

a false hope of higher pecuniaries and prosperity. But it was a horror that the poor bonded labourers were forced to face an untold agony, torture and hand-to-mouth existence under the tyranny of the contractors.

The Tamil Nadu Police rescued them with great difficulty. The bonded Tamil labourers in Andhra Pradesh also faced similar difficulties. Release from bondage, without adequate rehabilitation, does not solve the problem.

I request that the various Act governing the welfare of labourers are got implemented in letter and spirit, by the Union Government.

15.08 hrs.

MERCHANT SHIPPING (AMENDMENT) BILL

MR. CHAIRMAN. Before lunch, the House had agreed with the request of Mr. Stephen that his Bill be taken up first. So, we will now take up the Merchant Shipping (Amendment) Bill.

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI C. M. STEPHEN): Mr. Chairman, Sir: With your permission, I beg to move.*

"That the Bill further to amend the Merchant Shipping Act, 1958, be taken into consideration."

The Merchant Shipping Act is one of the most comprehensive pieces of legislation that we have. It covers all the aspects of the merchant shipping operation—its fleet, its regulation, its registration and the manner of registration of seamen and their welfare. Every aspect is taken care of by this very comprehensive Act which is in force. This Act was being amended from time to time, to bring in

provisions for the purpose of meeting problems and challenges which arise from time to time. The shipping industry is not confined to any particular country. This is international in nature. It operates from port to port, but plies in the high seas, therefore, covers the jurisdiction of different countries so much so the international law comes in to govern its operation. The purpose of the amendment which I am now moving is to incorporate into this main law certain conventions, international conventions which are accepted and which were amended by the international bodies that is, it concerns mostly the question of pollution of the sea. This has become a very major problem even as stupendous as the problem of pollution of the atmosphere was mainly.

There are about 40,000 vessels moving about on the high seas belonging to the different countries. We ourselves have got a fleet of about 404 merchant ships and the number is moving up. The problem of these ships discharging oil into the sea and polluting the sea particularly waters in the territorial area, territorial waters, has been a menace so much that the international community addressed itself to the question.

In 1954, there was a convention to prevent the pollution of sea by oil and that convention was adopted by our country and the provision of that convention were incorporated in the Merchant Shipping Act by an amendment which was brought forth in 1970 which took effect from 1974 onwards. After 1954, there were three amendments to that particular convention. One was in 1969; another was in 1971, which enlarged the sphere of this concept of the prohibition against the discharge of the oil into the sea. In 1954, it was limited what is known the territorial water which is just about 20 miles from our coastal belt whereas by the subsequent convention it is extended beyond that

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and also the method of operation, prohibition was regulated by certain new concepts. We now seek, therefore, to incorporate these amendments into the Merchant Shipping Act which gives us jurisdiction to control the foreign ships and to regulate the discharge of oil by them in what is known as the coastal waters of India which can extend upto 200 miles from our land area upto the extent of 50 miles within that particular coastal water ; and there, we seek to regulate foreign ships that call at our ports. we see to regulate the Indian ships and the discharge of the oil within the particular sphere is sought to be completely prohibited and the discharge of oil beyond that particular area will have to be subjected to certain regulations. It is these that we seek to incorporate by this particular amendment. Subsequently, in 1969, there was another convention by the international community which seeks to stipulate the damages and the compensation for the damages that may happen by reasons of the discharge of the oil into the sea. A limit could be fixed up by the owners and for the rest of the damage, there is a formula whereby that has got to met; but that is not going to be incorporated in this Act. But this formula fixing up the compensation and the method of regulating and controlling and giving directions and so on to realise the amount which is necessary in order to build up the infrastructure to ensure that the oil which has got to be discharged out could be received in the different ports. These are the different items which are contemplated by bringing forth this amendment. This operation will require the appointment of a number of expert people like surveyors, etc.

It has got to build up the infrastructure in the ports too for receiving the oil which they may seek to discharge without polluting the sea which will mean a large amount of money running into crores of rupees will be required. This we

seek to realise from the ship owners by charging a specific fee, not beyond 50 Paise per tonne of oil which they are bringing and collecting that amount and funding it together, using that for the purpose of building up a fund to build up our infrastructure and for meeting the needs or regulating the anti-pollution activity.

We are seeking to incorporate into the Merchant Shipping Act the provisions of the International Convention by adding a new part to the other different parts of the Act. That is the second.

The third is, there was a Committee which was appointed to go into the question of fishing boats. The fishing boats as of today are not bound to be registered. The position is that there is no information as to how many fishing boats are operating, there is no regulation of the safety, there is no control about it with different types of fishing boats coming, mechanised and non-mechanised. Therefore the Committee which went into this question made a recommendation that there should be a machinery whereby all the fishing boats of different types can be registered and can be controlled and regulated in the interest of the fisherman who are going in the fishing boats. There are three types of fishing boats. We contemplate three types of fishing boats : One is a sort of ship which we use only for shipping which will have to be registered. The second is the sailing vessels and these vessels are also used for fishing purposes which also have got to be registered. Thirdly, the different types of small boats which are also engaged in fishing which need not be registered by reasons of this Act which we reserve to ourselves the power to notify as the time goes on, that such and such classes of those fishing boats will have to be registered. To issue an order that all these boats must be registered immediately will

create harassment of the millions of fisherman who are operating and therefore that is not made compulsory. All enabling section is sought to be incorporated by the device of the definition of the fishing boat. It is this recommendation of this Committee that we propose to incorporate into this Act.

The fourth one is, we find that whenever ships are going out into the far out sea, foreign ships which have no jurisdiction there, intervene and they ask for certain documents and all that which is against international conventions and practices. We want to protect those ships by giving directions to them as to what exactly they should do when such as contingency arises. A device is being formulated and to to protect our sovereignty, to protect the interests of our ships against intervention by countries which have no authority or jurisdiction over them. Another section is sought to be incorporated into the Merchant Shipping Act. These are the main four amendments which we are seeking. Consequential amendments are also coming. As I said these are to be added to the Act. And as I said at the start, the purpose of this amendment is to make the Merchant Shipping Act up-to-date, in line with the international practices and conventions which are internationally accepted. And this incorporation is necessary for a merchant shipping fleet like India's which is fast growing, a fact for which we can take legitimate pride and at the same time, it is necessary that the faster the shipping fleet grows, the larger the number of ships that come to our borders, the faster the ports develop, the greater the international trade that operates, the more is the necessity that we become absolutely zealous and jealous about protecting our territorial waters against pollution which can affect even the landmass of our country, and therefore I think the incorporation of these

provisions in the Act is absolutely essential. The international Convention has to come to aid the purpose of the amendment which I suppose is by and large non-controversial, to bring the provision of the Act up-to-date in accordance with the demands of the situation which is being pushed up by a faster expanding Merchant shipping fleet.

With these words, I move :

“That the Bill further to amend the Merchant Shipping Act, 1958, be taken into consideration.”

MR. CHAIRMAN : motion moved :

“That the Bill further to amend the Merchant Shipping Act, 1958, be taken into consideration.”

SHRI AMAL DATTA (Diamond Harbour) : In discussing a Bill of this nature one must be aware that the movement of shipping towards certain modern trends, has made it necessary to bring about certain amendments like the present one, so that the ecological balance is not disturbed unnecessarily because of the default by persons owning or operating ship.

Oil leakages have become a headache for the international community, because it causes serious disturbances on high seas and territorial waters as it tends deprive very large sections of the humanity of the benefits that are derived from the sea. Fishing particularly has been the main victim of such oil leakages. Therefore, the Convention, to which the Minister has referred, has laid down certain guidelines to be adopted by the countries, which are parties to that Convention, so that the country can exercise certain amount of discipline over its shipping as well as the

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ships in its territorial waters even though belonging to foreign flags. But here certain questions arise not because of the amendments which are sought to be incorporated but because the Government, in its anxiety to give effect to the deliberations or decisions of such Conventions, tends to forget that it has certain duty to its own nationals. The hon. Minister has very boldly stated that this is a comprehensive legislation which also takes care of the welfare of the seamen. No doubt, there are a number of sections in the original Act concerning Seamen. But there is no section governing the welfare of the sailor or payment of his wages. Nor is it provided in the present amendment Bill. What happens when a ship gets stranded off the coast? On 1st May, 1982, it was reported newspapers that a ship belonging to an Indian Line, Himalayan Line, had been laying off the coast of Madras for one month, that the seamen had not been paid wages and that they were on the point of starvation. The Government has no power to do anything in such cases. It cannot compel the ship-owner to pay the wages. It has no funds set apart, as they are doing now, for the purpose of making good the damage caused by oil pollution. I have calculated roughly that a ship-taking the average of a tanker-as bringing 20,000 mt. of oil has to pay Rs. 10,000/- at the rate of 50 paise per tonne.

The Government think it is quite justifiable because on some later date there may be oil pollution off the coast or in the high seas, which the Government will take care of by using this Fund. But what happens to the 20,000 seamen of this country? What security do they have if their wages are not paid? They have to go to a court, file a suit and wait till the decision of the court is obtained, which may take years. Government have not thought it fit to constitute a fund to make payment to the seamen, who have not been paid by the shipowners.

Similarly most of these 20,000 seamen remain unemployed most of the time. The seamen enter into a contract with the shipowner for a voyage, which may last 5 or 6 months. The contract expires at the end of the voyage. After that, if he can get another contract, he is again employed. Otherwise, he remains unemployed until such time he can get a contract. Such a period of enforced idleness is some times as long as 12 to 15 months. Will the hon. Minister kindly take note of this? The seamen of this country are organised at least a section of them are organised, and they have been clamouring that a fund be set up for this purpose so they can get paid some unemployment benefit during this period of enforced idleness, which is not their fault. Even though we have only 20,000 seamen, we cannot give employment to all of them at least for a major part of the year. This is the position of our shipping industry today and yet there are no provisions with regard to this in the Merchant Shipping Act.

In spite of all the governmental patronage, our shipping industry has not developed to the desired level. I do not know whether any other government gives this much of loan. Maybe, in other countries loans may be obtained from other banks unlike in our country, where it is restricted in the sense that loans in foreign exchange cannot be taken without the permission of the Government. It appears from the data supplied by the hon. Minister that we have 404 ships out of the 40,000 ships all over the world, which means one per cent of the total world shipping. We have 20,000 seamen who are borne by the Indian ships and another 10,000 to 11,000 working in foreign ships. At no point of time have the Government brought forward any regulation concerning the conditions of service of the Indian seamen working in foreign ships. They may perhaps say that so far as foreign ships working or

operating in foreign waters are concerned, the Government of India do not have any control over them. But they have control over ships calling at Indian ports or passing through our territorial waters. Even in respect of them, they have not done anything.

You will remember that there was hue and cry at the time of the British invasion of Falkland that a British ship carrying British troops was manned by Indian crews. A news came about two or three days ago in the papers that the same ship being manned by Indian crew and that they have been provided with the poorest of facilities that the world have ever seen, because the British want to replicate the British colonial days, the days of colonial grandeur when the Sahebs used to live like Lords and the Indians used to live like slaves. What have the Government of India done with regard to this ? Nothing.

Then, so far as the growth of Indian shipping is concerned, it will depend to a very large extent on two factors, one of which is the growth of export trade. Of course, the hon. Minister of Shipping is not concerned with that. But this will also depend on the extent that Indian exporters are compelled to export in Indian bottom bottoms. All the countries in the world who have a merchant navy and who want to increase their merchant navy fleet have some sort of compulsion either through law or agreement in some form or the other that their exports or a substantial percentage of their exports—50 per cent or more—must be carried by their own bottoms. Even the UNCTAD have recommended such a measure to be adopted by

the countries which are Members of UNCTAD. UNCTAD recommended 40 per cent to be carried by national bottoms. But India has not yet taken up that recommendation and has not yet brought any legislation to that effect so that today Indian exports which are going abroad and even the subsidised exports are being carried by foreign merchant ships. The Indian shipowners who are being fed by the Fund, the Shipping Industry Development Fund or whatever it is called—this Fund provides for about 90 per cent of the cost of purchase of a ship—must be compelled to carry Indian goods. There must be an obligation on the part of shipowners to carry a certain percentage of merchandise of Indian origin. But this obligation has not been imposed and that leaves the Indian shipowners free to carry foreign goods from one foreign port to another foreign port and thereby earn foreign exchange which they do not remit to the country or remit in very small amounts. They are thereby given the opportunity to conceal their incomes in foreign exchange. There should be a compulsion on the part of such people who have taken loans. If the loans are substantial such as 90 per cent of their purchase price, they must be compelled to carry a substantial amount of cargo which must be of Indian origin. No doubt we had started from a very very small beginning in 1950 and today our fleet, although it is one per cent of the world's fleet, is still something; think it is about 7.5 million....

SHRI C. M. STEPHEN: 6 million.

SHRI AMAL DATTA: Very well, it is 6 million, I stand corrected. Out of this, 55 per cent or may be even more—I saw this figure probably last year—is owned by State undertakings, the

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Shipping Corporation of India and others. Therefore, it is not impossible—in fact it is very much within the capacity of the Government—to impose the necessary discipline on this small amount of shipping tonnage which is owned by private ship owners and the Government also must discipline itself simultaneously. One of the largest exports of India is iron ore and the exporter is a Government undertaking called M.M.T.C. Their largest export is to Japan and for the last 15 years, not one ounce of iron ore has been exported in Indian bottoms. Was it not within the capability of the Government to dictate to this Corporation that they must enter into an agreement that 50 per cent of the iron ore exported from India must go in Indian bottoms? They have not done it. They have left everything to be done by the M.M.T.C. to please the Japanese on the ground that they are in a buyers' market.

Therefore, the Japanese can choose as to by which bottom the iron ore will be exported. But that has not always been the case. I may be the case today or for the last one or two years but that certainly was not the case four, five or ten years ago for that matter. There is no plea which can stand up scrutiny by which the Government can defend itself when it is accused of not exerting influence to see that Indian cargo is by and large carried by Indian bottoms and Indian ship owners who have taken loan from the Government to purchase the ship are compelled to carry Indian cargo, otherwise whenever shipping industry happened to be a recession, then there is default and when there is default the Government re-schedules repayment of the loans taken. Only last year Rs. 65 crores loan re-

payment has been re-scheduled, thereby losing interest substantially. So far as shipping development loan is concerned the rate is very very low compared to the rate at which money is loaned to industry. All this goes to the Government's inability to formulate proper policy with regard to development of shipping, with regard to control and regulation of shipping, with regard to its exports and subsidy on exports and shipping development fund that is, where, how and in what conditions it is loaned which it must make the borrower accept. These are the things which should be incorporated in this Act.

I comment that so far as this Act goes, the present amendment goes, there is nothing objectionable. It can be incorporated. But I would urge the Minister to bring about further amendments to this Act. A comprehensive Bill incorporating the amendments suggested by me may be brought.

श्री गिरधारी लाल व्यास (भीलवाड़ा) : सभापति महोदय, मैं वाणिज्य पोत परिवहन (संशोधन) विधेयक, 1982 का समर्थन करता हूँ। हमारी शिपिंग ट्रांसपोर्ट की जो अभी मौजूदा व्यवस्था है उसमें बहुत सुधार करने की आवश्यकता है। दूसरे कन्ट्रीज के मुकाबले में जितना कार्गो हमको ले जाना चाहिए और जितनी आमदनी हमारे देश को होनी चाहिए वह हम नहीं कर पा रहे हैं। अभी जो माननीय सदस्य बोल रहे थे उन्होंने बताया कि दुनिया में जो 40 हजार वेसल्स हैं उनमें हमारे पास केवल 404 हैं यानि केवल एक परसेन्ट। इसलिए इस देश में ज्यादा से ज्यादा शिप्स बढ़ाए जाने चाहिए ताकि हम कम से कम अपनी चीजों का जो एक्सपोर्ट हम करते हैं उसको ढोने से जो आमदनी होती है उसको हम प्रोत्थोर कर

सकें और वाणिज्य पोत परिवहन के आर्थिक विकास को गति दे सकें। ऐसा करना नितान्त आवश्यक है और अभी मंत्री जी जो व्यवस्था करने जा रहे हैं उसमें कुछ बढ़ोतरी होने की गुंजाइश नजर आती है। एक टन पर पचास पैसे की दर से सरकार टैक्स लगाने जा रही है। अगर किसी वेसल में 20 हजार टन भी तेल या दूसरा सामान आता है तो दस हजार रुपया कर के रूप में उपलब्ध हो सकेगा। इस प्रकार जो पैसा मिलेगा उससे निश्चित रूप से शिपिंग ट्रांसपोर्ट को आगे बढ़ाने का मौका मिलेगा। आज तक जो व्यवस्था थी, उस व्यवस्था में किसी प्रकार की कोई माकूल व्यवस्था नहीं थी। आपने खास तौर से जो इस बिल का प्रावधान किया है, वह समुद्र के पानी में बढ़ रहे पोल्यूशन को दूर करने के लिए किया है। इसके लिए भी यह आवश्यक है कि इसमें कुछ न कुछ इस प्रकार प्रावधान करना चाहिए, ताकि इस पोल्यूशन को रोका जा सके और एक अच्छा वातावरण बन सके। इस प्रकार की व्यवस्था नितान्त आवश्यक है।

मैं खास तौर से इसमें जो कमियां हैं उन कमियों की तरफ आपका ध्यान दिलाना चाहता हूं। जैसा कि मेरे से पूर्ववक्ता ने कहा कि शिप्स के अन्दर कार्गो में जो आदमी काम करते हैं, आफिसर्स काम करते हैं या मजदूर काम करते हैं, उन के संबंध में किसी प्रकार की कोई व्यवस्था नहीं की गई है। जो प्राइवेट वेसल्स हैं, उनमें खास तौर से कोई व्यवस्था नहीं है। जो सरकार की तरफ से या डिपार्टमेंट की तरफ से व्यवस्था चलती है, उस में समय पर उन लोगों को काम भी मिलता है और पैसा मिलता है। मगर प्राइवेट पार्टीज की शिप्स में जो काम करते हैं, उनके

लिए कोई माकूल व्यवस्था नहीं है। उनके लिए सिर्फ 5-6-7 या आठ महीने का कान्ट्रैक्ट होता है। इस कानून में उन लोगों के लिए कोई व्यवस्था नहीं है। क्यों कि मजदूर छः महीने खाली रहता है और उस को कोई अन्य काम नहीं मिलता है, तो वह किस प्रकार अपने बाल-बच्चों का पालन-पोषण करेगा। हर क्षेत्र में मजदूरों को राहत देने की कोशिश कर रहे हैं। मजदूरों को पूरी मजदूरी दिलाने की कोशिश कर रहे हैं, मिनिमम वेज फिक्स करते हैं, डेज फिक्स करते हैं कि उनको इतना काम करना है। इसलिए इन लोगों के लिए इस क्षेत्र में भी कोई न कोई प्रावधान करना चाहिए, ताकि वे लोग भी हर सुविधा का लाभ उठा सकें। जो अन्य कारखानों में उनके विकास के लिए, वेल्फेयर के लिए फैसिलिटीज दी जाती हैं, इन शिप्स में काम करने वाले लोगों के लिए कोई व्यवस्था नहीं है। इस ओर भी आपको ध्यान देना चाहिए। जितने भी शिप्स में काम करने वाले लोग हैं, उनके सी० पी० एफ० और ई० एस० आई० के सबंध में कोई व्यवस्था नहीं है। उनके लिए अन्य लेबर लाज हैं, लेकिन इन लोगों के लिए इस कानून के अन्तर्गत कोई व्यवस्था नहीं है।

दूसरी बात मैं यह कहना चाहता हूं कि छः-छः महीने तक लोग शिप्स के अन्दर लोग बाहर जाते हैं। उनके पीछे उनके परिवार की देखभाल, उनके बच्चों की पढ़ाई-लिखाई के संबंध में कोई माकूल व्यवस्था नहीं है। आपने केवल पचास पैसे प्रति-टन का टैक्स लगा दिया है और वह भी सिर्फ वाटर पोल्यूशन को दूर करने के लिए। मगर इन फैसिलिटीज को उपलब्ध कराने के लिए कोई टैक्स नहीं लागया है। इन सुविधाओं को उपलब्ध कराने के लिए आपको टैक्स लगाना चाहिए। इस प्रकार का टैक्स

[श्री गिरधारी लाल व्यास]

लगा कर आप उन लोगों के लिए भी फेसिलिटीज उपलब्ध करा सकते हैं। इस संबंध में निश्चित तरीके से कोई न कोई व्यवस्था होनी चाहिए। बेलफेयर के संबंध में और साधन उपलब्ध कराने के संबंध में माकूल प्रावधान किए जाने चाहिए।

फिशिंग के संबंध में रजिस्ट्रेशन का प्रावधान किया गया है। लेकिन हजारों नाविक लोग छोटे-छोटे नावों द्वारा रात-दिन यही धंदा करते हैं। रजिस्ट्रेशन होने से वे किस तरीके से अपना व्यवसाय ठीक तरीके से चला सकेंगे। बड़े वैसल या जहाज जो व्यापारिक दृष्टि से यह काम करते हैं उनके ऊपर निश्चित तरीके से यह पाबंदी होनी चाहिए, लेकिन जो छोटे-छोटे लोग इस व्यवसाय से अपना पेट पालते हैं उनको आप इस कानून के शिकजे में मत जकड़िए। हालांकि इसमें छूट दी है कि उनको रजिस्टर्ड नहीं किया जाएगा, लेकिन रिकार्ड में डेन किया जाएगा, उनके संबंध में जानकारी एकत्र की जाएगी कि कितने लोग इस प्रकार का धंदा करते हैं। यह सारा जो प्रावधान आपने किया है, उससे उनको जकड़ने का तरीका बन जाएगा और उससे उनको बहुत कठिनाई का सामना करना पड़ेगा। इसलिए इस तरह का प्रावधान उनके लिए नहीं करना चाहिए।

एक बात मैं और निवेदन करना चाहता हूँ देश में शिपिंग ट्रांसपोर्ट को मजबूत बनाने के लिए इस प्रकार का प्रावधान निश्चित तरीके से किया जाना चाहिए। हमारे यहां से जो सामान एक्सपोर्ट किया जाता है, वह हमारे वैसल्स के अन्दर जाए। इससे ज्यादा से ज्यादा आमदनी होगी। अभी एक माननीय सदस्य ने आवरण और काजिक किया था कि 50-100 बरस से बराबर

इसका निर्यात किया जा रहा है और यह विदेशी वैसल्स के अन्दर जाता है। इस आमदनी को प्राप्त किया जा सकता है। जब हम अपनी ट्रेड एग्रीमेंट करते हैं तो उसमें एक शर्त यह भी शामिल की जानी चाहिए कि यह सामान हमारे वैसल्स में जाएगा। इससे काफी फायदा होगा और हमारा जो यह व्यवसाय पिछड़ा हुआ है दूसरे देशों के मुकाबले में उसमें सुधार लाया जा सकेगा। अगर हमको दुनिया के माहौल में जिन्दा रहना है तो इस व्यवसाय को सशक्त बनाना आवश्यक है। प्लान्स में ज्यादा अलाटमेंट करके इसको मजबूत बनाया जाना चाहिए। यह हमारे रिलोर्सेस का बहुत बड़ा भाग बन सकता है। देश को ऊपर उठा सकता है। इससे देश की आमदनी बढ़ सकती है। इसलिए सारी व्यवस्थाओं को माकूल तरीके से करना आवश्यक है।

इसके साथ ही माननीय मंत्री महोदय ने जो कानून सदन में प्रस्तुत किया है, इस आशा के साथ कि आपके नेतृत्व में यह व्यवसाय दिन प्रति दिन उन्नति करेगा, मैं इसका समर्थन करता हूँ।

श्री बाबूराव परांजपे (जबलपुर) : भारतीय जहाजरानी परिवहन कानून में जो संशोधन लाया गया है वह बहुत छोटा सा है। सनय आ गया है जब इस कानून में प्रामूलबूल परिवर्तन होना चाहिये। यह बहुत जरूरी है।

आप जानते ही हैं कि अन्य राष्ट्रों के मुकाबले हमारा जहाजरानी परिवहन बहुत ही प्रारम्भिक अवस्था में है। प्रारम्भिक अवस्था में होने के कारण इस में तकलीफें और परेशानियां विशेष रूपसे हमारे नागरिकों को और मजदूर भाइयों को अधिक होती हैं। इसलिए इस पर विचार होना चाहिये, यह मेरा आग्रह है।

जितनी कोई दिक्कत होती है उसको दूर करने के लिए हम संशोधन ला कर और उसको आगे बढ़ा कर काम चला लेते हैं लेकिन यह पर्याप्त नहीं है। मैं समझता हूँ कि गम्भीरता से इस कानून पर विचार करके संशोधन लाए जाएं ताकि हमारे देश को जो बहुत बड़ा नुकसान उठाना पड़ रहा है, वह उठाना न पड़े।

सभापति महोदय, मैं दो एक उदाहरण देना चाहता हूँ और बताना चाहता हूँ कि किस प्रकार का घाटा हमें हो रहा है। आपने पढ़ा होगा समाचार-पत्रों में कि पिछले तीन वर्ष में वाणिज्यिक पोतों के प्राइवेट मालिक इन पोतों का बीमा करते हैं, उनमें पत्थर इत्यादि भर कर उनको समुद्र में ला कर डुबो देते हैं। उनको इस बात की चिन्ता नहीं रहती है कि इस कारण से श्रमिकों और नाविकों की मौत भी हो सकती है। उनकी जान के साथ ये खिलवाड़ करते हैं। पिछले वर्ष इस प्रकार से एक वाणिज्यिक पोत डूबोया गया था जिसमें 35 अधिकारियों और नाविकों की मृत्यु हो गई थी। उसके बारे में बहुत कुछ लोक सभा में भी कहा गया था और समाचारपत्रों में भी छपा था। परन्तु कानूनी चौखट में से ये लखपति और करोड़पति साफ बच निकलते हैं और कोई मर्ग नहीं मिलता है उनसे निपटने का। मेरा सुझाव है कि कानून इस प्रकार से बनाया जाए ताकि इस प्रकार अधिकारियों और नाविकों की जान के साथ खिलवाड़ करने का मौका इन प्राइवेट पोतों के मालिकों को न मिले।

पिछले चार महीने का किस्सा मैं आपको बताता हूँ। किस प्रकार लाखों करोड़ों का नुकसान हो रहा है, उसका उदाहरण मैं आपको देता हूँ। बम्बई की डाक में मोजा मैरिनर एक विदेशी कम्पनी

का जहाज आधी डूबी हुई हालत में विक्टोरिया डाक में पड़ा है। चूँकि विक्टोरिया डाक में वह घुस गया था इसलिए आज भी चार महीने के बाद भी विक्टोरिया डाक नम्बर चार काम की हालत में नहीं है। साथ में लगता हुआ पांच नम्बर का डाक भी अन्य पोतों के काम में नहीं आ रहा है। इसी विदेशी कम्पनी का एक जहाज मोजा मैरिनर एफ वर्थ प्रिंसिस डाक्स में हमारे अधिकारियों ने इसलिए रोके रखा है कि आधा डूबा जहाज जो है उसका खर्चा, क्रेन का किराया, डैमरेज आदि का रुपया वसूल किया जा सके। कुल मिला कर तीन डाक्स में जिस जहाज को कैद कर दिया गया है वे तीनों डाक्स आज चार महीने से बेकार पड़ी हुई है। अभी जो आंकेड़े आए हैं उनके मुताबिक 64 लाख 60 हजार उस जहाज पर हमारे शासन का उधार हो गया है चाहे वह हायर के रूप में हो, या क्रेन चार्ज के रूप में हो और प्रतिदिन बीस हजार की इसमें बढ़ोतरी होती जा रही है। बम्बई पोर्ट ट्रस्ट के मजदूर नेता श्री कुलकर्णी ने इस मामले में शासन को एक पत्र भी लिखा हुआ है। देश को रुपयों के रूप में नुकसान तो हो ही रहा है परन्तु हमारे तीन-तीन डाक्स पर बाहर के जहाज आ कर न तो माल उतार सकते हैं और न ही नया माल भर सकते हैं और उनको बड़ी कठिनाई का सामना करना पड़ रहा है, इस वास्ते इस मामले पर विचार कर अगर कानून में संशोधन करने की जरूरत महसूस की जाती है तो वह किया जाना चाहिये।

मद्रास पोर्ट की बात को आप लें। वहां सारा कारोबार एक प्राइवेट कम्पनी के द्वारा आज तक किया जा रहा है। यहां भिन्न-भिन्न-कारखानों का, उद्योगों का राष्ट्रीयकरण किए जाने की बात की

[श्री बाबूराम परांजपे]

जाती है परन्तु मद्रास पोर्ट आज भी एक प्राइवेट एजेंसी के द्वारा रन की जा रही है जोकि अपने आप में एक अजीब बात है । इस पर तुरन्त विचार होना चाहिये और शिपिंग कारपोरेशन आफ इंडिया को इसको हस्तगत कर लेना चाहिये और इस काम के लिए अगर कानून में परिवर्तन करने की जरूरत हो तो वह भी किया जाना चाहिये । जैसा मैंने कहा मजदूरों के हित की, नाविक जो गुलाम हैं, उनके हित की बात उतनी होती है जितने का मामला सामने आज आता है । लेकिन मैं चाहूंगा कि यदि मंत्री जो चाहते हैं कि इस व्यवस्था में आमूलचूल परिवर्तन हो तो वह एक समिति बनायें जिसमें इस बारे में कानून की जांच की जाय ताकि लाखों, करोड़ों रुपये की जो क्षति भारत को होती है, हमारे नाविकों को जिस प्रकार लूटा जाता है, उस नुकसान से हम बच सकें । यही मैं कहना चाहता हूं ।

PROF. N. G. RANGA (Guntur): Mr. Chairman, Sir, I wish to congratulate you for agreeing to be one of our Chairman.....

MR. CHAIRMAN: Thank you.

PROF. N. G. RANGA: I rise to support this Bill. we should have had this Bill a long time ago. One of the biggest weaknesses which our country is suffering from is this sphere of merchant shipping. The shipping itself has been very weak. We wanted to develop it, but somehow or the other some difficulties arose because of some buccaneer some time ago and our people became very shy and we have been going slow about it.

My hon. friend, Mr. Stephen was talking about the policing of

our ports and for that he has told us that we do not have enough of equipment, infrastructure including the ships whereas in the rest of the world, especially in the west and also in Japan, there are too many ships with them and they are having depression on and we need more and more of them. Now would it not be the best possible time today for us to try to purchase as many ships as possible from those countries which are suffering from their surpluses ? But how to purchase them and with what money There also, if our Government were to go about it in a very careful way, it may be possible for them to purchase those countries which have got surplus of these ships to sell them to us on loan and on very easy terms. I am told it would be possible. But then I do not know whether the Planning Commission would come in the way. Apart from whatever provision has been made by the Planning Commission in these plans for placing funds at the disposal of our Ministry, I would like my hon. friend, Mr. Stephen to try and negotiate with them and negotiate with the other countries also outside the scope of the four corners of the present Plan that they have made for us, to try and get as many ships as possible to our Navy. This is very important not only because of the need for preventing pollution of the seas by oil and so on.

Sometime ago we have had a debate here in our House as to how various countries, such countries which are so far away as Japan, send their ships to approach into our fishing areas, with the result that even the Krala coastal people have had to suffer because of this poaching made by those people. we were told that there were not enough of our own ship to police our seas and prevent those people from poaching. Therefore, there is an urgency in

this regard and I would like my hon. friend, Mr. Stephen to use his influence not only as a Minister but also use his political influence to see that we would be able to persuade the Planning Commission this side and the countries which are willing and which find it necessary to sell their ships, to ensure the purchase of a large number of ships to enable us to police our seas. Otherwise, it is no use at all in our negotiating in these International Conferences for more and more of these sea areas to be allowed to be treated as our territorial water. Of what satisfaction would it be? If the territorial water which is considered to be within our zone is extended from 30 to 50 or 70 miles away from the coast and, if we do not have sufficient number of ships—I would like my hon. friend to move in this direction.

16.00 hrs.

If we do that, then, we would be able to satisfy the international obligations that we have taken upon ourselves in regard to pollution. We would also be able to serve our people who are engaged in fishing in our own territorial waters; we would also equip ourselves as soon as possible with atleast a minimum quantity of infrastructure in regard to the Merchant Shipping and also Navy.

श्री हरीश कमर गंगवार (पीलीभीत) : सभापति महोदय, माननीय श्री एस० के० पाटिल शे 1958 में जब इस बिल को मूव किया था तो उन्होंने स्पष्ट और जोरदार शब्दों में कहा था—

“We want to make India a maritime country”.

PROF. MADHU DANAVATE : (Rajapur) : You cannot refer to what happened in the House when the person is not here. He is not in the world also.

He has moved the Bill and, therefore, I say, this.

श्री हरीश कुमार गंगवार : जैसा कि मंत्री जी ने अभी कहा कि हमारे पास 404 जहाजों का फ्लीट है, मैं यह जानना चाहता हूँ कि 24 वर्षों के बाद इंडिया को मेरीटाइम कंट्री बनाने में कितनी प्रगति आपने कर ली है। क्या इसका कोई लेखा-जोखा आपके पास है और वह बतायेंगे ?

उस समय नम्बर आफ शिप्स 39, कोस्टल ट्रेड में लगे हुए 84, ओवरसीज में लगे हुए 55, कुल 178 का टोटल 1958 में जहाजों के सम्बन्ध में था। अब 24 वर्षों में आप 226 की प्रगति कर पायें हैं, अगर आप 404 का अपना फिगर सही मानते हैं ?

भारत की तटीय रेखा लगभग 4 हजार मील लम्बी है, उसके हिसाब से कितने जहाज चाहियें, कितना कार्य हमको करना चाहिये, कितना माल ढाने की क्षमता का हमें उपयोग करना चाहिए, क्या लक्ष्य आपने बनाये और उसमें कितनी प्रगति हुई, यह सब भी इस बिल के साथ आप बता देते तो अच्छा होता। क्योंकि 24 वर्षों के बाद इस सदन को यह जानने का हक है कि 1958 में बिल पास करने के बाद आपने भारतवर्ष को एक मैरी टाइम कंट्री बनाने में क्या तरकी की, जो आपका लक्ष्य था, जिसकी आपने घोषणा की थी और की जानी चाहिये थी।

मैं अब भी इस व्यू का हूँ, यद्यपि यह बिल जिस समय 1958 में प्रस्तुत किया गया था, उस समय ज्वायन्ट कमेटी की रिपोर्ट के हिसाब से इसमें काफ़ी परिवर्तन किया गया था। 461 धाराओं का यह एक्ट बना था, लेकिन आज भी

[श्री हरोश कुमार गंगावर]

24 वर्षों के बाद जो इनकी प्रगति हुई है, उन धाराओं से अधिक लाभ हमको नहीं मिल पाया। इस लिए हम पिछड़ गए हैं। इस कानून को और मजबूत और व्यापक बनाने के लिए इसे फिर से जांचट कमेटी के सुपुर्द करना चाहिए था, ताकि एक बार ही इसमें व्यापक संशोधन किए जाते और एक काम्प्रिहेंसिव बिल हमारे सामने लाया जाता।

जहाजरानी, मर्चेंट नेवी, किसी राष्ट्र का जीवन और आत्मा है। जिस तरीके से हम रेलों, रोड ट्रांसपोर्ट और वायु-सेवाओं का विस्तार कर रहे हैं, उस हिसाब से हमारे समुद्री यातायात के साधनों का विकास नहीं हो रहा है। गोआ, मजगांव और अन्य डाक्स में हम वे सुविधाएं मुहैया नहीं कर पाए हैं, जिनसे जहाजों का निर्माण या मरम्मत जल्दी हो सके।

अभी गोआ डाक को देखने का मुझे मौका मिला था। वहां पर हमें बताया गया कि किसी सबमैरिन को वहां खड़ा रखने पर हमें एक लाख रुपया प्रति-दिन देना पड़ता है। मान लीजिए कि हम एक जहाज बना रहे हैं। दूसरा जहाज बनाने के लिए वहां स्थान नहीं है और इस लिए एक ही जहाज का अगला, पिछला और बीच का हिस्सा बनाने में बहुत समय लगता है। यद्यपि मजगांव डाक में दो तीन जहाज बनाने की सहूलियत है, लेकिन देश की आवश्यकता के हिसाब से अगर हम वहां पर दस पंद्रह जहाज एक साथ बनाने के लिए आवश्यक सुविधाएं उपलब्ध नहीं करेंगे, तो मर्चेंट नेवी के सम्बन्ध में हमारे गारंटेड पूरे नहीं हो सकेंगे।

हमारे देश को फिशिंग बोट्स की बहुत आवश्यकता है, लेकिन फिशिंग बोट्स बनाने में भी हमें बहुत देर लग रही है। फिशिंग एक्सप्लोरेशन के लिए हमारे यहां जो नई नावें बनाई गई हैं, उन्हें बनाने में बहुत देर लग रही है और उनकी संख्या भी बहुत कम है। अगर हम फिशिंग का विकास करें, तो यह देश का सब से बड़ा पैसा पैदा करने का साधन, आमदनी का जरोया, हो सकता है। गोआ में पोर्तुगीज ने जो किला बनाया था, उसके सामने अबर सागर है। हमें बताया गया कि उसमें मछली का सब से बड़ा भंडार है और जापान और जावा-सुमात्रा के जहाज वहां से हमारी मछली पकड़ कर ले जाते हैं, लेकिन आज तक हम उनका एक भी जहाज या नौका नहीं पकड़ पाए हैं। इतनी दूर से वे हमारी मछली चोरी करके ले जाते हैं। उसमें से हम मछली नहीं निकाल पाते हैं। मछली निकालना तो दूर रहा, हम अपने समुद्र की रक्षा भी नहीं कर पाए हैं। और ऐसा कई स्थानों पर होता है। इसलिए मैं निवेदन करूंगा कि मछली के एक्सप्लोरेशन के लिए आप जो नावें तैयार कर रहे हैं उसमें जल्दी करें। मुझे बताया गया है कि इन नौकाओं के द्वारा समुद्र के ऊपर से ही बता दिया जाता है कि कितनी गहराई पर मछली है। ये बहुत अच्छी नौकायें हैं फिशिंग एक्सप्लोरेशन वाली, इनकी तादाद हमें जल्दी से जल्दी और अधिक से अधिक बढ़ानी चाहिए। यह दुर्भाग्य की बात है कि बाहर के लोग हमारे यहां आकर हमारी मछलियां चोरी कर ले जायें। कोई एक मिनट में तो वे मछलियां पकड़ नहीं लेते होंगे, उसमें टाइम लगता होगा। फिर हमारी पुलिस क्या करती है? जैसा कि रंगाजी ने कहा है, काफी पुलिस फोर्स की आवश्यकता होगी इसलिए इस तरफ

भी—मैं मंत्री जी का ध्यान दिलाना चाहता हूँ ।

एक बात मैं और भी कहना चाहूंगा । यद्यपि आपने जो पहले का ऐक्ट है, उसमें सीमेन के लिए, समुद्र पर रहने वाले नाविकों तथा अफसरों के लिए कुछ प्राविजन किया है लेकिन बदली हुई परिस्थितियों में आपको इनके लिए एक श्रमिक कल्याण निधि स्थापित करने की आवश्यकता है । सीमेन लेबर वेलफेयर फंड जैसी कोई व्यवस्था आपको करनी चाहिए । जैसा कि आप जानते हैं शहर में, गांव में नौकरी करना, भूमि पर नौकरी करना और एक मायने में हवाई सेवा में भी नौकरी करना आसान है लेकिन जो हमारी मर्केंटाइल नेवी है, वाणिज्य जहाजरानी का जहां तक ताल्लुक है, इसमें लोगों को महीनों अपने घर से बाहर रहना पड़ता है । उनका घर-बार छूट जाता है, कोई बीमार हो जाए, मर जाए या उनका घर गिर जाये या उनकी जमीन पर कोई नाजायज कब्जा करले फिर भी वे जल्दी वापिस लौट नहीं सकते हैं । वे जहाज पर महीनों यात्रा करते हैं । कोई 6 महीने, तो कोई साल भर और कोई डेढ़ साल के बाद अपने घर लौटता है इसलिए उनके लिए आपको विशेष सेवा और सेवा में सुविधायें प्रदान करनी चाहिए जिससे कि वे आसानी के साथ बिना किसी दुःख और तकलीफ के अपनी ड्यूटी दे सकें । इतना ही नहीं, आपको उनके लिए विशेष कानून बनाकर उनकी सम्पत्ति तथा उनके घर वालों की सुरक्षा का विशेष प्रबन्ध करना चाहिए ताकि निर्भीक होकर वे अपनी ड्यूटी पर लग सकें तथा इस देश की सेवा कर सकें । इस प्रकार से वे देश के लिए अधिक विदेशी मुद्रा अर्जित करने तथा देश का व्यापार बढ़ाने में सहायक हो सकते हैं ।

एक बात और कहकर मैं समाप्त करूंगा । जैसा कि हमारे एक मित्र ने भी सुझाव दिया है, बम्बई के बन्दरगाह पर कम-से कम दो दर्जन जहाज डूबे अथवा अधडूबे पड़े हुए हैं, क्या उनको हटाया नहीं जा सकता है, क्या उनकी सफाई नहीं की जा सकती है, क्या उनको हटाने के लिए कान्ट्रेक्ट नहीं दिया जा सकता है या उनको नीलाम नहीं किया जा सकता है ? उनके वहां पर ऐसी स्थिति में पड़े होने से आवागमन में बड़ी दिक्कत होती है । उन जगहों को देखने में, अच्छा नहीं लगता है । क्या आप इन जहाजों का सर्वे करावेंगे, चाहे वे जहाज मद्रास ; पड़े हों या किसी भी बन्दरगाह पर पड़े हों । ये उल्टे पड़े रहते हैं । इनसे से कुछ सामान निकाल ले जाते के लिए लोगों को टैण्डर इन्वाइट करते हैं या नहीं या उनके पड़ा रहने की कोई अवधि है, जिसकी वहज से वे पड़े रहते हैं । मैं यह मानता हूँ कि इस काम को करने में बहुत खर्चा होगा, मगर वहां की सफाई कराना भी तो हमारा कर्तव्य है । बम्बई बन्दरगाह पर चार-पांच मोल के फासले पर बहुत सारे जहाज इसी तरह से खड़े रहते हैं । इस प्रकार एक समय ऐसा आएगा जब वहां पर जहाजों के आने में परेशानी होगी, कष्ट होगा । इसके सफाई कराने का अभियान तो आपको करना चाहिए ।

इन्हीं शब्दों के साथ मैं इस संशोधन बिल का समर्थन करता हूँ । उम्मीद करता हूँ कि मंत्री जी एक बार फिर वर्तमान परिस्थितियों के अनुसार, जिसमें श्रमिकों के संबंध में, उनकी सुख-सुविधाओं के संबंध में एक बिल लायेंगे और उसको ज्वाइंट कमेटी को भेजेंगे और फिर उनकी रिक्मेंडेशन के आधार पर एक अच्छा सा बिल लाकर इस देश की सर्वे

[श्री हरीश कुमार गंगवार]

नवीने उत्थान के लिए और उनकी सुख सुविधाओं को पूरा करेंगे।

SHRI T. R. SHAMANNA (Banglore South) : Mr. Chairman, Sir, this amending Bill pertaining to the collection of fees or cess on account of pollution of sea waters should have been brought much earlier. But anyhow, the Bill has been brought forward now and I suggest that it should be given effect to immediately, and the assessment and collection of the cess made in a proper way.

The question of pollution is a matter that is being discussed for a very long time. Apart from the pollution of sea waters, there is always a cry that on account of various automobiles running on the roads, and various industries, there is a lot of air pollution, but no steps have been taken to minimise that pollution.

Further, I find that the cess has been fixed for mercantile ships only, and to some extent, for fishing boats also. There is no provision for collection of cess from other ships, namely navy and others. They are also likely to discharge oil into the sea. That may also be considered.

Then, if the discharge of oil is necessary, would it not be worthwhile to examine whether instead of discharging the oil into the sea, the waste oil can be collected and used for some other purpose. I would be very happy if some explanation is given, whether the discharged oil can be collected and refined and used for some purpose. I would like to understand if it can be used that way.

Apart from the pollution of sea waters on account of discharge

of oil, there are other ways by which the sea water is polluted. Particularly in Bombay the city dirt is flown down into the sea. Will it not have any effect on the sea waters? In most of the coastal cities, we find that all the city dirt etc. is flown into the sea. Furthermore, we are told that in Agra, acids and other pollutions get into the river water and these may damage the Agra monument. Even the river-water will be bringing about lots of dirt, acid and all types of pollutions of the sea also. So, we have to see not only the oil pollution, but also the pollution caused by all sorts of dirt that is thrown into the river water as a city waste. So, it is better, when we think of one kind of pollution, we should also think of other kinds of pollutions which ultimately go to the sea water apart from causing damage on monuments on the land.

Apart from the problems caused by pollution, I think the chemical and other oil pollutions may harm our fish culture in the sea.

Keeping all these harmful effects caused by pollution in the sea and river water in view, I would suggest that we should not only pay our attention to the collection of cess and fees, but at the same time ensure that the harmful effects are checked. For that some action should be taken.

Besides, its ill effects to the fish culture, the pollution caused by dirt, oil etc. may adversely affect the people living in the cities near the coasts. So, it has also to be seen how far the ill-effects on such people can be minimised.

Sir, salt is made out of seawater. With such poisonous pollution, I would like to know whether it will not affect the salt so

made from sea-water. I think that should be examined.

Sir, from the Bill I learn that the procedure for collection of cess and fees alone has been mentioned therein. It does not mention how this collection will be used and for what purposes this revenue is going to be spent. There is no mention of that. It should have been mentioned how this revenue is going to benefit those affected areas and people and how it is going to be spent for reducing the nuisance created by oil and other dirt pollution.

Sir, more than two speakers have spoken before me on this Bill. They have already spoken about the havoc played by the the Japanese boats and ships coming here and fishing out our fish wealth. Sir, some measure has to be taken to check them from coming into our waters. Those who come into our water for illegal fishing, and take away our fish wealth, have to be checked. Of course this question has to be considered separately because it may not have any relation here. But since the foreigners particularly the Japanese who come here, take away a large quantity of our fish wealth it is necessary that they are checked.

Sir, I have no objection whatsoever on the collection of any cess or fees from those who are creating this oil pollution ; but at the same time I want that the revenue so collected must be used for the benefit of the people in the nearby areas and those who are directly or indirectly affected by the pollution. That is my earnest request.

Sir, it is not a controversial Bill, but the only thing is how far it will effectively be helpful to us in collecting the revenue.

Sir it has been already stated by the Hon. Minister that for many

of the fishing boats there is no account and gradually this account will be maintained. And gradually, it will be done. This may be done, but I wish to caution that smaller fishing boats should not be harassed unnecessarily. Therefore, exemption should be given to such smaller fishing boats with which poor fishermen make their living.

With these remarks, I give my support for the passing of this Bill.

SHRI DAULATSINHJI JADEJA (Jamnagar) : I rise to support the Bill introduced by the hon. Minister and I am glad I am supporting the Bill which has been supported by all the previous speakers.

The Bill covers a wide range; and hon. Members from the other side have covered a lot of ground, without going into details. They have talked about the maritime history of the county. They have also spoken how the entrepreneurs, ship-owners and sea-men have fared, in fair and bad weather. We should be proud of our shipping companies. We have seen that during the last decade, there was recession all over the world. Every maritime country had then seen some shipping companies closing down, and a lot of shipping companies becoming bankrupt. It was only India where not a single ship was laid off because of recession. We are proud of our ship-owners and people who man the ships and shipping companies.

But today we are facing a more severe recession. We should request our hon. Minister that on such an occasion, he should help our shipping companies to get out of the rut they are in. We are proud of the infra-structural developments coming up. The Indian ports are now being geared to the most modern and sophisticated equipment found all over the world.

[Shri Daulat Singhji Jadeja]

But we cannot have them overnight; but with the progress that we are making, I am confident that the Indian ports will be able, within a few years, to meet the needs of ships which are coming from far and near.

A mention has been made about the sea-men. I sympathize with those sea-men who have either lost their lives or who have been stranded abroad. But I would like to know from the hon. Member who made this remark; does he know whether those particulars sea-men were recruited in India; or they were those who went abroad on their own, and joined shipping companies on which Government of India have no control? There have been a few shipping companies of Indian ownership where such sea-men have been in such a trouble.

But do we want to have more control over the recruitment, training and picking up of sea-men for our shipping companies? As it is, they are finding it difficult to get a job. If we look at statistics to see what is the number of applicants for the Indian Merchant Navy Training Ship "Rajendra", we will find that there are more and more people trying to get into this service. What we should demand today is that we should have more of such training institutions, not only for men, but also for officers.

Oil pollution is a very important problem faced by all the countries of the world. Developing countries do not allow any ship, to spill even a drop of oil. If they do so, penalties are very heavy.

We should have brought this Bill much earlier. We welcome the Bill which is being brought in today mainly because of pollution. But are our ports geared to the requirements of the ships which come to our ports? We may say we will not allow the discharge

of effluents into sea. But do we have the facilities in our ports? Take, for example, Bombay. There are 40,000 labourers in the Bombay Port. We do not have enough of toilets to meet the demands of the labourers there. How are you going to ask the shipping companies to close down their toilets, and bath room and everything and not use them while they are in the harbour areas. We should have infrastructural facilities made available for them. But, all the same, this anti-pollution Bill which was overdue should be brought in and it should be properly regulated. We should not try to take advantage of this Bill and harass the shipping companies. But only after we have given them full facilities we should enforce it more strictly.

As far as the subject of fishing vessels and sailing vessels is concerned, it is a good thing that we want to have them registered; it is a good thing that we want to have them surveyed. These are essential things. But do we have the man power? Do we have the officials to survey and inspect them? Is it not our experience that though we opened up offices, and granted permission for offices to be reoriented, we do not have the technical expertise; we do not have those officers who are supposed to survey and inspect these ships available in India because the remuneration that they are getting, because they pay that they are getting, because the facilities that they get here are to the absolute minimum; nothing compared to what they are getting abroad. Let us first have our offices filled with these technical officers; then only implement this regulation.

I know for practical reasons that a survey of a sailing vessel was delayed by 8-10 months. A sailing vessel or a fishing boat is owned by a small person; it is a whole family business and if they

have to wait for 6—8 months, I am sure, this Bill which we are bringing forth to regulate our fishing vessels industry and the sailing vessels industry will be at a disadvantage.

In conclusion, I would only like to say that this Bill was overdue and we welcome it. But before enforcing it, let us see to it that the minds of those people who are going to enforce it is not getting polluted, because if we are going to give them all powers and not look to the sailing vessels or the fisherman or the shipping companies' point of view, we are going to do a disservice to the people whom we are supposed to help.

श्री राजेश कुमार सिंह (फिरोजाबाद) : सभापति महोदय, तेल प्रदूषण से जो नुकसान की बात है वह सही बात है। इस बिल को तो बहुत पहले ही आना चाहिये था। यह बड़ी जटिल समस्या है, खासतौर पर आप कलकत्ता पोर्ट को देखेंगे तो वहां की स्थिति इतनी भयानक है कि जब तेल प्रदूषण की बात आती है तो उसका प्रभाव गंगा नदी पर पड़ता है और काफी लम्बे इलाके को वह कवर कर लेता है। आपका बिल अच्छा है, लेकिन इसका इम्प्लीमेंटेशन कितना होगा यह विचारने की बात है। एक माननीय सदस्य बता रहे थे कि आपके कर्मचारों और अधिकारों कितना इस पर अमल करते हैं यह सोचने की बात है। तेल प्रदूषण करने वाले अपराधियों पर जो पैनाल्टी लगाने की बात कही गई है इसको और बढ़ाया जाना चाहिये, अन्यथा इससे समुद्री जीवों की काफी क्षति होती है जो देश की क्षति है।

जहां तक मछली पकड़ने वाली बात है या मछली पकड़ने वालों के रजिस्ट्रेशन

की बात है यह सही है। लेकिन ऐसा बिल लाते जो हम पढ़ते हैं कि दूसरी जगह के नाविक आ कर मछलियां मार रहे हैं उनके खिलाफ सख्त से सख्त कार्यवाही करनी चाहिये। यदि ऐसा नहीं किया गया तो आये दिन जो लंका, या अन्य देशों के लोग हमारी समुद्री सीमा का उल्लंघन करते रहते हैं उस पर रोक नहीं लगेगी। उनको रोका जाना चाहिये। यह जो अवैध व्यापार चल रहा है, इसको बन्द होना चाहिये। कुछ लोग तो ऐसे हैं जो रजिस्ट्रेशन से कोई मतलब नहीं रखते हैं ऐसे लोगों के खिलाफ सख्त कार्यवाही होनी चाहिये।

रजिस्ट्रेशन में एक खामी यह है कि जो मछली मारने वाले लोग हैं, क्योंकि उनका कोई संगठन नहीं है, मुझे ऐसा लगता है कि जहां रजिस्ट्रेशन वाली बात आती है तो रजिस्ट्रार के आफिस में उनको बड़ी धांधलियों से गुजरना पड़ता है। इसलिये इस बात पर भी नजर रखी जाय जिससे लोगों को कोई दिक्कत न हो।

एक बात उन्होंने कही — “असम्यक विदेशी हस्तक्षेप से भारतीय पोत परिवहन के हितों के संरक्षण के लिये केन्द्रीय सरकार में शक्तियों का विधान” आप करना चाहते हैं, यह मेरी समझ में नहीं आया। आप विदेशी हस्तक्षेप को कैसे रोक लेंगे अपना यह कोई प्रावीजन या कानून बनाकर? यह तो आपको अपने एटीट्यूड को अडाप्ट करना होगा।

जब आपके पोत विदेशों में जाते हैं, अनावश्यक रूप से उनको हरेस किया जाता है। आपकी एम्बेसी के लोग और आपकी सरकार तब उस मामले में कोई दिलचस्पी नहीं दिखाते हैं। जब विदेशी पोत यहां आते हैं और प्रदूषण करते हैं, तो कोई दिलचस्पी सरकार रखती है?

[श्री राजेश कुमार सिंह]

कानून बना लिया, लेकिन उसके बाद अगर कोई गौर ही किया कि जो हमारे मर्चेंट शिप्स विदेशों में जाते हैं, वहां उनको अनावश्यक रूप से परेशान किया जाता है, दस्तावेज मांगे जाते हैं, यह बड़ी अवांछनीय स्थिति हो जाती है।

आप कोई प्रारोपण। अपने यहां बना ले, उसका क्या असर पड़ता है; अगर आप में शक्ति है तो वह प्रोटोकॉल करें कि इन मामलों में सरकार दिलचस्पी रखती है तब उसको प्रोटेक्शन मिला है। होत यह कानून कानून। जो किताबों में बाका रह जायेगा, आपका इससे कोई फायदा होने वाला नहीं है।

अन्त में मैं इस बिल का समर्थन करता हूं।

SHRI C.M. STEPHEN : Sir, by way of answer to the debate there is not much I have to say because as far as the Bill is concerned, it has been welcomed by everybody. As I expected, this is a non-controversial Bill. The complaint was that it was overdue. Anyway, better late than never. Therefore, the Bill has been brought and when we brought it, it is with the intention of implementing it because the need is felt.

Some friends were demanding that a more comprehensive Bill be brought. I do not really understand what is meant by being more comprehensive about it. As far as I can understand, the Merchant Shipping Act, with this amendment is as comprehensive as it must be and as upto date as it should be.

I was for some time what Mr. Jad-eja is today, namely, the Chairman of the National Shipping Board. At that time, there was a proposal that the amendment of this Act must be considered in great detail and the matter was pending. I spent about two years in this exercise. I deeply went into it, with the expectation, as a

Chairman of the National Shipping Board, I could formulate something and leave it behind as a memorial of my tenure as the Chairman of the National Shipping Board. I examined similar Acts in different countries. I examined the report given by an experts' committee of the United Kingdom on the Act in that country and a very detailed exercise was done and I came to the conclusion that there is not much we have to do by way of amendment of this Act. It is out of this experience that I stated at the start that this is one of the most comprehensive legislations on the subject. And every aspect of the Act which is in existence is taken care of. It has taken care of the different types of boats, it has taken care of financing of the shipping companies, it has taken care of the registration, it has taken care of safety, it has taken care of the seamen, it has taken care of the machinery for their welfare—the different types, every aspect of it has been taken care of in this Act. Therefore, there is nothing to be done to make it more comprehensive.

It was good that this debate took place, because I was extremely happy to note that many members are conscious of or aware of the problems of the shipping industry, are aware of the necessity of developing the shipping fleet of our country and as it was put by my hon. friend to make our country a first rate maritime nation. It is absolutely essential with about 5,400 kilometres of coastal line, it is essential that we come up as what we should be, namely, a maritime nation. Let us not forget that shipping was the only area where we had started from the scratch. It was negative position when we had started in 1947. Our far sighted leaders, when they took over, had set up a very well informed and very competent Committee to go into the whole matter and make suggestions as to how shipping could be built up, because it was not an easy task. Shipping is a venture which is full of risk, demands considerable investment of money. It has to ply in international

competition. Shipping does not exist in having our own lines only because the cargo we can feed is limited by the international trade that we indulge in. Therefore, in the back of the building up of the shipping fleet, in the matter of sustaining our fleet, there are extraneous factors, which govern the whole thing and a lot of money has got to be invested into area which is unpredictable and risky. That is why, the Committee went into it. They gave very massive recommendations, which were forthwith implemented.

One of the results of those recommendations was the creation of, what is known as, SDFC—Shipping Development Fund Committee. It was build up. Huge amount is funded into this Committee. About Rs. 500 crores has been handed over to them. With that, we are encouraging the people to come across. Here the Shipping Corporation of India and the Moghul Lines—two magnificent and mammoth public sector areas—have come up. They command about 60 per cent of the total shipping lines of our country.

When we say that we have to develop as a maritime nation, it does not merely mean collecting a few ships keep them running. You will have to develop your own potential to create and manufacture those ships, develop your own ports, international trade, seamen and the experts, who will be running the ships. You will have to be the battle in the international area. All these aspects will have to be taken care of. A maritime nation cannot be catained for long unless it has the susability of producing the ship that it wants. Production of ships means to have the capacity to produce the steel that you need, the technology that you require for manufacturing of engines and all that. All these things we do not have. The type of steel that we need for the ships we do not have. It has got to be imported. Nevertheless, in our anxiety to develop ourselves our own fleet, we have set up two major ship building yards. Besides the Mazagaon Docks and all that, we have built

up the Hindustan Shipyard and the Cochin Shipyard. We have put it as a charge to every ship-owner to place order on them before he is allowed to buy ships from the international markets. That is the far-seeing vision of sustaining this manufacturing capability. This we have to build up. We are building it up in a very big manner. When we say that we have one per cent of the total number of ships in the international world, we forget the fact that the number is not a small one. We are today the fifteenth nation taking the other nations across. We have come up a long way through.

A mention was made about the seamen. They have their own problems. Every Worker or employee in a different industry has got his own special problems. That problem is not comparable to the problem of a worker in another industry. A worker in a cottage industry has got a certain problem. A worker in a traditional industry has his own problem. A fishing worker has his own problem. And the seamen has got a problem which is specially theirs. That is why, it has been taken care of. If they have got the default in the wages, it is not the way to go to the civil court and sue. This worker alone is given the facility of going to the Magisterial court, file a petition, get a summary trial, collect the award and get it implemented. This worker alone is given the facility that before he signs to sail off, the ship-owner will have to deposit one month's wages with the ship master, who will be keeping it with him. This worker alone is enabled to have his remittances made to his family when he is away.

So, when the worker is signed away, to the satisfaction of the Shipping Master Government officer, the entire dues have got to be settled. I do not deny there are cases where some lapses do take place. This is one of the problems which we have got to consider. It is not as if there is no Welfare Fund. There is a Welfare Fund, although it is not very large. But it is not for the purpose of paying arrears. There is a Welfare

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Fund, there is a Committee to administer the Welfare Fund, and the Committee consists mainly of members of the different trade unions that are working in that field. They administer the Welfare Fund. It is not big enough, but the Welfare Fund is there. I am only saying that all these concepts are taken not of and we are going ahead.

It is not as if we do not compel that 40 per cent of our cargo must be carried in Indian bottoms. This is being insisted upon. But in the international market when the freight crashes, naturally they try to get their cargo carried in a vessel which has a lower freight. Different types of methods are resorted to. My hon. friend from West Bengal was speaking about this. Recently when the Government wanted to import some cement from Korea, since they have got their own Corporation, I have received a letter requesting permission to import it in Korean ships. Normally, it must be imported in Indian bottoms. The reason given is that in the Korean ships the freight is slightly lower. So, they want permission to import in Korean ships. I am saying this, because there are certain economic considerations that come in. But we are trying to enforce that, as far as possible, they must be carried in Indian bottoms. But our shippers also must have the patriotic fervour to prefer Indian bottoms to the other flag ships. Certain decisions have been taken and those decisions are being sought to be implemented.

If we look at the entire picture, it is a picture which must gladden our hearts because, in the course of a very short period, starting with nothing, in our eagerness to build ourselves up as a maritime nation, we have come up to the level of having about 6 million tonnes of shipping and 400 merchant ships plying across the whole country.

I may inform my hon. friend Shri Jadeja, that when great maritime nations like Greece and others have

many of their ships laid up, it is certainly a matter of satisfaction to us that in spite of all the recession in the world, in spite of the paucity of cargo, everyone of our ships are plying and not even one ship has been laid up. We happen to be a very rare exception to the general pattern of the ships being laid up, and we are getting away with it.

It is not that we are not taking advantage of the low price of ships today. We are taking advantage of it. The total tonnage has been divided between the private sector and the public sector. The private sector have purchased whatever has been allotted to them as their share and the purchase is almost over. The public sector is now entering the field. I am sure, they will also purchase and the target will certainly be met.

The test is not how many ships you have, the test is not what tonnage you have; the test is what exactly is your capacity to purchase the ships that you need, what exactly is the co-ordination between the merchant ships and the international fleet, what exactly is the correlation between the size of the ships and the ports that you have, what exactly is the capacity of the ports to handle the trade, according to the new technology i.e. the container technology that is coming in, what exactly is the capacity of the infra-structure in the country to take the cargo which comes in containers by rails, or whatever that be, in a fast manner, in the door to door operation, what exactly is the capacity of the infra-structure in the country to take the cargo which comes in containers by rails, or whatever that be, in a fast manner, in the door to door operation, what exactly is the co-ordination that takes place to divert the coal or salt which is now being carried in the overcrowded railways to the ships which are now plying the coastal region so that coastal shipping may flourish. This is the real test. While the coastal ships do not have enough cargo, the trains are over-crowded and burdened

to the point of breaking. Yet, nobody is prepared to have a diversion. So, this co-ordination has got to be effected. What is needed is that our coastal shipping has got to be sustained, the inland shipping has got to be sustained. And our shipping operations abroad have got to be sustained. There are two parts of shipping, the shipping which is engaged in the international trade of our country on the one side and the shipping which sail across doing the cross trade and collect the cargo wherever it is available in a strong competition with the foreign trade or shipping and collect the foreign exchange for our country, in that way giving employment to our people.

A question was raised about the unemployment of the seamen. A Committee was appointed recently and they have put in a recommendation to me that all sorts of trainings must be stopped because they said, there is very heavy unemployment. This is a question which has got to be considered seriously. Here is a huge number of people who can be given the training, and in the training camp it can be given. That is a commodity which we can certainly export. There is a question whether we should give them the best of training to ply our ships, best of training to go into the market and compete with the other seamen so that they can earn their own livelihood and send the foreign exchange to our country or we should close down our training institutions so that whoever has been trained may get the entire employment and then re-start training institutions. What exactly is said is that solution is a question which is now raised and which is now under my consideration. They may have to wait. There are a large number of people. We are training all the engineers, but we not assuring jobs to all the engineers. We are training doctors, but every one of them is not assured a job; we are training

technicians, but all of them are not assured jobs. Merely because the training is given there need not be an expectation that the job will follow. The training camps must work under competition. The Philippines seaman is competing us out. Today the Singapore seamen are competing us out in different areas. As far as the foreign ships are concerned, the intake of our seamen today is steadily declining, particularly in the British ships. That depends on the methods in which we behave. The trade union leaders have got to realise this. We have got to realise that we are training a people who work in some areas where we have no jurisdiction. On the foreign ships we have no jurisdiction and it was suggested in the very very well informed speech of Mr. Datta— it was a very very well-informed speech he has understood the whole problem—he has suggested that when the ships come here, can we not enforce upon them certain conditions? If you start enforcing upon them by holding those ships as it is happening today in certain ports of our country the result will be that those ship would refuse to call at our ports. That will not be an answer to that at all. There is a limit to which we can hold up the ships and if we hold up the ships for long, it means the shipping fleet will collapse, the port will collapse and the expanding trade will collapse. This is a self-defeating proposition that is not to be taken. And if certain ports—I do not want to mention much about them—are facing problems. It is because of this short-sighted method of holding up ships. Holding up of a ship for a day means about a lakh of rupees. If the holding up of ships for days on end on some trade union demand and hoisting a flag on the ship begins, then it will be open to them to say, 'we are not coming to your port at all' because the other ports are many. In India there was a time when there were three ports, but today we have got 11 major ports, they can call on

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any port, take their cargo and discharge their cargo and if any particular port takes up a position that 'we will hold you up', the result will be that those ships will not be calling at our ports. Then whom will it benefit is a matter that everybody will have to consider. Therefore, when we come to this question, there should be a code of regulations. A proposition was raised as to why not make them permanent in these companies which they are serving. It is certainly a very salutary proposition which deserves to be considered. If the officers are to be permanent, I just cannot understand why ratings cannot be permanent with them. If the officers of the shipping companies can be permanent with them the ratings also can certainly be permanent with them and if they are to be without job, then they will have to be given some retaining allowance. This is a proposition not announced as a Government policy, but this is a matter which, from the commonsense point of view, would appear to be fairly acceptable and fairly worthy of trying and this I will take up with the ship owners. There must be some order brought about in this situation of anarchy people being called in if somebody chooses, people being pushed out if somebody chooses and the rightful man not getting the job. It is like this that is happening. A sort of regulation will have to come in.

I am going off the track and off the Bill because the comments mostly covered areas which has nothing to do with the Bill. Nevertheless, after all, it is Merchant Shipping Act and it is an amendment and it is an opportunity for everybody to speak and look and take a view of the way the shipping navy has developed, the way it can develop, the problems they are facing. I feel extremely gratified when we look back from the day 1948 onwards, the manner in which we have developed, the manner in

which we have gone ahead, the ports that have come up, the ship building industry that has come up, the steel industry that has come up and the ship fleet that has come up and the seamen that we have given training; it is a gigantic picture of a great maritime nation coming on its legs and starting to march on and it is in this endeavour that we can take courage of saying that in our territorial waters and more than territorial waters in the entire coastal waters of our country, no foreign country ship however might it may be, be allowed to discharge their oil and pollute our surroundings because here is a maritime nation which has got to keep its surroundings clean and tidy and to the extent of policing, to the extent our capacity permits, we will do it and we will have our inbuilt capacity.

I am happy that there is an overall acceptance of the necessity of the incorporation of these amendment in this Bill and very valuable contributions have been made. We will certainly examine all those mentions that were made.

I would like to make a mention of one more thing. My friend said four ships were there in Bombay sunk up in the port area. It is true there are a few ships sunk up there. But it is not interfering with the navigation. It was suggested why not to remove it? With the expenses to lift it up and remove it, by that expense I may be able to build up a port. I would, therefore, allow it to lie in peace rather than interfere with. That is the only policy I have taken.

I move

"That the Bill further to amend the Merchant Shipping Act, 1958, be taken into consideration."

MR. CHAIRMAN : The question is:

"That the Bill further to amend the Merchant Shipping Act, 1958, 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 clause 2 to 17 stand part of the Bill."

The motion was adopted.

Clause 2 to 17 were added to the Bill.

The Schedule was added to the Bill.

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

SHRI C. M. STEPHEN : I beg to move :

"That the Bill be passed."

MR. CHAIRMAN : The question is: "That the Bill be passed."

The motion was adopted.

16.59 hrs.

RUBBER (AMENDMENT) BILL

MR. CHAIRMAN : We shall now take up consideration of the Rubber (Amendment) Bill.

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI SHIVRAJ V. PATIL) : I beg to move.*

"That the Bill further to amend the Rubber Act, 1947, as passed by Rajya Sabha, be taken into consideration."

This is a very simple Bill. It seeks to provide for the appointment of an Executive Director. If the Chairman is a full time Chairman, having administrative experience, it is not necessary to have an Executive Director having an administrative experience. But if the Chairman is a part-timer, it becomes necessary to have the Executive Director. And this Bill seeks to make a provision of that kind only.

I hope, it would be accepted and supported by all the Members in the House.

17.00 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill further to amend the Rubber Act, 1947, as passed by Rajya Sabha, be taken into consideration."

Shri S. Murugian.

**SHRI S. MURUGIAN (Tirupattur) : Hon. Mr. Deputy Speaker, Sir, on behalf of my party the Dravida Munnetra Kazhagam I rise to say a few words on the Rubber (Amendment) Bill which has been introduced by our hon. Minister of Commerce.

This is a small Bill. I would like to know from the hon. Minister how the Rubber policy is going to be radically modified by the appointment of Executive Director on the Rubber Board.

I would now come to the indiscriminate import of natural rubber. It is argued that the price of indigenous natural rubber is going up day by day and in order to contain

*Moved with the recommendation of the President.

**The original speech was delivered in Tamil.