

SHRIMATI MOHSINA KIDWAI: I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed".

The motion was adopted

14.46 hrs.

MERCHANT SHIPPING (AMENDMENT)
BILL

[*English*]

MR. DEPUTY SPEAKER: We now take up the next item. Mr. Rajesh Pilot.

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

"That the Bill further to amend the Merchant Shipping Act, 1958, as passed by Rajya Sabha, be taken into consideration."

Sir: With your permission, I would like to say a few words while moving the Merchant Shipping (Amendment) Bill, 1988 for the consideration of the House.

At international level, civil law for damage caused by oil pollution resulting from escape or discharge of oil from ships is determined by the International Convention on Civil Liability for Oil Pollution Damage 1969. The provisions of the above Convention have been incorporated in Part XB of the Merchants Shipping Act, 1959 by the Merchant Shipping (Amendment) Act, 1988. The liability under the above Convention is fixed in terms of 'Franc' which is a unit consisting of 65.5 milligrams of gold of millesimal fineness nine hundred. By adopting the 1976 Protocol to the above Convention, the 'France' has been replaced by the

Special Drawing Rights for the purpose of determining the limits of liability for oil pollution damage. The Special Drawing Rights is defined by the International Monetary Fund and the amounts of liability are converted into national currency of the country which is a part to the Convention on the basis of the value of that country's currency with reference to the Special Drawing Rights.

India acceded to the International Convention on Civil Liability for Oil Pollution Damage, 1969 and 1975 Protocol on 1st May 1987; and these instruments have come into force for India from the 1st August 1987 as per the Convention provisions. As such, it has become necessary to amend the provisions of Part XB of the Merchant Shipping Act, 1958 to replace 'franc' by special Drawing Rights. But by replacement the 'franc' by SDRs, the amounts of the limits of liability have not undergone change, but the liability in terms of the national currency will henceforth be converted on the basis of the relation of such national currency with SDRs.

This Bill seeks to revise the provisions of the Merchant Shipping Act on the above lines, and this is necessary because India has accepted the 1976 Protocol to the 1969 Convention.

I now move the Motion for the House to adopt the amendments suggested in the Bill.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Merchant Shipping Act, 1958, as passed by Rajya Sabha, be taken into consideration."

Now Mr. Shantaram Naik.

SHRI SHANTARAM NAIK (Panaji): I stand to support this Merchant Shipping (Amendment) Bill, 1988.

Whenever any Bill on this topic of merchant shipping has been introduced in this House in the past, the convention has been

that hon. Members of this House focussed on the problems of seamen in this country.

14.49 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

So, I would take the opportunity to this Bill to remind the hon. Minister of certain problems concerning the welfare of seamen, which are pending.

As the hon. Minister is fully aware, seamen from Goa have been asking for a separate Recruitment Centre to be established in Goa. In principle, I have seen that the Minister also does not object to any Recruitment Centre being established. Earlier, when I had discussed this matter with him, and also during the other meetings, one of the problems found was that the union concerned itself was opposed to the opening of a new centre, or a centre at Goa.

When the matter of welfare of one territory or one class of Seamen comes, I think it will be advisable to hold a meeting of representatives of Seamen from Goa and the representatives who are concerned with this and sort out the problem, because an important Port like Mormugao has got historical background where there used to be a Centre earlier during the Portuguese regime. Secondly, Seamen from Goa were known the world over for decades together; they were very popular in this business of welfare of Seamen. When such a traditional Port exists, I would humbly request for the establishment of a separate Recruitment Centre in Goa to be considered by the government.

No doubt, I suppose, the Nanda Committee Report has gone against this. But the question is the ultimate decision is left with the Minister considering the totality of the circumstances. Reports are only an aid for the Minister to arrive at a decision. But if he considers the totality of the circumstances, if he considers the genuineness of the Seamen from Goa, I think, you will agree with me that a separate Recruitment Centre in Goa is absolutely essential.

A short while ago, I had dropped a letter to you concerning certain Seamen who had worked on Merchant Ships during the Second World War. This is a special issue which I would like you to consider. At that time, the British Government had requisitioned certain Merchant Ships for use during war time. The Seamen who got injured grievously or otherwise did not get anything. A big number is also in Goa. They are now 80-85 years of age. They do come to me for some help. Somebody told them — I do not know whether it is true — that the British Government had reserved certain fund to be paid as compensation to those who were injured during the war time. Somebody also told them that this fund was kept with the Government of India to be paid to the injured Seamen, but so far they have not been paid anything. They are bringing certain newspapers cuttings to show that this fund was kept with the Government of India by the British Government to be paid to the Seamen who were injured during the war time. Therefore, it is pitiable that so far they have not been paid anything; they are now old people. They somehow hope that they will get some compensation out of this fund kept with the Government of India by the British Government. If that be so, I earnestly request you or otherwise to enquire from the British Government about it, if need be, and do the needful in the matter with respect to these two categories of Seamen.

[*Translation*]

KUMARI MAMATA BANERJEE (Jadavpur): Mr. Chairman, Sir, I support the Bill from my heart. It is a technical amendment, there is nothing in it to be objected. But I want to say a few things. Sir, as Shantaramji has said that a registration centre should be opened in Goa, I agree with that and support his demand. Sir, I want to explain the problems faced by the seamen. There are only two registration centre in our country. One each in Calcutta and Bombay. Recruitment facilities exist only in Bombay and not in Calcutta. But, registration facilities, are available at both the places, Bombay & Calcutta. People come from South as well as

[Kumari Mamata Banerjee]

from North. They are feeling great difficulties in going and coming. The point raised by Shantaram Naik in this connection is correct. I support it. A registration centre should be opened in South India, it will be beneficial for the people living there. The centre may be established at Madras or some other place, but it should be established in South India as it will be beneficial for the people of South. The seamen registered at Bombay are recruited at Bombay. But the people belonging to Calcutta and registered there do not have recruitment facilities at Calcutta. The problem is that the dock area falls in my constituency. Calcutta is a pioneer port and the seamen belonging to Calcutta are supposed to be the best in the world. But, they are facing a lot of difficulties. A long list is pending but not a single seaman has been recruited. We are moved to hear their plight. We have also written to the Hon. Prime Minister about the grievances of these best seamen.

[English]

The Prime Minister is kind enough to assure me that he will look into the grievances of the seamen of Calcutta.

[Translation]

Seamen belonging to Calcutta are the best seamen, but there is no scope for them. I request the Government that a grievances cell should be set up so that attention can be paid towards thousands of cases of Calcutta seamen pending. On going through it you will come to know the discrimination being practiced there. Hon Minister is a dynamic personality, he should see that there is no discrimination so far as my constituency is concerned. It should not happen that one is getting food while the other is going without it. You must pay attention to it.

I also support the unemployment allowance recommended by Nanda Commission.

Any seamen coming forward for registration has to stay out for 6 to 12 months, he gets no employment therefore, he is unable to support his family. He has to face great difficulty. It will be good enough if unemployment allowance is paid to him till he gets the job, it will serve him well. It has also been recommended in the report submitted by Nanda Commission.

Foreign-ships do not enter Calcutta port at present. There are exists a Leftist Union. They do not allow any foreign-ship to enter there. If some such ships enters Calcutta port, they try to create a disturbing situation. It is a important matter. The Government should look into it. Our Calcutta port is a pioneer port, but it is deteriorating. Authorities concerned may be contacted in this regard. The law and order situation may also be taken up with the local Authorities. The entry of Foreign ship should be facilitated. If this happens, seamen in Calcutta will get more opportunities.

Attention should be paid towards welfare of seamen. A committee or a board should be constituted for this purpose. There are many a seamen in my constituency. I move to tears at their plight. There are so many talented people in our country, they do not get opportunity to show their talents. You may adopt different scales in this regard and give opportunities to seamen of Calcutta in the matter of recruitment, otherwise what they will think about the country. I do not want to speak more, I hereby conclude my speech and support this Bill.

[English]

SHRI CHINTAMANI JENA (Balasore): Hon'ble Chairman, I am very much grateful for having provided me an opportunity to participate in a very important and useful Amendment Bill brought by our hon. Minister, for which I convey my hearty gratitude to him. But I would like to speak in my mother tongue Oriya for which interpretation arrangements may kindly be made.

[Translation]

* Mr. Chairman, Sir, I rise to support the Merchant Shipping Second Amendment Bill 1988. This is a very useful and important Bill. I am grateful to the Honourable Minister for bringing such an important Bill in this House. Sir, I would like to speak in my mother tongue, Oriya. The interpretation may kindly be arranged.

Sir, we have got a vast stretch of sea coast. The length of our sea coast is about 3600 kilometres. We have 10 major ports and 103 minor ports located in our sea coast. It is really very necessary that our major and minor ports should be developed. But it is regrettable that enough attention has not been paid for the development of major as well as minor ports. The reasons are not far to seek. One of the main reason is that there is no coordination between the major and minor ports officials. The major ports are under the control of the port Trusts Boards and the State Government are looking after the minor ports. I feel that proper co-ordination should be established between the port Trust Boards and the State Governments. The State Governments should seek the advice of the Port Trust Boards for the development of small ports. Similarly the Port Trust Boards should monitor the functioning of the minor ports and suggest measures for their development. If necessary the Honourable Minister should bring a comprehensive Bill in order to establish proper coordination between the major and minor ports.

As I have said earlier enough attention has not been paid for the development of ports. I may cite the example of Paradeep Port. The Govt. of Orissa has been demanding for the development of the port since long. The State Govt. of Orissa has been urging upon the Union Shipping Ministry to build a berth and a few more general berths in Paradeep Port. A huge quantity of coal and other minerals are lying outside the Port as no berths are being constructed. I am sorry, step has not been taken for the Con-

struction of coal berths and a few other general berths as required now. I hope the Honourable Minister will consider the proposals given by the State Government of Orissa in this regard. Sir, there has been demand from the Govt. of Orissa to deepen the channel of Paradeep Port. The Paradeep Port is silting up very fast. It is not in a position to accommodate big vessels. As a result of this, Japan and South Korea are not willing to increase the export of iron ore from Paradeep Port. The decline in the export of minerals through Paradeep Port will have adverse impact on the economy of the State of Orissa. Therefore it is very necessary to deepen the port. The Central Government is not taking any step on this request on the plea of constraint of resources. I would like to appeal to the Honourable Minister to accept the proposal given by Hyundai Corporation of South Korea in this regard and thereby help the port on its development.

Then Sir, I would like to say a word about the modernisation of ports. I am glad that the Honourable Minister has taken a number of steps for the development of some ports. The Central Government has identified some major ports for modernisation. In this context, I would like to say a word about Paradeep Port. There has been a demand since long to modernise that port. Unfortunately no step has been taken on that direction. I would like to place the demand of the people of Orissa before the Honourable Minister to include Paradeep Port under the modernisation programme.

Sir, some ports are facing congestion problem. Bombay port is one of them. More ships should not be kept there and surplus ships should be diverted to Paradeep Port as few vessels are coming to that port. Now, I would like to say something about Shipping Industry. The Indian Shipping Industry is now facing crisis. It is caught in a vicious debt trap. The Industry owes Rs. 2041.75 crore to the Government of India by way a loans and interest. As there is continuous recession in the Shipping Industry, it may not be able to

* Translation of the speech originally delivered in Oriya.

[Sh. Chintamani Jena]

come out of the debt trap in near future. The Govt. had set-up the Shipping Development Board Fund Committee in 1958. The Shipping Development Board was helping the Shipping Industry. The Industry was getting loan and financial help from S.D.F.C. It had during the last 29 years provided substantial financial assistance to the Industry and a significant portion of the fleet had been acquired through funds made available by the S.D.F.C. But it is regrettable that the Shipping Development Board Fund Committee was wound up by the Government in 1987. The Shipping Companies are now not getting any help from the Govt. as a result of that many Shipping Companies are in red now. I request the Honourable Minister to come to the rescue of the Shipping Industry as it is in a precarious financial position.

Then Sir, I would like to say about growing pollution in the ports one of the objectives of bringing this Bill is to make some provision for controlling pollution in the ports. The Govt. should take all possible steps to curb pollution in the ports. Sir, there are a large number of seamen working in different major ports. They have got many problems. These problems should be resolved through the sea-force's unions. The Central Govt. should help the sea-men and regulate their service condition.

Finally, I would like to say a word about the minor ports in Orissa. In our State we have a minor port at Galapur and another at Dhamra and Kasafal. The Dhamra minor port at Kasafal is located in Balasore district which is in my Constituency. Besides, Kashaphal minor Port is also coming up. It is also located in my Constituency. The development of these minor ports is very necessary. The State Govt. had appealed to the Central Govt. and had sent a number of proposals for the development of these minor ports. I had put a question to the Honourable Minister in the House regarding the steps taken by the Govt. for the development of the minor Ports in Orissa. In his reply the Honourable Minister stated that the extension of financial support to the State

Govt. for the development of those Ports has not become possible on account of constraint of resources. If adequate financial help is not extended to the State the development of these ports is not possible. Particularly the Kashaphal minor Port which is sharply coming up. As such I request the Honourable Minister to provide financial support to the State Govt. so that the minor ports located in Orissa and elsewhere are fully developed. I am making this appeal, because during pre-independence days when there was no road communication available in the country, the water ways were the only means of communication. Now, the country has become Independent. We are financially sound. Now, we should revive those water ways by developing the minor ports. I would also like to appeal the Minister to see that proper co-ordination is established between the major and minor ports. I hope Honourable Minister will listen to my suggestions and take necessary steps for the development of the major as well as the minor ports.

With these words, I support the Bill once again and conclude my speech.

[*English*]

PROF. SAIFUDDIN SOZ (Baramulla): Mr. Chairman, Sir, the Merchant Shipping (Amendment) Bill moved by our dear friend, Shri Pilot, only updates the statute and to that extent this step is appreciable. But the Members who spoke before me have expected from Mr. Pilot that he will come forward with greater measures for modernisation and recently he did put in efforts in that direction so far as Motor Transport Vehicle Bill is concerned. So far as the Shipping is concerned, there are two aspects on which I will speak very briefly.

Sir, there are at present two recruitment centres, one at Bombay and the other at Calcutta. I feel that Southern part of the country is neglected and therefore suggestions have already come to you to open a recruitment Centre in the South. So far as the recruitment is concerned, the people

from the Southern States will have to go to Bombay or Calcutta which is a far off place for them. It is a sort of discrimination and now that you are coming forward with those measures to modernise the whole transport system, you must come forward with these suggestions and commit yourself for setting up a recruitment centres. I would suggest that one Centre may be set up at Madras and another in Goa also as suggested by Shri Shantaram Naik. Sir, you have got the Nanda Committee recommendations before you and I understand that the Nanda Committee would not go in for having more Centres for recruitment. But there are other suggestions made by that Committee. If you want to recruit people, why should this recruitment activity be confined to Bombay and Calcutta only? Therefore, there may not be the recommendations in this regard by the Nanda Committee. But a couple of more recruitment centres are necessary.

Another point is that seamen who have registered themselves for the Service have remained unemployed and nobody bothers for them. Therefore, there would be some unemployment allowances for them. I would request that you please look into those two aspects and that will certainly modernise the Merchant Shipping service. One is that you must have more recruitment centres and the other is that for the seamen once registered and if they remain unemployed, there should be a system whereby they got unemployment allowances. I would not ask for doles for them. Dole is a concept whereby you pay for those who have no work. But here they should be given allowances because they find no employment. Therefore, I hope while replying to the debate the hon. Minister will kindly give us assurance that there will be more Centres for recruitment and there will be unemployment allowances available to the Seamen who are registered with you. Thank you.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): Mr. Chairman, Sir, this Bill is for a total replacement of 'franc' in the present Merchant Shipping Act by Spe-

cial Drawing Rights. I have explained this in my speech when I mentioned the reasons. The hon. Members have talked of two or three points. One is about the recruitment Centre, the second is about the unemployment allowances and the third is about the recession in the Shipping business. Of course, the hon. Member from Orissa has mentioned about the ports.

Now, as far as the recruitment Centre is concerned, there have been debates on this point for the last two years that instead of having two centres, we should have 2 or 3 more centres and I have mentioned in my reply to the points in this House that because of the understanding and the agreement with the Union, we could not really open a third Centre. We are discussing with them on this point. But in between the shipping service is under recession. If you recall, about 10 or 15 years ago, Indian shipping units were not able to get seamen because all the seamen used to get jobs in the foreign shipping companies and they were better paid than by the Indian shipping companies. So, everything was all right, there was not much of waiting time and people were getting the jobs. But when the shipping went into recession, all these people in the foreign shipping companies also came back and the number of registered unemployed seamen went very high. Now, luckily and fortunately the freight rates are catching up in shipping and we are coming out of the recession all over the world, and I am hopeful that if this recession really goes out of the picture, and we catch up with the shipping freight now, there is likelihood that we might attain the same position as it existed 10 years or 15 years back. As on today, I have the information that at Bombay we have 20,174 registered seamen and the number of jobs available is round about 8000. Similarly, in Calcutta we have 8,823 registered seamen and we have jobs available to 2100. In totality today we have 19000 people already waiting. Now, opening the centre in south or other places, as has been mentioned by the hon. Member, is a very noble idea, but the first thing is the jobs. There is no use registering at 10 places and job availability remains dead as it is a

[Sh. Rajesh Pilot]

year back or so. So, I have this point in my mind and we are discussing with the union people that at least we should start a centre in South where the coastline is so much. Whether it is Goa or Visakhapatnam, all these places are under consideration.

The second point the hon. Members have pointed out is shipping. I have said, Mr. Chairman, Sir, that in the recession period also when all world shipping companies were really showing the deficit, Indian shipping companies sustained the recession, not all of them, but most of the companies fought well with the recession and not many companies went under liquidation as other developed countries' companies went under it during this period. We have taken measures from the Government side. Regarding the companies which are viable, we are going out of the way to help them, whatever cargo support we can give, we are also coming out with cargo support to them, financial help we have extended to them, and I specially take an open darbar once in three months and meet the shipping companies person to person. All my officers come with me and we sort out the problems of all companies and whatever problems are there, we normally sort them out on the spot.

Another point has been mentioned about the ports. As I often said in the House, Mr. Chairman, modernisation and development of ports is a continuous process. Overnight you cannot really modernise all the ports, you cannot develop all the ports. It is a very expensive sector. Whatever little resources the Government has got, the country can afford, we are putting our best and today we have the modern ports with us and the House will be happy to know that, as I said earlier, we did a record handling of 133 million tonnes which was much more than last year. So, every year we are increasing our handling of cargo and new ports like the Nhavasheva Port which will be totally modern will be able to compete with other modern ports in the world. So, these are the continuous efforts of the Government in this sector.

Lastly, I thank all the hon. Members for whatever comments or suggestions they have given regarding my Ministry and the Department. I will certainly consider all those points and do whatever best can be done by the Government.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Merchant Shipping Act, 1958, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 6 stand part of the Bill."

The motion was adopted

Clauses 2 to 6 were added to the Bill.

MR. CHAIRMAN: 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. CHAIRMAN: The question is:

"That the Bill be passed".

The motion was adopted