

Title: Discussion on the Aircraft (Amendment) Bill, 2000.(Bill Passed)

1620 hrs.

MR. CHAIRMAN: Time for this Bill has not yet been allotted.

SHRI RAMESH CHENNITHALA (MAVELIKARA): Sir, time should be one and a half hours for this Bill.

MR. CHAIRMAN: No. The House agrees that the time allotted for this Bill is one hour.

नागर विमानन मंत्रालय में राज्य मंत्री (प्रो.चमन लाल गुप्त) : स्भापति महोदय, मैं प्रस्ताव करता हूँ -

" कि वायुयान अधिनियम, 1934 के और संशोधन करने वाले विधेयक पर विचार किया जाए।"

महोदय, एयरक्राफ्ट के अन्दर पहले कार्गो मूवमेंट बहुत कम हुआ करता था, अब धीरे-धीरे यह मूवमेंट बढ़ता जा रहा है। हालत यह है, सामान भेजने वालों की इच्छा है कि सामान सारी दुनिया के अन्दर एक ही दिन में पहुंचे। इस एक्ट के मुताबिक ब्यूरो आफ सिविल एविएशन की डायरेक्शन्स के मुताबिक कार्गो एजेंट्स को चलना होता था। उसमें हम तीन तरह से अपने कार्गो को सेफ्टी की दृष्टि से देखते थे। इसमें यह था कि एक्स-रे के द्वारा या फिर सामान को 24 घन्टे एक ही स्थान पर रखकर फिर एयरक्राफ्ट में लोड किया जाता था। स्वाभाविक है, 24 घन्टे जिस कार्गो को हम रोककर रखेंगे, वह कार्गो आगे पहुंचने में निश्चित रूप से डीले हो जाता था। पहले इस एक्ट के मुताबिक ब्यूरो आफ सिविल एविएशन की डायरेक्शन्स के मुताबिक एक हजार रुपए का जुर्माना होता था और छः महीने की कैद होती थी। अब समय आ रहा है कि पूरा का पूरा एयरक्राफ्ट कार्गो के लिए इस्तेमाल हो रहा है और हरेक की इच्छा रहती है कि कार्गो दुनिया में तुरन्त पहुंचना चाहिए। इसलिए पुराने सिस्टम में थोड़ा चेंज लाया गया है और नोन-शीप्स को काम देने की बात कही गई है तथा उनको भी ब्यूरो आफ सिविल एविएशन के मुताबिक चलना होगा और एक हजार रुपए के जुर्माने के स्थान पर दस लाख रुपए जुर्माने की बात कही गई है और कैद छः महीने की ही रखी गई है। केवल इतना ही अमेंडमेंट इस बिल के माध्यम से लाया गया है। इस बात को भी ध्यान में रख कर यह अमेंडमेंट लाया जा रहा है कि वह पूरी जिम्मेदारी से कार्गो को ले जाएगा। अन्यथा डैटेंटेड पनिश्मेंट के साथ कोर्ट एक हजार रुपए जुर्माने के स्थान पर दस लाख रुपए जुर्माना कर सकेगा।

मुझे पूरा भरोसा है कि माननीय सदस्य व्यवस्था को देखते हुए कि देश में कार्गो मूवमेंट तेज हो रहा है, इस संशोधन के पास करने में सहयोग देंगे और इसको बिना बहस से पास करेंगे।

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Aircraft Act, 1934, be taken into consideration. "

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Aircraft Act, 1934, be taken into consideration. "

श्री राजो सिंह (बेगूसराय) : माननीय स्भापति महोदय, जो यह वायुयान (संशोधन) विधेयक, 2000 प्रस्तुत किया गया है, "वह देखन में छोटा लगे, घाव करे गंभीर।" अभी जो हमारे राज्य मंत्री हैं वह प्रोफेसर भी रह चुके हैं और संभवतः प्रोफेसर की घंटी 45 मिनट की होती है। जब वह क्लास में जाते हैं तो 45 मिनट तक भाण देते हैं। यह जो 1934 का बिल है- इसमें इनका एक लाईन का संशोधन है। पता नहीं यह तीन वर्ग से कहां सोए हुए थे। इसमें संशोधन में जो शब्द दिया गया है- "भारत में किसी स्थोरा," आप यह बता दीजिए कि हिन्दुस्तान में स्थोरा शब्द कोई समझेगा या नहीं। अभी भाण दे रहे थे और कह रहे थे- "कारगो," हम इस शब्द को खोजते-खोजते थक गए, हमें कहीं कारगो शब्द मिला ही नहीं। इसमें स्थोरा शब्द दिया हुआ है। आप आफिसर के मातहत काम करते हैं या आफिसर आपके मातहत काम करता है, यह आप सदन को बताने की कृपा करें। अगर आप स्थोरा के बगल में ब्रेकेट में कारगो लगा देते तो लोगों को समझने में आसानी हो जाती, आपकी सार्थकता हो जाती। आप प्रोफेसर थे, अभी हैं या छुट्टी पर हैं, मैं नहीं जानता। हम लोग परेशान हो रहे थे कि यह स्थोरा शब्द क्या है। अगर आप इसका सदन में संशोधन कर देंगे तो हमारा जो सुरक्षा आयुक्त है वह नोटिफिकेशन निकाल देगा और पांच लाख तक जुर्माना करेगा।

आपने इसमें यह बताने का कट नहीं किया कि जो कारगो में सामान भेजते हैं- चाहे वह कच्चा माल हो, केला हो या सब हो, इसकी जवाबदेही किस पर होगी। आप सुरक्षा आयुक्त के हाथ में इतना बड़ा शस्त्र दे रहे हैं वह जिसे चाहेगा उसमें समेट लेगा। जिससे उसे अपने कारोबार में वैमनस्य होगा, उसकी जवाबदेही निश्चित कर देगा और उसे पांच लाख जुर्माना कर देगा। आप अगर उम्भोक्ताओं के लिए सुविधा प्रदान करना चाहते हैं तो आपको इसमें व्यवस्था करनी चाहिए थी कि हम फलां आदमी, जो इसके जवाबदेह होंगे, एयरपोर्ट आथोरिटी पर कौन लोग रहेंगे, इसके जवाबदेह जो कारगो के होंगे उन्हें आप सजा देंगे, पांच लाख जुर्माना करेंगे। यह आपने अपने संशोधन में दर्शाने का काम नहीं किया।

महोदय, आप और हम, सारे सदन के मेम्बर्स इस बात को जानते हैं कि आजकल हवाई जहाज बैलगाड़ी की तरह हो गया है। आपको भी जाने का अवसर मिलता होगा। हम जब पूछते हैं कि हवाई जहाज समय पर है तो बोलते हैं कि हां, टाइम पर है और जब हम हवाई अड्डे पर पहुंच जाते हैं तो बताया नहीं जाता है कि कितना विलम्ब हवाई जहाज का हुआ। आप माल भेजने के लिए यह कानून बना रहे हैं। वहां जाकर लोग घंटों बैठे रहते हैं और उसके बाद उसे कहा जाता है कि आप चले जाइए, अपना नाश्ता उठा लीजिए। यह नहीं बताया जाता है कि तीन या चार घंटे में हवाई जहाज जाएगा। जब अनंत कुमार जी थे तो सुधार हुआ था, हम उन्हें धन्यवाद और बधाई देते हैं, लेकिन उनसे विभाग ले लिया गया। जो अच्छा काम करता है उसके पास विभाग नहीं रहता है। उसे मंत्रिमंडल में अच्छा काम नहीं करना चाहिए।

जो भी मंत्रीगण यहां बैठे हुए हैं मैं उनसे कहना चाहूंगा कि आप कोई अच्छा काम मत कीजिएगा, नहीं तो आपके पोर्ट-फोलियो को नजर लग जाएगी और आपका पोर्ट-फोलियो बदल जाएगा। हमारे मंत्री मंडल के सदस्य श्री यादव जी हमारे साथ जहाज में आ रहे थे। उन्होंने प्रेस में बयान दे दिया कि यह सड़क हाईवे में बनाएंगे। मैंने उनसे कहा कि आपका तो पोर्ट-फोलियो बदल गया है, आप तो जहाजरानी के मिनिस्टर हो गये हैं। हमारे मित्र श्री शाहनवाज़ हुसैन ने कहा कि बिहार के हर जिले में एक खेल स्टेडियम बनाएंगे। हवाई जहाज में हम आ रहे थे तो मैंने उनसे कहा कि आप स्टेडियम क्या बनाएंगे, आप तो अब माननीय मुरली मनोहर जोशी के नीचे काम करने जा रहे हैं। मैं कहना चाहता हूँ कि जो भी मंत्री यहां बैठे हैं वे अच्छा काम न करें, नहीं तो उनका पोर्ट-फोलियो बदल जाएगा।

मैं राज्य मंत्री जी से कहना चाहता हूँ कि हम बिहार की राजधानी पटना में रहते हैं। कुछ हमारे ही बिहार के लोग अपने ही बेटे को कोसना शुरू कर देते हैं। लेकिन आपने पटना से सुबह सुबेरे दिल्ली आने के लिए सीधा प्लेन नहीं दिया। वहां से हम सुबेरे चलें और 11 बजे संसद में जो प्रश्न काल होता है उसे अटेंड करें। क्या

आपने कभी सोचा है कि बिहार भी इस देश का कोई राज्य है और पटना उसकी राजधानी है। मैं कहना चाहता हूँ कि पटना को जोड़ने का काम आपने नहीं किया है। हरेक आदमी ममता बनर्जी नहीं हो सकता है, चन्द्रबाबू नायडु नहीं हो सकता है। लेकिन क्या जो बच्चा रोता नहीं है उसकी मां उसे दूध नहीं पिलाती है। बच्चा अगर सोता रहे तो मां का फर्ज होता है कि उसको जगाकर दूध पिलाए और खाना खिलाए। बिहार के हमारे जो मंत्री हैं उनको हमने वोट दिया है, वे तो रिफ्यूजी थे। मध्य प्रदेश में उनको जगह नहीं मिली तो बिहार में हमने उनको स्थान दिया। उनको आज हवाई-जहाज का पोर्ट-फोलियो मिला है। शाम को जहाज देते हैं और कभी वह पहुंचता है कभी नहीं पहुंचता है। हम दस बजे रात में पटना पहुंचते हैं और उस समय हमारे पटना का हवाई-अड्डा बंद हो जाता है और हम लौटकर फिर दिल्ली आ जाते हैं। जो सांसद शुक्रवार को अपने क्षेत्र में पहुंचना चाहेंगे तो शाम को उन्हें फ्लाइट पकड़नी पड़ेगी लेकिन कोई गारंटी नहीं है कि पटना कब पहुंच सकेंगे या फिर वहां पहुंचने पर कहा जाएगा कि रोशनी की व्यवस्था नहीं है, हम आपको फिर दिल्ली पहुंचा रहे हैं। आप हमारे साथ खिलवाड़ कर रहे हैं। आप कहते हैं कि हमारा सामान जो ठीक से नहीं पहुंचाएगा उस पर पांच लाख रुपया जुर्माना करेंगे। क्या आदमी की जान का कोई महत्व नहीं है। आप हमारे कर्तव्य में बाधा डालते हैं। संसद में अगर हम 11 बजे से पहले नहीं आये तो जो 11 बजे से 12 बजे तक प्रश्नकाल होता है उसमें हम शरीक नहीं हो सकेंगे। फिर हमारे प्रतिनिधि होने का क्या मतलब रह जाता है? ऐसी परिस्थिति में आपको इस बात पर विचार करना चाहिए और बिहार के माननीय मंत्री महोदय जो वहां बैठे हुए हैं मैं उनसे कहूंगा कि जब आप जनता के पास जाएंगे तो जनता आपसे पूछेगी कि माननीय ममता बनर्जी भी तो एमपी थीं। वे हमारी रेलवे स्टैंडिंग कमेटी की चेयरमैन थीं। वह बराबर इस बात के लिए लड़ती रहीं कि यह काम रेलवे को करना है और मौका आया तो माननीय नीतीश बाबू से पोर्ट-फोलियो लेकर मंत्री बन गयीं।

वह बंगाल के लिए पैकेज मांगती हैं। वह फ्लड के लिए रुपया मांगती हैं। क्या उसके लिए पैसा गया है या नहीं? शरद यादव जी भी बिहार से चुनकर आए हैं और मंत्री हैं। वह वहां से सांसद हैं। वह उनकी नकल करें। पटना बिहार की राजधानी है। वहां के लिए सीधा सम्पर्क होना चाहिए। आप दिल्ली दस बजे से पहले पहुंचने की व्यवस्था कराइए। गुप्ता जी, आप प्रोफेसर हैं। यह समझने वाली बात है। शरद यादव जी आपको बिल थमा कर चले गए। उन्हें मालूम था कि बिहार के लोग शिक्षायात करेंगे। उन्होंने हमारी बात सुनना पसन्द नहीं किया। मेरी ये बातें इस बिल से ताल्लुक नहीं रखती। आप 1934 के बिल में संशोधन करने जा रहे हैं। 1934 में बिहार में भूकम्प आया था। राजेन्द्र बाबू और पंडित जवाहर लाल जी मुंगेर गए थे। राजेन्द्र बाबू देश के पहले राष्ट्रपति थे। आज बिहार को निगलैक्ट किया जा रहा है चाहे वह कोई मामला हो। अगर रघुवंश बाबू बोलते हैं तो उधर के साथी नाराज होकर बिगड़ जाते हैं। क्या केन्द्र सरकार ने आपके लिए अलग व्यवस्था की है? रूढ़ी जी आप बताएं क्या हमें सीधा प्लेन नहीं मिलेगा? हम भी इसके हकदार हैं। हम भी यहां के मालिक हैं। हम भी इस सदन के सदस्य हैं। आप बिहार के लोगों के लिए हवाई जहाज की व्यवस्था कराइए। आपने बिहार में कार्गो की व्यवस्था नहीं की है। (व्यवधान)

श्री प्रिय रंजन दासमुंशी (रायगंज) : मेरा एक अनुरोध है कि जिन माननीय सदस्यों के नाम लिस्ट में हैं सब को आज बोलने दिया जाए जिस्से सभी सदस्य आराम से अपनी बात कह सकें। कम्पनी विधेयक आज न लिया जाए।

MR. CHAIRMAN: He has already taken 14 minutes. That is why I asked him to conclude.

SHRI PRIYA RANJAN DASMUNSI : I am not saying anything about that. I was just saying that all of us should be allowed to participate in the debate. ... (Interruptions)

SHRI RAMESH CHENNITHALA : We were not allowed to speak on the Protection of Human Rights (Amendment) Bill. We should be allowed to speak at least on this. ... (Interruptions)

श्री राजो सिंह : स्भापति महोदय, मैं ज्यादा नहीं बोला हूँ। मैंने अपना समय लिया है। मैं अपनी कठिनाई को व्यक्त कर रहा हूँ। आपने हवाई अड्डों में सुरक्षा का प्रबन्ध किया है। हवाई अड्डे जाने पर हमारा सामान चैक किया जाता है। हवाई जहाज में बैठ जाने के बाद फिर सारा बक्सा खोल कर देखा जाता है। क्या पार्लियामेंट का मैम्बर सबसे बड़ा क्रिमिनल हो गया है? शायद आपको अन्दाजा नहीं है कि किस तरह लोगों को बेइज्जत किया जाता है? हमारी माननीय सदस्या के साथ भी इस तरह की बात होती है। अगर आप सामान चैक करवाना चाहते हैं कि एक बार हवाई अड्डे पर सामान चैक करवा सकते हैं। बार-बार सामान चैक करना ठीक नहीं है। यह कौन सा तरीका है? हवाई जहाज पकड़ने के लिए गेट पर प्रवेश के समय भी चैकिंग होती है। आप किस पर विश्वास करते हैं? आप अपने लोगों को कहिए कि वे हमारा कार्ड देख लें। क्या आप बार-बार चैकिंग करके चोरों और डकैतों को पकड़ते हैं?

हवाई जहाजों के रोजाना एक्सीडेंट हो रहे हैं। आप नौसीखिए आदमियों और अपने आदमियों को बहाल करते जा रहे हैं। इस कारण एक्सीडेंट हो रहे हैं। आप पुराने हवाई जहाजों को चला रहे हैं। लोगों के जान-माल को लेते जा रहे हैं। कूपन कन्सेशन नहीं दे रहे हैं। ऐसा करके हमारे साथ खिलवाड़ करते हैं। आप हमारे उमर कम से कम रहम तो करिए। यदि आपको मंडेट मिला है तो हमें भी मंडेट मिला है आपकी आलोचना करने का, शिक्षायात करने का और आपकी कमजोरी को उजागर करने का। आपने औद्योगिक सुरक्षा बल की स्थापना सारे हवाई अड्डों में की है लेकिन वे सभी लोगों को बेइज्जत करते हैं। वे सारे अटैची खुलवा लेते हैं। इससे संसद सदस्यों की दुर्गति होती है। यदि उस सिपाही को संसद सदस्य का रेफ्रेंस दिया जाता है तो भी वह सारा सामान देखता है। यदि बक्से में दाढ़ी का सामान है तो उसे भी दिखाना पड़ता है। इस तरह से हमारी बेइज्जती होती है। आप इस तरफ ध्यान दें और इसमें सुधार करें। जवाब देते समय मेरी बातों का उत्तर दें। आप चाहें तो दोषी लोगों से पांच लाख रुपए जुर्माना लें, हम उसका समर्थन करेंगे। हमारी पार्टी इसके लिए सहमति देती है लेकिन संसद सदस्य की इस तरह से इन्सल्ट नहीं होनी चाहिए। बहुत-बहुत धन्यवाद।

SHRI V.P. SINGH BADNORE (BHILWARA): Sir, I rise to support the Aircraft Amendment Bill, 2000. This Bill has a very limited role and purpose. Most of the countries in the world have already okayed this Bill. This is for faster movement of the cargo. As was very rightly put forth by the Minister, who is piloting it, today it is very important that whatever cargo is sent goes in time. Everybody is in a hurry and with globalisation, all the countries want their goods to reach in time; and this Bill is basically for that.

I am supporting the Bill totally, but what we are worried about is this. In the age of terrorism, is it right that you are giving the known shippers the work which was being done by the security? They are going to be responsible for that. We know what happened to the Kanishka aircraft. A bomb was kept inside the cargo. Today there is a mix. There are passengers as well as cargo that go in the aircraft. You see the COMBI 747 aircraft today. Passenger traffic is not as profitable and viable as the cargo and that is why, every aircraft in the world and all the airlines are making more money on the cargo front than on the passenger side.

Now, you are giving this responsibility to the known shippers. What is going to happen with the Indian business mind? Our business people have the unknown shippers or the small timers; they would go to the known shippers

and say that this is an important cargo. It will be monopolised by these few shippers that you are going to recognise. So, I just want to request you to have spot checks as for security. Moreover, the unknown shippers are going to do the piggy riding on the big shippers and that monopoly should be broken in some way or the other. So, you have to be careful about that.

Lastly, I will also say that the penalty of Rs. 10 lakh is okay. But when the passengers are also travelling in the same aircraft along with cargo, is that amount good enough? You have to think about that aspect also. If it is going to be only cargo that will go in the aircraft, it is okay. But when both are going in the same aircraft, you have to look into the security aspect, especially in the age of terrorism.

We have a lot of enemies; we have a lot of countries which are enemies of our country. So, you have to be more cautious and put some checks in it. Thank you very much.

श्री समीक लाहिड़ी (डायमंड हार्बर) : सभापति महोदय, वायुयान (संशोधन) विधेयक, 2000 यहां पर लाया गया है जिसमें आब्जेक्टिव्स एंड एक्स्प्लेनेशन मंत्री महोदय ने बताया है। यह एक अच्छा विधेयक है क्योंकि यदि हम लोग इसकी तरफ देखेंगे तो हम लोगों को मालूम होगा कि जो लोग कार्गो हैंडलिंग करते हैं, यदि उन लोगों से कोई गलती हो गई या उन लोगों ने कानून के मुताबिक काम नहीं किया तो उन पर कुछ पैनल्टी लगाई जायेगी लेकिन अगर उमर से हम लोग इस बिल को देखें तो इसमें दिये हुये आब्जेक्टिव्स से लगता है कि इसके पीछे कुछ बात छिपी हुई है।

खासकर अभी जो बात दूसरे मेम्बर्स ने सदन के सामने रखी है कि आज से यह कार्गो हैंडलिंग को ओर स्पीडी करने के लिए यह विधेयक लाया गया है। यह बात खासकर कंपनियों द्वारा तय की जाएगी और कुछ दिन बाद इन कंपनियों को बनाने के लिए सरकार विधेयक लाने वाली है। जब डिस्इन्वेस्टमेंट चल रहा है तो ये सारी चीजें उनके हाथ में चली जाएंगी। यह मेरा एक प्रश्न है।

Who will decide these 'known shippers'? Who is the competent authority to give the proper credential to the cargo handlers? That is the main question before us. It is because a lot of corruption is taking place. We cannot deny that. Even the Minister cannot deny that. I can cite many examples. Who is the competent authority to give the fit certificate to the 'known shippers'? Who can guarantee? It is okay that you are imposing penalty. The other hon. Member very correctly and very genuinely referred to the terrorist threat to our country. Outside forces are trying to destabilise our country. We should have a proper monitoring system and proper checking system. How can we give clean chit and how can we give every power to a particular authority, especially when we are not sure that that particular dealing authority is corruption-free?

Here I would like to bring to our kind notice about a case published in the *Indian Express*. A serious allegation has been made against the Managing Director of Air-India. Through one completely illegal circular, this Managing Director, manipulated the formula of commission payment and thereby caused Rs. 3 crore loss to Air India. That sort of allegations are coming. ...(*Interruptions*) Highest officials are involved in it. ...(*Interruptions*) If only some people are made eligible, how can we be sure that they would be free from corruption? If the highest officials are involved in this sort of corruption, how can we give a clean chit and how can we rely on some particular persons who will handle the entire cargo and who will give the fit certificate to the 'known shippers'? So, that has to be ensured, particularly when the Government has decided to disinvest Air India and the Indian Airlines. There will be no controlling authority and no monitoring authority. So, what sort of security measures have been taken, particularly while drafting the Bill? That should also be taken care of because you cannot check crime by imposing penalty. You cannot check the terrorist forces and other forces who are trying to destabilise our country by increasing the penalty. That is why my specific question to the Minister is this: What is your scheme called 'known shippers'? That has to be spelt out before this House. I thought that before bringing this particular legislation before the House, the Minister should clarify as to what this particular scheme, 'known shippers' is.

Who is the authority to decide? Who is the authority to issue the certificate? What are the parameters? Who will be considered while giving certificate to the Known Shippers? How to make it corruption free? How to keep the safety and security of the passengers and the aircraft? How the Government is trying to take care of all these aspects? The Government has to first spell this out. Only then the Minister will be able to bring this Bill before the House. I am otherwise not opposed to this particular idea of increasing the penalty but the Government has to first spell out about the Known Shippers scheme. Without spelling it out before the Parliament, I think it will not be proper for the Government to come forward with the Bill. The Government wishes to govern the

country in a transparent way. It is obvious that people will not accept it. This Government has made a number of non-transparent moves. I hope the Minister in this particular case will be more transparent in spelling out the Known Shippers scheme. With these words, I thank you for giving me this opportunity.

SHRI RAMESH CHENNITHALA : Mr. Chairman, Sir, this piece of legislation has a limited purpose. The Indian Aircraft Act was enacted by this Parliament in 1934. Since then this has been amended nine times and this is the

tenth amendment which is discussing here. In the changed scenario, I think there is a need to have a fresh look. A comprehensive Act is needed which will be in tune with the changed circumstance world over. This piece of legislation is not going to help us since we are passing through the phase of globalisation and liberalisation. The world over, a lot of change has taken place. So, a comprehensive Bill is very much needed.

Of course, we are following the open sky policy. A lot of private investment is coming up in this field. We are allowing a number of private institutions to come and operate here. So, in this changed scenario this Act, which was passed in 1934, will not help us. I, therefore, request the govt. to undertake complete overhauling of the Indian Aircraft Act. This Act is for the limited purpose. It talks about the speedy movement of cargo. We welcome it because we are living in a society which is changing very fast. World over we see that airlines are more interested in cargo movement than in the passengers' movement. Same is the case with other modes of transport. The movement of cargo is benefiting every mode of transport. But unfortunately if you see the movement of cargo by the Indian Airlines or Air India, it is very very low. So, we have to give more attention to the movement of cargo. Indian Airlines or Air India is not earning much on account of cargo movement.

Sir, this is a welcome step. One of our friends have made a mention about Known Shippers. The question is that who is going to give the certificate. Who will identify the Known Shippers and who will give the certificate? There is an apprehension that unknown shippers would take benefit in the name of Known Shippers. Sir, you know we are living in a changed situation. The menace of terrorism is growing like anything. The drug mafia is now concentrating in the Indian territory. They are using India as a passage for drug trafficking. Sir, in view of all these aspects, we must be very careful in identifying the Known Shippers. So, I would like to know from the hon. Minister whether there is any kind of mechanism for identifying Known Shippers. There is every possibility of misutilising this facility which is being given through this Act by the unknown shippers. I think, these apprehensions are valid. So, we would like to know from the hon. Minister how they will identify them and how would they ensure that this facility is used by the Known Shippers only. Sir, as you know, the terrorists are trying to use every avenue to achieve their goals. So, this must be careful and there should be a serious thought about the entire aspects.

Sir, speedy movement of the cargo is the main thrust of this piece of legislation. I agree with that. I want to mention one or two incidents. Male is a friendly country to India. Most of the items including vegetables are going to Male from Trivandrum. But unfortunately there is not enough cargo space for that. They have to depend on mainland, namely, Kerala. But there is not enough cargo space. We have taken up this matter with the Central Government. Till now, enough space has not been allotted for easy movement of the cargo. This is one of the main issues. I am a member of the Consultative Committee of the Ministry of Civil Aviation. I have raised this matter in the Consultative Committee meeting also. A promise had been given that in due course this matter will be settled. But unfortunately, so far this issue has not been attended to. We, the Members of Parliament from Kerala, have received several representations in this regard. Now, we are not in a position to even answer them. This callous attitude of the Department in not allotting enough cargo space has hampered the business activities also. So, I would request the hon. Minister to deal with this matter seriously and do the needful immediately.

Sir, a lot of complaints have been received of harassment of those persons who wanted to book cargo at the hands of officials. The newspapers have also published a lot of complaints in this regard. In spite of all these complaints, the Ministry has not taken any steps to redress the grievances of the people.

17.00 hrs.

Identifying non-shippers is only one part of this. The Government has to facilitate a lot of other things also for the easy cargo movement. Easy cargo movement will only help the Government earn more profit. The Ministry has to give more and more attention to this aspect.

One or two Members who spoke before me also mentioned about the growing number of accidents. Indian Airlines and Air India are our national careers. We have formed a company called Alliance Air. But people are too scared to travel in the aged aircraft of Alliance Air. I do not know the logic in having a separate company like Alliance Air. They have no new aircraft. All the aircraft are aged ones and nobody is willing to travel in it.

Recently I went to Patna and found that only two-three passengers were travelling in the aircraft. After the recent accident at Patna nobody is travelling in the Alliance Air. In order to curtail expenditure, the Government has to take a serious view of dismantling or scrapping this company called Alliance Air. In any case you are not providing them with any new aircraft. All the aged aircraft are sent to the Alliance Air. Just to save some of the pilots who had gone to private airways and wanted to come back, you formed the Alliance Air. But, after four-five years of its creation, now the Government has to take a very serious view of this whole issue. They have no proper facilities to offer to the passengers. Even then regular recruitment is going on in the Alliance Air without any valid reasons.

A number of complaints about corruption has come about the Alliance Air. Who is going to reply to these charges?

What is the use of keeping such a company going? You have already got two companies - Indian Airlines and Air India - which are a burden to you. The Maharaja is bowing down to the multinational companies and not to the passengers. He is scolding the passengers.

MR. CHAIRMAN : Please conclude.

SHRI RAMESH CHENNITHALA : I have just started Sir. This is a very important subject concerning you also. I am only making valid points.

The situation is very bad. I think that both Indian Airlines and Air India are already in loss. Huge losses are accumulating. But, you have formed another company called Alliance Air. I am told that even this company also is in loss. There have been so many complaints about the functioning of Indian Airlines and Air India for a number of years. I do not want to go into the detail of them. But the callous attitude of the Minister concerned and the Government has aggravated the problem.

To find out whether a human error caused the Patna accident, a Committee has been appointed. Many Committees have been appointed since Independence. After every accident we find one Committee being appointed and that Committee submits a report. The moot point is whether the report of a Committee is taken seriously and whether effective measures are taken to rectify the mistakes as per the findings of a Committee.

SHRI SONTOSH MOHAN DEV (SILCHAR): He is making me scared. I can go to my constituency only in an Alliance aircraft!

SHRI E. AHAMED (MANJERI): He is only informing the House about the general apprehension in respect of Alliance Air. It is the duty of the Government to assure the people that they are in safe hands.

SHRI RAMESH CHENNITHALA : Reports of various committees are available. But the point is whether the Government has taken any serious view of the accidents.

About the facilities in the airports, I would submit that the failure of the facilities contribute to a great extent. Today, the most modern equipment are available. Why are we not taking advantage of them? Why are we not modernising our airport at least in the Capital city of India? Why we are not modernising the airport at the commercial Capital of India, Mumbai and the very important airports in the metropolitan cities at least? We are not seriously implementing these reports.

Recently, I was travelling with Shri Ananth Kumar. He was very happy to modernise the Bangalore Airport. I appreciate the fact that every Minister is interested in developing his own area. So, I feel it should be given on a rotational basis so that the airports will be made more modern....(*Interruptions*)

To cite an example, the Kochi Airport is operational because of our own efforts. The NRIs from Kerala contributed to its development. Not a single *paisa* has been spent from the exchequer. The State Government has contributed to it. The NRIs have contributed to it. It is the first of its kind in the nation. We must be proud of that. ...(*Interruptions*) The point is that the situation has changed....(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): The Thiruvananthapuram Airport was developed by the NRIs. It was declared as an International Airport long ago. It was completely neglected by the Central Government. The NRI people developed it. That is the difference between the people's cooperation and the Government's cooperation. When one is in catastrophe, something else is being done....(*Interruptions*)

SHRI RAMESH CHENNITHALA : When we are talking about the cargo facilities and the easy movement of the cargo, we should think about the condition of our airports also. We have to think about the modernisation of the airports. We have to avoid more accidents. There should be a serious thought given to this issue.

I was mentioning about the reports. Only after every accident we are thinking about modernisation, the new aircraft, phasing out of the aged-aircraft etc. Why do we not have a proper planning of these things? The easy movement of cargo cannot materialise only by identifying some shippers. Therefore, a comprehensive legislation is needed....(*Interruptions*)

MR. CHAIRMAN : Please conclude now.

SHRI PRIYA RANJAN DASMUNSI : Sir, I just make a submission. This Bill has been allotted one hour's time. Many hon. Members have given their names to speak on the subject. The next item is the Companies (Second Amendment) Bill. I think the Companies (Second Amendment) Bill is such an important Bill that it deserves the whole attention of this House in whatever manner it may be. The debate should do justice to this Bill. So, those

Members who are intending to speak on the Bill should be allowed to speak. We have to complete the discussion today. They have to make their contributions to it. Even you may extend the sitting of the House by half-an-hour or one hour more than the allotted time till the speeches are over. I would request you not to rush through it hurriedly and bring again something else....(Interruptions)

SHRI SONTOSH MOHAN DEV : After Shri Ramesh Chennithala, I want to speak. I will speak my mind on it. I will ask my Chief Whip to send my name. Please give me an opportunity to speak....(Interruptions)

SHRI RAMESH CHENNITHALA : The last point that I want to make is about the security measures in the airports. Whenever we go to the airports, the policemen, who are engaged in the security job, are making a search with their hands. Why are we not providing them with sophisticated instruments? They are not provided with sophisticated instruments....(Interruptions) This is the kind of harassment which all the passengers undergo. So, the Government should give proper instruments to the police people who are engaged in the security job. They should not harass the people. Nowadays, a lot of passengers are complaining about this harassment.

Sir, I agree that we should maintain security, but in a modern, civilised society we should avoid harassment in the name of security. So, finally, I would request the hon. Minister, through you, to bring a comprehensive legislation before this august House.

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : स्भापति महोदय, मैं बहुत ही संक्षेप में अपनी बात सदन के समक्ष रखूंगा।

पहली बात - मंत्रीजी द्वारा कहा गया है, एक हजार रुपए जुमाने के स्थान पर दस लाख रुपए जुमाने की व्यवस्था की गई है। उन्होंने दिशा दे दी कि एक रुपए से लेकर दस लाख रुपए तक जुमाना किया जा सकता है। मतलब यह कि जुमाना एक रुपया, पचास रुपए या हजार या दस हजार रुपए तक जुमाना हो सकता है। कानून में इतनी सुविधा कहीं नहीं होती है। इसमें होना यह चाहिए था कि कम से कम इतना और ज्यादा से ज्यादा जुमाना होगा।

दूसरी बात - जहां तक सिक्योरिटी मेजर्स का सवाल है, कहा गया कि जुमाना बढ़ा रहे हैं और कड़ाई कर रहे हैं। यह भी कहा गया कि नोन-शिपर्स को ही करेंगे। मेरा प्रश्न है, नोन-शिपर्स की बहाली कैसे होगी। एक माननीय सदस्य कह रहे थे कि इसमें कर्प्शन है। इसमें कर्प्शन तो है, लेकिन सिक्योरिटी का खतरा होगा। मैं जानना चाहता हूँ कि इसमें जुमाना कितना होगा और नोन-शिपर्स कहां से लायेंगे।

तीसरी बात - सुरक्षा जांच से संबंधित सवाल किया गया था, तो बताया गया कि तीन तरह से जांच होती है। लेकिन मंत्री जाते हैं, उनके स्टाफ के लोग जाते हैं, तो उनकी जांच नहीं होती है। सब जगह मशीनों से जांच होती है। फिर ऊपर से नीचे तक, इधर से उधर से जांच होती है। लोग संकोच के कारण नहीं बताते हैं, बराबर ह्युमिलिएशन होता है। दूसरी तरफ आतंकवादियों के साथ मंत्री जाते हैं, तो अपराधियों के साथ सम्मान वाला व्यवहार और माननीय सदस्यों के साथ दुर्व्यवहार। ह्युमिलिएशन रोज हो रहा है। मैं एक दिन एयरपोर्ट पर देख रहा था, एक तरफ अपमानजनक स्थिति और फिर दूसरी तरफ थैंक-यू कहते हैं। मेरा निवेदन है कि आप इसमें सुधार कराइए। जब एक के साथ इस तरह की स्थिति है, तो दूसरे सदस्यों के साथ क्या होता होगा।

THE MINISTER OF RAILWAYS (KUMARI MAMATA BANERJEE): Mr. Chairman, Sir, I go just like a common passenger. So, they check me also.

डॉ. रघुवंश प्रसाद सिंह : हवाई जहाज और रेल दोनों की सुविधा रहती है। हवाई जहाज से नहीं जाते हैं, रेलगाड़ी से जाते हैं।

1715 बजे (अध्यक्ष महोदय पीठासीन हुए)

रेल मंत्रालय में राज्य मंत्री (श्री दिग्विजय सिंह) : हम लोग आपको इज्जत से ले जाते हैं।(व्यवधान)

डा. रघुवंश प्रसाद सिंह : महोदय, माननीय सदस्यों का हवाई जहाज पर चढ़ने में बड़ा अपमान हो रहा है।(व्यवधान) हवाई जहाज में बहुत जांच की जा रही है और हमारा बड़ा अपमान किया जा रहा है।

राजो बाबू बिहार का सवाल उठा रहे थे, बिहार में एयर कारगो का क्या हुआ। यह हुआ था कि देश में एयर कारगो खुलेगा। वहां दूसरे दर्जे में फल और सब्जी का उत्पादन होता है, वह एयर कारगो से विदेश जाता है। वहां क्यों नहीं बना रहे हैं। हवाई जहाज लोगों को आने-जाने के लिए नहीं दे रहे हैं। एयर कारगो का क्या हुआ? पटना में एयर कारगो होता, उससे देश और विदेश में सामान जाता। डब्ल्यूटीओ से विदेश से आ रहा है, यहां से एयर कारगो से जाने का इंतजाम ही नहीं हुआ।

महोदय, अंत में मेरा यह कहना है कि मुजफ्फरपुर में एक मुजफ्फरपुर हवाई अड्डा है। उस हवाई अड्डे के निकट वैशाली में भगवान महावीर का जन्म हुआ था। देश में उनकी 2600वीं जयंती मनाई जा रही है। उसके लिए हमने मंत्री जी से लिखा-पढ़ी की है कि मुजफ्फरपुर हवाई अड्डे को भगवान महावीर के नाम पर रखा जाए और घोणा की जाए। लिखा-पढ़ी में है कि कार्यवाही हो रही है- 'looking into,' यह जवाब आया है।

महोदय, यह जो एयर इंडिया, इंडियन एयरलाइंस को करोड़ों रुपए में बेचने की अफवाह है, यह जो गड़बड़ी हो रही है, लोग बेच रहे हैं और बेचने का हिसाब-किताब जोड़ रहे हैं। इसकी लोगों में बहुत अफवाह है, इसमें कितने करोड़ का कारोबार, लेन-देन का काम हो रहा है। हमारा तिरंगा झंडा पूरी दुनिया में घूमता था, उसे सरकार बेचने वाली है। इसलिए मैं सावधान करना चाहता हूँ कि एयर इंडिया, इंडियन एयरलाइंस और जो हिन्दुस्तान का किसान है, उसे बेचने का दुःसाहस न करें अन्यथा इसके बुरे परिणाम भोगने पड़ेंगे।

MR. SPEAKER: Already one hour is over.

...(Interruptions)

MR. SPEAKER: You see the contents of the Bill. It is a small Bill.

SHRI E. AHAMED : I will take only five minutes.

MR. SPEKAER: You can speak for two minutes only.

SHRI E. AHAMED : Sir, in the Statement of Objects and Reasons of this Bill, the Minister says:

"A notification will be issued by the Commissioner of Security (Civil Aviation) under section 5A of the Aircraft Act, 1934, in consultation with the Central Government. "

I would like to bring it to the notice of the hon. Minister as to how he has been misled by the Ministry of Law and other people because section 5A clearly says that there is absolutely no provision for consultation with the Central Government.

I just quote it from the objects and reasons here because it is a matter of legislation. Section 5A of Principal Act says that the Director-General of Civil Aviation or any other officer, specifically empowered in this behalf by the Central Government, may, from time to time, by an order, issue directions consistent with the provisions of this Act. There is absolutely no word 'consultation'. Then, why does the Minister come and say about consultation with Central Government in the Statement of Objects and Reasons? Whatever be the notification, it should be issued in consultation with the Government of India. So, whatever direction or notification will be issued, of course, it is mentioned here that it will be by the Commissioner of Security (Civil Aviation). He may be the officer authorised in that behalf. But he need not come to the Government. So, whatever instructions or directions he would issue, the Central Government will be quite unaware of it. There is darkness on the part of the Government of India. Whosoever be the officer, either Director General of Civil Aviation or the officer authorised in that behalf, the Government has nothing to do with it. That is the most important problem here.

You have mentioned in the amending provision that the amount of Rs. 1,000 has been increased to Rs. 10 lakh.

The imprisonment is for six months. How can there be a provision of, say, six months imprisonment and a fine of Rs.10 lakh. That means, if a man who violates the norms, and if he gives the money, it will be all right. This is a security norm. He is violating the norm. If he violates the security, you will be satisfied by giving him only six months imprisonment or if he pays Rs.10 lakh as fine.

Sir, this Act which came into force in 1934 itself is redundant now. There is definition in respect of the goods? The hon. Minister has not defined so many things here. The word "consignment" has not been defined. Have they defined the "goods" here? No. Here there is absolutely no other provision that is changing and that he is only making change in the punishment. But the imprisonment has not increased. That means, only the fine is increased to Rs.10 lakh. And Minister wants to bring a legislation for that only? There are many of the provisions, which the hon. Members have already pointed out.

What is the security? There is a mention about "Known Shippers". Who are these "Known Shippers"? Known Shippers are known only to the Department. They are not known to anybody. Who are a "Known Shippers"? What are their qualifications and how do you select them? What is their category? Where will they be put? Nothing has been mentioned about them. It may be in the rules. But in the rules what are they doing. They are giving a blanket power to their bureaucrats. It is not to be discussed by anybody. It is not to be scrutinised by anybody and whatever the norms they are putting, nobody knows about them. Is it the law?

I know, even Shri Jaitley will think imperfect law cannot be made easily but shall it be such an imperfect law. How can you have six months imprisonment and Rs.10 lakh as fine. You have also to increase it. Even if Known Shippers will bear all these goods in the aircraft, what other things they are doing. Is it not being delayed? Is it being delayed only because they are giving the signal to Known Shippers only for the security to be cleared and that it will be taken up? No. They do not have any other material in this provision also.

In the Principal Act there are several other provisions with respect to operation of aircraft. I may bring it to the notice of this House that in the original Act they say about passenger, mail and goods and they are not making anything about the passengers travelling with the goods or if the goods are sent by cargo. Cargo has also not been defined. Nobody will be able to know what is cargo that is meant here. If an explosive material is sent, will they be able to take it as cargo. If this is a weaponry or armaments, will it be taken as cargo? What does he mean by cargo? Whether it is commercial cargo or is it related to Defence material? This has to be referred.

Again about aircraft, there cannot be aircraft, as has been mentioned by the hon. Member. What about Airbus 300? Is it not threatening to everybody who flies in that? Has there any Airbus 300 flown without any snag? It has been 22 years since then. Why do you not just change? At least change it to be cargo. Then cargo and aircraft. Why are

you just creating this much of threat perception to every passenger in this country?

I do not want to take much of the valuable time of the House because the hon. Speaker has already given a hint to me to conclude.

MR. SPEAKER: You have already taken too much time of the House.

SHRI E. AHAMED : Only because of that I am not mentioning all these things. But the hon. Minister should give us a reply.

There is a mention of an officer of Air India. If one is asked to name, names of many officers have to be mentioned here and not only one officer's name. Who is responsible for that? A former MD of Air India has given an account balance sheet. It was a clear jugglery. At that time, it was said that Air India was making profit, but there was no profit.

Another hon. Member mentioned about an officer present M.D.. I do not want to name any officer, but if there is any officer who is responsible for that, it should be taken into account, taken up seriously and it should be looked into.

Therefore, I would request you, Sir, to direct the hon. Minister to make an amendment again or let him rectify the mistake or let him come to the House and explain all these things to the hon. Members.

Thank you.

श्री राजीव प्रताप रूडी (छपरा) : अध्यक्ष महोदय, मैं एअरक्राफ्ट अमेंडमेंट एक्ट के पक्ष में बोलने के लिए खड़ा हुआ हूँ। अभी जितना कार्गो बाहर भेजा जाता है, उसका पहले एकसरे करके या फिजिकल एग्जामिनेशन करके उसे पार कराया जाता था। अब प्रस्ताव है कि नोन शिपर्स को नियुक्त करके या जो एप्लॉटिड हैं, उन्हें अनुमति दी जाए कि वह इसकी जांच-पड़ताल करके कार्गो को भेजे। नोन शिपर्स के सामान्य कार्गो के बड़े-बड़े जहाज हैं। हिन्दुस्तान में कोई बड़ी कार्गो कम्पनी नहीं है। वे सभी विदेशों की हैं। विदेश के बड़े-बड़े जहाज होते हैं और वे कार्गो लेकर जाते हैं। ऐसे समय जब डिस्इन्वैस्टमेंट की प्रक्रिया जारी है, निजी क्षेत्र को प्रोत्साहन दिया जा रहा है तो कहीं न कहीं ऐसा प्रतीत होता है कि एक्सपोर्ट को बढ़ाने के लिए कार्गो को सहूलियत दी जाए। यदि किसी नोन शिपर्स को इंडियन एअरलाइन्स या एअर इंडिया के जहाज में सामान भेजने की अनुमति दी जाए और जो दस लाख के ऊपर फाइन्ड इम्पोज करना चाहते हैं, जैसा रघुवंश बाबू ने कहा, यदि किसी परिस्थिति में उसकी जांच-पड़ताल करके सील लगा कर जहाज में भेजने का अधिकार है या कहीं आतंकवाद के खतरे को देखते हुए छोटे जहाजों में कार्गो भेजने की व्यवस्था की जाएगी तो मैं समझता हूँ कि 10 लाख फाइन्ड के तहत एक कम्पनी में किसी जहाज को नुकसान पहुंचाने के लिए यह कदम सराहनीय नहीं माना जाएगा। मैं समझता हूँ कि इस एक्ट को पास कराने के लिए टैरिज्म और कस्टम को देखते हुए, आपने जरूर इसका अध्ययन किया होगा। इस व्यवस्था में कहीं न कहीं कोई कमी होगी। लोग यहां से सामान भेज रहे होंगे और आपको लगता होगा कि इसमें कहीं न कहीं कुछ त्रुटियां हैं जिन को दूर करने की आवश्यकता है।

एक तरफ आप निजी संस्थाओं और नोन शिपर्स को कह रहे हैं कि वे सरकारी जांच-पड़ताल से हट कर उनका कोई पदाधिकारी यह तय करे कि ये नोन शिपर्स हैं, वे सामान जांच करके विमान में भेजना चाहे, भेज दे।

देश की सुरक्षा का सवाल आया और आपने पूरे देश में सी.आई.एस.एफ. लगा दी। निश्चित तौर पर हम जानते हैं कि देश को खतरा था और कंधार की घटना के बाद यह कदम उठाया गया। एक तरफ सी.आई.एस.एफ. के पास काम नहीं था क्योंकि कई पब्लिक अंडरटेकिंग्स बंद होती जा रही थी। आपने उन्हें एअरपोर्ट में लगा दिया। हम सब जिस जगह पर बैठते हैं वह देश का सबसे स्टेराइल एरिया है। इससे ज्यादा स्टेराइल एरिया दुनिया में कहीं नहीं है। आपके द्वारा लोक सभा में हमें एक पत्र दिया जाता है। इसकी पहचान आपके और हमारे पास है। हम लोगों को गलती से अपने राजनीतिक जीवन में किसी विशेष परिस्थिति में इस पहचान पत्र को दिखाना पड़ता है। इसमें अशोक स्तम्भ बना है। हम इसे दिखा कर अपनी पहचान देना चाहते हैं लेकिन देश भर के एअरपोर्ट्स में यह हास्य का विषय बना है। सांसदों को देश भर का दौरा करना पड़ता है। उन्हें हर दूसरे दिन दिल्ली आना पड़ता है। हम कई बार हवाई जहाज छूटते-छूटते पहुंचते हैं और कई बार चाहते हैं कि सरलता से निकल जाएं। वैसी परिस्थिति में हमें अपना पहचान पत्र निकाल कर दिखाना पड़ता है। हमें उस समय एक सूची दिखाई जाती है और कहा जाता है कि इस-इस श्रेणी के लोग एग्जम्प्टिड हैं। हमें कहा जाता है कि हम एग्जम्पशन की श्रेणी में नहीं हैं। क्या स्पीकर साहब, ममता बनर्जी, दिग्विजय सिंह और सोनिया गांधी जी के पास अपना पहचान पत्र नहीं है? क्या गवर्नर, चीफ मिनिस्टर और मिनिस्टर के पास पहचान पत्र नहीं होते? उनको जाने की इजाजत दी जाती है। जिन के पास पहचान पत्र होता है उन्हें वही रोक कर कहा जाता है कि आपकी पहचान मान्य नहीं है। कमेटी ऑफ सैक्रेटीज ने तीन-तीन बार (व्यवधान)

SHRI PRIYA RANJAN DASMUNSI : Sir, I support it. There is a problem. We had been to the United Nations recently. What he says is absolutely correct. In the United Nations, when we were all there, one of the Members of Parliament was serious and he was asking as to what is your identity as a Member of Parliament outside India. He said, 'There is a card. It is a Railway Pass. It is not an Identity Card. It is the Railway Pass and the Railway Pass is for the Railways. What is the identity for a Member of Parliament?'

What is your Card? Similar thing was stated in North Block once by some CRPF *jawan*. He did not know the meaning. He simply stated in his own language यह तो रेलवे का पास है, यह रेल में घुसने के लिये है। So, I think some review is required about the proper identity card of the MPs also. It is the Railway Pass and nothing beyond that.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): It is written as "Identity-cum-Railway Pass".

SHRI RAJIV PRATAP RUDY (CHHAPRA): As long as it is issued from your Secretariat, it holds that Ashok Sthumb on it. It is the highest Constitutional Emblem in the country today. अध्यक्ष महोदय, मैं विय की तरफ आपका ध्यान आकर्षित करना चाहता हूँ। The proposal has been given to you. You have suggested to the Government. But the Committee of Secretaries has rejected thrice that the Members of Parliament would be exempted from frisking. I would like to ask the

Government that in what situation the Bureau of Civil Aviation Safety officers cross there. When the DG of CISF crosses, would he not be searched? We are not against searching but we, at least, expect some respect at that point. We expect respect to common passengers also. We want to travel incognito. But there are times when they do not even think of saying, 'Sir, I am saluting back to you'. I think it is a very important thing. If a solution is not found, a person like me would love to surrender this identity card back to the Lok Sabha Secretariat because the people here are much better. They recognise us. If this identity card does not have value in the country today, it is the demolition of the whole institution. We, as Members of Parliament, deserve this privilege on account of certain situations.

MR. SPEAKER: How is it related to the present Bill? How does it relate to the present Bill?

...(Interruptions)

श्री राजीव प्रताप रूडी : मैं माननीय मंत्री जी से जानना चाहूंगा कि I just want to reflect a few points.

श्री राशिद अल्वी (अमरोहा) : क्या आप बिल को सपोर्ट कर रहे हैं?

श्री राजीव प्रताप रूडी : मैं माननीय मंत्री से कहना चाहूंगा कि इस एअरक्राफ्ट बिल में संशोधन करने का प्रयास किया गया है, यदि इसमें कोई छोटी-मोटी चीज रह जाय तो उसकी तरफ ध्यान रखेंगे। खासकर, कस्टम और सुरक्षा की दृष्टि से एवं नॉन शिपर्स के लिये निश्चित रूप से उसकी पहचान करके इसकी समीक्षा करेंगे। मैं इस अमेंडमेंट के लिये अपना समर्थन देता हूँ और मंत्री जी से आग्रह करूंगा कि विशेष परिस्थिति में एम.पीज़ द्वारा अपना आइडेंटिटी कार्ड प्रस्तुत करने के बाद जो स्थिति उत्पन्न होती है, उसका निदान करने की दृष्टि से ध्यान रखेंगे। धन्यवाद।

SHRI M.V.V.S. MURTHI (VISAKHAPATNAM): Though I have given my name, it is very unfortunate. You are not allowing us to express the views of our Party.

MR. SPEAKER: You take only two minutes. More than one hour is already over. It is a small Bill.

...(Interruptions)

MR. SPEAKER: You can speak on another important Bill. What is there?

...(Interruptions)

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): I will take only two minutes.

SHRI M.V.V.S. MURTHI : Sir, before the start of the Bill, since the afternoon I am waiting to say something on this Bill because it has a significance. Though the relevant amendment may not be having much significance, this Aircraft (Amendment) Bill has a significance. The way the aircraft is being run today, the hon. Speaker is also sometimes not reaching his place in time.

SHRI PRIYA RANJAN DASMUNSI : Yes, Sir.

SHRI M.V.V.S. MURTHI : Your time is very valuable in this House. You have missed many times. Many times the aircraft is being kept in waiting for want of pilots to come. I think the hon. Minister cannot deny these facts.

I rise to support this Bill basically because this particular amendment Bill will create some fear in the mind of the exporters that if they cannot declare their goods correctly and according to the specification, heavy penalty may be imposed. It will serve only to this extent. But it will not guarantee any safety. Besides, this penalty from Rs.1000 to Rs.10 lakh may lead to a situation where the concerned officers will have apathy, and may think that every care has been taken by imposing very heavy penalty and so they need not take sufficient care. Care has to be taken. The utmost care is more important rather than penalty. Our system should improve. Our system of checking should improve.

Our system should improve for speedy movement of the cargo. Most of our cargo from India cannot go particularly, floriculture. It cannot be exported to the countries in time. Most of the goods are perishing. They are lying in the godowns, not for checking or for anything but for not having a timely despatch. The need of the hour is timely despatch. That, the hon. Minister should ensure that our cargo should be timely despatched to the countries where they are destined. Otherwise our national carriers will lose their importance and this business will be taken over by the private aircraft. That is one of the reasons I wanted to mention.

And also, there is one more thing I would like to bring to the notice of the Hon'ble Minister. That is, instead of saying "Known Shippers" it should be defined, what is meant by "Known Shippers". Nowhere has it been defined. Is it those who are having an infrastructure that is a "Known Shipper"? It should be a "Registered Shipper". Then it will be more relevant. After verifying their infrastructure, their credentials, their background, their integrity and their

business reputation, then they should be registered. It should be a "Registered Shipper". I hope that the hon. Minister will take care to amend the Act in such a way that the relevant man is also a registered shipper. Otherwise, it will lead to corruption. Because, everybody those who is known to them is a known shipper and a very reputed man in the market will be told, "No, no, you are not a known shipper". He can be thrown out of the business. That is an important factor. I would like to bring it to the kind notice of the hon. Minister.

The other thing is, may be, I may not get an opportunity again to speak on this aircraft issue. The CISF are over-reacting. They are not really acting. They are overacting. The other day the hon. Minister of Home Affairs was travelling with me. He was also detained and almost everything was checked knowing that he was the Minister of Home affairs.

SHRI PRIYA RANJAN DASMUNSI : There is nothing wrong in that.

SHRI M.V.V.S. MURTHI : There is nothing wrong. But the important thing is the time. Why should they waste their time? That is a time-bound programme for us. Why should our aircraft wait?

MR. SPEAKER: This Bill is about cargo, not the passengers. The Bill relates to the screening of the cargo.

SHRI M.V.V.S. MURTHI : Checking is required for safety measures. It is not for delays. There can be a way to check up these delays. Otherwise, the national aircraft get the cargo, or the premier aircraft, whether they are privatised whether they are in the national sector or with the Government whichever may be, they are having a long history, Air India, Indian Airlines, they should have the prime business of this cargo movement. So, I hope that the hon. Minister will take care of this process. I support this Bill.

SHRI E.M. SUDARSANA NATCHIAPPAN : Sir, I want to concentrate upon the Clause which is going to be amended. It will have far-reaching consequences.

On reading section 5(a), certain clauses are there. I am just reading the clause alone and the rules made there under:

"With respect to any of the matters specified in clauses (b), (c), (e), (f), (g), (h) and (m) of sub-section (2) of the sub-section (5). "

That means, all the sub-clauses will be covered for this particular punishment. This is not going to be only for shipment. It is going to be for even aircraft carrier, manufacturing, aircraft inspection, conditions of the aircraft and also air routes operation, manufacture and repairs and maintenance of the aircraft. Everything will be covered.

For, this particular amendment then it is not going to be confined to the purpose of national "Known Shippers" scheme. It is going to cover the entire clause read with 5(a). That is the amendment which is brought out now. Therefore, the entire thing, punishment will also be covered and the fine also will be covered. Whether that is the intention of the Government has to be made clear in the Statement of Objects and Reasons. Otherwise, it may have to meet the consequences before a court. That is my submission.

नागर विमानन मंत्रालय में राज्य मंत्री : अध्यक्ष जी, सबसे पहले मैं उन सभी माननीय सदस्यों का आभार व्यक्त करते हुए धन्यवाद देना चाहता हूँ जिन्होंने इस चर्चा में भाग लिया। उन्होंने इस चर्चा में भाग लेकर न सिर्फ इस विधेयक का समर्थन किया है, बल्कि सिविल एविएशन में जो कुछ त्रुटियाँ हैं उनकी भी जानकारी हमें दी है। इस समय मैं इतना ही कह सकता हूँ कि मैं अपनी तरफ से सिविल एविएशन और हमारा बाकी जो भी अमला है, उन सबके सहयोग से इन त्रुटियों को दूर करने एवं व्यवस्था को ठीक करने की कोशिश करूँगा।

अध्यक्ष महोदय, इस विधेयक पर चर्चा के समय विशेष रूप से दो-तीन मुद्दे उठाए गए हैं। उन मुद्दों में सबसे पहला मुद्दा नोन-शिप्स के बारे में है कि ये कौन होंगे, इन्हें

कौन डिसाइड करेगा। मैं बताना चाहता हूँ कि जिस तरह से आज हमने ओपन स्काई पालिसी शुरू की है, प्राइवेटाइजेशन चल रहा है, नई-नई एयरलाइन्स को हम मैदान में ला रहे हैं, उसका तात्पर्य कदापि यह नहीं होना चाहिए कि हमारा उनके ऊपर कोई कंट्रोल नहीं होगा। मैं बताना चाहता हूँ कि हमारा डी.जी.सी.ए. इन सबको कंट्रोल करता है। कोई भी एयर लाइन यहां आकर अपना जहाज चलाना शुरू कर देगी, ऐसा संभव नहीं है। उनको बकायदा रजिस्ट्रेशन कराना पड़ता है और परमीशन लेनी पड़ती है। डी.जी.सी.ए. इस बात को देखता है कि वह एयर लाइन इस योग्य है कि नहीं। जब संतुष्टि हो जाती है, तब उसे जहाज उड़ाने की परमीशन दी जाती है।

अध्यक्ष महोदय, इसी प्रकार से सिक्योरिटी के बारे में है। ब्यूरो ऑफ सिविल एविएशन इन सबको कंट्रोल करता है। इस बारे में मैं इतना ही निवेदन करना चाहता हूँ कि नोन-शिपर्स की बात कही गई है, उनको बकायदा हमारे सिविल एविएशन से परमीशन लेनी पड़ेगी। हम डिसाइड करेंगे कि वह व्यक्ति इस योग्य है कि नहीं। उसे हमारी बी.सी.ए. एप्रूव करती है।

BCAS will approve the appointment of "Known Shippers" only to those who fulfil the basic requirements, manpower training, proper premises and equipment and security."

जब तक हमें इन सब के ऊपर विश्वास नहीं होगा, तब तक हम किसी तरह से किसी भी व्यक्ति को नोन-शिपर्स के रूप में रिकग्नाइज नहीं करेंगे। इतना मैं आपको यकीन दिलाता हूँ।

दूसरी बात कही गई है कि नोन-शिपर्स वर्ड ठीक नहीं है। (व्यवधान)

Under the provisions, "Known Shippers" term is replaced by the term "Regulated Agents". We have used this term of 'Regulated Agents' in the notification. He will be regulated by the BCAS to confirm to the security norms." जब तक सिक्योरिटी के नॉर्स के मुताबिक नहीं होगा, तब तक उनको एलाऊ नहीं करेंगे। ... (Interruptions)

SHRI PAWAN KUMAR BANSAL : The Statement of Objects and Reasons talks of the term "Known Shippers", a term, which admittedly is not defined anywhere in the main Act. Now, the hon. Minister tells us here that in the notification, they are replacing it with the word "Regulatory Agents". How does it match? ... (Interruptions)

श्री चमन लाल गुप्ता : अध्यक्ष जी, नोटिफिकेशन में बकायदा नोन-शिपर्स के आगे ब्रैकेट में रेगुलेटरी एजेंट्स जगह लिखा हुआ है। (व्यवधान)

श्री प्रियरंजन दासमुंशी : कानून के अंदर भी तो होना चाहिए। कानून के अंदर कहीं नहीं लिखा है। (व्यवधान)

SHRI SAMIK LAHIRI : Sir, I want to make one point here. If you go to paragraph three in the Statement of Objects and Reasons, it is categorically stated that the implementation of the scheme will be subject to satisfactory observance of security norms by the "Known Shippers". In order to enforce the scheme, it means it has a scheme.

Here it is 'Known Shipper' scheme and in the Notification it is something different.... (Interruptions)

SHRI PAWAN KUMAR BANSAL : Sir, how can the Government of India function in this casual manner?

SHRI SAMIK LAHIRI : The Minister has referred to the Notification... (Interruptions)

श्री राजीव प्रताप रूडी : नोटिफिकेशन तो अभी आया नहीं है। (व्यवधान)

MR. SPEAKER: Let him reply, please.

... (Interruptions)

PROF. CHAMAN LAL GUPTA: Sir, 'Known Shipper' is a popularly understood term, whereas 'Regulated Agent' is a legal term... (Interruptions)

SHRI SAMIK LAHIRI : How can this be defined in the statement? What is this? ... (Interruptions) According to the rules, this Bill is incomplete... (Interruptions) Sir, the Law Minister is here. Let him explain to the House.

SHRI PAWAN KUMAR BANSAL : Why explain? He need not explain; they should put it in black and white.... (Interruptions)

MR. SPEAKER: Shri Dasmunsi, the Law Minister will clarify the position.

SHRI PAWAN KUMAR BANSAL : Sir, you should ask the Minister to come with the corrected vision. Otherwise it will be an anomaly... (Interruptions)

MR. SPEAKER: How can all the Members speak at a time? The Law Minister is verifying it. Please try to understand.

...(Interruptions)

SHRI PAWAN KUMAR BANSAL : Sir, verification by the Law Minister will not be enough; it has to be in black and white.

SHRI SAMIK LAHIRI : Sir, it is better for him to go back and come with a proper thing. Is it the way of bringing a Bill to the House? They are not giving proper importance to the Parliament. All these incomplete legislative business they are bringing on the floor of the House...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, they should take it back, consult the Law Ministry, correct it and then come back to the House. We are here to support them....(Interruptions)

MR. SPEAKER: Shri Dasmunsi, let the Minister answer what he has to say.

...(Interruptions)

SHRI PAWAN KUMAR BANSAL : Sir, this is a very casual approach towards a legislation...(Interruptions)

MR. SPEAKER: Mr. Minister, the Members have raised some important issues.

...(Interruptions)

MR. SPEAKER: Let us hear what the Minister's reply is.

SHRI PRIYA RANJAN DASMUNSI : Sir, you yourself have been in legal profession. No law can be passed by this House where this statutory provision is absent. Here it is absent in the statute. You say 'इसको माना जाता है। 'माना जाता' is different and statute is different. Better they should get it examined by the Law ministry.

SHRI RASHID ALVI (AMROHA): This is very unfortunate, Sir....(Interruptions)

श्री पवन कुमार बंसल : अध्यक्ष महोदय, मैं अदब के साथ यही कहना चाहता हूँ कि आज इस बिल पर आगे बहस नहीं होनी चाहिए। (व्यवधान)

SHRI RAMESH CHENNITHALA : Sir, please direct the Government to go back and come to the House with the correct thing....(Interruptions)

DR. BIKRAM SARKAR (PANSKURA): Sir, it appears that there is some deficiency in it and it needs some clarification. For that purpose, I would suggest that they should go back and come prepared with this. That is number one....(Interruptions)

प्रो. चमन लाल गुप्त : यह क्या बात है ? (व्यवधान)

SHRI PRIYA RANJAN DASMUNSI : Sir, he has been a Joint Secretary in the Ministry of Home Affairs. He was a competent senior civil servant. His advice should be honoured.

MR. SPEAKER: Let us hear what the Minister says.

SHRI PRIYA RANJAN DASMUNSI : Sir, Shri Sarkar was one of the senior civil servants. He knows the nitty-gritty of...(Interruptions)

MR. SPEAKER: Shri Bansal, you have expressed an important point. So, now please hear what the Minister says.

DR. BIKRAM SARKAR (PANSKURA): Secondly, Sir...(Interruptions)

MR. SPEAKER: What is this? Everybody wants to raise a point.

...(Interruptions)

श्री प्रमोद महाजन : अध्यक्ष महोदय, मेरा कहना है कि अगर कुछ गलती हो, तो कम से कम मिनिस्टर साहब जो कुछ कहना चाहते हैं, वह तो आप शांति से सुन लीजिए। (व्यवधान)

If you do not agree we can think about it as to what you could do. We are not going to pass a faulty legislation. But let us listen to him first. ...(Interruptions)

प्रो. चमन लाल गुप्त : जहाँ तक एक्ट का सवाल है, उसमें हम सिर्फ पैनल्टी ऐनहांस कर रहे हैं। नोन शिप्स या रैगुलेटेड एजेंट जो शब्द यूज़ हो रहे हैं, जिस व्यक्ति को हम काम करने के लिए देंगे, ये उनके लिए हैं। मैंने पहले ही कहा है कि रैगुलेटेड एजेंट is the legal term, "Known Shippers" is a

popular word. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : How can you decide it? It is not the fact. ...(*Interruptions*)

SHRI PAWAN KUMAR BANSAL : This is not correct. ...(*Interruptions*)

SHRI RUPCHAND PAL (HOOGLY): Sir, let them verify and come back before this House. ...(*Interruptions*)

SHRI PRAMOD MAHAJAN: Sir, please permit the Minister to complete.

MR. SPEAKER: I request the hon. Members to let the hon. Minister complete his reply. We are not going to pass the Bill hurriedly.

...(*Interruptions*)

SHRI RAJIV PRATAP RUDY : What is the amendment? What are they looking at the moment? The amendment says ... (*Interruptions*)

SHRI PAWAN KUMAR BANSAL : "Known Shippers" is different.

SHRI RAJIV PRATAP RUDY : The word "Known Shippers" is not in the amendment. ...(*Interruptions*) The amendment only says that the words "with fine which may extend to one thousand rupees" are being substituted with "with fine which may extend to ten lakh rupees". Where is the word "Known Shippers" mentioned? ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Sir, they should come with a proper legislation. ...(*Interruptions*)

MR. SPEAKER: The hon. Minister of Law and Justice is replying. Let us hear as to what he is saying.

...(*Interruptions*)

MR. SPEAKER: He is the Law Minister. Please hear him.

डॉ. रघुवंश प्रसाद सिंह : उसमें नोन शिपर लिखा हुआ है। (व्यवधान)

श्री राशिद अल्वी : ये कानून पास करने में इतनी जल्दी क्यों कर रहे हैं। (व्यवधान)

MR. SPEAKER : Always this is the problem in the House. We are not hearing others.

... (*Interruptions*)

MR. SPEAKER: Please allow the Law Minister to give his reply.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SHIPPING (SHRI ARUN JAITLEY): Sir, this Bill ensures an amendment to the Aircraft Act of 1934. Under the scheme of the Aircraft Act, there are several subjects which are defined under Section 5 for which Government has a power to make rules. In fact, there are about 25 to 30 subjects under which the Government can make the rules. The Act is controlled by the subordinate legislation. That is the power to make rule. Under Section 5-A the Government will issue directions and every person to whom the direction applies has to comply with the directions.

Under the original Act, what is the penalty for failure to comply with the directions under Section 5-A? The original penalty is that you can be sentenced upto six months and a fine upto Rs. 1,000 ...(*Interruptions*) अगर आपको कोई आदेश दिया जाता है, उस आदेश का आप उल्लंघन करते हैं तो छः महीने तक सजा हो सकती है, एक हजार रुपये फाइन हो सकता है। अब क्योंकि विभाग ने अपनी पॉलिसी लिबरलाइज़ की है और जिनको जनरल भाग में नोन शिपर जानते हैं, जो आइडैन्टीफाइड या लाइसेंस लोग हैं, उनको आप अधिक अधिकार दे रहे हैं, उनमें से कोई अधिकार का दुरुपयोग करता है If he misuses that power because you are being more liberal in enabling him without compromising security in order to see that the cargo is not there at the airport for long durations of time, therefore, to make sure you are enhancing the penalty the only amendment which is being brought here is(*Interruptions*)

SHRI PAWAN KUMAR BANSAL : Please read the Statement of Objects and Reasons.

SHRI ARUN JAITLEY: I am just coming to that. The only amendment which is being proposed in this Act is to Section 11-A. The original Section 11-A was that the maximum penalty is six months' imprisonment with a fine of Rs.1,000. The only amendment being brought today is that it is six months' imprisonment with a fine of Rs.1,000. The only amendment being brought today is that it is six months' imprisonment with a fine of Rs.1,000. ...(*Interruptions*)

SHRI PAWAN KUMAR BANSAL : Our objection is different.

SHRI ARUN JAITLEY: Shri Bansal, please allow me to complete. I am coming to your objection. Your objection has nothing to do with the amendment to the primary legislation. The primary legislation is that in addition to six months imprisonment, instead of Rs.1,000 fine now there can be a fine of Rs. ten lakh if you violate any of the directives. That is the only amendment. Now the question is about the words. The objection is for using the words "Known Shippers". ...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL : You have appended to the Bill something called Statement of Objects and Reasons. There are certain things mentioned there. Where did these find mention in the body of the Bill? ...*(Interruptions)*

SHRI ARUN JAITLEY: This is not the amendment.

SHRI PAWAN KUMAR BANSAL : Why not?

SHRI RAJIV PRATAP RUDY : This is not the amendment. ...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL : Why did you put it in the Statement of Objects and Reasons?

SHRI ARUN JAITLEY: Sir, since a doubt has arisen and it has been legitimately raised by hon. Member Shri Pawan Kumar Bansal, please see what para 2 of the Statement of the Objects and Reasons says. It said :

"It has been felt over a period of time that the above procedure is tedious and has been hindering the speedy movement of air cargo. With a view to remedying the situation, the Government of India has decided to introduce the scheme called the "Known Shippers" under which the prescribed security measures could be adopted by the identified "Known Shippers"â€ "

...*(Interruptions)*

Now, 'known shippers' is a phrase which is used in this Act. These known shippers are the persons who will be identified and who will be permitted ...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : Where is this in the Act? ...*(Interruptions)*

SHRI ARUN JAITLEY: Kindly see. This says that the Government of India is planning to introduce a scheme. So, the scheme is not there in the Act. As mentioned in the Act, the scheme will not be stated in the Act. But in pursuance of section 5A when the Government of India issues directions, the scheme will be pursuant to section 5A. The scheme will not be a primary legislation; the scheme will be a subordinate legislation. ...*(Interruptions)*

SHRI RAMESH CHENNITHALA : No. ...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL : Sir, he is putting the cart before the horse. ...*(Interruptions)*

MR. SPEAKER: Let the Minister complete.

...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : Subordinate legislation is a subordinate legislation. This does not come in the Statement of Objects and Reasons. The Statement of Objects and Reasons only mentions*(Interruptions)*

SHRI ARUN JAITLEY: Therefore, the Statement of Objects and Reasons itself says.....*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : Where is the power of section 5?

SHRI ARUN JAITLEY: The power of section 5 is in section 5. They will not find it in section 11A. ...*(Interruptions)* Therefore, kindly read the scheme of the Act. ...*(Interruptions)*

SHRI SONTOSH MOHAN DEV (SILCHAR): Sir, we want to pass this Bill. We want to support it. But we will not support it if he speaks like this. We will ask for division. He should not undermine Parliament. He is giving his interpretation. This Bill should be sent back to him and he should give his interpretation in writing and not like this, in the House. ...*(Interruptions)*

SHRI ARUN JAITLEY: If they are willing to understand the scheme, they will find that it is very easy. ...*(Interruptions)* The scheme is under this Act. We are only enhancing the penalty for violation of the directive. The directive saysâ€...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL : Another point is that it is mentioned 'in consultation with the Central Government'. Section 5A does not talk of consultation with the Central Government. ...*(Interruptions)*

MR. SPEAKER: Let the Minister complete.

...*(Interruptions)*

SHRI ARUN JAITLEY: Section 11A is being amended only to provide for enhancement of the penalty for violation of direction under section 5A. The direction under section 5A will be a direction for scheme. All these peculiarities-- whether it is the term 'known shippers' or 'regulated agents', whether they mean the same or not or what are the other rules which apply-- will be mentioned in the scheme under section 5A. ...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : It should be examined by the Law Ministry. Let the Minister come back to the House with all these clarifications. ...*(Interruptions)*

SHRI PRAMOD MAHAJAN: The Minister is saying it on the floor of the House and you are saying that it should be examined by the Law Ministry. ...*(Interruptions)*

MR. SPEAKER: Shri Bansal, if you have any doubt, you can raise it later. Let the Minister complete his reply.

...*(Interruptions)*

SHRI PRAMOD MAHAJAN: The Minister himself is here. What will the Ministry do? ...*(Interruptions)*

श्री अरुण जेटली : कोई इसको न समझने का प्रयास भी करे, तब भी यह समझ में आने वाला है, बड़ा सरल है। सेक्शन 11 (ए) में केवल पेनल्टी एनहान्स हो रही है कि कोई 5 (ए) में डायरेक्शन का उल्लंघन करता है, 5 (ए) की जब स्कीम बनेगी तो ये सारी परिभाषाएं उस स्कीम के अंदर होंगी कि नोनशिपर क्या है और रेगुलेटेड एजेंट क्या है। यह परिभाषा न पहले एक्ट में थी और न अभी है।

Under the original Act, the terms 'known shippers' or 'regulated agents' are not defined. They are to be defined in the scheme. The scheme which will follow up pursuant to the amendment, which is the object of this Bill, will be a scheme which will define all these terms.

SHRI PRIYA RANJAN DASMUNSI : The Minister has just now stated that the amendment was required because of the liberalisation. He has further said that during the course of liberalisation, the penalty should be increased to accommodate the scheme. The penalty angle is lying on the 'known shippers'. So, if the definition of the 'known shippers' is not there in the body of this statute, how can he say that it is part of a subordinate legislation? How can he say so? It is not correct.

SHRI ARUN JAITLEY: If Shri Dasmunsi sees the scheme of the Act. ...*(Interruptions)*

डा. रघुवंश प्रसाद सिंह : अध्यक्ष महोदय, केवल एक मिनट सुन लीजिए।

अध्यक्ष महोदय : पहले उनको जवाब देने दें, फिर बोलना।

श्री अरुण जेटली : इस एक्ट के तहत जो प्रावधान है, उसकी स्कीम है। स्कीम स्ट है कि नियम बनेंगे, स्कीम बनेगी एक्ट के तहत।

18.00 hrs.

The Act is regulated by that scheme. Section 5 deals with the power of the Government to make rules. There are 25 clauses; there are 25 categories of rules which can be made. These rules will be subordinate legislation. Section 5A refers to the power to issue directions pursuant to Section 5. Those directions are already a subordinate legislation. That is the very scheme of the Act, and these definitions in that subordinate legislation will be very clear. This has never been defined in the Act. It is a 1934 Act. There is no question of them being put into the Act because the scheme is going to come under the Act. ...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL : All that we are saying is to put it into the Act.

SHRI ARUN JAITLEY: Where is the necessity?

SHRI PAWAN KUMAR BANSAL : Sir, please see the way they are doing it. ...*(Interruptions)*

SHRI PRAMOD MAHAJAN : The Government is convinced that we are not committing any mistake. The Law Minister has given his opinion. Now, let us go for a vote. ...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : Sir, this is not the way and we take objection to it. ...*(Interruptions)*

MR. SPEAKER: Shri Bansal, what is your submission?

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, we leave it to your wisdom.

SHRI PAWAN KUMAR BANSAL : Sir, I am sorry to say that the hon. Minister of Parliamentary Affairs is scuttling the debate, and in a very arrogant manner ...(Interruptions)

SHRI PRAMOD MAHAJAN: I am not scuttling the debate. ...(Interruptions)

SHRI RAMESH CHENNITHALA : This is not the way.

SHRI PAWAN KUMAR BANSAL : This is not way to say it.

MR. SPEAKER: Shri Bansal, what is your submission?

SHRI PAWAN KUMAR BANSAL : Sir, this may be put to vote,only after we make our point.

Section 5 of the main Act which gives power to the Government to frame rules does not talk of the scheme which the hon. Minister is talking of because in the Statement of Objects and Reasons, they specifically talk of a term which till this date does not exist in the Act, in the regulations, in the rules or in any of the instructions. Therefore, if they have chosen to use that term in this Statement of Objects and Reasons, it was imperative for them to first define this term and incorporate it in the Act itself. Admittedly that has not been done.

Sir, if we come to Section 5A which the hon. Minister is talking of, in the

Statement of Objects and Reasons, they are saying that a notification will be issued by the Commissioner of Safety (Civil Aviation) under Section 5A of the Aircraft Act, in consultation with the Government of India. Now, they are arrogating another right to themselves. Section 5A does not talk of any consultation with the Government of India. This is how they are arrogating the powers to themselves. They may be talking of delegating powers to the authorities for proper functioning of the various institutions, but their action is quite contrary to this. Let them withdraw the Statement of Objects and Reasons, we will pass the Bill as such. ...(Interruptions)

SHRI RAMESH CHENNITHALA : It covers entire Section 5.

SHRI PAWAN KUMAR BANSAL : Sir, see the way the Parliament is being treated. This Bill must not have come to the hon. Minister of Law and Justice earlier for vetting.

डॉ. रघुवंश प्रसाद सिंह : अध्यक्ष जी, हम सभी जानते हैं कि ऑब्जेक्ट्स एंड रीजन्स बिल का एक पार्ट होता है लेकिन इस बिल में ऑब्जेक्ट्स एंड रीजन्स में स्ट्रैन्ज वर्ड है। नोन-शिप्स जो ओरिजिनल बिल में अथवा अभी अमेंडमेंट वाले बिल में कहीं भी मंशन नहीं है, यह आश्चर्य है कि इस तरह का बिल कैसे पारित होगा जिसमें स्ट्रैन्ज वर्ड का इस्तेमाल किया गया और सारे सदस्यों ने उस पर संदेह व्यक्त किया कि नोन-शिप्स क्या है। जो अननोन है, वही ऑब्जेक्ट्स एंड रीजन्स में नोन-शिप्स उसको लिख दिया, जिसकी डैफिनिशन कहीं नहीं है। इस तरह के किसी भी शब्द की बिल में डैफिनिशन होनी चाहिए तब वह बिल कम्पलीट होता है। इसलिए कानून मंत्री जी बरगलाने की कोशिश नहीं करें। यह त्रुटि है। इसे संशोधित करके विधेयक लाया जाये और तब इसको पारित किया जाये। यह त्रुटिपूर्ण विधेयक पारित नहीं होना चाहिए।

SHRI PRIYA RANJAN DASMUNSI : We have no quarrel with the Government on the Bill. What we submit through you is let the Ministry re-examine the whole text, let them come with an appropriate clarification and place it before the House.

SHRI ARUN JAITLEY: There is nothing wrong with it. This scheme will be issued pursuant to Section 5A. The details will be in the scheme. In fact, I have the copy of the draft scheme also in front of me.

SHRI E.M. SUDARSANA NATCHIAPPAN : Sir, I have one submission on the amendment of this particular Bill. If this Bill is made into an Act, will it not cover the entire Section 5?

SHRI ARUN JAITLEY: Yes, it will.

SHRI E.M. SUDARSANA NATCHIAPPAN : That means, you are getting the power for punishing people who have committed crimes under eight other categories, which has not been mentioned in the Statement of Objects and Reasons in the Bill.

That is what my submission is...(Interruptions)

SHRI PAWAN KUMAR BANSAL : The aims and objects does not talk of it...(Interruptions)

SHRI E.M. SUDARSANA NATCHIAPPAN : The aims and objects of the Bill say that you are having the powers to punish one person...(Interruptions) But by passing this Bill you would be getting the powers to punish six to eight other persons...(Interruptions)

SHRI ARUN JAITLEY: Yes. That is correct...(Interruptions)

SHRI E.M. SUDARSANA NATCHIAPPAN : How could you get the powers without telling us your aim?...(Interruptions)

SHRI ARUN JAITLEY: It is because you anticipate a particular ...(Interruptions)

SHRI RAMESH CHENNITHALA : How can you do that without telling the House ...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, it is against the tenets of democracy ...(Interruptions)

MR. SPEAKER: You are not even allowing the hon. Law Minister to explain the thing? What is this?

...(Interruptions)

SHRI ARUN JAITLEY: Sir, the immediate reason is that we are bringing a scheme for 'known shipper' because there may be possible violations. As a deterrent we are increasing the penalties and these penalties will apply to all violations under Section 5(A). I do not see why any Member of this House must have any sympathy for the violators and say that give them lesser penalty...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, he cannot make such sweeping remarks...(Interruptions) The Minister must withdraw his remarks...(Interruptions) He cannot cast aspersions like this...(Interruptions) Sir, you are in the Chair and you have heard what he has said...(Interruptions) How can he cast aspersions on the Members of this House?...(Interruptions)

MR. SPEAKER: Shri Dasmunsi, I have called the Minister for Parliamentary Affairs.

...(Interruptions)

SHRI RAMESH CHENNITHALA : Sir, he should withdraw his words...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, would you tolerate such words?...(Interruptions) Sir, please expunge those words...(Interruptions)

SHRI PAWAN KUMAR BANSAL : Sir, for their failings, they are casting aspersions on us...(Interruptions) It is their incompetence...(Interruptions) The Government has failed...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : What does the hon. Minister mean by that?

MR. SPEAKER: He has not mentioned anybody's name. He has said it generally without taking anybody's name.

...(Interruptions)

SHRI PAWAN KUMAR BANSAL : Sir, please go through the records to see as to what words he has said...(Interruptions)

MR. SPEAKER: I will go through the records.

SHRI PRAMOD MAHAJAN: Sir, we have discussed this Bill for about two hours. A few hon. Members have raised objections. The hon. Law Minister has put up the view point of the Government. The Bill has been duly passed by the Cabinet after consultation with the Ministry of Law.

SHRI PAWAN KUMAR BANSAL : It is always done like that.

SHRI PRAMOD MAHAJAN: If it is always done like that, then why do you want to send it back?...(Interruptions)
आपको कुछ कहना है, तो कह लीजिए। मैं जरा जोर से कहूंगा, तो एरोमेंट कह कर नाराज हो जायेंगे।

Sir, the Bill has come to the Parliament after passing through the due stages, as is being said by the hon. Members, Shri Bansal. Now we have discussed it. We have a point of dispute where the hon. Members of the Opposition

think that some schemes are not right. Now, here, there is no way out.

Sir, I really do not understand one thing. The Ministry of Civil Aviation and the Ministry of Law think that this legislation is right. In a democratic system we try to discuss an issue once, twice and thrice and argue our points with each other. Now, sending this Bill back to the Ministry of Law seems to me redundant. It is because the Law Minister himself is present here on the floor of the House and is saying with full responsibility that this Bill has been rightly drafted and we have not committed any mistake in it.

Sir, under the circumstances I leave it to you to take a decision. Tomorrow or the day after the arguments would not change...*(Interruptions)* If somebody is not satisfied, if they do not agree, be it from the Opposition or from the Ruling Party, then what is the way out? The normal way out has to be found for this Bill and it should be voted.

SHRI PAWAN KUMAR BANSAL : Sir, all that we were trying to submit to this august House is that the aims and objects which always accompany a piece of legislation – which is brought to the House, of course, after consultation in the Ministry and at various other levels – are in consonance with the body of the Bill. In this case we find a discrepancy between the two. What is appended as the Statement of Objects and Reasons in the Bill does not match with the provisions of the Bill. We are being repeatedly told that this Bill has a limited purpose. We know that this Bill has a limited purpose. What we are trying to submit is that once it has been appended to the Objects and Reasons of the Bill, then let it be incorporated...*(Interruptions)*

MR. SPEAKER: Shri Bansal, are these Objects and Reasons part of the Bill?

SHRI PAWAN KUMAR BANSAL : Sir, this is not a part of the Bill in the sense that it does not form part of the Act when it is passed.

MR. SPEAKER: It does not form part of the Bill when passed.

SHRI PAWAN KUMAR BANSAL : Sir, kindly give me the concession to say that I do understand what aims and objects are about.

What is mentioned in the Statement of Objects and Reasons is not in consonance with the body of the Bill. This is not how any piece of legislation should be brought before Parliament. We are not disputing the right of the Government to bring about such changes. The definition of the phrase 'known shippers' could have been introduced in the Bill. That is precisely what we want.

SHRI PRIYA RANJAN DASMUNSI : Widest powers to penalise and punish those who violate the directions have been given in this Bill in view of the liberalised economic policy. The penalty limit is high. We all support the penalty limit. But the penalty limit is targeted in the scheme of things to a 'known shipper'. The House is curious to know what exactly is the definition of 'known shipper'. If the Law Minister tries to take the plea that in the scheme of things it will come at an appropriate stage but the powers should be given now – I am not against the Law Minister or the Minister of Civil Aviation - I have to consider this an Act which will enjoy a power hidden within so that they can do whatever they like, ignoring the Parliament. It is not a transparent piece of legislation. That is our objective.

SHRI ARUN JAITLEY: May I meet the two points, Sir, before the hon. Speaker can take a view?

Shri Bansal has said that since the word used 'known shipper' is an important word, it should have been defined in the legislation. Shri Bansal is a lawyer of experience. This Act which has been in force for 68 years has only four definitions. In Section 2 there are only four definitions because definitions pursuant to Section 5 and Section 5A are all going to be in the rules, or in the schemes which are going to be under this legislation itself. Each rule is going to cover different spheres and fields. The definitions are contained in those rules. Each one of them does not come into primary legislation. In this legislation, there are only four definitions and 'known shippers' need not be defined in this legislation.

Shri Dasmunsi wanted to know what 'known shipper' – which is the object we are trying to pursue - in this Act will mean. Since he wanted to know the definition, 'known shipper' in this Act is also used as a phrase alternative to the words 'regulated agent'. In the notification which will come under Section 5A, this is clearly going to be defined. It means an agent, freight forwarder, or any other entity, which conducts business with an airline operator and provides security controls that are expected or required by the Commissioner of Security, Civil Aviation, in respect of cargo, courier, and express parcels of mail. Definitions of these phrases are going to be in the subordinate legislation, that is, directions under Section 5A. The Statement of Objects and Reasons itself mentions, as Shri Bansal has said, 'known shippers' in order to enforce a scheme when notification under Section 5A will be issued. The objects do say that there shall be a notification in which everything will be taken care of. Therefore, there is absolutely no scope for any two opinions on the subject.

SHRI PAWAN KUMAR BANSAL : Have you ever seen such a thing before? (व्यवधान) आप जो इस वक्त यहां हाउस में इस तरह के अब्जेक्ट्स एंड रीजुस ला रहे हैं, क्या आपने कभी पहले ऐसा देखा है? (व्यवधान)

SHRI HANNAN MOLLAH (ULUBERIA): Sir the time of the House has to be extended.

MR. SPEAKER: The time is extended till the end of this subject.

श्री राशिद अलवी : महोदय, मैं बहुत अद्बसे कहना चाहता हूँ, सारा सदन इस बात के लिए तैयार है, आप जो कानून पास करना चाहते हैं, उसके लिए सब तैयार हैं, लेकिन अपोजिशन चाहता है कि आप नोन शिप्स को डिफाइन कर दें, (व्यवधान)

अध्यक्ष महोदय : अभी लॉ मिनिस्टर ने एक्सप्लेन किया है।

श्री राशिद अलवी : अगर आपका र्वैया इस तरीके से डिक्टेटरशिप का होगा तो यह मुनासिब नहीं होगा, इसके अंदर कोई जल्दी करने की जरूरत नहीं है। यह कानून ऐसा नहीं है कि आज ही इसे पास करना जरूरी है।

SHRI SONTOSH MOHAN DEV : Sir, there must be a compromise.

...(Interruptions)

SHRI P.H. PANDIYAN (TIRUNELVELI): Sir, I am only on a point of law.

Section 75 of the Indian Penal Code talks about the recidivism. Nowhere in the IPC, there is any reference of "known dacoit". So, that way, there need not be "known shipper" in the primary legislation legally. In primary legislation it will not be there. Only in the Police Act or Police Standing Order, they say "known dacoit". But IPC specifically says that Section 75 is an act of the residivism.

So, that way, "known shipper" need not be there in the primary legislation. That is why I support the legislation on this point.

MR. SPEAKER: Mr. Minister, have you completed your reply?

PROF. CHAMAN LAL GUPTA: Yes, Sir.

MR. SPEAKER: The question is:

"That the Bill further to amend the Aircraft Act, 1934, be taken into consideration."

The motion was adopted.

MR. SPEAKER: The House shall now take up clause-by-clause consideration of the Bill.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

PROF. CHAMAN LAL GUPTA: Sir, I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

18.16 hrs.

MR. SPEAKER: Shall we take up the next item – Companies (Second Amendment) Bill, 1999?

SHRI PRIYA RANJAN DASMUNSI : No, Sir.

Mr. Speaker, Sir, through you, I want to convey to the hon. Minister of Parliamentary Affairs that let the Companies (Second) Amendment Bill, 1999 be taken up on Monday. We will finish this Bill on Monday.

MR. SPEAKER: Do you not want it to be taken up today?

SHRI PRIYA RANJAN DASMUNSI : No, Sir.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Sir, I agree if they do not want it to be taken up today, all right, we will not take it up today. But at the same time, tomorrow is not a holiday.

SHRI PRIYA RANJAN DASMUNSI : Hon. Speaker, Sir, it is my request to you that you please fix it to be taken up on Monday. For four hours, we will have a debate on this Bill and pass it on Monday itself.

श्री प्रमोद महाजन : दादा, कल क्या करेंगे?

श्री प्रियरंजन दासमुंशी : कल आपको चार घंटे का समय नहीं मिलेगा।

SHRI PRAMOD MAHAJAN: At least listen to me what I am saying.

Sir, tomorrow, when we re-assemble after lunch recess till the Private Members' Business which is taken up at 3.30 pm, we still have one and a half hours. What will we do? I cannot make a recess for three hours in the afternoon. If I find out some small Bill, I will do it but if I do not find out any Bill, I have to put up this Bill for tomorrow...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Mr. Speaker, Sir, you took the decision in the BAC that a major Bill should be concluded the same day, and this is a major Bill. We cannot finish it tomorrow because we do not have four hours tomorrow. So, it is our suggestion that tomorrow we could take up some Calling Attention or some small Bill like Juvenile Bill in that one and a half hours.

Please accept the request of the Opposition, Sir. Kindly list this Companies (Second Amendment) Bill, 1999 for Monday. We will conclude it on Monday itself.

MR. SPEAKER: The House stands adjourned till 11.00 a.m. tomorrow.

1818 hours

*The Lok Sabha then adjourned till Eleven of the Clock
on Friday, November 24, 2000/Agrahayana 3, 1922 (Saka)*
