

12.07 hrs

The Merchant Shipping Bill, 2024*- Introduced

माननीय सभापति : आइटम नंबर ? 17.

श्री सर्बानंद सोनोवाल जी ।

1 THE MINISTER OF PORTS, SHIPPING AND WATERWAYS (SHRI SARBANANDA SONOWAL): Sir, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to merchant shipping to ensure compliance with India's obligation under the maritime treaties and international instruments to which India is a party and also to ensure the development of Indian shipping and efficient maintenance of Indian mercantile marine in a manner best suited to serve the national interest and for matters connected therewith or incidental thereto.

HON. CHAIRPERSON: Motion moved:

?That leave be granted to introduce a Bill to consolidate and amend the law relating to merchant shipping to ensure compliance with India's obligation under the maritime treaties and international instruments to which India is a party and also to ensure the development of Indian shipping and efficient maintenance of Indian mercantile marine in a manner best suited to serve the national interest and for matters connected therewith or incidental thereto.?

SHRI MANISH TEWARI (CHANDIGARH): Mr. Chairperson Sir, under Rule 72 (2) of the Rules of Procedure and Conduct of Business in Lok Sabha, I rise to oppose the introduction of the Merchant Shipping Bill, 2024.

Over the past five years, I have repeatedly opposed the introduction of Bills in this House by the Union Government for the lack of legislative competence. Let me explain as to how this introduction also lacks legislative competence.

If you look at Entry 25 of the Union List, it covers maritime shipping and navigation. The specific subject of merchant shipping, which pertains to a commercial activity, does not have a direct entry. This creates ambiguity regarding the Union's

legislative competence over this matter. Further, Entry 32 of the Concurrent List, which deals with shipping and navigation on inland waterways, may lead to a jurisdictional overlap making it unclear whether the Union Government has the exclusive authority to legislate on merchant shipping.

Secondly, merchant shipping being a commercial activity falls under Entry 33 of the Concurrent List which addresses the subject of trade and commerce. This raises questions whether the Parliament possesses exclusive jurisdiction to legislate on commercial matters. This potential overlap between maritime navigation and commercial shipping under the Concurrent List further complicates the issue and would undermine the Constitutional validity.

HON. CHAIRPERSON: Manish ji, you will get sufficient time during the discussion on the Bill.

SHRI MANISH TEWARI: Mr. Chairperson, let me conclude.

HON. CHAIRPERSON: Please conclude.

SHRI MANISH TEWARI: Lastly, the Bill consolidates the substantial authority within the Central Government, diminishing the role of States in regulating and managing their coastal ports and shipping activities. This centralisation of power contradicts the principles of federalism and cooperative governance enshrined in the Constitution and limits the States' participation ? (*Interruptions*)

HON. CHAIRPERSON: Manish ji, thank you for your opinion.

I now call Shri N.K. Premachandran.

SHRI MANISH TEWARI: Mr. Chairperson, all I want to say is that it also lacks Constitutional validity.

HON. CHAIRPERSON: You will get sufficient time during the discussion.

Shri N.K. Premachandran. He is not here.

Prof. Sougata Ray.

PROF. SOUGATA RAY (DUM DUM): Under Rule 72 (1) of the Rules of Procedure, I beg to oppose the introduction of the Merchant Shipping Bill, 2024 to consolidate and amend the law relating to merchant shipping to ensure compliance with India's obligation under the maritime treaties and international instruments to which

India is a party and also to ensure the development of Indian shipping and efficient maintenance of Indian mercantile marine in a manner best suited to serve the national interest and for matters connected therewith or incidental thereto.

In this House, I have earlier opposed all the attempts made by the Government to bureaucratised the system. ? (*Interruptions*) Sir, just one moment. I have not even spoken. Always the Central Government is setting up newer and newer authorities, imposing newer and newer regulations. It will be handing over power to the bureaucracy. The Mercantile marine develops of its own because we have a long coastline and we have a lot of trade with other countries. But what they are doing is that they will have a National Shipping Board, National Seafarer's Welfare Board and also a Director-General of Mercantile Shipping.

HON. CHAIRPERSON: Sougata ji, you will get time during the discussion. Please conclude. It is just an opening remark.

PROF. SOUGATA RAY: Hon. Chairperson, Sir, let me complete my sentence. Please do not cut me short midway.

Sir, that is why, I think, this will be hindering and not helping the development of merchant shipping nor will it improve the conditions of work of seafarers, and it will merely put impediment to the development of the mercantile shipping as well.

SHRI SARBANANDA SONOWAL: Respected Sir, the Merchant Shipping Bill, 2024 ? (*Interruptions*)

SHRI GAURAV GOGOI (JORHAT): Sir, please allow us to raise the Privilege Motion. ? (*Interruptions*)

संसदीय कार्य मंत्री; तथा अल्पसंख्यक कार्य मंत्री (श्री किरन रिजिजू) : सर, कांग्रेस पार्टी जिस प्रिविलेज की बात कर रही है । ? (व्यवधान) पहले चार दिनों तक आप लोगों ने सदन के समय को बर्बाद किया । ? (व्यवधान)

श्री गौरव गोगोई : सर, अभी उनकी बात खत्म नहीं हुई ? (व्यवधान) लेकिन इनका भाषण शुरू हो गया है । ? (व्यवधान) यह सरकार की सुनिश्चित योजना है । ? (व्यवधान)

3 श्री बी. मणिकम टैगोर (विरूधुनगर) : सर, पार्लियामेंट्री अफेयर्स मिनिस्टर डिस्टर्ब कर रहे हैं । आप हाउस नहीं चलाना चाहते हैं । ? (व्यवधान)

HON. CHAIRPERSON: Hon. Minister, you please sit down.

? (*Interruptions*)

माननीय सभापति : माननीय मंत्री जी, आप प्रस्ताव को पुरःस्थापित करें ।

? (व्यवधान)

SHRI SARBANANDA SONOWAL: Respected Sir, the Merchant Shipping Bill, 2024 is as per the Constitutional provisions. ? (*Interruptions*)

श्री गौरव गोगोई : आपको विपक्ष की बात भी सुननी पड़ेगी । सब अपने-अपने मुद्दे लेकर आए हैं । ? (व्यवधान)

HON. CHAIRPERSON: Please be seated.

? (*Interruptions*)

SHRI SARBANANDA SONOWAL: It has been vetted by the Department of Legal Affairs and Legislative Department. Earlier, the Merchant Shipping Bill was introduced in the Lok Sabha in 2016 and was referred to the Parliamentary Standing Committee. ? (*Interruptions*) It was also discussed in detail in the Parliamentary Standing Committee, and it was also extensively discussed with the relevant stakeholders.

Sir, this is as per the provisions of the Constitution of India.

माननीय सभापति : प्रश्न यह है:

?कि समुद्री संधियों और अंतरराष्ट्रीय लिखतों, जिनमें भारत एक पक्षकार है, के अधीन भारत की बाध्यताओं के अनुपालन को सुनिश्चित करने के लिए तथा राष्ट्रीय हित की सर्वोत्तम उपयुक्त रीति में पूर्ति के लिए भारतीय वाणिज्यिक समुद्री बेड़े के दक्ष अनुरक्षण तथा भारतीय पोत परिवहन के विकास को भी सुनिश्चित करने के लिए तथा उससे संबंधित या उसके आनुषंगिक विषयों के लिए वाणिज्य पोत परिवहन से संबंधित विधि का संशोधन और समेकन करने वाले विधेयक को पुरःस्थापित करने की अनुमति प्रदान की जाए ।?

प्रस्ताव स्वीकृत हुआ ।

माननीय सभापति : माननीय मंत्री जी, विधेयक को पुरःस्थापित करें ।

SHRI SARBANANDA SONOWAL: Sir, I introduce* the Bill.

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