling. And if ever any private goods man has been found to be a smuggler, we must insist that his licence should be cancelled and he must be blacklisted.

SHRI MULKA GOVINDA REDDY :
But they contribute to the Congress.

SHRI BALACHANDRA MENON : I am not worried about the Congress or anybody else. This thing has to be stopped. Once you allow these goods to be taken from one place to another and if they are found to be smuggled goods, then, immediately cancel all the licences of the drivers concerned. Not only that, no more goods for that man and he will not be allowed to continue taking out goods from one place to another in a lorry. The difficulty is we start saying 'Will it not affect the small owner, "will it not affect so and so?"' You forget the needs of the country. We are catering to the people. That is why I say it is not a question of only the private bus or lorry owner. The question is his duty is to the public and he forgets that. When this is so, he cannot be allowed to continue like that. That is the case with goods Traffic as well as passenger traffic.

Therefore, I would appeal to the honourable Minister that while accepting most of the suggestions given here—I feel that a very comprehensive Bill has to be drawn up soon—whenever a new route is taken over, workers who are thrown out from the private transport service, I suggest that if they are found fit, they should be employed because it is not because of the defect of the workers such a thing has happened, but because we wanted to nationalise. So, those workers who are experienced and who are found to be good enough, they should be given preference. This is the way how our nationalisation should continue; otherwise, it is nationalisation at the expense of the workers and against the workers. That is my submission.

SHRI MULKA GOVINDA REDDY :
Madam Deputy Chairman. I am glad that the Minister held out a promise that

a comprehensive Bill in connection with the Motor Vehicles Act will be brought before this House shortly. Madam, it has been generally accepted that nationalisation of road transport should be accelerated. There may be some parties who are not interested in the nationalisation, but the principle that this road transport service should be nationalised, we have all accepted. In 1948 itself, and as my honourable friend said just now, in 1937 in some States some of these transport services were nationalised. But we all expected that there should be a scheme formulated for this purpose and that there should be a phased programme for nationalising the entire transport service. But unfortunately there does not seem to be any seriousness on the part of the Government. For the last 21 years the Centre as well as the States have been under the Congress rule, and there does not seem to be any concrete programme of action for nationalising the entire road transport service in this country. It is half-hearted and halting. And whenever they want to nationalise a particular route or a particular area, they bring forward a scheme for nationalising certain routes. We agree and we have been advocating that this road transport service should be nationalised. I agree with some of the criticisms made by Mr. Varma and others that these nationalised transport services are not giving the service that is expected of them to the public at large. It looks as if there is a conspiracy going on in the Congress Party that they would like to nationalise but give a bad service and bring a bad name to the very principle of nationalisation. That has been our experience in so many industries where those industries have been nationalised. We are not getting proper returns for the monies invested. It is not because the principle is bad but because the management is bad. There is no proper management and proper service is not given. Proper care has not been taken to see that this service ran profitably and in the interests of the public at large. I do not agree with Mr. Balachandra Menon that feeder service should be given to private operators and all the main routes should be given to the public undertakings, particularly the nationalised sector. All the transport services should be undertaken by the State undertaking. In the former State of Hyderabad which was said to be a feudal State ruled by the Nizam, the entire transport system was nationalised—and some of those areas have come to us—there is no private operator today in

Hyderabad, Karnatak. Even in Bombay the entire road transport was nationalised. But I do not see why the Government is not serious in nationalising the entire road transport system. I do agree that it is difficult to nationalise the entire system in a year or two. But there should be a scheme, that within 5 years or 10 years from now the entire road transport service is going to be nationalised. In 1948 some routes were taken over by the public sector in Mysore State. It is more than 20 years now, not even 50 per cent of the routes have been nationalised. But at certain times some routes have been nationalised for ulterior motives. There does not seem to be any programme of action at all. It was stated when this nationalisation scheme was accepted that there should be a phased programme that within such and such year such and such routes or areas would be covered so that the operators would also know before hand that after such and such time these routes are going to be nationalised and they would have to look after or look for an alternative employment or alternative business.

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair].

But there is nothing of the sort. There seems to be utter confusion in the minds of the Government. Whenever they want to nationalise, they do it without giving proper notice. Mr. Vice-Chairman, Sir, Mr. Balkrishna Gupta narrated what happened in Andhra. I bring to the notice of this House what happened in Mysore. When the former Chief Minister was defeated in a particular constituency in Chitradurg

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Is it relevant?

SHRI MULKA GOVINDA REDDY : It is relevant. I am going to say how it is relevant

SHRI M. P. BHARGAVA (Uttar Pradesh) : He can continue tomorrow.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Now as we are taking up a discussion at 4 o'clock, if it is the desire of the House, we can shift from transport to teachers.

ALL HON. MEMBERS : Yes, yes.

SHRI MULKA GOVINDA REDDY : All right, Sir. Thank you.

4 P.M.

SHORT DURATION DISCUSSION UNDER RULE 176 RE. U. P. SE- CONDARY SCHOOL TEA- CHERS' STRIKE

श्री राजनारायण (उत्तर प्रदेश) : उप
महाध्यक्ष महोदय, उत्तर प्रदेश माध्यमिक
स्कूल शिक्षकों की मांगों तथा शिक्षकों की
आम हड़ताल से उत्पन्न स्थिति पर चर्चा
आरम्भ कर रहा हूँ।

श्रीमन्, इस चर्चा के दो भाग हैं। एक
भाग तो है कि अध्यापकों की हड़ताल क्यों
हुई और दूसरा भाग यह है कि उनकी हड़ताल
के साथ सरकार का रख क्या था। इस समय
हमारे हाथ में श्री कोठारी कमिशन की रपट
है। यह कोठारी कमिशन 14 जुलाई
1964 को बना था और उसने जून 1966
को अपनी रपट दे दी थी। 1968 का साल
व्यतीत हो चुका है और अब 1969 का साल
आ रहा है। यानी 5 साल के बाद यह महसूस
हुआ कि शिक्षा का राष्ट्रीय स्तर का ढांचा
क्या हो और शिक्षा को सुनियोजित करने
के लिए क्या क्या तरीके अख्तियार किये
जायें।

श्रीमन्, मैं इस में से केवल दो ही अंश
पढ़ना चाहूंगा जिससे इस सदन के माननीय
सदस्यों को मालूम हो जायेगा कि इस कमिशन
का महत्व क्या था :

*"Principle of parity :—With re-
gard to the intra-State differences, we
recommended that the remuneration
of teachers working under different
managements should also be the same
and that all teachers having the same
qualifications and the same res-
ponsibilities should have the same or
at least similar remuneration and con-
ditions of work and service."*

बहुत सफाई के साथ जो समता और
संतुलन का सिद्धान्त इसमें रखा गया है योग्यता
के आधार पर और काम के आधार पर कि
सभी को समान वेतन और समान सेवा की
शर्तें दे दी जायेंगी। उसी के साथ थोड़ी
गुंजायश भी की गई है कि समान और सम