

*Trusts (Admt.) Bill*

the villages of Sonapat District, whose crops have been destroyed due to the hail-storm. Labourers in these villages dependent on cultivation for their livelihood should also be given financial assistance so that they could sustain themselves.

[English]

- (v) Need to look into the non-payment of minimum wages to the labourers in Uttar Pradesh, particularly in Mirzapur District

SHRI RAM PYARE PANIKA (Robertganj) : It is of great concern that in spite of the direct responsibility of the Central Government, minimum wages are not being paid to the labourers in Uttar Pradesh particularly in Mirzapur district. It is surprising that even the women workers are not getting wages as are being paid to the male workers and they are thus being discriminated resulting in great discontentment among the rural workers.

I, therefore, request the Minister of Labour to ensure that minimum wages are paid to the workers including women workers.

- (vi) Need to see-up Divisional Railway Headquarters at Badarpur junction.

SHRI SUDARSAN DAS (Karimganj) : To cater to the growing demands from different parts of the North-Eastern region, Ministry of Railways has linked up Tripura, Manipur and Mizoram on the rail line and incidentally all these railway connections would be centering Badarpur Junction of the N.F. Railway, with a view to decentralise, the Railway Administrative Head Quarters for effective operation. The Badarpur Junction be transformed into a Divisional Headquarters. At present this section is under the jurisdiction of Lumding N.F. Railway Division.

The distance between Badarpur and Lumding is 165 Km. and it takes even for a fast running express train 11 hours' time.

The current Railway Budget has brought up the issue of extension of Railways in these bordering States by

1990. It would be prudent for the Union Government to make necessary survey to ensure the feasibility of transforming the Badarpur Junction to a full-fledged Divisional Headquarter.

- (vii) Need to consider opening of another electrification office in the South

SHRI GOPAL KRISHNA THOTA (Kakinada) : The announcement of the Railway Minister that all railway lines will be electrified has been welcomed by all. With the work of electrification of the track, it is feared that the Headquarters located at Allahabad may not be convenient for electrification work in south and central India. The tenders for the stores and equipment required for electrification may not be given to the parties of south and central India as it may not be convenient to them to come to Allahabad time and again. I, therefore, urge upon the Ministry of Railways to consider opening of another office for electrification of the track in the south.

12.19 hrs.

STATUTORY RESOLUTION RE :  
 DISAPPROVAL OF MAJOR PORT  
 TRUSTS (AMENDMENT)  
 ORDINANCE, 1988

AND

MAJOR PORT TRUSTS  
 (AMENDMENT) BILL

[English]

MR. DEPUTY SPEAKER : Now, we will take up items 11 and 12 together. Prof. Soz is not here. Shri Janga Reddy.

SHRI C. JANGA REDDY (Hassan-konda) : I beg to move ;

"That this House disapproves of the Major Port Trusts (Amendment) Ordinance, 1988 (Ordinance No. 1 of 1988) promulgated by the President on the 28th January, 1988."

[Shri C. Janga Reddy]

[*Translation*]

Mr. Deputy-Speaker Sir, I have to bring a Resolution of Disapproval before you time and again. I want to know as to why the Government brings out so many ordinances? We met here in the Session just concluded in December and were likely to meet again in February itself for the next session. What then happened during the intervening period of 60 days that the Government had to issue the ordinance? Are they not ridiculing the office of the President and misusing the wide powers they enjoy? This is the reason why we want to disapprove this Bill. There was no extra ordinary situation warranting the promulgation of the ordinance. The Government has denigrated this august House with its action. I have spoken on this a number of times. I fail to understand as to why you do not take it seriously. The Ordinance was promulgated on 28th of January. Heavens would not have fallen in 22 to 24 days. I shall say that the Government's action is an affront to Parliament. It pains me to see the Government's attitude. This is the reason why I want to register my strong protest.

The Government must have a close look at the state of the ports in Andhra Pradesh. Vishakhapatnam is a major port of Andhra Pradesh. Steel and other industries are situated at Vishakhapatnam. That area has not developed as much as it should have. What are the reasons behind it? After the Telugu Desam came to power in Andhra Pradesh the Central Government showed reluctance in sanctioning funds to Andhra Pradesh. This is what the people of Andhra also think. Similarly, the Government is ignoring the ports of Bemunipatnam and Machilipatnam. Visakhapatnam is an international port. Sugar imports are routed only through this port. But the port facilities are not up to the mark. Sugar consignments remain lying at the port for months together. Therefore, the Centre should allocate more funds for the development of the port. Besides this, employees of the port also indulge in corrupt practices now and then. I want to emphasize that it is very important to develop the ports of Bemunipatnam, Visakhapatnam, Kakinada and

Machilipatnam. This goal can be achieved only when the Central Government allocates more funds for it. It is well-known that carriage of goods by sea is quite inexpensive. So, the Government must develop these 4 ports by allocating more funds to Andhra Pradesh. The Andhra Pradesh Government is making efforts to introduce carrier services in the Buckingham Canal in Madras. This makes it all the more important for the Andhra Government to expect allocation of more funds from the Centre.

I am opposing this Ordinance because this should not have been brought out like this. With these words, I end my speech.

THE MINISTER OF STATE OF THE  
MINISTRY OF SURFACE TRANSPORT  
(SHRI RAJESH PILOT): I beg to  
move :

“That the Bill further to amend the Major Port Trusts Act, 1963, as passed by Rajya Sabha, be taken into consideration.”

Sir, with your permission, I would like to say a few words while moving the Major Port Trust (Amendment) Bill, 1988 for consideration and passing of the same. This Bill seeks to amend Section 88 of the Major Port Trusts Act, 1963 dealing with the surplus funds of a major port.

The concept of pooling of resources of all ports for port development is a part of the accepted national policy. In the approach paper to the Seventh five year Plan 1985-90 which embodies the broad development objectives and strategy and which was approved by the National Development Council and also presented to Parliament, the national policy regarding pooling of resources of ports has been outlined as follows—I quote :

“In the development of ports, the emphasis will be on modernisation of handling systems and provision for handling fast developing container traffic. Mismatching between port infrastructure and shipping technology will have to be avoided. Intermediate and minor ports should be developed as an integral part of the

overall port system in order to increase the port capacity in the country and to help in the acceleration of regional development. The resources of all ports should be pooled for the optimum development of the port sector."

An extract from the plan document—VII Five Year Plan 1985-90 read as follows—I quote :

"B. 123—Appropriate financial measures will be taken to improve the viability of the ports. These include pooling of resources of Major Ports for optimum development of port sector, rationalisation of port tariff structure to reduce wide inter-port differentials, documentation system and uniform procedure for auction/sale of import cargo as well as uncleared cargo. Due to acute constraint of budgetary resources non-conventional source for port development will also be considered."

All the ports are not equally placed, so far as generation of surplus funds is concerned. It has, therefore, become a matter of necessity, the Central Government being in charge of all the major ports, should have the authority to pool the resources of all the major ports and deploy surplus funds in the development of major ports all over India. In order to give effect to this policy, it is necessary to amend suitably Section 88 of the Major Port Trusts Act, 1963 so as to provide that surplus funds standing at the credit of the port can be deployed, subject to the general or special directions of the Central Government which may be given for the purpose of maintenance of development of major ports in the country, or generally for the development of shipping and navigation. It is also necessary to provide that a major port having surplus funds can also give loan to another port for its development. As it was urgently necessary to deploy some funds to the Board of a major port under construction, an Ordinance was promulgated by the President on 28th January, 1988 to amend the Major Port Trusts Act, 1963 and for certain other consequential amendments. This Bill seeks to replace the aforesaid Ordinance. The Bill has been

passed by the Rajya Sabha on the 9th March 1988.

In the circumstances, I now beg to move :

"That the Bill further to amend the Major Port Trusts Act, 1963, as passed by Rajya Sabha, be taken into consideration."

MR. DEPUTY SPEAKER : Motions moved :

"That this House disapproves of the Major Port Trusts (Amendment) Ordinance, 1988 (Ordinance No. 1 of 1988) promulgated by the President on the 28th January, 1988."

"That the Bill further to amend the Major Port Trusts, Act, 1963, as passed by Rajya Sabha, be taken into consideration."

Now Mr. B.B. Ramaiah.

(Interruptions)

PROF. N. G. RANGA (Guntur) : Sir, I thought that the Minister was going to make a statement on the bus strike that is going on. Let him take an early opportunity to enlighten the House as to what the Government is doing, in dealing with this strike in the Delhi bus service.

[Translation]

SHRI HARISH RAWAT (Almora) : As a result of non-plying of D.T.C. buses, commuters are being charged at the flat rate of Rs. 2 which is pinching them...

[English]

MR. DEPUTY SPEAKER : I cannot allow others. I have already called Mr. Ramaiah to speak. Now Mr. Ramaiah.

[Translation]

SHRI HARISH RAWAT : In the Rajya Sabha Members have been allowed to speak on the Minister's statement. However, in the Lok Sabha, the Members have not been given a chance to discuss the D.T.C. strike (Interruptions).

[English]

MR. DEPUTY SPEAKER : No; that is all. No; this is not correct. You are bringing in something else.

SHRI HARISH RAWAT : This matter should be discussed in the House.

MR. DEPUTY SPEAKER : Mr. Rawat, you give notice. Now, Mr. Ramaiah. (*Interruptions*)

SHRI B. B. RAMAIAH (Eluru) : Sir, About the Major Port Trusts (Amendment) Bill, what Mr. Janga Reddy said was that there was no necessity for the Government to bring this Ordinance by the end of January when Parliament session was to start within less than a month—because this is going to be such an important thing that it is going to change the whole structure.

One of the clauses in the Bill says that in Section 88 of the parent Act, sub-section (2), in clause (a), instead of the words "scheduled bank or banks" the words, 'corresponding new bank or banks' shall be substituted. I do not know why it was so important for them to go in for the ordinance.

There is one more point on which, I feel, that the way they have put it is very undesirable. The Bill says :

"Every direction issued by the Central Government under sub-section (2) shall be complied with by the Board and shall not be called in question in any court on any ground."

I do not know why you can ban courts' interference in any particular issues in which there are some more particular issues on which we can have a discussion; and they have a right to go to the courts. I don't think this is a way in which how you can be able to cut down courts' privileges to interfere in the point wherever there is a dispute.

The other important point is that they can utilise the fund for other minor ports that can be developed in this country the surplus fund can be utilised for other port development purposes. That is a good idea. But they should also provide that these surplus funds from the major ports' pool can be

utilised for the development of other minor ports. Since they are not trying to give an extra fund, in what way is it going to help us? What I feel is that government should be able to give enough funds to develop major and minors ports. We cannot depend only on the surplus funds that are available from these things. In fact, in the last session we had found that they had incurred losses of hundred of crores of rupees in the Shipping Corporation where the government had given money for shipping. The reason why this has happened is because we are not able to compete in the international market; international market is different; it may fluctuate now and then. But we can utilise this shipping which was provided by our finances towards coastal shipping. In fact, it is more expensive than either road or railway transport. So, if you can properly utilise this shipping, these ships which have been built and supplied for coastal shipping, that will help us substantially for the national saving; that would also help us in removing sickness of this industry. In fact, now, we have formed a new corporation after this has incurred so heavy losses; and they said that the ICICI has been put incharge of it. They have changed the interest rates and also the equity debt rates and they find it very difficult. In fact, they have been giving loan for the fishery, but they are also not able to do it. Fishing is one of the important aspects which has earned a lot of foreign exchange. If only these ports are improved, if shipping facilities can be encouraged and more and more ships can be built in our own shipyards, probably this would have helped more for the shipping industry and the sickness of the industry would have been avoided to the maximum extent.

Mr. Janga Reddy has said about the Vizag Port. This is one of the natural harbours where probably more economically we can deal with these things, We have to improve it more and more; more mechanisation is important. Today, cost is not only important but loading and unloading is also very important at the warehouses. So, probably, we have to concentrate more and more on this and give more thought to the Vizag Port.

Kakinada is a minor port. In 1970-71, it handled  $\frac{1}{2}$  million tonnes; today it is handling more than 2 million tonnes; and

goods worth more than Rs. 259 crores have been shipped from this port. They have not improved this port even though they have got special facilities of supplying ships; fresh water is available abundantly and also both road and railway transport without any difficulty. The most important thing is that near Kakinda Port very big industrial complex like Godavari Fertilisers, Nagarjuna Fertilizers and other industries are coming up. There is also a big pulp plant for which raw material can be imported from Andaman Port and pulp can be manufactured there. These are the various things which should be taken into consideration in order to improve shipping in order to improve our industrial development. It is not only for import purposes but also for export purposes that we have to look into this aspect.

We have other places like Ma Machilipatanam, Odarevu and other places where we can improve the shipping facilities. As I mentioned earlier, the coastal shipping should be developed more and more. As the hon. Minister is also incharge of Surface, Rail and Road Transport, he can understand the amount of economy that he can improve by improving coastal shipment and water transport. In fact, we are thinking of handling water transport. The hon. Minister was kind enough to visit Kakinada and studied all these things. I hope he will give more thought for encouraging these things and not only utilise fund available from these trusts but they should also provide more fund from the Central Government wherever it is possible to encourage these things and see that the development of this country should be improved. With these words, I Thank you for giving me an opportunity to speak on this Bill.

**SHRI SHANTARAM NAIK (Panaji) :** arise to support this vital Bill with financial implications. However, members of the Opposition Parties, specially Mr. Janga Reddy, have by a statutory resolution sought to oppose the Ordinance issued by the Government in this connection. I would say, the Government as a matter of course is not just, for the sake of issuing ordinance, issuing an ordinance. Behind every ordinance there is always some need, and if one examines carefully, we may see that there is always some sort of an exigency which every citizen has to see. I say that in case if the ordinance is absolutely not necessary, of course, you

are entitled to criticise the Government, everybody is entitled to criticise the Government. Here certain financial implications were there. Certain payments were to be made to the workers. Also, if the Ordinance was not issued in time the benefit would not have gone to those for whom it was meant. In such circumstances specially when a bill comes to replace the ordinance, to oppose the ordinance is something which is not understandable. Many a time I have seen in the last three years that whenever bills are brought to replace an ordinance which was issued earlier, hon. Members of the Opposition have always opposed and asked why the ordinance was issued, irrespective of the fact that the ordinance contains certain provisions or certain amendments which were beneficial to the country and the society at large. So, an ordinance is not anything but it is just issued temporarily in the interests of the country. No Government will issue an ordinance just for the sake of issuing if the interests of the people and the country are not served. Otherwise the people of this country are bound to oppose if an ordinance is issued without any rationale. Therefore, opposing the bill which has to replace an ordinance in this manner is something which is not understandable and it is not just.

Secondly, I would submit that the hon. Minister may just clarify on this point, that some time back we heard that some firm, U.S. or some foreign firm was interested in developing some of our major ports in case they are handed over to them under certain conditions or contract, etc. They were willing to develop them for certain purposes. Some news item appeared in certain papers. I would like him to clarify if any such proposal by any U.S. firm or other firm has been entertained. In fact, I am not opposed to developing them, but whenever such proposals do come, they have to be seen from all points of view including the point of view of security. Of course, I am a lay man in this respect, but if some firm is offering, then this aspect also has to be considered.

Another point is, talent is not lacking here. What we lack are only financial resources. If we get loan or other facilities from anywhere this talent can be utilised. Therefore, this aspect may also be seen.

I would like to mention another aspect

[Shri Shantaram Naik]

also. In major ports, at least some time back, I saw that the position of the Chairman remained vacant and as a result of it one Chairman of some other major port looks after some times even three posts together. There were certain occasions. Therefore, in case some such exigency arises I request the hon. Minister to see to it that the post of the Chairman is not left vacant for a long time, except for about one month or so. These ports are outlets for our export-import trade and foreign exchange is also earned and their work is hampered if the posts remain vacant for a long time.

Related to this is the problem of sea farers, about which you are quite aware. In a place like Goa there are many people belonging to this category but there is no recruiting centre. The sea farers' community was well-known for the good work done for several decades for various commercial ships and other ships. But at Goa there is no recruitment centre for them. At present they have to go to Bombay to get themselves recruited and there in Bombay they do not have any recruitment centre because there are many manipulations and in a place like Bombay the sea farers do not get any employment. I had placed a view that some sort of thirty per cent reservation should be given to the sea farers of Goa in Bombay, in case the Recruitment Centre cannot be opened there, I would humbly request you to consider this demand in the interest of the sea farers and in the interest of the traditions which this community has been having for the last several years.

I would like to submit that certain sea farers in Goa who were working on private British ships, were taken during the Second World War time for the purpose of war and during which time, these sea farers have fought and suffered. It is learnt that British Government at that time had kept a separate amount of compensation to these sea farers. These people did not get any compensation amount from the British Government for having served on those British commercial ships, which were engaged during the Second World War time. Some old people from Goa are coming to me and they said that they fought a war on British ships and yet, they have not been given any compensation. It is learnt that they have kept some funds for this purpose. One does not know whether the fund is available or not. There-

fore, I would humbly request you to see to it that these sea farers who have worked on British ships during the Second World War are given compensation which is due to them.

I would like to submit another point in respect of port trusts that Ports are in isolation if they are not connected with other system of transport. Now, Margao port which is a major international port and a natural harbour is not linked with any broad-gauge railway system. The railway system which is there upto Londa is a narrow gauge system, which cannot cater to the needs of transportation of goods. I had pleaded with the Railway Minister for extending this broadgauge line from Londa and onwards, Sir, as a person in charge of the ports, you should use your good offices with the Railway Ministry for broadgauging this line. I have learnt that Margao Port Trust themselves tried to examine this issue independently and only one aspect that comes in the way is, what is known, commercial viability at present. Sir, as far as the transport is concerned, commercial viability of an artificial nature, just considering some equations here and there, should not be looked into and the broader aspect has to be seen. Therefore, Margao Port Trust has to be linked with the broadgauge railway line.

Sir, when the centenary of Margao Port Trust was celebrated, the Prime Minister was kind enough to consider this issue and assured the people of Goa that he will look into this matter. So, in view of these things, I would earnestly request you to use your good offices with the Railway Ministry for the purpose of broadgauging this line.

I would like to submit another point in connection with Margao Port Trust. Sir, when the Bombay Port Trust completed one hundred years of its existence, the workers of the Bombay Port Trust were given special bonus. But the employees of Margao Port Trust were not given any sort of encouragement when their centenary was celebrated two years back. This matter is pending with the Ministry. I would say, it would be a good gesture in case you consider this aspect of granting necessary bonus to the employees of Margao Port Trust, because the completion of one hundred years is a commendable job and it could not

have happened but for the cooperation of the employees of the Port trust.

I once again request you to look into these issues.

Sir, I support this amendment Bill which seeks to amend Section 88 of the Major Port Trusts Act 1963.

**SHRI THAMPAN THOMAS (Mavell-kara)** : The purpose of this Bill is to divert some funds from the Bombay Port Trust to Neva Sheva Project.

At present the attitude of the Government towards the development of the ports is very lethargic. Especially about Cochin Port from where I come, I know that many things are pending with the Government of India and no action is taken to develop that port in any manner. It is suffering for the last few years. The Cochin Port Trust has sent a proposal to the Government of India and it is pending with it. Because of the container which was not available and some other problems, already the business which the Cochin Port Trust was having earlier has been reduced. This has very seriously affected one of the major ports in India viz. Cochin Port which has got facilities and circumstances for developing into an international port. Its location, its placing of the localities permit it to be developed as one of the very good international ports. But no attempt has been made in that direction. I do not know whether it is because of the paucity of funds or whether the Government has applied its minds to it at all. There was some suggestion to bring certain projects near to that. One of that was the complex for landing the bigger ships in that area. It was also suggested that a container belt was to be constructed.

On the whole, if you look to the port's problems you will find that there a class has emerged near to the port. That class is stevedores, the workers and the people connected with the port. And it functions in such a way that world is not known to outside. Also it seems that the culture which develops near to that port is different from other parts of the country. Some sort of interaction with the port and area and the general public is very much required. There I have found that there are very many problems which people are also confronted

with. For example, the labour system which is in existence in the port area, is required to be given a re-thinking. The Dock Labour Board exists. It meets the people who come over there and enroll them as workers on a piece rate basis. They work on a piece rate basis. But the benefit of their work and their contribution to the development of these things goes to the benefit of some stevedores, some agents or some third party. I have seen in this area that people who are making money are not really the business men or the people involved in it but some intermediaries. If a person is capable of supplying 1000 persons to load or unload in a particularship or some area, his rate or the money that he will get will be of international standard whereas the workers will be paid on a nominal basis. And to a large extent, the money which could have been availed of by applying proper mechanism for the development of the port, for the welfare, of the workers, is being taken away by the agents and middlemen. In this context, the Dock Labour Board, after its constitution, has done some work. But I feel the exploitation of that class is still going on. On this aspect Government will have to apply its mind as to how far that has to be regularised and brought in line with the national stream. That has to be thought of and proper planning will have to be made.

If you look at the international trade side, the trade which we made through our ports is dwindling. In the Economic Survey it reveals that quantum-wise the trade which is transacted through the ports has gone down. I can say especially about Cochin Port. Earlier it was handling many items. Now it is not handling that much items. Somewhere some sort of difficulty has arisen in improving the trade by using the ports. If the ports are not properly used for international trade and if the Government does not apply its mind to that aspect and encourage the traders and the community with which they are connected, this will very seriously affect the ports. And that has been seen especially in the case of Cochin Port. Why I say Cochin Port is because it is one of the major ports from where the export of cardamom, pepper or some other cash crops, I from where we are getting the major portion of the foreign exchange earned from the export of cash crops—is being done. But now

[Shri Thampan Thomas]

the system which is in existence there is no helpful for improving the trade. Recently there was an instance where pepper was sent to America. It was rejected by the purchasers in the United States because it contained a lot of other things in it which were sent from India. This has very badly reflected upon the Indian export. Now Indonesia has captured the market. When we compare the Indonesian pepper value with the Indian pepper value, it seems that it is only one-third of the Indian pepper value. But they get a better price for that. Why it happens? So, the Government of India and other machineries which are involved in these matters, should look into these problems seriously and find out system by which there is a commodity check, there is a quality control. Unless and until they are satisfied that the export of these things will not bring a bad name to the country, the Port Trust should not permit them to export. I do not know whether the Ministry is aware of these things happening at the hands of the middlemen who are controlling the ports and the surrounding areas, or not. This will very very badly affect and reflect upon the image of our country. Therefore, with a view to encourage the export trade, with a view to help the workers and the people who are very much involved in the ports...*(Interruptions)*

SHRI P.M. SEYEED (Lakshadweep) :  
What about the trade union mafia ?

SHRI THAMPAN THOMAS : Yes. What Mr. Sayeed is telling is correct. There have developed certain things like that in certain areas and they are also in league with big guns. There are persons who can supply people for work and get the money. I know there is a method also. If a casual labour is given, it is the stevedore who will pay the bonus. He will pay only the minimum bonus whereas maximum bonus might have been got. Such misappropriations are taking place. The statutory benefits which ought to have been given to the workere, are denied to them, but somebody else is taking them away. In the case of contract work, they themselves take away the benefits. So, all these things are there. I say that such practices should be checked.

Through this Bill, the Central Government is now going to take money from the Port Trusts and is going to develop a project.

My submission is that more money should be spent for developing the ports and the areas nearby, and a new culture should be built up in this area. Thank you very much.

SHRI INDRAJIT GUPTA (Basirhat) :  
Mr. Deputy Speaker, Sir, first of all, a word as to why a statutory resolution of disapproval on this Ordinance was tabled by me, by us, by our party. It is not because of the contents, or the merits of the measure itself, but because of two reasons. One is that there seems to have been no justified reason for promulgating an Ordinance for this purpose, as the note attached to the Bill, which has been circulated, says that this concept of pooling of resources of all ports was contained in the Approach Paper to the Seventh Plan as well as in the Seventh Five-Year Plan Document itself. It had been laid down. So, it is not a new thing. Just because they have delayed the whole matter until they are near the end of this financial year suddenly they decided that they should short-circuit the normal legislative process and come forward with an Ordinance. This is why I have objected to it because I think that they could have done it in good time by an ordinary statute. It was not something which suddenly entered their head as a new idea; it was there for a long time. I object to this continuous recourse to the method of Ordinance promulgation for matters which are not that urgent at all and which could easily be better formulated and planned in advance.

Secondly, Sir, the question which has arisen in my mind is that I happened to have served two served two terms as a Trustee of the Calcutta Port Trust, and as you know, in all these major ports there are Trustee Boards. What will be the impact of this new legislation on the powers of those Trustee Boards of the major ports? I would like a clarification on this point. These ports are neither administered either by Corporations like other public sector undertakings—they are not Corporations—nor are they administered by the Government Departments? Strictly, we have always been told that the ports are in the nature of semi-autonomous undertakings. Of course, they are under Central Government. But they are considered to be semi-autonomous and that aspect of the autonomy or semi-autonomy is reflected in the constitu

tion of these Trustee Boards which are supposed to represent different interests who are concerned with the operation of the ports. Now, once the Government takes this overall power that it can give directive to any port to transfer a part of its resource as loan may be, to some other Ports for purposes of development, then in respect of this particular matter, what becomes of those semi-autonomous status and powers of these Trustee Boards? That should be clarified because I find from the note that already some Trustee somewhere has gone to Court. A writ petition has been filed and very probably it is on this ground that the Government should not give these powers which can override anything that the Trustee Board may consider otherwise. So, in order to circumvent the pending writ petition, because the court has already given a stay order, perhaps injunction, they have brought forward this Bill. That may be a short-cut method; all Ordinances are generally short-cut methods. But once it becomes a Statute, what is going to be the actual status and position and powers of these Trustee Boards? That is very important for us to know clearly. There should be no confusion on this issue because I feel that the previous position of the Trustee Boards is being sought to be changed and altered through the means of this Bill and we should know what exactly the Government has in mind.

Thirdly, as far as this note note is concerned here, as other colleagues have mentioned, it is concerned simply with the question of Nhav Sheva project, the transfer of funds from Bombay to Nhav Sheva project. I wish Nhav Sheva project all success. I have nothing against it. But the point is that it again gives an impression as though it is brought hurriedly only keeping in mind one project, that is, Nhav Sheva. So, as the hon. Minister knows, our ports are suffering from many types of constraints and difficulties and the position of all the major ports, financially, is not the same. Some are in deficit, some are in chronic deficit and some are running on surplus budgets. But it depends on many factors. I don't want to go into all that. It depends on the pattern of the cargo, it depends on the location of the port. Out of all these major ports, there is only one port that is, Calcutta, which isn't a port on the sea. It is not a sea-port. I port

situated on the river many miles inland from the sea and the problems of navigability of the Hoogly river the silting of Hoogly river are all well known. These problems have long been pending. So, ports like Calcutta have to spend much more money than any other port situated on the sea, for the purpose of dredging; the dredging of the river has to go on 24 hours all the year round. Otherwise, the silting which has been brought in from the sea is blocking the drought of the river and long long ago, Calcutta Port has become closed to large ships, ships above a certain tonnage can no longer enter the river and come right up to Calcutta Port as they used to do at one time, even with the dredging which is going on. But the port authorities are continually complaining that this expenditure on dredging is a very large burden. Of course, I know that it is shared by the Centre, but much more intensive dredging is required. All ships

13.00 hrs.

entering the river from the sea have to be piloted by special pilot service right up to the port and then the docks which are situated off the river are old dock they are also subject to a great deal of congestion and all that. I would like to know that, for example, for improving the pilotage on the Hooghly river, improving the draft of the river—we are not getting all the water that we were expecting to get from Bangladesh, from the Farakka Barrage, the whole idea of which was that certain 25,000 cusecs of extra water would be diverted from Farakka and would enter and help to flush the silting out, but that has not succeeded so far. There are some difficulties with Bangladesh also. So, there are big problems like this. I want to know, because he has not said anything, what are the type of problems of port development and improvement for which this money is likely to be used. If all the resources of all the major ports are pooled together, will there really be a substantial surplus which is available for transferring from one port to the other, I do not know. He should tell us. For example, in Paradeep the inability of this Paradeep port to take large, bulk carriers now because it requires to be further depend and widened, has led to a situation where the iron ore from the mines of Orissa and Bihar, particularly from the Bardil area

[Shri Indrajit Gupta]

of Orissa is just lying there, it cannot be shipped out, though Paradeep was the port through which it was supposed to be shipped out because the bulk carriers cannot enter that port. Are there any plans for that and if so, what will it cost and who is going to finance it? Will this new proposal attach itself to such a problem also?

The other problems of other port have been mentioned here. We have become now mainly an exporter of mineral ores and specially iron ore whether it is New Mangalore which is supposed to export iron ore from Kudremukh or Paradeep, it cannot handle this ore now or Visakhapatnam which is taking the iron ore from Bailadilla in Madhya Pradesh. This problem of bulk carriers which are now in operation all over the world—our ports are not adequately equipped in many cases to handle these bulk carriers. So, there should be some overall plan, not this kind of piecemeal approach, suddenly you need some money for Nhava Sheva, so immediately get a new Act passed and if you cannot get the Act passed in time, then get an Ordinance promulgated. This is a short-cut method, it may temporarily give you some money to look after Nhava Sheva project, but what about the other places and what about all these 8 or 9 major ports which are—I think perhaps Bombay is the only one which is able to show a surplus in its Budget. I do not know whether the trustees of the Bombay Port will be very happy over this Bill which is being brought here and perhaps it is one of them who has gone to court also because they don't like to have their money shunted about perhaps from their port to other ports. Any way, I would just say that a huge drain of money in my opinion is going on, wastage of money is going on through the system of private stevedores. It affects the finances of the Dock Labour Board, and we have inherited from the British antiquated system which I do not know why we should continue logically to maintain that system, that there were two cargo handling agencies in every port. When the cargo is handled on board the ship, then the people who are working on board the ship, on board the vessel, are employees of the Dock Labour Board, and when the cargo is lifted from the ship and brought on to the shore and handled on the shore, then those are employees of the Port Trust. Why can't

we have a single cargo handling agency? It is time after so many years, this duplication of the two kinds of agencies working separately handling the same cargo, one on the shore and one on board the vessel, is creating a number of anomalies and problems...

AN HON. MEMBER : Labour problems.

SHRI INDRAJIT GUPTA : Labour problems of course, but other handling problems also. So, my suggestion is that if he wants to use the resources of the ports really in a very economical way, then this private stevedoring should be done away with. It is a source of much corruption, everybody knows. And it is a great drainage of money that is taking place. I am glad to see, in one or two places, only recently, the Port Trusts have registered themselves as stevedoring agencies, doing the stevedoring work also, along with the private stevedores. If they can do it, if they are capable of doing it, then at least, this should be the thin-end of the wedge, and slowly, by degrees, the private stevedores should be eased out from this old business. Let there be a single cargo agency.

Finally, I would say the idea of pooling of resources of major ports and deploying surplus funds for the development of any port which is required is an idea which we have always supported. In fact, our unions which are working among the port and dock labour have welcomed this idea. But the point is, we do not get any idea from this skimpy note which deals with Nhava Sheva only, or from the Bill, whether there is any overall plan or any integrated concept in the Government's mind about the development of these ports.

It is a fact that our share in trade is really nothing much to talk about—it is not our fault entirely; I agree. There are international forces which are working against the interests of countries like India and so on and we have to fight. This is a struggle in order to get a larger share of the trade not only for our ports but for our shipping also. For that purpose, we should see to it that our ports are equipped in such a way that ship-owners, private ship-owners do not find some excuse or other to move away from the Indian ports and patronise other ports of neighbouring countries. If thi

scheme is going to help in this direction, I welcome it. But at the moment, I have doubts as to whether Government has really thought out a proper plan about this whole thing.

DR. SUDHIR ROY (Burdwan) : Mr. Deputy-Speaker, Sir, I would like to support the Statutory Resolution disapproving the promulgation of ordinance because the Budget Session of Parliament commenced only 22 days or 24 days after that promulgation. Therefore, this excessive reliance on promulgation of ordinance only displays the Government's intention to ignore democratic procedure because many a time, even the courts have passed strictures that Government should not place excessive reliance on promulgation of ordinance. Therefore, the Government could easily bring forward this Bill in the Budget Session and after a full debate, the Bill could be passed.

I would also say, for the development of Nhava Sheva project, Government is trying to utilise surplus from other port authorities. There is nothing wrong in it. But courts have been debarred from entertaining these cases or there are proposals in the Bill that courts should not be able to try any case regarding this matter.

After all, judiciary is an important part of the democratic institution. It is an important part of the State. Therefore, judiciary should not have been debarred from entertaining cases regarding this transfer of funds. In fact, as my previous speaker has pointed out, already there is a writ petition pending in the Bombay High Court. Therefore, this ordinance has been promulgated hurriedly. But the courts should have their say in the matter. Otherwise, I think, this compromises the principles of rule of law.

I would also say in this connection why coastal trade is being neglected. We know, water transport is the best transport. India's economy could be developed if coastal trade were developed. But unfortunately coastal trade is more or less neglected. This Bill deals with the major ports only. But what about the minor ports? There should have been a Central Agency for dealing with the development of all major and minor ports. If we lay emphasis on foreign trade, then, major ports together with minor ports

should have been developed. The report of the Estimates Committee pointed out that there is a mismatch between the original outlay and the actual expenditure incurred during the Sixth Plan. The proportion of expenditure as regards Madras port was 151.5% but in the case of Nhavasheva Project, the proportion is 59.6%.

I should also point out that, as has been pointed out by the previous speaker, the Calcutta Port is neglected. But Calcutta is not a sea port and the river is to be continuously dredged but dredging is not that much done and Calcutta is often neglected and we find that recently there is an order that other Port Authorities may charge new rates on the basis of break bulk cargo. But Calcutta has been debarred from imposing cess on bulk cargo.

I would also like to point out that the posts of Chairmen of various ports are not filled up for a long time and these posts remain vacant. The activities of the port definitely suffer. This only shows the indifference of the Government.

I would also like to point out that the activities of the port depend much on the welfare of the seamen. Our Government always ignored the interests of the seamen.

There was Nanda Committee and it awarded that 30% of the seamen should be recruited from Calcutta and 70% of the seamen should be recruited from Bombay. But we find that only 18% of seamen are recruited from Calcutta. Not only this. These seamen remain unemployed for 2 to 5 years. On the other hand, ILO also emphasised that these seamen should have continuous employment and Nanda Committee recommended that there should be unemployment allowance scheme for the seamen. Specially Indian seamen serving on foreign vessels were entitled to some increased wages and huge amounts are lying in London banks. If these funds were withdrawn, then, India's seamen would have enjoyed unemployment allowance. I have already pointed out that they remain unemployed for 2 to 5 years. Not only this. There is also irregularity in recruitment, as has been pointed out by hon. Member Mr. Shantaram Naik. I find that often Forward Seamen's Union, is a recognised seamen union of India but when they make an agreement, that union is deliberately

[Dr. Sudhir Roy]

neglected. Consequently, there is unrest in the ports. Therefore, what we plead is that Government should see to it that seamen enjoy continuous employment and that unemployment allowance scheme should be introduced without further delay. Not only this. More seamen should be recruited from Calcutta, as has been suggested by the Nanda Committee.

I would also like to point out that it has been said that the Government may divert the surplus for the development of other ports.

But it may be done in an arbitrary manner. As has been pointed out Shri Indrajit Gupta, these trustee Boards enjoy semi-autonomous status, if Government's directive is final. If that cannot be questioned in Courts, then what would be the Status of the trustee Boards? Therefore, finally, I would like to request the hon. Minister to look into the welfare of the seamen because if the seamen feel that injustice is being meted out to them, then there will not be any real development of ports.

SHRI SHARAD DIGHE (Bombay North Central): Mr. Deputy-Speaker, Sir, I rise to support this Bill which is before this House. While supporting it, however, I would also like to express certain fears which arise out of Clause 2 of the Bill. No doubt, it is a laudable object that the resources of all Ports should be pooled for the development of the Port Sector, as many of the Ports are at a loss and in a disadvantageous position than others and then such ports should be helped from the surplus funds of those ports which are doing well. The point that also arises is to what extent we should interfere in the functioning of autonomous bodies of different Ports. But considering this national objective, I may say that it is no doubt a good intention of the Government to develop the Port Sector of this country. As far as the Ports like Bombay are concerned, for all these years they have developed well and they have also got good surplus developed from time to time. The Central Government, by Clause 2, is taking the power to give directions to these Ports for diverting their surplus money to other Ports. As it generally happens in this process, the well-developed Ports like Bombay Port may suffer more by allowing their funds

to be diverted to other ports which are developing. If these are genuine cases where the other ports require help from the surplus funds, I have no objection at all. But, while doing so, the Central Government may consider whether the available surplus funds are really available for that Port and that should be decided after providing them necessary investment for modernisation of that Port, for fleet replacement and also containerisation and other welfare amenities for the employees also. After considering all these four factors and if the Central Government feels that a particular port has surplus, in that event only such surplus funds may be considered for being diverted to the other Ports. Now, for example, the Bombay Port Trust had total resources to the tune of Rs. 354 crores as on 31st March 1986. At that time also, Rs. 47.50 crores were given as loan to Nhava Sheva Port and Rs. 29.25 crores to the Madras Port. I would like to know that while giving such directions whether these surpluses funds which will be diverted to other Ports, will be considered as loans or complete diversion of those funds to the development of the other Ports. And my suggestion and submission will be that they should be considered as merely loans so that ultimately those loans must be repaid by the ports which are taking those funds from these major ports which has got surplus. After considering the real requirement of Bombay Port Trust, then only such funds should be diverted to other ports and that too on condition that they are loans and not complete diversion of those funds.

Now, as stated by earlier speakers also, such diversion should not be also arbitrary and should not be premium on the inefficiency of those ports. Government must see that those ports are well managed. These are mere requirements of these ports for development purposes. Then only the Central Government should take steps to divert surplus funds of those ports which are doing well. With these suggestions, I support this Bill.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): Mr. Deputy Speaker, Sir, first let me thank all the Members who took pain to give their suggestions on this subject and specially on the Bill.

I will clarify the first point which I think is agitating most of the Members as to why did we bring this ordinance, what was the necessity and why couldn't we come through the proper channel.

If you read Major Port Act 1963, in section 111, it is very clearly written : "that the decision of the Central Government whether a question is one of the policy or not shall be final for such policy matters." It is already in the Major Port Trust Act. But in section 88, there is a slightly doubtful word which made one of the trustees to go to the court. They got stay order on this. When the stay order was given, plan was already in action in all the ports which we had agreed on the policy. As mentioned in section 111, the Government could divert these funds and we had already sanctioned the plans in different ports. It is not only in one port but we have sanctioned loans to three or four ports. I can mention the amount for the information of the House : Nhava Shava Port Rs. 200 crores, Madras Port—Rs. 20 crores, Tuticorin Port—Rs. 0.80 crores, New Mangalore Port—Rs. 0.92 crores. This is on an overall plan.

Sir, I must also tell at this moment that port plan is the plan which has been approved by the National Development Council and all these steps have been taken to develop each port in a different method. Each port's requirement is different. Cochin Port requires containerisation. Bombay Port has some other problem. Government constituted a plan for the overall development of the ports taking into consideration all these things. With this view, we thought that till we don't pool any resources of all the ports, we will not be able to implement the plans.

One Hon. Member has said that it should be a loan. It is a loan. Even in the Bill, it is written 'loan'. It is not that one earns and one uses. It is not the policy of the Government. The policy of the Government is to help major development of the ports. For that, this step was taken. Since the 31st March was coming near, we tried to bring this Bill in December. But Parliament was very busy and we could not take time from the Parliament to get this introduced and get it passed. We carried on the whole thing in the last session to

get it passed. Then we realised that if we did not act now, we would not be able to make payment to those plans which are already in action. 31st March is the day when the financial year ends and accounts have to be closed, and payments have to be made. As a precautionary measure, we took the course to get an ordinance issued, so that our work is not stopped and the development does not get stuck up because of this. There was no other intention of bringing an ordinance. That is why at the first opportunity we came to the House to explain the reason and the intention of the Government.

In the Amendment Bill we have clearly brought this clause now which reads :

"(c) be given as a loan to the Board of another port for the development of that port."

It is just to clarify the doubts. Instead of waiting for the court to give a decision on the writ petition, the Government took this action, so that the development of this port does not get stuck up.

The Hon. Members have made several points; I will cover the general ones. About Cochin Port, one Hon. Member referred to that. We have already given Rs. 56 crores in the 7th Plan for the development of the Cochin Port. This is out of the Rs. 955 crores for the total 7th Five Year Plan period for the port sector. Out of this, this much is earmarked for Cochin. A full-fledged container facility to be established at a cost of Rs. 53 crores has been sanctioned. The project is being implemented with the assistance of the Asian Development Bank. The acquisition of grab dredger in replacement of bucket dredger is also on. These plans are all for Cochin.

Similarly for Vizag Port it was pointed out and we are trying to improve the dock facilities there. Today a vessel of 1,20,000 DWT is sailing there. We are trying to improve the dock and are trying to touch the DWT of 1,70,000 so that bigger vessels could also go to Vizag. Similarly, the capacity of Vizag has been increased. It was 12.70 million tonnes on 31.3.85. Today it is about 16.70 million tonnes.

SHRI NARAYAN CHAUBEY (Midnapore): What about Haldia and Calcutta ?

SHRI RAJESH PILOT : I am coming to that Sir.

As for the Calcutta Port, as the Hon. Member has already said, this port is being maintained not on the Sea but on the river. Dredging is one of the costliest things to maintain in that port. 90% of the dredging expenditure incurred on Calcutta is paid by the Central Government.

We have a plan for the Calcutta Port, improving the draught at Haldia and Calcutta. The Government has sanctioned a comprehensive plan, the estimated cost of which is about Rs. 40 crores and the work is in progress. It is to be completed by 1990.

I will not be able to give the complete plans of all the ports. It is because I have come to the House to take a major decision from the House that we can pool in the resources and use them for the development of the ports. I must assure the Hon. Members that the policy of the Government is very clear. It is to enhance the traffic, to enhance the facilities of the ports in various ways—whether it is the container, traffic, the cargo traffic or oil tankers.

Mr. Indrajit Gupta has pointed out about stevedores. It is one of the problems. We realised that it is not functioning properly. That is why we liberalised the system. Earlier there were a few parties which were continuing for ages, from generations I would say. One after another they were holding. Now we have liberalised so much and told the ports that there is no restriction even if they have 10 or 12 stevedores. If you keep the limitations, the chances of misusing it is more. That is why some of the ports have become dens of the stevedores. It has helped. We are encouraging ports themselves to take of stevedoring work in each port.

Another point that he made was that there are two types of labour. I fully share with his view. We are trying our best and I would request the Hon. Member

to help us. Because labour is one of our requirements. We are also on the similar lines as the Hon. Member has pointed out. We are having some problem and we are trying to sort it out in our own way with the labour unions.

Some points were made about the minor ports. As I have said earlier in the House, the coastal shipping is one of the important sectors the Government is paying attention. Minor ports are not under the Central Government. We have a Plan of Rs. 20 crores in the 7th Plan for which we already selected Kakinada Port and another port in Maharashtra. Rs. 20 crores are being diverted for the development of these ports and Government is paying high attention to help more on the development of intermediate and minor ports within the constraint on our resources. Wherever State governments have asked for our help we have given it.

A mention was made about inland waterways. I have already informed the House that inland waterway is being encouraged. We have Inland waterway Transport Authority separately established. Survey are going on to declare the national waterways. We do want traffic to shift from road and railways to waterways because it is cheaper. It will also help to improve the economic condition of the States.

In regard to shipping I would like to point out that there is recession in shipping but with Government liberalised help to the shipping we are able to sustain the recession to a great degree. I am not saying that we have not gone in loss in shipping but we have tried to sustain to a greater degree as compared to the developed countries. We are aware that it is one of the important sector and we will carry on paying attention to this.

Some points were made about outside agencies for ports development. We do take help from where it is available but on our terms and we feel that it is in the interests of ports. There are some foreign firms who have given help. We have taken help from a Dutch firm. Whatever help we feel it is in the national as well as in the interest of the sector we do not

hesitate in taking because we are a developing country. Whatever help we can get on our terms we take.

AN HON. MEMBER : What about seamen ?

SHRI RAJESH PILOT : As far as seamen are concerned it has been an outstanding problem and we are trying to solve it. It is a fact that today seaman from anywhere has to go to Calcutta and Bombay. But as I have mentioned we did try to reserve some percentage for them but things are not working that smoothly. We are on the job and we are trying our best in a peaceful manner. The unions come in and they raise lot of objections. We require cooperation of the hon. Members in this.

With these words I once again assure the House that all these actions which have been taken are totally for national interest to develop this sectors.

I am happy to inform the House that in the port sector we are likely to touch 130 million tonnes target. Last year we were on 124 million tonnes. In the First Five Year Plan the allocation was Rs. 64 crores for the port sector whereas in the Seventh Plan it has gone up to Rs. 955 crores. We are giving importance to this sector and efforts are being made for proper utilisation of this fund so that development of the ports takes place in a faster and proper way.

SHRI INDRAJIT GUPTA : I do not want you to get into legal difficulties later. How this Bill when it becomes an Act will effect the autonomous or semi-autonomous status of these boards ? Trustee boards are supposed to be autonomous bodies under the overall major port trusts but once you take this power that Government can give any directive to any of these ports to transfer part of their funds to other ports what will be their position ?

SHRI RAJESH PILOT : I will again quote Section 111 which makes the position very clear :

“The decision of the Central Government whether a question is one of policy or not shall be final.”

It is already there that Central Government order is final as far as this matter is concerned. Only we have to come out with this Ordinance because there was a small place where one could take it in any way.

It was in Section 88 (2) (b) and I quote ;

“Funds be invested in public securities or in such other securities as the Central Government may approve in this behalf, and the said securities shall be held in trust by the board for the purpose of this Act.”

Here we are adding :

“(c) be given as a loan to the Board of another port for the development of that port.”

So, we are not encroaching in the power of the port trustees. But we are making it very clear that for such development plans, the policy should be totally with the Government for development of the ports.

SHRI INDRAJIT GUPTA : But you have shut out the recourse to the courts. Isn't it ? The Government also is human after all. Government can also make a mistake sometimes in some particular decision. No remedy lies with these port trusts because they cannot go to the court. Now you have ruled it out completely.

SHRI RAJESH PILOT : No, no. That is not the intention. The intentions were on the right course. I am saying the Government is functioning. You have got to take it for granted that Government is genuine, the Government is elected by the people. You don't compare the Government with this port. The intention is that these development plans do not get stayed by some loopholes here and there. That's why you wanted the clarification.

SHRI B.B. RAMAIAH : Out of Rs. 40 crores, how much has been allotted to Kakinada ?

SHRI RAJESH PILOT : Out of Rs. 20 crores, we are planning to accept Rs. 10 crores for Kakinada.

[Translation]

SHRI C. JANGA REDDY : Mr. Deputy Speaker, Sir, I do not want to say much.

AN HON. MEMBER : Is there no port in your Warangal town ?

SHRI C. JANGA REDDY : There is no port in Warangal. If there is a port in your Delhi city, then there is port in Warangal also...*(Interruptions)*.

Mr. Deputy Speaker, Sir, I would like to know as to what was the necessity of bringing an ordinance ?

SHRI RAJESH PILOT : That is what I am trying to tell.

SHRI C. JANGA REDDY : You often do this. What I mean to say is that the ordinance was promulgated on 28th of January and the House was to meet on 22nd February. It is a difference of about one month only. Why did not you bring the Bill when the session commenced instead of issuing the ordinance ? I am only to tell you that you should not misuse the constitution. I am not objecting to the amendments brought forward. But you should keep this thing in mind for future.

[English]

MR. DEPUTY SPEAKER : The question is :

"That this House disapproves of the Major Port Trusts (Amendment) Ordinance, 1988 (Ordinance No. 1 of 1988) promulgated by the President on the 28th January, 1988."

The motion was negatived.

MR. DEPUTY SPEAKER : Now the question is :

"That the Bill further to amend the Major Port Trusts Act, 1963, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER : The House will now take up clause by clause

consideration of the Bill. The question is :

"that clauses 2 and 3 stand part of the Bill"

The motion was adopted.  
Clauses 2 and 3 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"that clause 1, the enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

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

SHRI RAJESH PILOT : I beg to move :

"that the Bill be passed".

MR. DEPUTY SPEAKER : The question is :

"that the Bill be passed."

The motion was adopted.

13.39 hrs.

STATUTORY RESOLUTION RE :  
DISAPPROVAL OF DELHI MUNICIPAL CORPORATION (SECOND AMENDMENT) ORDINANCE, 1987,  
DELHI MUNICIPAL CORPORATION (AMENDMENT) BILL,  
STATUTORY RESOLUTION RE :  
DISAPPROVAL OF DELHI ADMINISTRATION (AMENDMENT) ORDINANCE, 1987

AND

DELHI ADMINISTRATION (AMENDMENT) BILL

[English]

MR. DEPUTY SPEAKER : The