

[SHRI A. K. ANTONY]

very useful. I take all your criticism very seriously. Wherever needed, we will make corrections. I once again express my thanks for giving total support to the Defence Budget. Thank you. ...(*Interruptions*)...

SHRI PIYUSH GOYAL : Sir, I want to put one question. ...(*Interruptions*)...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Please take your seats. ...(*Interruptions*)... All of you take your seats. I will allow Dr. Maitreyan and Shri Raja. ...(*interruptions*)... Please take your seat. ...(*Interruptions*)... It is not possible. I have allowed Dr. Maitreyan.

DR. V. MAITREYAN : Sir, the entire House has no doubt about the honesty and integrity of the Defence Minister, if some other Minister in his Cabinet had done this, there would be no surprise. From an honest Minister, we did not anticipate this reaction. That is why we were angry.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Mr. Raja, put your question.

SHRI D. RAJA : Sir, I am thankful to the hon. Minister. He has considered my demand and said that he would relook into the issue. On behalf of the families of martyrs, widows and the soldiers who were wounded, I am urging upon the Minister to do the needful. It is not the question of relooking into the issue; it is the question of restoring the concessions given to the children. ...(*Interruptions*)...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now the Motor Vehicles (Amendment) Bill. ...(*Interruptions*)... No, no, this cannot be allowed. You have put so many questions, ...(*interruptions*)... You have put a lot of questions. ...(*Interruptions*)... He has covered every point. ...(*Interruptions*)... Please take your seats, ...(*interruptions*)... Now you can write to him. All those who are having more questions can write to the Minister. Now Shri C.P. Joshi. ...(*Interruptions*)... You can write to the Minister. ...(*Interruptions*)... He has put a number of questions. ...(*Interruptions*)... Okay, the initiator can put only one question. That is all. Nobody else would be allowed. ...(*Interruptions*)... No, you are not permitted. Please take your seat.

SHRI BALBIR PUNJ : I have only two questions to put. Did he get any letter in 2008 about the Tatra deal? Secondly, Sir, when the General spoke to him about the bribe offer, he could not do anything except putting his hand on his head. It came only when it appeared in the media. Therefore, there is nothing for them to thump the desk and take credit for what the Minister has done. If we have to give credit for the inquiry...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : That he has already replied. Now Shri C.P. Joshi.

SHRI BALBIR PUNJ : This is because of the media that this inquiry had been ordered, ...(*interruptions*)...

GOVERNMENT BILL**The Motor Vehicles (Amendment) Bill, 2007**

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS (SHRI C. P. JOSHI) : Sir, I move :

“That the Bill further to amend the Motor Vehicles Act, 1988, be taken into consideration.”

Sir, this Bill was introduced on 15th May, 2007, in the Rajya Sabha. The Bill was then referred to the Standing Committee, and the Standing Committee gave its recommendations. We have included the recommendations of the Standing Committee. The recommendations can broadly be classified into five categories : (i) enhancement of penalties for offences under the Act; (ii) delegation of powers to the States; (iii) responsiveness on the part of the Regional Transport Authority by fixing time limits; (iv) removal of anomalies and provisions for new, emerging recruitments; and (v) compensation to road accident victims by creation of a Solatium Fund.

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

The question was proposed

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Dr. Gyan Prakash Pilonia ... (*Interruptions*)...

SHRI SITARAM YECHURY (West Bengal) : Sir, while the Minister said that he is incorporating the recommendations of the Standing Committee, can he tell us when the Standing Committee gave its recommendations?

SHRI C. P. JOSHI : The Standing Committee gave its recommendations on 28th April, 2008.

SHRI SITARAM YECHURY : Sir, today is 8th May, 2012, and the Report was given four years back. It has taken four years for the Minister to consider the Report and bring an Amendment. Can he kindly clarify why it has taken so much time?

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : You can ask him while he is replying ...(*Interruptions*)...

SHRI K. N. BALAGOPAL (Kerala) : Sir, this is a very long Bill with so many changes. And only one hour has been given for this.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : The time was fixed in the BAC... (*Interruptions*)... You should have raised it in the BAC meeting ...(*Interruptions*)... The BAC has allotted time for it. There is no discussion on that. Now, Dr. Pilonia.

[5.00 P.M.]

DR. GYAN PRAKASH PILANIA (Rajasthan) : Sir, I am grateful to you for giving me this opportunity to speak on this very important legislation. As has been pointed out, it has been amended thrice, that is, in 1994, 2000 and 2001. And now, this comprehensive amendment has come for the fourth time. It has also been pointed out that it has taken four long years, by keeping this Bill in incubation. Anyway, देर आयद, दुरुस्त आयद। The objective of this amendment is laudable. The main objective is to ensure road safety and discipline on the road. It is a tragic scenario that when we go on the road, the traffic is so badly organized that it hardly moves. And, as far as the figures of road accidents are concerned, they are horrendous. The total road deaths in a year are 1,30,000. They die without any fault of theirs.

(THE VICE-CHAIRMAN (SHRI PRASANTA CHATTERJEE) in the Chair)

They die while moving on the road to some destination. It is like a *vajrapat*, a bolt from the blue for the family members of those who die like this. And it is worth consideration by this House that in a year, not more than 4,000 deaths take place in all kinds of terrorist activities or Naxalite activities or cross-border activities or extremist activities. They become insignificant as compared to brutal deaths on the road. And the road doesn't remain a vehicle for movement but road becomes a death trap. This is a serious situation, and something has to be done. Every day 357 lives are lost and 16 lives are lost every hour. You may recollect that two days back, in a road accident, 18 persons died. Eleven of one family and seven of another family were returning from a religious pilgrimage. Such kinds of headlines keep on coming daily in newspapers. Something has to be done by the authorities concerned. The WHO has estimated that because of road accidents in our country, Rs.1000 billion of loss is there, which is mind-boggling. My submission is that we have to realize दुर्घटनाएं घटती नहीं हैं, बल्कि दुर्घटनाएं करायी जाती हैं। Accidents happen by some mistake somewhere. Mistake may be on the part of those who constructed the road. There may be a fault in road engineering. There may be a fault on the part of the driver. There may be a fault in the vehicle. There may be a fault in Enforcement. There may be a fault in educating the drivers. Sir, in traffic management there are three Es. First E is to educate everyone, moving on the road, that roads are not meant for accidents, roads are meant for travelling, and hence, travel safely. That is a lesson. Give education to drivers and to pedestrians and to those who move on the roads, then to Enforcement Directorate by the Transport Department or Police Department, then to engineering by the PWD or CPWD or Border Roads Organisation, whatever is there. Till these three Es are not rightly connected, there will be more deaths and deaths on the roads. Overloading is a main factor. Overloading of passengers or overloading of goods leads to accidents. Drunken driving is another factor which is a very common factor and which is a fatal thing. A drunken person does not know at which speed he is moving and where he is moving. He is a

moving engine of death for the people. Speed is another point. There is also another point, Sir. Licence to drive at times becomes licence to kill on the road because the situation that is there in the country is, without going to any office, by paying money here and there, you can get your driving licence at your own residence. Even a boy of 15 years of age can get a driving licence. So, something has to be done at the root level, that driving licence will be given only after very specific trial, proper trial and on the basis of merit, not on the basis of money. It is a common experience. I have spent 37 long years, Sir, in Police Department. I have retired as Director General of Police also. I understand what happens on the road and what road management should be there. That is why I am just expressing my pain and anguish on that issue. Corruption is rampant at the checking points. It may be a checking by a Transport person or it may be a checking by a Police person. Only that hand gets honour which is clean. A dirty hand does not get honour on the road. It is a very common thing. Something has to be done so that corruption at the level of checking by checking authorities is stopped somehow. There are accidental deaths per thousand vehicles, accidental deaths per lakh kilometres. How does it compare with foreign countries who have zero tolerance for deaths on roads? That has to be thought of. I am reminded of two or three very painful incidents of which I had become an eye-witness. Three very important politicians in Rajasthan died on roads, Dr. Abrar Ahmed from Sawai Madhopur, a Member of Parliament and Minister also; Rajesh Pilot, another person died in a road accident; Dr. Sahib Singh Verma died in a road accident. I have just related three prominent names. For a family, his member is as important as a Chief Minister of a State and when the family loses an earning member of a family, it is a calamity for them. It is a bolt from the blue. Something, Sir, has to be done. There is a need for public transport. Unless and until we make very easy public transport system, the roads will be choked to its capacity. Even now, there is a limit of widening the road. Its width cannot be more than that and vehicles are registered day-by-day, day-by-day and they move at snails' pace. You can see it from Gurgaon to Delhi, which is a very good highway. The road is very good, but it remains choked because vehicles are more. So, until and unless public transport system is improved and people are motivated or, somehow, in a way, cultivated to use public transport, instead of their own personal vehicles, it is very difficult. It has been pointed out, very rightly so, 4-5 kinds of danger lurk on the road. A mention about this has also been made in the Bill. I will just take a second to mention them since they are relevant for the purpose. For them, more penalty has also rightly been provided. It has also been mentioned that there should be speed governors. I would say that speed governors must be there in public transport vehicles, fog lights must be there. Sir, helmets must be there not only for the person who is driving two-wheeler but also for pillion rider. This saves precious lives. It has been experimented and found helpful.

THE VICE-CHAIRMAN (SHRI PRASANTA CHATTERJEE) : Mr. Pilania, you have another speaker from your party.

DR. GYAN PRAKASH PILANIA: I will just finish; your honour.

I was pointing out about driving hazards. Driving with excessive speed is one of them. Speed-crazy people drive fast and virtually fall in the death trap. Another one is driving dangerously with acrobatics on road. Another one is driving by a drunken person or person under the influence of drugs. Another one is, driving when mentally or physically unfit to drive. Another one is, using vehicle without registration and permit. I am mentioning them because specific Clauses and penalties relating to them have been provided in the Bill.

Sir, structured compensation formula is a very right step taken by the hon. Minister. Let it be rightly followed. There is a saying "Way to hell is paved with best intentions." I admire the intention of the hon. Minister who is held in high esteem in the country and who hails from Rajasthan. But, I hope and pray that the provisions made in the Bill are very rightly enforced and, somehow, corruption should be eliminated.

Mobile phone, while driving, is another trap. I think, as you have rightly pointed out, I will mention only this much that imprisonment should be there as far as possible by invoking the provisions of the IPC, along with the Motor Vehicle Act and Rules. Imprisonment can be only a threat. Otherwise, paying Rs. 500 or Rs. 1,000 or Rs. 2,000 or Rs. 5,000 does not matter.

Sir, just one more point and I have done it. In a hit-and-run case, it has been pointed out, if there is death, the compensation would be Rs. 50,000. I will submit for consideration that let it be, at least, Rs. 1 lakh. God will bless the hon. Minister for this concession.

I thank you, Sir, for your kind indulgence for bearing with me. Thank you.

श्री नरेन्द्र कुमार कश्यप (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, मोटर यान (संशोधन) विधेयक, 2007 मोटर यान अधिनियम, 1998 का संशोधन करने के लिए लाया गया है, मेरी राय में माननीय मंत्री जी इस संशोधन के लिए बधाई के पात्र हैं, लेकिन अफसोस कि इस विधेयक को लाने में काफी देरी हुई है। चूंकि हमारे देश में प्रति घंटा तकरीबन 14 व्यक्ति दुर्घटना के शिकार होकर मौत के आगोश में समा जाते हैं। करोड़ों रुपए की धन-हानि भी इन दुर्घटनाओं के जरिए होती है। सदन का यह मत है कि आबादी की दृष्टि से चीन, भारत से आगे है, लेकिन अगर दुर्घटनाओं की संख्या देखें, तो भारत, चीन से आगे है। 2005 से पहले चीन में दुर्घटनाओं का अनुपात अधिक था, लेकिन चीन ने इस मुश्किल को समझा, अपने देश में सुधार किया और धीरे-धीरे दुर्घटनाओं के मामले में चीन, भारत के बाद दूसरे नंबर पर आ गया।

उपसभाध्यक्ष जी, मैं यह महसूस करता हूँ कि बहुत सारे बिन्दु हैं, बहुत सारी धाराएं हैं, विषय गंभीर है, संशोधन जरूरी है, लेकिन इस पर बोलने के लिए केवल 4 मिनट का समय है। ऐसी हालत में विस्तार से इस गंभीर मुद्दे पर चर्चा करना तो संभव नहीं होगा, लेकिन फिर भी मैं एकाध बिन्दु का उल्लेख करते हुए, माननीय मंत्री जी को मशवरा जरूर देना चाहता हूँ कि दुर्घटनाओं की अधिकता मुख्यतया नशे की वस्तुओं के सेवन करने और आज के modern समय में मोबाइल फोन को कान पर लगाकर ड्राइविंग करने से हो रही है। माननीय मंत्री जी ने इस संशोधन में नशे की स्थिति में वाहन के संचालन करने पर सजा

का प्रावधान रखा है, जिसमें 6 महीने का कारावास और 2,000 रुपए के जुर्माने का प्रावधान है। मैं समझता हूँ कि देश की मौजूदा परिस्थितियों में सजा का यह प्रावधान पर्याप्त नहीं है और इससे मोटर accidents पर अंकुश लगाया जाना संभव नहीं है। यदि माननीय मंत्री जी मेरी बात को गंभीरता से लें, तो मेरा उनसे निवेदन है कि अगर कोई नशे की हालत में या मोबाइल फोन को कान पर लगाकर ड्राइविंग करता है और सजावार पाया जाता है, तो उसके लिए कम से 5 साल का कारावास और 10,000 रुपए के जुर्माने की व्यवस्था इस बिल में की जाए, तब शायद बहुत हद तक इस पर काबू पाया जा सकता है।

माननीय मंत्री जी, एक और महत्वपूर्ण मशवरा मैं आपको देना चाहता हूँ, आप चाहे कानून मंत्री जी से बात करें या सरकार के दूसरे नुमाइंदों से बात करें। हर घंटे में 14 व्यक्ति दुर्घटनाओं में मरते हैं और आज की परिस्थिति में बहुत सारे accidents ऐसे भी होते हैं, जिनको जान-बूझकर किया जाता है। दुर्घटना मर्डर करने का एक हथियार भी बन गया है, लेकिन एक चालक दुर्घटना के जरिए चाहे दस व्यक्तियों को मारे, पंद्रह को मारे या दुर्घटना में जितनी भी मौतें हो जाएं, लेकिन उस केस का अभियुक्त कोर्ट में सरेंडर हो जाता है, **bailable offence** है, खड़े-खड़े **bail** हो जाती है और वह अपने घर को चला जाता है। इस तरह से दुर्घटनाओं में मौत पर अंकुश नहीं लगाया जा सकता, इसलिए माननीय मंत्री जी से मेरा बहुत विनम्रता से अनुरोध है कि वे कानून मंत्री जी से बात करें और सरकारी नुमाइंदों से भी बात करें। आई.पी.सी. की धारा 304(a) में सजा का जो प्रावधान दिया गया है, जब तक उसमें हम तबदीली नहीं करेंगे, तब तक **Motor Vehicles Act** का बहुत बड़ा प्रभाव हमारे देश में नहीं पड़ पाएगा, इसलिए मेरा अनुरोध है कि नियमों को और सख्त बनाइए, 304(a) में तबदीली कीजिए और जो भी व्यवस्था आपने इस संशोधन के जरिए दी है, उसमें बहुत सारी चीजें ऐसी हैं- जैसे **helmet** दिल्ली में लागू है, लेकिन हम दूसरे सूबों में जाएं, तो वहां के लोग उसको लगाना अपने बाल बिगाड़ने जैसा समझते हैं। इसलिए माननीय मंत्री जी से मैं यह विनम्र अनुरोध करूंगा कि **helmet** की व्यवस्था को आप **entire country** में **compulsory** कीजिए।

कुछ केसेज में आप उसको छोड़ सकते हैं जैसे सिख समाज के लोगों को हेलमेट लगाने में मुश्किल होती है, वह एक जायज मामला है, उनको छोड़कर बाकी तमाम जो व्हीकल्स को चलाने वाले चालक हैं, खासकर टू-व्हीलर के चालक हैं, उनके लिए हेलमेट कम्पलसरी हो, सजा के प्रावधान में तबदीली हो और अगर संभव हो सके तो आईपीसी से 304 (ए) को निकालकर मोटर व्हीकल ऐक्ट में ही इसको लाया जाए तो शायद ट्रायल होने में भी सुविधा होगी और कानून का सही लाभ देश के लोगों को मिल पाएगा।

महोदय, देश के सामने दुर्घटनाओं के जरिए एक गंभीर समस्या पैदा हुई है, जिसके कारण बहुत सारे नेता, बहुत सारे अभिनेता, बहुत सारे देश के ऐसे कीमती लोग दुर्घटनाओं का शिकार हुए हैं, जो देश के लिए बहुत जरूरी थे। ये दुर्घटनाएं भविष्य में न हों, हमारे देश का कोई भी व्यक्ति दुर्घटनाओं का शिकार न हो, इसके लिए कानून को और सख्त बनाइए, दंड की व्यवस्था में और बढ़ोतरी करिए, 304(ए) के कानून को मोटर व्हीकल ऐक्ट के तहत लाइए।

महोदय, आपने मुझे समय दिया, इसके लिए मैं आपका धन्यवाद करता हूँ।

SHRI K. N. BALAGOPAL (Kerala) : Sir, actually, when the decision of the BAC came in the Bulletin, Part II, about listing of this Bill for today. I thought that this Bill, the Motor Vehicles (Amendment) Bill, 2007, would be a very small Bill. But this is comparatively a big Bill, which would have been given more time. It is a very important Bill because it is related to lakhs and lakhs of vehicles which are plying in the country. But the Government took it very causally. I am not complaining; but one

[SHRI K. N. BALAGOPAL]

hour is very less time for this, and the time for studying this was also very less because some very serious provisions have been incorporated in this Bill.

So, Sir, within the short time at my disposal, I will like to make two-three points mainly. Our leader, Comrade Yechury, said here that the Standing Committee Report on this was prepared four years back. Four years is a long period for defining the technicalities of this kind of a Bill. But without referring it to the Standing Committee, it came to the Parliament again.

Sir, some provisions of this Bill are basically helping the insurance companies. Some other aspects are there about the drunken driving. Many other aspects are there. But some provisions of this Bill are supporting the insurance companies, for example, the provision regarding the fixation of compensation. This aspect is there. Generally, in practice, that provision would only help the insurance companies.

Sir, coming to the provisions of the Bill, I would talk about Section 28 which is about the Consignor's responsibility. If the vehicle is overloaded, the responsibility earlier was with the driver and the owner, but now the Bill is saying that it is the Consignor's responsibility. There is no clear clarification given in regard to Consignor's responsibility, in regard to clause 28. If I am sending something, I don't know whether the owner or the driver is overloading the vehicle or not. But as per this Bill, if I am a consignor, I will be held responsible for the overloading. So, this kind of provision should be deleted from this. The consignor should not be responsible in that way.

Then, there is a provision of Solatium Fund in Clause 37. Here, it is saying that the Solatium Fund could be used for 'hit and run cases', in unidentified cases. As per this provision, if there is a death in the hit and run case, the compensation is only Rs. 50,000. And, suppose it is 'grievous hurt.' Sir, the Minister is not here!

THE VICE-CHAIRMAN (SHRI PRASANTA CHATTERJEE) : Yes, where is the Minister?

AN HON. MEMBER : Sir, he has just gone out.

THE VICE-CHAIRMAN (SHRI PRASANTA CHATTERJEE) : But somebody has to take the notes so that the Minister can reply on those points.

SHRI K.N. BALAGOPAL : Sir, the Minister was also not expecting that this Bill would come right now. This is the issue.

THE VICE-CHAIRMAN (SHRI PRASANTA CHATTERJEE) : Don't worry. Another Minister is taking notes. ...(*Interruptions*)... The Minister has come.

SHRI K. N. BALAGOPAL : Sir, in the hit and run cases, the compensation provided under the Solatium Fund — Rs. 50,000 — is very minimal. It should be

higher because it is the responsibility of the Government. If hit and run cases are there, it is the responsibility of the Government. So, persons who are hit by the vehicles should be given more money. Therefore, this limit of Rs. 50,000 should be increased, at least, to Rs. 2 lakh for death and Rs. 1 lakh for grievous hurt. ...*(Interruptions)*... Another provision is there. I am coming to that. Sir, according to the provisions at S.No. 40 and 41, in certain cases of compensation, where the concerned party wishes to plead the guilt of the driver, the civil court would decide about the compensation. This case could be later used by the insurance companies. The insurance companies are a big lobby and it is a business running into thousands of crores of rupees. So, the provisions at S. Nos. 40 and 41 could be used by the insurance companies of the interested parties to settle matters in their interest. I hope, the hon. Minister would talk about this aspect while making his reply.

Sir, then, at S. No. 64, they have talked about the right to claim compensation in certain cases. This section talks about injury and death. It says that if the death is not relatable or has no 'nexus with the injury', there will be no compensation. In any case, a good advocate can plead and say that the death was not relatable or has no nexus with the injury. If a person is hit by a vehicle, he is taken to the hospital and he dies there after two days, somebody can plead that it was because of a heart attack and not caused by the injury. Sir, this is a very serious issue, and that is why I say that this Amendment Bill is in the interest of the insurance companies. How can one prove the nexus of injury with death? That is why I say that this Bill cannot be passed in its present form.

Then, Sir, coming to S. No. 65, there are some clauses. There, it is said that in the case of death of non-earning persons, a fixed compensation shall be payable, that is, one lakh rupees for children upto the age of five years, and one lakh fifty thousand rupees for persons who are more than five years of age. The minimum amount payable is one lakh rupees. Then, clause 3(c) of the same says, "the maximum annual income for calculation of compensation will be deemed to be Rs. 1,00,000 even if the income exceeds Rs. 1,00,000." Sir, I am unable to understand this point. The Bill has come only recently. I got my copy just today. I think, many of the Members got their copy only today. They are saying that whatever may be the income, the maximum should be limited to only one lakh rupees for other cases. In practice, it will create problems for all accident cases in the country and insurance companies would use this.

Sir, there are many other reports of the Standing Committee. I would like to candidly admit that we were not able to go through all these reports. We were expecting The Medical Council (Amendment) Bill, which was a one-page bill, but this is a 12-page document! Sir, there are many reports of the Standing Committee; I am not going

[SHRI K. N. BALAGOPAL]

into the details. But there are some proposals. For instance, the penalty has been increased from Rs. 5000 to Rs. 10,000. Then, talking about drunken drivers, if some drunken driver hits somebody and that man dies, such cases must be treated as culpable homicide. There are many other points in the Standing Committee reports. My request is — I know that this may be bulldozed in this House — this is a very important Bill, more serious than other Bills, because there are lakhs and lakhs of vehicles plying in this country and many accidents take place. The hon. Minister is also the Minister for National Highways. In the National Highways at Kerala, every day eleven passengers die in accidents. In Kerala, the average is 15, and the average is the highest in Kerala, but in the country as a whole, tens of thousands of people die in accidents. We had been talking about the Kargil War, the Siachen and 1962 War. At that time, 1500 soldiers had died. In Kerala itself, we are losing 15,000 people through accidents every year. We are preparing a Bill in a casual manner, which we have taken up today. One-hour discussion is not proper for this. The Chairman of the Standing Committee who was dealing with it, and other Members are also raising a complaint that this was discussed four or five years back in the Standing Committee and now it has come up suddenly for discussion in the House. This attitude is not good. I think the hon. Minister will look into it seriously. It may go to the Lok Sabha again. The points I have raised are very serious. Don't bring in such a Bill for helping the insurance companies. It should help the common people.

DR. BHARATKUMAR RAUT (Maharashtra) : Sir, very recently, four months' ago, I myself met with a near-fatal road accident. So, whatever I am going to speak is my self-experience. At the outset, let me recall that this Bill was brought in 2007. Five years have passed and now we are bringing it for discussion and passing in the House. That shows the total apathy of the Government towards this issue, which is deplorable.

[THE VICE-CHAIRMAN (PROF. P. J. KURIEN) in the Chair]

Having said that, let me tell you, Sir, that this Bill, though it is an honest attempt, has many fallacies, lacunae and shortcomings. So much time has passed, and therefore, my request to the hon. Minister is: You sit back and bring in a comprehensive Bill about this because when we think of Motor Vehicles Act, we really think about the accidents on roads, and when we think of accidents on roads they are necessarily not because of mistake of a driver or drivers. Many times there are situations when accidents happen because of poor conditions of road and faulty signage of roads. This Bill does not speak about the road condition and who should be held responsible if roads, particularly the highways, are not kept in good condition. Who is to be held responsible? It is not necessary that it is driver who is responsible every time. Therefore, there has to be some fundamental amendments in this Act. Sir, this Act was brought in 1988.

Since then, 34 years have elapsed. In these 34 years, the road traffic, particularly in cities like Mumbai and in other bigger cities, has gone up 15 times. In such conditions, how do you believe that this Act will be sufficient to take care of the increased traffic? It won't be. Therefore, you will have to bring in another legislation. Sir, in this Bill, there is punishment for drunken drivers and there is punishment for those who run over people. But there is no punishment for cops who take bribe. There are traffic policemen who take bribe from people who jump traffic signals. Sir, I would request the hon. Minister to give some attention to what I am talking. There are some traffic policemen who openly take bribe in broad daylight from people who jump traffic signals. What is their punishment? How do you curb this practice? There are many such cases where this Bill does not provide suitable action. Then, Sir, there is another issue. I come from Maharashtra. In many cities like Delhi, Chennai or Kolkata, there are vehicles coming from other parts of the country. I can understand that these are visitors. But, if the vehicles are there for years together, that has to be taken care of. In Mumbai, I definitely find vehicles with Gujarat number plate, Karnataka number plate, or Goa number plate. I can understand that. There could be visitors from neighbouring States. But, what about a vehicle coming with J&K number plate, with West Bengal number plate, or, Tamil Nadu number plate? How could those vehicles be running in Maharashtra for years together?

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Please conclude.

DR. BHARATKUMAR RAUT: Sir, let me speak, We don't have many speakers from 'Others' category.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : No, we have to finish this.

DR. BHARATKUMAR RAUT : Sir, I will take only two minutes. Sir, it means that there are vehicle owners who want to avoid some extra taxes and they want to ply their vehicles in Mumbai or in many other States. So, what is the arrangement, what is the action that this Act can take to stop this practice? Sir, my concern is that when an accident of such a vehicle takes place, the local authorities, the local police, are not entitled to take action against these vehicles. Their registration is somewhere else. So, they have to keep communicating with other States which is not possible. For years together, they don't get compensation. Insurance companies don't give compensation. Therefore, my request is that the Minister has to take it very seriously and bring in a comprehensive Bill. Till that time, he can keep this Bill in abeyance.

श्री अविनाश राय खन्ना (पंजाब) : उपसभाध्यक्ष जी, मैं इस बिल के ऊपर उस दिन बोल रहा हूँ, जब पंजाब में एक ही दिन में रोड accidents से 18 लोग मारे गए। एक ही परिवार के 10 लोग और एक परिवार के 5 लोग मारे गए। ये accidents दिन पर दिन बढ़ रहे हैं। माननीय मंत्री जी ...(व्यवधान)...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Mr. Minister.

DR. BHARATKUMAR RAUT : Sir, through my speech is over, my request to the hon. Minister is that when hon. Members are speaking with all seriousness, we expect similar attention from him. I know he is a busy man, but that does not mean that he should be doing something else when the Members are speaking.

श्री अविनाश राय खन्ना : मैंने इसीलिए अटेंशन ड्रा की है, क्योंकि मैं जो बात कहने जा रहा हूँ, वह एक एग्जाम्पल है। ...(व्यवधान)...

SHRI SITARAM YECHURY : Sir, with your permission, I would like to say sorry. I disturbed the Minister because as the Chairman of the Parliamentary Standing Committee, I spent a large amount of time deliberating on this Bill in the Committee. We met a large number of witnesses and people were summoned before we gave our recommendations. I had gone there to ask him as to what he has accepted and what he has not accepted. Why should we rush this Bill in one hour? This is a very important Bill. It has to do with everybody. If the BAC has allotted one hour for it, I am surprised because normally, I don't miss BAC meetings. I don't know why it was given only one hour. I am saying it for no other reason because it deals with the truck operators, it deals with the movement of trucks on the road and it deals with the number of accidents of each truck and whether the road can take it. It deals with various other dimensions that are involved, including, Sir, the question of emergency medical services. Everything is included in this. Therefore, I would request that we should have more detailed and proper discussion on this Bill. We have spent time on this Bill. That is my request and I went to the hon. Minister to mention that. I am the cause for this being disturbed. So, please don't blame him because I went to him to make that request.

DR. BHARTKUMAR RAUT : That was also the demand I was making.

श्री थावर चन्द गहलोत (मध्य प्रदेश) : उपसभाध्यक्ष जी मोटर यान (संशोधन) विधेयक में जो अमेंडमेंट्स आए हैं, अगर आप उनकी संख्या देखेंगे तो यह 65 से अधिक है। इसमें 65 से अधिक अमेंडमेंट्स हैं, इसलिए इस पर एक घंटे में कैसे चर्चा होगी? यह वास्तव में एक गंभीर मामला है, इस पर गंभीरता से सोचना चाहिए। ...(व्यवधान)...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : This is not in my hands.

SHRI C. P. JOSHI : Sir, I just want to supplement. ऑनरेबल मैम्बर येचुरी जी ने, जो स्टैंडिंग कमेटी के चेयरपर्सन हैं, I just want to bring to the notice the entire gamut. यह फैक्ट है कि यह बिल 2007 में इंटरड्यूज किया गया और स्टैंडिंग कमेटी को रेफर किया गया। स्टैंडिंग कमेटी की रिपोर्ट 28 अप्रैल, 2008 को आई। We are aware of this. We are aware about this. उसमें एक बोर्ड बनाने की रिक्मेंडेशन भी साथ में चल रही थी। The stand taken by the Standing Committee was that as it had dealt with the Bill and had given certain recommendations, we

should first address that Bill, I am aware about this. We are going ahead only with a few amendments. एक कंप्रिहेंसिव बिल लाने के लिए, जैसा माननीय सदस्य ने कहा है, एक सुन्दर कमेटी बनाई गई है। सुन्दर कमेटी की रिक्मेंडेशन हमारे पास आ गई है। सुन्दर कमेटी की रिक्मेंडेशन पर हमने स्टेट गवर्नमेंट्स के कमेंट्स माँगे हैं, क्योंकि यह कंकरेंट लिस्ट में है। इसलिए सुन्दर कमेटी की रिपोर्ट के ऊपर स्टेट गवर्नमेंट्स के कमेंट्स आने के बाद हम एक कंप्रिहेंसिव बिल लेकर आएँगे। यह तो आपकी स्टैंडिंग कमेटी की रिक्मेंडेशन पर ही है, क्योंकि स्टैंडिंग कमेटी ने जो रिक्मेंडेशन दी थीं, उन 29 रिक्मेंडेशन में से 6 रिक्मेंडेशन, जो अलग-अलग मंत्रालय की हैं, उनके अलावा आपकी ही सारी रिक्मेंडेशन को इनकॉरपोरेट करके हम यह बिल लाए हैं। मेरा आपसे अनुरोध है कि चूँकि आप ही की स्टैंडिंग कमेटी की रिक्मेंडेशन थीं, इसलिए हम इस बिल को पास कर दें। हम एक कंप्रिहेंसिव बिल लेकर आ रहे हैं, उसमें हम इन सब चीजों को इन्क्लूड करेंगे।

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : This is an assurance. ...*(Interruptions)*... I think, that is enough.

श्री सीताराम येचुरी : सर, मंत्री महोदय ने यह एश्योरेंस दिया है, बड़ी अच्छी बात है, हम इसे मानते हैं। चूँकि यह हमारी कमेटी की ही सिफारिश थी कि इसके लिए एक कंप्रिहेंसिव बिल आए, आपने इस बात को मान लिया, यह बड़ी अच्छी बात है, लेकिन अगर एक कंप्रिहेंसिव बिल आ रहा है, तो यह अमेंडमेंट किसलिए?

SHRI C. P. JOSHI : I think, you must recollect the issue. It was on your own insistence. It was your statement that we were not addressing the Standing Committee's recommendations. Now, we are addressing the issue of Standing Committee's recommendations with the assurance of improving the system and coming up with a comprehensive Bill, So, you please pass this Bill.

SHRI SITARAM YECHURY : Okay, Sir, Then, it is fine. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : He has given an assurance. ...*(Interruptions)*...

DR. BHARATKUMAR RAUT : Sir, what I want to ask is ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : No, no. ...*(Interruptions)*... The matter is over. ...*(Interruptions)*... He has given an assurance that after this Bill, they will bring another comprehensive Bill, ...*(Interruptions)*... Avinash ji, please continue. ...*(Interruptions)*... No, no. The Business Advisory Committee has decided this and it is approved. ...*(Interruptions)*... Please sit down. Avinash ji, please speak.

श्री अविनाश राय खन्ना : सर, मैं जो बात कहने वाला हूँ, कृपया मंत्री जी और हम सब लोग...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : You please speak on the Bill. The other issue is over. ...*(Interruptions)*...

श्री अविनाश राय खन्ना : सर, मैं वही कह रहा हूँ। मैं नॉर्वे गया था। वहाँ के एक एमपी ने मुझे एक घटना बताई, वह हमारे लिए एक आई ओपनर है। जब मैं ओस्लो में नॉर्वे का पार्लियामेंट देख रहा था, तो

[श्री अविनाश राय खन्ना]

उसने पूछा कि अगर कोई पुलिस वाला आपके देश में किसी मिनिस्टर, एमपी या एमएलए को रोक ले, तो आप क्या करते हैं? मैंने कहा कि उसकी हिम्मत नहीं है कि वह एक रेड लाइट लगी हुई गाड़ी को रोक ले। अगर उसने रोक भी लिया, तो वह 5-7 मिनट में सस्पेंड हो जाएगा या उसका ट्रांसफर हो जाएगा। उसने एक घटना सुनाई कि हमारे ट्रांसपोर्ट मिनिस्टर को पार्लियामेंट में जवाब देना था, वहाँ पर ओवर स्पीडिंग एक बहुत बड़ा ऑफेंस है, एक कांस्टेबल ने उस ट्रांसपोर्ट मिनिस्टर को रोका और उसका लाइसेंस लेकर ओवर स्पीडिंग होने के कारण उसे पंच कर दिया। उसका लाइसेंस कैंसल हो गया और उसकी गाड़ी एक साइड में खड़ी कर दी गई। वह पैदल अपने पार्लियामेंट आई। वहाँ यह प्रोविजन है कि तीन साल तक नया लाइसेंस नहीं बन सकता। तीन साल तक वह ट्रांसपोर्ट मिनिस्टर साइकिल पर पार्लियामेंट जाती रही। हमें कुछ ऐसे उदाहरण देने पड़ेंगे। मेरे घर के पास मेरे होशियारपुर का एक ट्रैफिक इंस्पेक्टर रहता है। डेली एक्सिडेंट्स हो रहे थे, तो मैंने एक दिन उसको बुला कर पूछा कि बता, इतने एक्सिडेंट्स क्यों हो रहे हैं, तुम ट्रैफिक के इंचार्ज हो, कोई चालान नहीं हो रहा है, तो उसने कहा कि मैं क्या करूँ, जब मैं किसी को पकड़ता हूँ, तो एकदम फोन आ जाता है, मैं चालान किसका करूँ? मैंने उसी दिन एसएसपी को फोन किया कि जो चालान नहीं होते हैं, एक्सिडेंट्स कम हों, इसके ऊपर मैं एक अवेयरनेस कैंपेन करना चाहता हूँ। उसने मुझे टाइम दे दिया। जब एसपी आया, तो वह इंस्पेक्टर भी आ गया। मैंने उससे पूछा कि तुम्हें फोन कौन करता है, तो उसने कहा कि ये 26 लोग मुझे ज्यादा फोन करते हैं। मैंने उनको भी बुला लिया। बहुत डिस्कशन हुई, सबसे ज्यादा बोलने वाले भी वहीं थे, जो सबसे ज्यादा फोन करने वाले थे कि पुलिस काम नहीं करती, ऐसा नहीं करती, वैसा नहीं करती। अल्टिमेटली मैंने सबसे कसम दिलवाई कि अगर कोई भी ट्रैफिक का वायलेशन करेगा और पुलिस उसे पकड़ेगी, तो हम फोन नहीं करेंगे। वह सेमिनार खत्म हुआ। उसके दूसरे दिन 275 चालान हुए। यह मैं इसलिए कह रहा हूँ कि जब तक ग्राउंड रियलिटी में ऐसा नहीं होगा, तब तक कोई लाभ नहीं होगा। जैसा राऊत जी ने कहा है कि पुलिस वाले पैसे लेकर भी छोड़ देते हैं, तो मैं यह कहूँगा कि intention is good, but implementation करने में हमें बहुत मुश्किल आती है।

सर, यह बिल लॉ मिनिस्टर को न देकर आपको क्यों दिया गया? मैं समझता हूँ कि जो रोड्स हैं, वे मोटर व्हीकल का एक इम्पोर्टेंट पार्ट हैं, इसीलिए यह बिल आपको दिया गया है। इसमें जो कम्प्लेंट बनते हैं, वे हैं— रोड्स, व्हीकल और ड्राइवर।

जब हम रोड्स की बात करते हैं, तो रोड्स में इंडिकेटर, साइन बोर्ड, डिवाइडर, उसके ऊपर फिर साइन बोर्ड, ये सब होना चाहिए। देश भर में ऐसी कितनी सड़कें हैं, जो रोड सेफ्टी को फॉलो करती हैं? आज आपके जितने भी साइन बोर्ड्स हैं, उनमें से आधे साइन बोर्ड्स के ऊपर किसी न किसी पॉलिटिकल पार्टी या किसी जलसे का पोस्टर लगा हुआ होगा या फिर दरख्तों की टहनियां लटक रही होंगी। मंत्री जी, मैं आपसे चाहूँगा कि इसे भी आप मोटर व्हीकल एक्ट में शामिल कीजिए। जो साइन बोर्ड हैं, उस पर अगर मेरी पार्टी का कोई पोस्टर लगा है, तो उसका चालान भी मोटर व्हीकल एक्ट के अन्दर होना चाहिए, तभी अवेयरनेस आएगी। कई बार साइन बोर्ड ठीक न होने के कारण भी एक्सिडेंट्स होते हैं।

दूसरा, गलत व्हीकल भी एक्सिडेंट का कारण बनते हैं। हमें प्रेशर हॉर्न यूज करने की इतनी प्रेक्टिस हो गई है कि साइकल पर जाता हुआ कोई बेचारा घबरा कर ही गिर जाता है। इसलिए प्रेशर हॉर्न यूज नहीं हों, ऐसा कोई प्रावधान होना चाहिए।

हम लोग पॉल्यूशन के सर्टिफिकेट्स तो लेते हैं, लेकिन 90% सर्टिफिकेट्स फेक होते हैं। इसके लिए भी हमें प्रावधान करना चाहिए।

मंत्री जी, मैं आपसे एक निवेदन तो यह करना चाहता हूँ कि अगर फेक लाइसेंस है और कोर्ट की रूलिंग आ गई कि यह लाइसेंस फेक है ...**(व्यवधान)**... गिल साहब, प्लीज जरा आप मेरी बात सुन लीजिए, अगर फेक लाइसेंस की रूलिंग आ गई तो उसका चालान हो जाएगा, लेकिन वह फेक लाइसेंस बना क्यों? उसके लिए हम फर्दर prosecution करते हैं या नहीं करते? यह एक बहुत बड़ी समस्या है। ये सभी इंटरकनेक्टिड इंस्टांसिज हैं, जिनको जोड़ कर कॉम्प्रिहेंसिव एक्ट बनाया जाए। आपका यह एक्ट तो पास हो जाएगा, लेकिन जिसका आपने प्रॉमिस किया है, वह एक्ट आप कब लाएंगे? कम से कम इन बातों को ध्यान में रखते हुए आप उसमें इन बातों को भी जरूर जोड़ें ...**(समय की घंटी)**...

सर, एक बात मैं और कहना चाहता हूँ। इसमें एक चीज और है— **Driving by a drunken person**। आपकी पुलिस ने किसी ड्रंकन आदमी को पकड़ लिया, चालान कर दिया और फिर उसे बेल पर रिहा कर दिया, फिर उसको उसी गाड़ी में बैठा कर कहा कि इसे आगे ले जाओ। इसके बाद फिर से वह आदमी एक्सिडेंट ही करेगा। आपको चाहिए कि कम से कम इसमें एक प्रोविजन डालिए कि अगर हमने किसी ड्रंकन ड्राइवर को पकड़ा है, तो वह आगे उस गाड़ी को लेकर नहीं जाए। आप उसके मालिक को बुलवाइए या किसी और को बुलाइए, जो वह गाड़ी आगे लेकर जाए।

अगर मेरे पास इंश्योरेंस नहीं है, चालान हुआ, मैंने 500 की पर्ची कटवाई, उसके बाद मैं सारा दिन घूमता रहा, जहां मुझे पुलिस पकड़ती है, वहां मैं उसी पर्ची को दिखाता हूँ कि मेरा चालान हो चुका है। वहां पर आप इंश्योरेंस कम्पनी को बुलवाइए और देखिए, अगर उसके पास इंश्योरेंस नहीं है, चालान तो हमने कर दिया अब उसका इंश्योरेंस कीजिए।

सर, कुछ न कुछ प्रेक्टिकल और इनोवेटिव चीजें करनी होंगी, तभी हम अपने इस सिस्टम को सुधार पाएंगे, नहीं तो एक्ट बनते रहेंगे, अमेंडमेंट होते रहेंगे और हम सब ऐसे ही सड़कों पर मरते रहेंगे। जब तक इनोवेटिव काम नहीं होगा, तब तक इस देश में कानूनों को बनाने और लागू करने पर जनता का विश्वास नहीं रहेगा।

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Okay, Please conclude it now.

श्री अविनाश राय खन्ना : सर, मैं चाहूंगा कि आपने जो एश्योरेंस दिया है, उस एक्ट को आप कब तक लाएंगे, यह बात भी आप अपने जवाब में बताएं। धन्यवाद।

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now, I have three more names. But I got these names only after the discussion started. So, as per the rule, they are not to be allowed. However, I will allow on the condition that they will stick to two-three minutes, not more than that. Yes, Mr. Ram Kripal Yadav, if you can finish in three minutes, you can speak, otherwise not. Hon. Members may kindly note that names should be given before the discussion starts. That is the rule. The Chairman has also given direction.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJEEV SHUKLA) : Sir, the rule is that the names have to be given half an hour before the discussion starts.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Yes, Yes. So, take only three minutes. You always give the name after discussion starts. You should go by the rule. Now, finish your speech in three minutes.

श्री राम कृपाल यादव (बिहार) : महोदय, आज हम सभी मोटरयान (संशोधन) विधेयक, 2007 पर चर्चा कर रहे हैं। यह एक महत्वपूर्ण विधेयक है और माननीय मंत्री जी बहुत चिन्ता के साथ और यह कोशिश करने के लिए कि दुर्घटनाओं को हम कैसे कम करें, इस बिल को लाये हैं।

सर, यह बात सही है कि दुर्घटनाएँ लगातार बढ़ रही हैं। हम लाख संशोधन करके कानून लाएँ, मगर कानून का पालन शायद सही ढंग से नहीं हो रहा है। इसके कई कारण हैं। जैसा कि अभी चर्चा में कहा गया कि पुलिस बेईमान हो गई है, भ्रष्टाचारी हो गई है और उसे कलेक्शन सेंटर मान लिया है। पुलिस में पोस्टिंग के लिए ज्यादातर लोग मार करते हैं, इसलिए कि वहाँ आमदनी है तथा गलत काम को प्रश्रय देते हैं। आज उस पर रोक लगाने और उस पर सख्ती बरतने की जरूरत है। मैं समझता हूँ कि जिस तरह से तेज रफ्तार से गाड़ियाँ चल रही हैं, उनसे काफी ज्यादा एक्सिडेंट्स होते हैं। आजकल यंग लड़के सड़कों पर मोटरसाइकिल चलाकर करामात दिखाते हैं। एक्सिडेंट्स में जितने लोग मरते हैं, उनमें यंग लड़कों की संख्या ज्यादा होती है, जो तेज रफ्तार से गाड़ियाँ चलाते हैं और किसी नियम-कानून का पालन नहीं करते।

सर, ऐसे बहुत-से शहर हैं, जहाँ अवेयरनेस की कमी है, लाल बत्तियों की कमी है, रेड लाइट्स नहीं हैं और वहाँ के लोग नियम-कानून नहीं जानते हैं। इसके लिए भी एक अभियान चलाने की जरूरत है कि कैसे हम यातायात में अवेयरनेस लाएँ, लोगों को कानून बताएँ और किस तरह से मोटर व्हिकल एक्ट के माध्यम से लोगों पर सख्ती करने का काम करें। यह भी एक महत्वपूर्ण सवाल है, जिसके लिए मंत्री जी को चिन्ता करनी चाहिए।

सर, ज्यादातर झाइवर्स अनट्रेंड होते हैं। खास तौर पर जो ग्रामीण इलाके हैं, वहाँ कम उम्र के बच्चे भी गाड़ियाँ चलाने का प्रयास करते हैं। वे ज्यादातर ट्रेक्टर और छोटी-मोटी गाड़ियाँ चलाते हैं, जो कि ट्रेंड नहीं होते हैं। अनट्रेंड बच्चों की, अनट्रेंड नौजवानों की और अनट्रेंड झाइवर्स की संख्या ज्यादा है, जिसकी वजह से एक्सिडेंट्स होते हैं। सबसे बड़ी चिन्ता की बात यह है कि मोटर वाहनों की संख्या पूरे देश में लगातार बढ़ रही है। इनकी संख्या तेज रफ्तार से बढ़ रही है। जैसा कि अभी एक माननीय सदस्य ने कहा कि प्रतिवर्ष 15 प्रतिशत से ज्यादा मोटर वाहनों की संख्या बढ़ रही है। उस पर हम कोई नियंत्रण नहीं कर पा रहे हैं। सड़कें वही हैं। सड़कें चौड़ी नहीं हो रही हैं। अगर उसी सड़क पर, जो कम चौड़ी सड़क है, उस पर हम ज्यादा वाहन चलाएँगे तो वह भी परेशानी का एक सबब है। इसलिए, सरकार को निश्चित तौर पर यह देखना चाहिए, मंत्री जी को यह देखना चाहिए कि जो छोटी सड़कें हैं, उनका चौड़ीकरण वे कैसे करें। वैसे आप नई सड़कों का निर्माण कर रहे हैं, लेकिन जो पुरानी सड़कें हैं, उन पर भी विचार करना चाहिए। खास तौर पर जो पिछड़े प्रदेश हैं, जैसे मेरा बिहार प्रदेश है, वहाँ तो पटना शहर की यह स्थिति है, जहाँ से मैं आता हूँ कि वहाँ जो मुख्य सड़कें हैं, उनमें यातायात की इतनी समस्या हो गई है कि जब वहाँ जाम लग जाता है, तब दो-तीन किलोमीटर की दूरी तय करने में ही दो-तीन घंटे का समय लग जाता है। वहाँ की आज यह स्थिति है, उस पर भी विचार करना चाहिए। एक प्रॉब्लम और भी है। जो पुराने शहर हैं, वहाँ की सड़कों को चौड़ा करने के लिए उसमें व्यवस्था नहीं है। चूँकि वहाँ रोड्स के दोनों तरफ मकान बने हुए हैं, उनको तोड़ने का जब तक हम प्रयास नहीं करेंगे, सड़कों का चौड़ीकरण नहीं करेंगे, तब तक मैं समझता हूँ कि इससे हमें निजात नहीं मिल सकती है और आम लोग ऐसे ही परेशान होते रहेंगे।

सर, सड़कों के किनारे जब एक्सिडेंट्स होते हैं, बड़े पैमाने पर जब एक्सिडेंट्स होते हैं, तब आसपास में हॉस्पिटल्स नहीं होते हैं, जिसकी वजह से लोगों को बहुत सी दिक्कतों का सामना करना पड़ता है। लोग 20, 50 या 100 किलोमीटर दूरी तय करते हैं, तब उनको हॉस्पिटल मिलता है। इसलिए, सरकार को इस पर भी ध्यान देना चाहिए। आप ट्रॉमा सेंटर बना रहे हैं। ...**(व्यवधान)**... आपने ठीक कहा।

...(समय की घंटी)... कम्प्लीट चिकित्सा के लिए वहाँ मोबाइल वैन की आवश्यकता है। वह समय-समय पर घूमती रहे और जहाँ इस तरह का एक्सिडेंट हो, वहाँ तुरंत एक्शन लेकर वह घायलों को राहत देने का काम करे।

उपसभाध्यक्ष (प्रो. पी. जे. कुरियन) : बस। थैंक यू।

श्री राम कृपाल यादव : सर, खास तौर पर जो हाईवेज हैं, उनका आपने चौड़ीकरण किया है, उन पर रफ्तार भी बढ़ रही है, मगर उन पर निश्चित तौर पर इस बारे में ध्यान देने की जरूरत है। मैं समझता हूँ कि मंत्री जी इस पर स्टेप उठाने का काम करेंगे।

उपसभाध्यक्ष (प्रो. पी. जे. कुरियन) : बस, बस। ...**(व्यवधान)**... ठीक है, हो गया। ...**(व्यवधान)**...

श्री राम कृपाल यादव : सर, एक बात और। जिस बड़े पैमाने पर परिवहन विभाग में भ्रष्टाचार है, उस भ्रष्टाचार को रोकने के लिए आप कोई सख्त कदम उठाइए। नहीं तो, पैसा दीजिए और लाइसेंस लीजिए, वहाँ आज यह हालत है। इससे तो दुर्घटनाएँ रुकेंगी नहीं। परिवहन विभाग में पोस्टिंग के लिए मार होती है। पूरे स्टेट में कहीं भी आप चले जाइए। एक छोटा-सा चपरासी भी यह चाहता है कि वह वहीं अपनी पोस्टिंग करवा ले। आज यह हालत है, इसलिए इस पर भी बहुत ध्यान देने की जरूरत है। ...**(समय की घंटी)**...

उपसभाध्यक्ष (प्रो. पी. जे. कुरियन) : ओ, के., प्लीज। ...**(व्यवधान)**...

श्री राम कृपाल यादव : मैं आशा करता हूँ कि सरकार इन बातों पर ध्यान देगी। सर, ज्यादातर एक्सिडेंट्स जो होते हैं, वे खास तौर पर शराबखोरी के कारण होते हैं। इस पर तो जरूर सख्ती बरतनी चाहिए। जब हम इन तमाम मुद्दों पर ध्यान देंगे, तो निश्चित तौर पर इसका मतलब निकलेगा। ...**(व्यवधान)**...

उपसभाध्यक्ष (प्रो. पी. जे. कुरियन) : हाँ, वे ध्यान देंगे। ...**(व्यवधान)**... अब आप बैठिए। ...**(व्यवधान)**...

श्री राम कृपाल यादव : मैं बैठ रहा हूँ, सर। मैं मंत्री जी के इस संशोधन विधेयक का पुनः समर्थन करता हूँ, इस विश्वास के साथ कि जैसा आपने आश्वस्त किया है कि हम और बड़े व्यापक पैमाने पर इस बिल को लाएँगे और कानून बनाकर सख्ती बरतने का काम करेंगे। धन्यवाद।

SHRI M. P. ACHUTHAN (Kerala) : Sir, thank you. One of the very serious problems we are facing now is road accidents. In this case, the main responsibility rests on the Government. Here, the hon. Minister who has piloted the Bill is in charge of roads also. Bad condition of roads, including the National Highways, is one of the main reasons for road accidents. We are constructing roads but we are not maintaining them well. In States like Kerala, the rate of accidents has alarmingly increased and roads are overloaded with vehicles. When you bring forward a comprehensive Bill, you may think about how we can restrict the number of vehicles in cities and what steps we can take to promote public transport system. Otherwise, we cannot do it. Now, there is a craze for vehicles. It has become a symbol of social status. Every house wants a car; every member of the house wants a car. But, we have only limited space on the road. That is another problem. When you bring forward a comprehensive Bill, you may take that into account.

[SHRI M. P. ACHUTHAN]

Sir, coming back to this Bill, there is one point of penalty for drunken driving. We saw some cases in Mumbai, Delhi, etc., where some celebrities were involved in drunken driving, killing people sleeping on pavements. They were going in their motor vehicle. My proposal is that you have to include it in section 302 of IPC. It must be included for killing people with drunken driving. They are poor people who sleep on pavements.

Another thing is use of mobile phone while driving. You have to include that. You have to make it a penal offence. These are all causing road accidents. My point is about fixation of compensation. In the Bill, it is only Rs.1 lakh. The Bill was prepared in 2007. So, for the last five years, if you take into account the rate of inflation, the amount may have to be increased twice. So, this amount must be doubled. I think, the Minister has already promised that he will bring a comprehensive Bill. So, we will get more opportunity to speak on overall situation. Thank you.

SHRI ANIL DESAI (Maharashtra) : Sir, thank you, for giving me an opportunity to speak on the Motor Vehicles (Amendment) Bill, 2007. Though I am speaking at the eleventh hour, I think it fit not to be repetitive of what other speakers have spoken. I would be making a few points. It is true that, of late, road accidents are on the rise. We have to go very deep into the factors like road conditions, maybe, on highways, free-ways, National Highways and arterial roads. Secondly, traffic regulating system has to be looked into. Much more developments are to be made on that factor. Motor vehicle and the drivers of the vehicles are the main factor for accidents. I won't be going into the details as it has been spoken of in detail by hon. Members. I would like to make a point mainly about the compensation to be paid to the deceased or the seriously injured victim or his family. The Solatium Fund is there, which makes arrangements, I would say, paltry arrangements for victims, in the hit and run cases. But what is the main reason for this Bill, especially the amendments, which are being pushed through hurriedly? I think the private insurance companies are behind this. So far as the insurance business is concerned, all along we had a kind of monopoly because the State-owned companies used to operate in the insurance business. But what has happened after the advent of private insurance companies in the general insurance field, from 1990 onwards? Practically, they came into this business in the year 2000-01. Sir, this is regarding the third party insurance, the third party accidents, where no comprehensive insurance is taken by the insured. There were cases involving public vehicles. The truckers or truck operators had a very big clout. Insurance premiums were not hiked. Then a lot of pressure was put on the Government of India. Of late, the premium hike has also been done. I think this is the main reason and this is how the things are happening to the detriment of the general public in India. The private vehicle owners are the main sufferers. The poor pedestrians, who are not concerned with the vehicles,

come into the trap and become victims of road accidents. These State-owned companies, along with private players made a pool—this is the latest arrangement which has been made—and the cap was fixed. There is the Motor Accident Claims Tribunal where accident cases are decided. There the cap was fixed like this. In the case of death of a victim in a road accident, the amount was fixed like Rs. 5 lakhs or Rs. 10 lakhs, without considering the age factor or without considering the victim's income. Whatever be the case or whatever be the cause, very paltry sum is being paid. This is the ploy of private insurance companies which have their limitations. In fact, the Government was running it to the best of its ability and it was doing well. But after the advent of private insurance companies, these kinds of things are being done and whatever social responsibilities were entrusted upon the State-owned companies, now they are being wished away by underplaying or underscoring the importance of public companies. The private insurance players and industrialists are trying to...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Please conclude.

SHRI ANIL DESAI : Sir, it would be to the detriment of the society, which should be looked into. That is why I am requesting the hon. Minister to take his own time and bring a more comprehensive Bill and not hurry up with these amendments. Sir, these amendments look very minimal or nominal. But it is a ploy of private companies, which will go against the common man of India. Thank you.

श्री. सी.पी. जोशी : माननीय उपसभाध्यक्ष महोदय, मैं माननीय सदस्यों का बहुत आभारी हूँ, जिन्होंने इस बिल के संबंध में अपने सुझाव दिए। हमारे जो नये सदस्य आए हैं और जिन्होंने यह apprehension किया है कि यह बिल insurance company की initiation पर आया, तो मैं आपसे यह निवेदन करना चाहता हूँ कि ऐसी स्थिति नहीं है। जैसा मैंने पहले बताया, यह बिल राज्य सभा में 2007 में introduce हुआ। 2007 में introduce होने के बाद इस बिल को स्टैंडिंग कमेटी को रेफर कर दिया गया और स्टैंडिंग कमेटी ने 28 अप्रैल, 2008 को अपनी recommendations दीं। स्टैंडिंग कमेटी की कुल 29 recommendations थीं, जिनमें से केवल छः recommendations अलग-अलग मंत्रालयों से संबंधित थीं। उनमें से एक लॉ मिनिसट्री और फाइनेंस मिनिसट्री से संबंधित थी, एक मिनिसट्री ऑफ होम अफेयर्स से संबंधित थी तथा एक Carriage by Road Act से संबंधित थी। उन छः recommendations को छोड़ने के बाद, स्टैंडिंग कमेटी ने जितनी भी recommendations दी थीं, उनको incorporate करके हम यह बिल लाये हैं। इसको हम किसी प्राइवेट insurance company के कहने से लेकर नहीं आए हैं, बल्कि हमारे पार्लियामेंट की स्टैंडिंग कमेटी की केवल छः recommendations को छोड़ उसकी बाकी recommendations को हमने incorporate किया। फिर भी जैसा हमारे माननीय सदस्यों ने कहा कि एक कम्प्रिहेंसिव बिल आए तो अच्छा है। इसी दृष्टि से हमने एक मि. सुन्दर जो रिटायर्ड सैक्रेटरी हैं ...*(व्यवधान)*...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Hon. Members, it is 6 O' clock now. We will sit and pass this Bill before we adjourn. Yes, Mr. Minister.

श्री सी. पी. जोशी : हमने सितम्बर, 2009 में एक कमेटी एपाइंट की मि. सुन्दर की अध्यक्षता में, जिसमें एनर्जी रिसर्च इंस्टीट्यूट के साथ दूसरे लोगों को भी मेम्बर बनाया। इस पर कमेटी ने कम्प्रिहेंसिव रिव्यू

[श्री सी. पी. जोशी]

[6.00 P.M.]

किया। रिव्यू करने के बाद, क्योंकि हम यह जानते हैं कि यह **Concurrent List** में है, जो भी माननीय सदस्य खन्ना जी और यादव जी कह रहे थे, **Concurrent List** में होने से स्टेट को **execute** करना है। ट्रांसपोर्ट डिपार्टमेंट में भ्रष्टाचार है, उसमें पुलिस ठीक ढंग से काम नहीं कर रही है या उनके जो कानून हैं उनको ठीक ढंग से लागू करना है, ये सब चीजें स्टेट सब्जेक्ट में हैं। जब तक स्टेट आगे आकर इनको ठीक ढंग से लागू नहीं करेगा, तब तक हम **apprehensive** रहेंगे। हम पूरी कोशिश कर रहे हैं, स्टेट्स के साथ बार-बार मीटिंग करते हैं, वर्कशॉप करते हैं, उनको हम मोटिवेट करते हैं कि हम इसको कैसे ठीक ढंग से लागू करें, जिससे ये एक्सिडेंट कम हों। इन सब बातों को ध्यान में रखते हुए हमको सुन्दर कमेटी की रिक्मेंडेशंस 2 फरवरी, 2011 को मिली। इसके बाद हमने सैक्रेटरी जनरल के साथ मीटिंग की, मंत्री लेवल पर मीटिंग की। हमने स्टेट गवर्नमेंट को कहा है कि आप उसके संबंध में अपने कमेंट्स दें। उनके कमेंट्स आने के बाद हम एक कम्प्रिहेंसिव बिल सदन में लाएंगे। मैं आशा करता हूँ कि उस कम्प्रिहेंसिव बिल में आप सब की जो मंशा है, उन सब चीजों का ध्यान रखकर, उसमें इनकार्पैरेट करने का काम हम करेंगे। यह जो बिल हम अभी इंटरोड्यूज कर रहे हैं, इसमें मोटे तौर पर 5 तरह की रिक्मेंडेशंस हैं। जैसा आपने अभी एक्सिडेंट के सम्बन्ध में कहा, यह बात सही है कि जो एक्सिडेंट हो रहे हैं, वे हम सब के लिए चिंता का विषय है। लेकिन हमारे पास एक सुखद आंकड़ा भी है। जितनी डेवलपिंग कन्ट्रीज हैं, उन डेवलपिंग कन्ट्रीज के मुकाबले हमारे यहां कितने एक्सिडेंट्स नहीं हो रहे हैं। मैं फिगर्स देना चाहता हूँ कि डेथ और इन्जरी के **per lakh** जो एक्सिडेंट्स हैं, उसमें हमारी जो फिगर हैं वह दूसरे देशों से ज्यादा बेटर है, उनसे कम हमारे यहां एक्सिडेंट्स हो रहे हैं। जो डेवलपिंग कन्ट्रीज हैं, जिनमें इन्जरी के जो इंसिडेंट्स हैं उनमें इंडिया और चाइना के मुकाबले में आज के दिन यू.के. में 298.4 परसेंट, यू.एस.ए. में 579.68 परसेंट, फ्रांस में 138.75 परसेंट, जर्मनी में 408.23 परसेंट है। हमारे यहां चिंता का विषय तो है, लेकिन डेवलपिंग कन्ट्रीज के मुकाबले में जितने इन्जरी एक्सिडेंट्स हो रहे हैं, उस हिसाब से हमारे यहां कम हैं। लेकिन मैं एक बात जरूर कहना चाहता हूँ कि ये जो एक्सिडेंट्स हो रहे हैं, उन एक्सिडेंट्स में जो मेजर एक्सिडेंट्स हो रहे हैं वे इस कारण हो रहे हैं कि हमारी रोड अलग-अलग तरह की हैं, नेशनल हाईवेज हैं, स्टेट हाईवेज हैं, पी.एम.जी.वाई. की सड़कें हैं। जो मोटा एक्सिडेंट्स का फीगर आ रहा है, आज अगर एक्सिडेंट में एक लाख चौतीस हजार लोगों की डेथ हो रही है तो उसमें पचास हजार दो सौ छिअत्तर, जो हमारी डिस्ट्रिक्ट की रोड्स हैं, पंचायत की रोड्स हैं, वहां पर ज्यादा एक्सिडेंट हो रहे हैं, बनिस्बत नेशनल हाईवेज के। इसलिए हमारे यहां एलाइन्मेंट, डिजाइन चेंज करना, ये सब काम स्टेट गवर्नमेंट आगे-आगे करेगी, तब हम उन चीजों को पूरा कर सकेंगे। इस बिल में जो चार-पांच चीजें हैं, उन पर मैं खास तौर पर कहना चाहता हूँ। एक जो सबसे बड़ा एनलिसिस किया गया है उसमें सबसे ज्यादा 78 परसेंट डेथ हो रही हैं, वे ड्राइवरों की गलती से हो रही हैं और ड्राइवर की गलती में भी सबसे ज्यादा रोल लेकर का है, ड्रंकन ड्राइविंग का है। इसलिए इस बिल में जो सबसे इंटरैस्टिंग चीज की गई है, वह यह की गई है कि इसमें हमने ग्रेडेड पेनल्टी लगाई है। किसी ड्राइवर के ब्लड में शराब का जितना कन्टेन्ट है, उसके प्रोपोशनेट में उसको पेनल्टी और पनिशमेंट मिलेगा। अगर स्पीड तेज कर रहा है तो उसकी स्पीड कितनी है, उसके मुकाबले में उसको पनिशमेंट मिलेगा। जो ड्रंकन स्टेटस है, ड्रिंक की जो कंडीशन है, उस पर हमने सोच समझकर ही पेनल्टी को प्रोज किया है। हमने कुछ प्रोविजन किए हैं, जिसमें हमने स्टेट गवर्नमेंट को अथोराइज किया है कि उनके जो इंस्टीट्यूशन हैं, उनको रिक्गनाइज कर ड्राइविंग लाइसेंस देने का काम किया जाए। हमने यह व्यवस्था भी की है। खास तौर से हमने इसमें एक **Solatum Fund** बनाने का काम किया है, जिसमें हिट और रन में आदमी की डेथ की जाती थी, उसके संबंध में कोई व्यवस्था नहीं थी, अब हमने पहली बार व्यवस्था की है। उसके अनुसार एक लाख रुपए डेथ पर मिलेंगे, 50 हजार रुपए इन्जरी पर मिलेंगे। इसमें हमने एक और काम किया है कि **the Central Government will**

revise the rate of compensation every three years taking into consideration the rise in Price Index. इन चीजों को भी हमने इनकारपोर्ट किया है, इन्फ्लेशन का भी इसके अंदर इनकारपोर्ट किया जाए। हमने पूरी कोशिश की है कि स्टैंडिंग कमेटी की जो रिपोर्टें हैं, उनको आधार मानकर हम ये सब चीजें बिल में लेकर आए हैं। मैं सदन को आश्वस्त करना चाहता हूँ कि हम सब की जो चिंता है कि देश में एक्सिडेंट कम हों, इन सब चीजों को ध्यान में रखकर हम एक कम्प्रिहेंसिव बिल लाएंगे। इसी भावना के साथ मैं माननीय सदस्यों से निवेदन करना चाहता हूँ कि इस बिल को पास किया जाए।

श्री अविनाश राय खन्ना : मैंने एक बात पूछी थी कि एक शराबी ड्राइवर को पुलिस पकड़ती है, उसका चालान होता है, फिर उसी के ट्रक में या गाड़ी में बिठाकर उसको छोड़ देते हैं। क्या आप ऐसा provision नहीं करा सकते कि ...(व्यवधान)...

श्री सी.पी. जोशी : यह issue तो स्टेट गवर्नमेंट का है ...(व्यवधान)...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : That is State Governments problem.

श्री थावर चन्द गहलोत : मैं माननीय मंत्री जी से जानना चाहता हूँ कि टी.वी. में एक विज्ञापन आता है कि एक ट्रैफिक पुलिस वाला एक मंत्री को रोकता है। मंत्री जी गाड़ी से उतरकर कहते हैं कि मुझे कौन रोक रहा है? मैं ट्रांसपोर्ट मिनिस्टर हूँ! इस पर पुलिस वाला कहता है कि उस व्यक्ति ने रूपा बनियान पहन रखी है, वह तो आगे जाएगा ही ...(व्यवधान).... इस तरह की गलत प्रेरणा देने वाले विज्ञापनों के बारे में आप क्या कर रहे हैं?

श्री सी.पी. जोशी : मेरा मंत्रालय इस तरह के विज्ञापन नहीं देता है और न ही मैं इस तरह का मंत्री हूँ ...(व्यवधान)...

श्री थावर चन्द गहलोत : ऐसे विज्ञापन जिनसे गलत प्रेरणा मिलती है, उन पर कार्यवाही होनी चाहिए ...(व्यवधान)...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Please take your seat.

DR. BHARATKUMAR RAUT : Sir, I am ready to rely on Minister's assurance that another comprehensive Bill will come. Those recommendations have come in January or February, 2011, whatever the Minister says. Now, I would like to have a concrete assurance from the hon. Minister. When will the next Bill come? This Bill took five years to come before the House. So, when will the next Bill come?

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now, Mr. Balagopal, what do you want to say?

SHRI K.N. BALAGOPAL : Firstly, Sir, when will the next Bill come? I have to seek one clarification. This is regarding consignor's responsibility. I propose that owner and driver should be held responsible; the consignor should not be responsible. Then, another relates to 217 (b) — 'right to claim compensation for injury and death'. It is not relatable. The lines 'nexus with the injury' is a confusing part, Sir. On that, clarification is needed. On page 15, '(c) Annual income up to Rs. 1,00,000', (the

[SHRI K. N. BALAGOPAL]

maximum annual income for calculation of compensation will be deemed to be Rs. 1,00,000 even if the income exceeds Rs. 1,00,000/-).’ Sir, these three points need to be clarified.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Would you like to clarify, Mr. Minister?

SHRI C. P. JOSHI : Sir, I just want to submit to the hon. Member that we are addressing the recommendations of the Standing Committee where all party representatives are there. They have deliberated on this issue. Those recommendations will be incorporated, and I assure you. The hon. Member has raised the issue. When we go for a comprehensive Bill, we will take care of all these things.

SHRI K. N. BALAGOPAL : Sir, I have a right to put a question here. The Minister cannot deny it. Don’t say that it is the Standing Committee...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : No, no, he said he will consider it.

SHRI K.N. BALAGOPAL : This is a confusion...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : No, he gave you a positive answer. He said he will consider it when a comprehensive Bill is passed. He gave you a positive answer. Be satisfied with that.

The question is :

That the Bill further to amend the Motor Vehicles Act, 1988, be taken into consideration.

The motion was adopted

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : We shall, now, take up clause-by-clause consideration of the Bill. We shall now take up Clause 2. There is an amendment (No. 3) by Shri C. P. Joshi.

Clause 2: Amendment of section 2

SHRI C. P. JOSHI: Sir, I move :

(3) That at page 2, line 3, the words “defect or” be *deleted*.

The question was put and the motion was adopted.

Clause 2, as amended, was added to the Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : We shall, now, take up Clause 3. There are two Amendments (Nos. 4 to 5) By Shri C. P. Joshi.

Clause 3: Amendment of section 7

SHRI C. P. JOSHI : Sir, I move :

(4) That at page 2 *after* line 31, the following be *inserted*, namely:-

‘(ii) after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) No person shall be granted a learner’s licence to drive a three wheeler transport vehicle or a light motor transport vehicle unless he has held a driving licence to drive a light motor vehicle for at least one year.

Explanation:- For the purposes of this sub-section, the “light motor transport vehicle: means a transport vehicle, a public service vehicle, a goods carriage, an educational institution bus, a private service vehicle or omnibus the gross vehicle weight of any of which or a motor car or tractor or road-roller the unladen weight of any of which does not exceed seven thousand five hundred kilograms.”;

(5) That at page 2, line 32, *for* the bracket and roman numeral “(ii)’ the bracket and roman numeral “(iii)” be *substituted*.

The questions were put and the motions were adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 and 5 were added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN) : We shall, now, take up New Clause 5A. There is one Amendment (No. 6) By Shri C. P. Joshi.

New Clause 5A — (Insertion of new section 9A.)

SHRI C. P. JOSHI : Sir, I move :

(6) That at page 2, *after* line 43, the following be *inserted*, namely:-

‘5A. After section 9 of the principal Act, the following section shall be inserted, namely:-

“9A. The State Government may, if circumstances so require, recognize an institution or automobile association referred to in the proviso to sub-section (5) of section 8 or the second proviso to sub-section (3) of section 9, for the purposes of grant of driving test certificate or driving certificate, as the case may be, and shall ensure that such institution or automobile association fulfils all the criteria prescribed by the Central Government regarding qualifications of the instructors, infrastructure requirements and other regulatory provisions under section 12” ;’;

The question was put and the motion was adopted.

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

Clause 6 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : We shall, now, take up Clause 7. There is one Amendment (Nos. 7) By Shri C. P. Joshi.

Clause 7: Amendment of section 15

SHRI C. P. JOSHI : Sir, I move :

(No. 7) That at page 3, *for* lines 17 to 22, the following be *substituted*, namely:-

‘7. In section 15 of the principal Act, in the second proviso to sub-section (1), for the words “the age of forty years”, the words “the age of fifty years” shall be substituted.’;

The question was put and the motion was adopted.

Clause 7, as amended, was added to the Bill.

Clauses 8 to 10 were added to the Bill.

Clause 11- Amendment of Section 41

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now, we shall take up

Clause 11. There is one Amendment No. 8 by Minister.

SHRI C.P. JOSHI : Sir, I beg to move:

(No. 8) That at page 4, line 3, *for* the words “thirty days”, the words “fifteen days” be *substituted*.

The question was put and the motion was adopted.

Clause 11, as amended, was added to the Bill.

Clauses 12 to 13 were added to the Bill.

Clause 14 — Amendment of Section 51

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now, we shall take up Clause 14. There are two Amendment (Nos. 9 and 10) by Minister.

SHRI C.P. JOSHI : Sir, I beg to move:

(No. 9) That at page 4, *after* line 30, the following be *inserted*, namely:

‘(ii) in sub-section (9), after the words “the appropriate authority may”, the words “within a period of thirty days from the date of receipt of such application and” shall be substituted;’;

(No. 10) That at page 4, line 31, *for* The bracket and roman numeral

“(ii)” the bracket and roman numeral “(iii)” be *substituted*

The questions were put and the motions were adopted.

Clause 14, as amended, was added to the Bill.

Clauses 15 to 23 were added to the Bill.

Clause 24 - Substitution of New Section for Section 93

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now, we shall take up

Clause 24. There are two Amendment (Nos. 11 and 12) by Minister.

SHRI C.P. JOSHI : Sir, I beg to move:

(No. 11) That at page 5, lines 40 to 44, be *deleted*.

(No. 12) That at page 6, lines 1 to 27, be *deleted*.

The questions were put and the motions were adopted.

Clause 24, as amended, was added to the Bill.

Clauses 25 to 36 were added to the Bill.

Clause 37-Substitution of New Section for Section 161

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now, we shall take up

Clause 37. There are three Amendment (Nos. 13, 14 and 15) by Minister.

SHRI C.P. JOSHI : Sir, I beg to move:

(No. 13) That at page 9, line 23, *for* the words “fifty thousand rupees”, the words “one lakh rupees” be *substituted*.

(No. 14) That at page 9, line 25, *for* the words “twenty-five thousand rupees”, the words “fifty thousand rupees” be *substituted*.

(No. 15) That at page 9, *after* line 28, the following be *inserted*, namely;

“(8) The Central Government may, by notification in the Official Gazette increase the rate of compensation referred to in sub-section (6), after every three years taking into account the rise in the price index.”;

The questions were put and the motions were adopted.

Clause 37, as amended, was added to the Bill.

Clauses 38 and 39 were added to the Bill.

Clause 40 - Substitution of New Section for Section 163 A

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now, we shall take up

Clause 40. There is one Amendment (No. 16) by Minister.

SHRI C.P. JOSHI : Sir, I beg to move:

(No. 16) That at page 10, *for* lines 31 to 33, the following be *substituted*, namely :-

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“(3) The Central Government keeping in view the cost of living and the rise in the price index, may, by notification in the Official Gazette, revise the amount or the multiplier specified in the Second Schedule after every three years.”;

The question was put and the motion was adopted.

Clause 40, as amended, was added to the Bill.

Clauses 41 to 43 were added to the Bill.

Clause 44 - Amendment of Section 166

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now, we shall take up Clause 44. There are two Amendments (Nos. 17 and 18) by Minister.

SHRI C.P. JOSHI : Sir, I beg to move :

(No. 17) That at page 11, line 26, *for* the figure “2007” the figure “2012” be *substituted*.

(No. 18) That at page 11, *after* line 35, the following proviso be *inserted*, namely; “Provided that in case of a simple injury, not involving permanent partial disability or permanent total disability, no claim for compensation shall be entertained unless it is made within a period of six months from the date of occurrence of the accident.”;

The questions were put and the motions were adopted.

Clause 44, as amended, was added to the Bill.

Clause 45 was added to the Bill.

Clause 46 — Insertion of New Section 167 A

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now, we shall take up Clause 46. There is one Amendment (No. 19) by Minister.

SHRI C.P. JOSHI : Sir, I beg to move:

(No. 19) That at page 11, *after* line 45, the following proviso be *inserted*, namely; “Provided that if valid reasons exist, the Claims Tribunal or the court may extend the period of three months so specified in this section.”;

The question was put and the motion was adopted.

Clause 46, as amended, was added to the Bill.

Clause 47 — Amendment of Section 168

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now, we shall take up Clause 47. There is one Amendment (No. 20) by Minister.

SHRI C. P. JOSHI : Sir, I beg to move :

(No. 20) That at page 12, *for* lines 1 to 4, the following be *substituted*, namely:-

'47. In section 168 of the principal Act, in sub-section (1), the proviso shall be omitted.';

The question was put and the motion was adopted.

Clause 47, as amended, was added to the Bill.

Clause 48 was added to the Bill.

Clause 49 - Insertion of New Section 171A

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Now, we shall take up Clause 49. There are two Amendments (Nos. 21 and 22) by Minister.

SHRI C. P. JOSHI : Sir, I beg to move :

(No. 21) That at page 12, *for* lines 18 and 19, the following be *substituted** namely:-

“months from the date of filing the application with full particulars:

Provided that such interim compensation shall not exceed —”;

(No. 22) That at page 12, *after* line 23, the following proviso be *inserted*, namely;

“Provided further that any interim compensation awarded by the Claims Tribunal shall be subject to adjustment in the final amount of compensation.”;

The questions were put and the motions were adopted.

Clause 49, as amended, was added to the Bill.

New Clause 49A —Amendment of Section 173

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : There is a new Clause 49A. Mr. Minister, you move the Amendment No. 23.

SHRI C. P. JOSHI : Sir, I beg to move :

(No. 23) That at page 12, *after* line 23, the following be *inserted*, namely;-

'49A. In section 173 of the principal Act, in sub-section (1), -

(a) for the words “ninety days”, at both the places, the words “sixty days” shall be substituted;

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(b) in the first proviso, for the words “twenty-five thousand rupees or fifty per cent, of the amount so awarded, whichever is less”, the words “fifty per cent, of the amount so awarded” shall be substituted.’;

The question was put and the motion was adopted.

New Clause 49A was added to the Bill.

Clauses 50 to 52 were added to the Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : We shall now take up Clause 53. There is one amendment (No.24) by Shri C.P. Joshi.

Clause 53 — Amendment of section 183

SHRI C. P. JOSHI : Sir, I move :-

24. That at page 12, for lines 41 to 51, the following be *substituted*, namely :-

“(1) Whoever drives a motor vehicle in contravention of the speed limits notified under section 112 shall be punishable with a fine which may extend to,~

- (a) one thousand rupees, if the speed limit exceeds the notified maximum speed up to ten kilometers per hour; or
- (b) two thousand rupees, if the speed limit exceeds the notified maximum speed over ten kilometers per hour but does not exceed twenty-five kilometers per hour; or
- (c) five thousand rupees, if the speed limit exceeds the notified maximum speed over twenty-five kilometers per hour.

(2) Whoever causes any person who is employed by him or is subject to his control to drive a motor vehicle in contravention of the speed limits notified under section 112 shall be punishable with a fine which may extend to,-

- (a) one thousand rupees, if the speed limit exceeds the notified maximum speed up to ten kilometers per hour; or
- (b) two thousand rupees, if the speed limit exceeds the notified maximum speed over ten kilometers per hour but does not exceed twenty-five kilometers per hour; or
- (c) five thousand rupees, if the speed limit exceeds the notified maximum speed over twenty-five kilometers per hour.”;

The question was put and the motion was adopted.

Clause 53, as amended, was added to the Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : Insertion of New Clause 53A. There is one amendment (No.25) by Shri C. P. Joshi.

New Clause 53A — Insertion of New Section 183A

SHRI C.P. JOSHI : Sir, I move :-

25. That at page 12, *after* line 51, the following be *inserted*, namely :-

'53A. After section 183 of the principal Act, the following section shall be inserted, namely :-

“183A. Whoever uses a mobile phone while driving the motor vehicle, shall be punishable with a fine of five hundred rupees, or, if having been previously convicted of an offence under this section is again convicted of an offence under this section, with a fine of not less than two thousand rupees but which may extend to five thousand rupees.

Explanation:— For the purposes of this section, “mobile phone” means any appliance, instrument or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electro-magnetic mission, Radio or Hetzian waves (that is, the electro-magnetic waves of frequencies lower than 3000 giga cycles per second propagated in space without artificial guide), galvanic, electric or magnetic means.’;

The question was put and the motion was adopted.

New Clause 53A was added to the Bill.

Clause 54 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : We shall now take up Clause 55. There is one amendment (No.26) by Shri C.P. Joshi.

Clause 55 — Amendment of Section 185

SHRI C. P. JOSHI : Sir, I move :-

26. That at page 13, *for* lines 7 to 11, the following be *substituted*, namely :-

'55. For section 185 of the principal Act, the following section shall be substituted, namely: '-

“185.(1) Whoever, while driving, or attempting to drive, a motor vehicle,-

(a) is under influence of alcohol and on a test by a breath analyzer detects the presence of alcohol in his blood to the extent of,-

(i) not less than 30 mg per 100 ml but not exceeding 60 mg per 100 ml, shall be punishable for the first offence with imprisonment for a term which

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may extend to six months, or with fine of two thousand rupees, or with both; and for a second *or* subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two years *or* with fine of double the amount provided above for the offence *or* with both;

- (ii) more than 60 mg per 100 ml but not exceeding 150 mg per 100 ml, shall be punishable for the first offence with imprisonment for a term which may extend to one year, or with fine of four thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to three years or with fine of double the amount provided above for the offence with both;
- (iii) exceeding 150 mg per 100 ml, shall be punishable for the first offence with imprisonment for a term which may extend to two years, or with fine of five thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to four years or with fine of double the amount provided above for the offence or with both;

(b) is under influence of any narcotic substance or drug or any other drug to such an extent as to be incapable of exercising proper control over the vehicle shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees or with both; and for a second or subsequent offence with imprisonment for a term of six months or with fine which may extend to ten thousand rupees or with both, and cancellation of the driving licence issued to him on the conviction of second or subsequent offence

(2) The Central Government may, for the purposes of clause (b) of sub-section (1), by notification in the Official Gazette, having regard to the prevalent medical standards, specify the drugs which shall be deemed to render a person incapable of exercising proper control over a motor vehicle.”.’;

The question was put and the motion was adopted.

Clause 55, as amended, was added to the Bill.

Clauses 56 to 62 were added to the Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : We shall now take up Clause 63. There is one amendment (No. 27) by Shri C. P. Joshi.

Clause 63 — Insertion of New Section 213A

SHRI C. P. JOSHI: Sir, I move:-

27. That at page 14, lines 11 to 18, be *deleted*.

*The question was put and the motion was adopted.
Clause 63, as amended, was added to the Bill.*

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : We shall now take up Clause 64. There is one amendment (No. 28) by Shri C. P. Joshi.

Clause 64 — Insertion of New Section 217B

SHRI C. P. JOSHI : Sir, I move' .-

28. That at page 14, line 24, *for* the figure 2007 the figure “2012” be *substituted*.

*The question was put and the motion was adopted.
Clause 64, as amended, was added to the Bill.
Clause 65 was added to the Bill.*

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : We shall now take up Clause 1. There is one amendment (No. 2) by Shri C. P. Joshi.

Clause 1— Short title and commencement

SHRI C. P. JOSHI : Sir, I move:-

2. That at page 1, line 3, *for* the figure “2007” the figure “2012” be *substituted*.

*The question was put and the motion was adopted.
Clause 1, as amended, was added to the Bill.*

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : We shall now take up the Enacting Formula. There is one amendment (No. 1) by Shri C. P. Joshi.

Enacting Formula

SHRI C. P. JOSHI : Sir, I move:-

1. That at page 1, line 1, *for* the word “Fifty-eighth”, the word “Sixty-third” be *substituted*.

*The question was put and the motion was adopted.
The Enacting Formula, as amended, was added to the Bill.
The Title was added to the Bill.*

SHRI C. P. JOSHI : Sir, I move:-

That the Bill, as amended, be passed

The question was put and the motion was adopted.

The Bill, as amended, was passed.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN) : The House is adjourned to meet tomorrow at 11 a.m.

The House then adjourned at nineteen minutes past six of the clock till eleven of the clock on Wednesday, the 9th May, 2012.