

tion. Do they want a strike for their demands being acceded to? They talk of socialism. But they are handing it over to the private trade. They are retrenching people. It is a shameful commentary on the various assurances of Government.

12.36 Hrs.

MERCHANT SHIPPING
(AMENDMENT) BILL, 1969

THE DEPUTY MINISTER IN THE
DEPARTMENT OF PARLIAMENTARY
AFFAIRS AND IN THE MINISTRY
OF SHIPPING AND TRANSPORT (SHRI
IQBAL SINGH) : I beg to move :

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

This Bill was considered and passed by the Rajya Sabha on 3 December 1969. The amendment Bill seeks to amend the Merchant Shipping Act 1958, for the purpose of giving effect to three International Conventions relating to merchant shipping, namely : (i) the International Convention on Load Lines, 1966; (2) the International Convention relating to the Limitation of liability of owners of sea-going ships, 1957, and (iii) the International Convention for the prevention of Pollution of the Sea by Oil, 1954 as amended in 1962.

The position regarding the three conventions is as follows :

The International Convention on Load Lines, 1966, provides for marking of free board, that is, the distance measured vertically downwards from the deckline, which must at all times and under all conditions, while the ship is afloat, remain free of water line. It also provides for marking of load lines indicating how far the ship could be permitted to submerge in water as a result of loading cargo in different seasons and different zones. Attempts have been made from time to time to control the freeboard. The first international agreement on the question was reached by the International Load Line Convention of 1930. Subsequently the 1930 convention was ratified by India in 1934 and it was incorporated in the Merchant Shipping Act of 1923.

The new Load Line Convention tends to liberalise the freeboard requirements as also summer and tropical zones areas so as to permit deeper loading of ships in greater parts of the year as compared to the old convention of 1930. It also ensures better safety of life and property at sea. Accordingly, the ratification of the new Convention was considered to be in the larger interest of Indian shipping. The Convention was thus ratified. The Bill is intended to incorporate the provisions of the 1966 Convention in the Merchant Shipping Act, 1958.

The second is the International Convention for limitation of liability of owners of seagoing ships, 1957. Since the 18th century, legal assistance was being invoked in maritime states against proceedings for damage to property and persons on board. The first convention on the subject was signed in 1924 but it was never ratified by a sufficiently large number of states. It was again amended in 1957. This Bill seeks to adopt the provisions of the Convention.

The third is the International Convention for the prevention of pollution of the Sea by Oil 1954. The Merchant Shipping Act, 1958 does not contain any provision regarding the prevention of the pollution of the sea by oil. The International Convention on the Prevention of the Pollution of the Sea by Oil, 1954, aims at preventing ship-owners from discharging oil and oily mixtures within a radius of 100 miles from the coast. This problem is found in an aggravated form in Europe and some Atlantic areas. It is not very acute in our area, but it is bound to arise with the bringing in of bigger tankers, and therefore India is also concerned. If there is an accident, it is bound to affect a large area as it happened in the Mediterranean two or three years ago. With the adoption of this international convention, our ships going to the countries which have ratified this convention will also be governed by it, and therefore, we are inserting a new provision in the Act.

This is a non-controversial Bill based on international agreements and conventions which have been agreed upon after considering them from all aspects and taking

[Shri Iqbal Singh]

into account the interests of Indian shipping.

I move.

MR. SPEAKER : Motion moved :

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

SHRI R. K. AMIN (Dhandhuka) : This Bill is non-controversial and in a way it tries to implement the international conventions which have been ratified by most of the countries, but I would like to point out some mistakes of omission and commission.

This Bill was introduced in 1968. Two years have passed since its introduction. The period of two years has to be considered to be transitional. During this transitional period, so many things might have happened. Certain cases must be pending about which decisions may not have been taken. During this period some ships may also have come into existence. Would you consider them as new ships or as existing ships according to your definition? Government should not have allowed such a long transition period because it becomes difficult to implement the provisions of the Bill.

Secondly, when a Bill is introduced, we are generally provided with the original sections, the amendments proposed and the implications thereof. In this Bill only the amendments are given; the original sections and the reasons for the amendments are not given. If they are given, it becomes easier for the Members to understand the implications of the amendments proposed.

Norms have been laid down for giving a certificate and the circumstances in which a certificate may be cancelled have also been indicated. In this connection it is said that the owner will be given a reasonable opportunity to represent his case in case of injustice done to him. But what is a reasonable opportunity? That has not been defined. Are you going to have a judicial procedure to hear the grievances of owners when the surveyor does not do his job properly and indulges in corruption? What is the provision you have made to guard against such things? It should be indicated as to how you give a reasonable opportunity. It has not been done. It is vague and such vagueness should be removed.

The imposition of liability on the owner has been referred to in terms of francs. Is it the international convention to mention everything in terms of franc? The value of gold has been also mentioned. Is it also the convention adopted by the other countries? If a liability is to be discharged in other countries where our ships go should it be in terms of gold or franc or in terms of rupees? When it is to be done in Indian territory why should it not be in terms of rupees? This requires explanation.

You have made obtaining of a certificate compulsory and certain standards had been laid down for ships which are above 150 tonnes and longer than 24 metres. Our trouble arises from smaller ships—smaller than 150 tonnes and less than of 24 metres length. Such smaller ships are used for smuggling purposes. From Pakistan so many ships visit Okha port and they are all of smaller size. It is those ships which create trouble for our customs. Is there any provision to obtain certificates for them and to observe certain norms when they enter our territory? Are we authorised to inspect them from time to time? You have mentioned that the surveyor will have only restricted powers in this regard. The defence of our country is very important. So many ships come and go; sometimes they indulge in spying in our country. Do we have the necessary powers to inspect them? They may be merchant ships; still we should be in a position to inspect them from the defence point of view and also from the point of view plugging loopholes which make it possible for them to smuggle things into India. If there is any provision, it should be mentioned in the Bill.

श्री शिव चन्द्र झा (मधुबनी) : अध्यक्ष महोदय, यह सही है कि तेल का ज्यादा इस्तेमाल जब होता है तो समुद्र का पानी खराब हो जाता है। उससे बचने के लिए एक सीमा भी निर्धारित होनी चाहिए। कितनी दूरी तक पानी खराब न हो, इसकी सीमा निर्धारित कर दी जाए तो यह अच्छी बात होगी। उसी तरह से जो ईमैज होगा जिन्दगी और प्रापर्टी पर, उसकी कितनी लायाबिलिटी होगी, उसकी सीमा हो, यह भी अच्छी बात है। कितना हिस्सा जहाज का पानी में रहे और कितना

बाहर रहे यानी जब लोड ज्यादा हो तब कितनी दूर तक वह नीचे जा सकता है, यह भी तय हो जाएगा तो यह भी अच्छी बात होगी। देखने में तो यह अच्छा लगता है कि जो इंटर-नेशनल कनवेंशन है उसके मुताबिक हम हमारा जो मर्चेन्ट शिपिंग एक्ट है, उसको बदल लें लेकिन मैं जानना चाहता हूँ कि सी गोइंग शिप ओनर्स जो हैं, जो जहाजों के मालिक हैं उनको कितनी दफा घाटा सहना पड़ा है, कितना नुकसान उनको देना पड़ा है लंदन पोर्ट या किसी दूसरी पोर्ट पर, कितने डैमेजिज देने पड़े हैं, यह भी तो बताया जाना चाहिए। यह निश्चित किया गया है कि समुद्रतट से सौ मील की दूरी तक तेल आदि न छोड़ा जाए। जहां तक हिन्दुस्तान का सम्बन्ध है, अभी सी-पालूशन की समस्या इतनी एक्यूट नहीं हुई है, लेकिन आने वाले दिनों में वह एक्यूट होने वाली है। इस लिए इस देश को इस बारे में सतर्क हो जाना चाहिए। इस सरकार के द्वारा जो सतर्कता दिखाई गई है, वह इस बात से प्रकट है कि डा० वी० के० आर० वी० राव ने 1968 में यह बिल पेश किया था और आज 1970 में इस को इस सदन के सामने लाया गया है। दो साल तक यह सरकार सोई रही। अगर वह चार साल तक भी सोई रहती, तब भी कोई चिन्ता नहीं थी। लेकिन अब जब कि उसने यह बिल ला कर अपनी चिन्ता प्रकट की है, तो उसको यह बताना चाहिए कि अब तक समुद्र का कितना पानी खराब हुआ है और उससे बम्बई और अन्य समुद्रतट के नगरों के लोगों को क्या नुकसान हुआ है, वहां कितनी बीमारियां फैली हैं, आदि।

सरकार की ओर से कहा गया है कि कनवेंशन के द्वारा डीपर लॉडिंग के बारे में जो सुझाव दिया गया है, उसको मानने से हमारी तिजारत को फायदा होगा, हमें ज्यादा भाड़ा मिल सकेगा और हम ज्यादा फारेन एक्सचेंज कमा सकेंगे। क्या सरकार ने इस बात पर भी विचार किया है कि क्या डीपर लॉडिंग से,

हमारे जहाजों के पानी के अन्दर ज्यादा सबमर्ज होने से, उनके डूबने का खतरा तो नहीं होगा। हमारे जहाजों को अटलांटिक महासागर में भी जाना पड़ता है, जहां बड़े तूफान आते हैं। मुझे इस बारे में निजी तजुर्बा है। जब हमारा जहाज हेलिफ्रेक्स से चल कर उस जगह पहुंचा, जहां टाइटेनिक जहाज आइसबर्ग से टकराया था, तो लॉडिंग वगैरह की सब सामान्य खत्म हो गई और हमारे कैबिन की खिड़कियों से ऊपर तक पानी चला गया। यह समझ में नहीं आता है कि क्या उस प्रकार की परिस्थितियों की सम्भावना होते हुए भी सरकार कनवेंशन की सिफारिश के अनुसार चलेगी।

आज कल हमारे जहाज आम तौर पर छोटे हैं। मुगल जमाने की बात तो छोड़ दीजिए, लेकिन नेपालियनिक वाज्रं के समय नेलसन ने भी हमारे जहाजों की तारीफ़ की थी। उस वक्त हमारा देश जहाजरानी में बहुत उन्नत था। लेकिन आज हमारी स्थिति अच्छी नहीं है। आज सेंगोला, श्रीधाना, शिरोला और जल राजेन्द्र हमारे जहाज हैं। मुझे जल राजेन्द्र में लन्दन से बम्बई तक आने का मौका मिला। वह एक कार्गो-कम-पैसेंजर बोट है, लेकिन उसमें वे सुविधाएं नहीं हैं, जो कि अमरीका के जेनेरल गार्डन जैसे जहाजों में पाई जाती हैं। उस जहाज के कर्मचारी पैसेंजर्स की तरफ़ पर्याप्त ध्यान नहीं देते हैं। जब हमारा जहाज बम्बई पहुंचा—यह 1955 की बात है—, तो पैसेंजर्स की कोई चिन्ता न करते हुए उनको घंटों तक रोक दिया गया और पहले कार्गो को उतारा गया।

सरकार को इस बात पर विचार करना चाहिए कि अगर वह ज्यादा फारेन एक्सचेंज कमाने के लालच में ज्यादा डीप लॉडिंग की इजाजत दे दें, तो क्या उससे बहुत सी जानों के जाने का खतरा तो नहीं होगा। हिन्दुस्तान के जहाजों में जो परिस्थितियां हैं, उनको देखते हुए सरकार को फारेन

[श्री शिव चन्द्र झा]

एक्सचेंज की एट्रिब्यूशन के अनुसार ही काम नहीं करना चाहिए, बल्कि इस बारे में सोच-विचार करके और सतर्कता से काम लेना चाहिए।

कनवेन्शन के अनुसार शिप-ओनर की लायबिलिटी की लिमिटेशन को बढ़ा दिया गया है। अगर जीवन या प्रापर्टी की हानि होती है, तो शिप-ओनर को ज्यादा सजा क्यों नदी जानी चाहिए?

मेरी समझ में नहीं आता है कि जब हिन्दुस्तान का अपना मानिटरी सिस्टम रूप पर आधारित है, तो फिर जर्मनी आदि फ्रैंक्स में क्यों कम्प्यूट किया जाएगा। इससे बहुत कनफ्यूजन पैदा होगा।

इन्टरनेशनल कनवेन्शन की सिफारिशों को लागू करना ठीक है। यह भी ठीक है कि दुनिया बहुत छोटी हो रही है और सब देश एक दूसरे के बहुत नज़दीक आ रहे हैं। लेकिन जब यह बिल दो साल तक खटाई में पड़ा रहा है, तो फिर किन खास दिक्कतों के कारण अब हमारे लिए इस बिल को पास करना लाज़िमी हो गया है, इस बारे में सरकार की ओर से कोई सफाई नहीं दी गई है। इस लिए मैं इस बिल को अपनी क्वालिफाइड सपोर्ट देना चाहता हूँ।

SHRI DINKAR DESAI (Kanara) : Sir, I am glad this amendment has been brought forward, but I want to know whether these three contentions will be fully ratified by this. It would have been much better if the texts of these three international conventions were given along with this Bill. This is very inadequate information. So many times my experience with the Indian Merchant Shipping Act is, many of these international conventions are not fully ratified by India. They make a sort of ratification. That is not sufficient. In this case, I want to know whether these three useful conventions are fully ratified. We have no way to find it out. It is always better that along with the Bill you attach the texts of the conventions also, so that we would be in a position to make a comparative

study and satisfy ourselves whether the conventions are fully ratified.

SHRI S. M. BANERJEE (Kanpur) : Sir, I would like to support the Bill. While doing so, I would like to draw attention to some demands contained in a memorandum submitted to the hon. Minister, Mr. Raghu Ramaiah, recently, on behalf of the workmen of Rajabagan Dockyard, Kulpi Workshop and Marine Workshop of C. I. W. T. C. Ltd., which is a Government of India Undertaking under the Ministry of Transport and Shipping. The River Steam Navigation Company Limited, now transferred to C. I. W. T. C. Ltd., applied before the High Court at Calcutta under section 391 of the Companies Act to transfer its assets and liabilities to a newly formed Government of India Undertaking, known as Central Inland Water Transport Corporation Limited under a scheme of arrangement. The High Court, while accepting the said scheme of arrangement, modified the said clause 7 of the said Scheme which concerned the interests of workmen which are as follows.

MR. SPEAKER : How is it connected with this Bill ?

SHRI S. M. BANERJEE : Sir, as a result of this about 1600 to 2000 workers employed in various shipping companies have been rendered surplus. They have said in the memorandum:

"In the circumstances, our Union request you to kindly concede the following and to direct the authorities concerned to implement your directive immediately."

MR. SPEAKER : How is it relevant ?

SHRI S. M. BANERJEE : This is the general reading of the Bill.

MR. SPEAKER : There must be some relevance to the provisions; it has to be connected somewhere.

13 Hrs.

SHRI S. M. BANERJEE : It is concerned with shipping employees.

MR. SPEAKER : Members of Parliament should not act like this. Those who read the proceedings will think that the Speaker did not point out this.

SHRI S. M. BANERJEE : Those who read the proceedings will be happy. I will not take more than one minute.

MR. SPEAKER : Kindly be relevant. Don't bring in extraneous matter.

SHRI S. M. BANERJEE : I am not bringing in extraneous matters; I am taking this opportunity.....

MR. SPEAKER : He is not relevant.

SHRI S. M. BANERJEE : Taking advantage of this Bill, I am appealing to the government.....

MR. SPEAKER : This has nothing to do with the Bill. I will give you an opportunity on some other occasion; not now.

SHRI S. M. BANERJEE : If you allow me a minute.....

MR. SPEAKER : How can I allow you ?

SHRI S. M. BANERJEE : This particular shipping company has been taken over.....

MR. SPEAKER : This has nothing to do with the Bill. Kindly resume your seat.

श्री स० मो० बेनर्जी : अगर आप मुझको पहले से रोक देते तो ठीक होता । अब आधी बात मैंने कह दी है, आधी रह गई है । ऐसे ही रह जाएगा तो बहुत बुरा होगा ।

अध्यक्ष महोदय : मैं किसी और मौके पर आपको एकमोडेट कर सकता हूँ, इस समय नहीं ।

श्री स० मो० बेनर्जी : तो आप मुझे परमिट कीजिए, मिनिस्टर साहब को यह मेमोरेण्डम दे दूँ ।

अध्यक्ष महोदय : यह कैसे हो सकता है ?

AN. HON. MEMBER : Sir, It is past 1 O'clock.

MR. SPEAKER : Thank you for inviting my attention to that. Shri O. P. Tyagi will have the floor after lunch.

13·02 Hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the clock.

The Lok Sabha re-assembled after Lunch at seven minutes past Fourteen of the clock.

[MR. DEPUTY-SPEAKER in the Chair]

MERCHANT SHIPPING (AMENDMENT) BILL—contd.

श्री ओम प्रकाश त्यागी (मुरादाबाद) : उपाध्यक्ष महोदय, इस बिल पर बोलने से पहले मैं एक बात की ओर सरकार का ध्यान दिलाना चाहता हूँ और वह यह कि शंकराचार्य जी तथा अन्य चार व्यक्तियों ने पार्लिमेंट पर गौरक्षा आन्दोलन प्रारम्भ कर दिया है और कहीं ऐसा न हो कि यह आन्दोलन वही पुराना रूप धारण कर ले । इस सिलसिले में गवर्नमेंट को अपनी पोजीशन साफ करनी चाहिए । यह आन्दोलन प्रारम्भ करने की नौबत क्यों आई, सरकार ने जो आश्वासन दिया था उसके आधार पर उनके साथ कोई बातचीत की या नहीं की, उन्होंने कमेटी से असहयोग कर दिया, कोई सहयोग नहीं दिया, इन सब बातों की तरफ अगर ध्यान नहीं दिया गया तो कहीं ऐसा न हो कि जो सत्याग्रह प्रारम्भ हुआ है वह कोई मुसीबत पैदा कर दे जबकि पहले से ही दुनिया भर की मुसीबतें यहां पर पैदा हो रही हैं । इस ओर गवर्नमेंट को ध्यान देकर इस समस्या का समाधान करना चाहिए और गवर्नमेंट को अपनी पार्लिसी साफ करनी चाहिए । सत्याग्रहियों ने प्रारम्भ करने से पहले गवर्नमेंट को कोई अल्टीमेटम दिया या नहीं और गवर्नमेंट ने क्या उत्तर दिया, इस प्रकार की सारी बातों की सफाई यहां पर सरकार की ओर से होनी चाहिए ।
... (व्यवधान) ... शंकराचार्य जी ने असहयोग किया, त्यागपत्र दिया, उन्होंने सत्याग्रह किस लिए किया और इस सम्बन्ध में सरकार की पोजीशन क्या है उसकी जानकारी इस सदन को दी जानी चाहिए ।

श्री श्रीचन्द्र गोयल (चंडीगढ़) : त्यागी जी ने जो कहा है मैं भी उसका समर्थन करता हूँ । सात नवम्बर को हम भूले नहीं हैं जबकि पांच सात लाख लोगों ने गौरक्षा

[श्री श्रीचन्द्र गोयल]

आन्दोलन के सिलसिले में यहां पर आन्दोलन किया था। सरकार इसपर तुरन्त ध्यान दे ताकि यह आन्दोलन कहीं वैसा ही भीषण रूप धारण न कर ले।

श्री ओम प्रकाश त्यागी : उपाध्यक्ष महोदय, जहां तक इस बिल का सवाल है जोकि जहाजरानी के सम्बन्ध में सरकार यहां पर लाई है वह बहुत ही महत्वपूर्ण है। इसमें इन्टरनेशनल कम्युनिकेशन्स की बात है। लेकिन यह बिल जो हमको दिया गया है इसके साथ इन्टरनेशनल कन्वेंशन्स में कहां आप परिवर्तन कर रहे हैं, क्या पहले था और अब क्या करना चाहते हैं, इस प्रकार की कोई सूचना हमको नहीं दी गई है। मैं आप से कहना चाहता हूँ कि इस प्रकार से जो सरकार ने बिल पेश किया है यह अधूरा है। सरकार को जल्दबाजी में ऐसी कोई बात नहीं करनी चाहिए जिससे जहाजरानी उद्योग को क्षति पहुंचे।

दूसरी बात यह कहनी है कि सरकार ने भारत के जहाजों को इंटरनेशनल लाज के अनुसार विदेशी जहाजों से मिलाने की चेष्टा की है। भारतवर्ष के अधिकांश जहाज पुराने हैं और विदेशी जहाजों के कम्पटीशन में नहीं टहर सकते। साथ ही सेपटी के नाम पर आप ने इस प्रकार के नियम बना दिए हैं जिन से आशंका है कि भारत वर्ष की जहाजरानी पर बुरा प्रभाव पड़ सकता है। आपको सोचना चाहिए कि इस सेफ्टी शब्द के नाम से और उसके अधीन बने नियमों से भारतवर्ष के जहाजों पर कहीं कुप्रभाव न पड़ जाये।

आपने सर्टिफिकेट देने की बात कही है और उसको कंसिल करने को भी बात कही है। अगर कोई जहाज की सर्टिफिकेट लेने के बाद किसी प्रकार की माकिंग में कोई भी गड़बड़ है तो आप के पास सीधा कंसिलेशन का अधिकार है। मैं चाहता हूँ कि आप उसकी सुनवाई पहले करें, उनको वारनिंग दें, जुर्माना करें या सर्टिफिकेट विद हेल्ड करलें M19LSS/70—7

बजाए इसके कि सीधे-सीधे एक दम सर्टिफिकेट ही कंसिल कर दें कंसिलेशन आफ् दी सर्टिफिकेट की बात न्यायप्रद नहीं है। जब आप बिल बना रहे हैं तो ऐसी पावर किसी अधिकारी को न दे दें जिससे इस बढ़ते हुए व्यापार को धक्का पहुंचे।

इंटरनेशनल लोड लाइन का सर्टिफिकेट कौन देगा ? आपकी गवर्नमेंट देगी, अथवा अन्य व्यक्ति, यह इस बिल में नहीं है, और कब तक उसका समय लागू होगा, यह भी स्पष्ट नहीं है।

समुद्र के पानी को गन्दा बनाने की आपने बात कही है। कोई भी जहाज अपना तेल, पानी आदि नहीं निकालेगा। आप जो नोटिफिकेशन करेंगे तो क्या आपने कोई इस प्रकार का एरिया निश्चित किया है जहां पर कोई भी जहाज अपने तेल और गन्दा पानी नहीं निकाल सकेगा ?

आपने अपनी सुरक्षा को सारी बातें कर लीं लेकिन जहाज पर जो काम करने वाले मजदूर हैं उनको सुरक्षा आपने कुछ नहीं दी। आप इंटरनेशनल जहाजों के साथ तालमेल तो बैठा रहे हैं लेकिन वह जिस तरह अपने मजदूरों को सुविधाएं देते हैं क्या आप वैसी सुविधाएं देंगे ? कोई आदमी मर जाए तो आप विदेशों से उसके आधार पर मुआबजा लेने के लिए तैयार हैं। लेकिन जो मजदूर काम करते हैं उनको विदेशी जहाजों के समान न नौकरी मिलती है, न उन को रहने की सुविधा है। इसलिए मैं चाहता हूँ कि जब आप सर्टिफिकेट दें उस समय मजदूरों की नौकरी आदि की सेपटी की बातों को देख कर ही जहाजों के मालिकों को सर्टिफिकेट इश्यू करें, अन्यथा नहीं।

SHRI HIMATSINGKA (Godda) : Sir, this Bill seeks to carry out certain decisions arrived at in certain international conventions and I welcome the provision because they specify the exact position that is intended to be made. The provision as regards

prevention of water being polluted by oil is also very necessary. You will remember that some time ago the Barauni refinery let loose a very large quantity of oil and Ganga water was polluted and a very large amount of loss was caused. Therefore if ships also begin to do the same thing, it will be very dangerous. Therefore, the provision that has been made in this Bill is very welcome.

Along with this I feel that some decision should be arrived at by the Government to give protection to our Indian shipping for the coastal trade and no foreign ships should be allowed to have any competition with the Indian shipping so far as coastal trade is concerned and I feel that provision is very necessary so that our shipping may be protected. Indian shipping is increasing in gross tonnage and I feel that this law as it is intended to be specific is welcome. As regards the objection that the statement of objects and reasons was not given, it was given in the original Bill as distributed, but in the Bill as it has been passed by the Rajya Sabha these things have not been included.

THE DEPUTY MINISTER IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI IQBAL SINGH): Mr. Deputy Speaker, Sir, some of my friends who have spoken on this Bill have spoken under certain misconception. The major misconception was this and they asked why we have not given the full details and more details on the Bill. I may say in this connection that this Bill was introduced in 1968 in Rajya Sabha and the Bill was circulated to Members of Lok Sabha and in that all the details are given. When the Bill is passed and again brought out in this House after passing in the other House, this is the convention so far that only the clauses which have been passed and the way in which they have been passed are given. Even so, all such details have been given in the Bill which we had introduced in the other House and which has been circulated to hon. Members already.

There has been another misapprehension. I do not know whether it was because these are technical subjects I do not think any hon. Member will be able to know all such technical details. Regarding the load line

convention, there is already a convention. Load line certificates are already being given. These are given by the Director General of Shipping, its branches and its survey office. They are already doing it. The First Load Line Convention was in 1930. Then it was adopted in 1934 and when we amended that Act in 1958, we adopted the old Convention, but after that the international Convention, was again revised and amended, and we are bringing this Bill to give effect to the amended Convention. Load line will be different according to different seasons. The oceans of the world have been divided into various categories, there are rough seas and other seas. The seas have been divided accordingly. On the certificates the load line will be marked saying, this ship can go into the rough sea with so much loading. Take the case of monsoon season. During that time the Indian sea is rough; but in non-monsoon time it is not so much rough. That is why, considering all these points, it was again revised and we have adopted it and India was one of the countries which had been pressing for this. Instead of the old single load lines now we are having 2 or 3 load lines which will be marked and it will be shown how this ship can be loaded in different seasons and different areas. It will be beneficial to us.

Regarding the other points as to who will issue the certificate the D.G. Shipping and its subordinate office are already doing it. But now the only difference is that for tankers there will be different certificate; for cargo ships different certificate. We have defined to what extent this can be done, and more details have been given regarding all these things. All these matters have been examined by all the organisations, shipping concerns, shipping companies, those who are interested in Shipping, the National Shipping Board, etc. All have agreed to that and we have ratified and we have adopted this. When we ratified this in 1968 there was not much difference. There were only a few clauses and those being in our favour we had ratified and we got the benefit out of it. And now we are bringing this in the amended shape on the statute-book.

Regarding the other question, limitation of the liabilities, one point was made out. Hon. Members asked, why have we said franc. The franc is a general term; it is not the French Franc. It is, if I may

[Shri Iqbal Singh]

say so, a 'notional currency' which has been adopted in all the International Conventions relating to sea, sea-going ships and other many time conventions. Not only in respect of sea only, but in respect of Air Cargo Convention also, this 'notional' franc has been adopted. You can adopt anything; it is notional and it is not French franc. Franc has been defined. You cannot adopt the national currencies. From time to time there may be devaluation. If another country also devaluates and if our ship goes there and there is an accident there, we may have to pay more. And that is why, after taking into consideration all these things we are coming forward with this amendment. Now, we have adopted the International Convention. That is why that system has been adopted.

If any accident happens in India to a ship, it has to be paid according to the international standards. If any accident happens to our ship in any other port outside, then we have to pay according to the international standards. Bothways it is beneficial. So, if we go on adopting these standards, it may be beneficial or it may prove to be beneficial in the long run to our shipping lines.

Regarding the other point, that is pollution by sea, an International Convention was finalised in 1954. The problem was aggravated in 1957 and so it was amended in 1962. And we have adopted it. As I said, in the beginning, there is not much problem. The problem might get aggravated with the coming of big tankers. If there is any accident, then the whole sea is polluted by oil as had happened in the Mediterranean about two years ago. Practically the whole of the ship, flora & fauna had been affected. That is why we have taken preventive measures.

Another point I would like to touch is that after the passing of this Bill, we shall have to ask the Indian ports also to have arrangements for reception of these oil residues so that the oily substance is not allowed to be discharged by the ships near the port but about 100 miles from the coast. This is a preventive measure which we are taking. And all of us have to consider this.

Regarding the safety of workers, it is a misconception because in the Indian Merchant Shipping Act everything is provided for. We are adopting the International

Convention. According to that, the sea men and other workers will have to be provided with accommodation and other facilities as also for their safety. We are adopting the international standards and that is why I have not touched that point. It is covered in the Indian Merchant Shipping Act.

MR. DEPUTY-SPEAKER : 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. DEPUTY-SPEAKER : We shall now take up the clauses.

Clauses 2 to 8

MR. DEPUTY-SPEAKER : The question is:

"That clauses 2 to 8 stand part of the Bill."

The motion was adopted

Clauses 2 to 8 were added to the Bill.

Clause 9—(Substitution of new section for section 317).

Amendment made :

Page 6, line 17,—

for "1969" substitute "1970" (3)
(Shri Iqbal Singh)

MR. DEPUTY-SPEAKER : The question is:

"That Clause 9, as amended stand part of the Bill."

The motion was adopted

Clauses 9, as amended was added to the bill

Clauses 10 to 15.

MR. DEPUTY SPEAKER : The question is :

"That clauses 10 to 15 stand part of the Bill."

The motion was adopted

Clauses 10 to 15 were added to the bill

Clauses 16—(Insertion of new Part XA)

Amendments made :

Page 9, line 36,—

for "ship" substitute "vessel". (4)

Page 9, line 37,—

for "ship" substitute "vessel" (5)

Page 10, line 5,—

for "ship" substitute "vessel" (6)

Page 10, line 8,—

for "shp" substitute "vessel" (7)

(Shri Iqbal Singh)

SHRI SURENDRANATH DWIVEDY (Kendrapara) : None of the amendments have been moved.

MR. DEPUTY-SPEAKER : He has moved them. Shri Jha, are you moving your amendments ?

SHRI SHIV CHANDRA JHA (Madhubani) : Yes.

SHRI S. M. BANERJEE (Kanpur) : He has accepted his amendments. Let the Minister accept his amendments.

SHRI SHIV CHANDRA JHA : I beg to move:

Page 11, line 14,—

for "one" substitute "two" (9)

Page 11, line 18,—

for "three thousand and one hundred francs." substitute "five thousand francs." (10)

Page 11, line 22 and 23,—

for "three thousand and one hundred francs" substitute "five thousand francs" (11)

Page 11, line 24 and 25,—

for "two thousand and one hundred francs" substitute "three thousand francs." (13)

Page 11, line 28,—

for "one" substitute "two". (13)

उपाध्यक्ष महोदय, इन्होंने जो जवाब दिया उसमें कहा कि यदि जान और माल का नुकसान हो तो उसमें इंटरनेशनल कंवेन्शन के मुताबिक सजा देने की बात है। अब तक का जो रहा है उसमें सजा कम दी जाती है। इंटरनेशनल कंवेन्शन के मुताबिक ये सजा बढ़ाने जा रहे हैं। लेकिन डेमैज हो और जान का नुकसान हो तो उसमें एक तरह से कंजूसी इन्होंने दिखालाई है। इसमें कंवेन्शन की बात जो है वह ज्यादा दें। इसकी जो रकम है, जहां वह देते हैं—

"The amounts to which the owner of a vessel may limit his liability under sub-section (1) of section 352A shall be—

(a) where the occurrence has given rise to property claims only, an aggregate amount not exceeding the amount equivalent to one thousand francs for each ton of the vessel's tonnage;"

जहां पर '1000' है वहां मेरा संशोधन है '2000' कर दें।

उसी तरह से दूसरा संशोधन है —

"Where the occurrence has given rise to personal claims only, an aggregate amount not exceeding the amount equivalent to three thousand and one hundred francs for each ton of the vessel's tonnage;"

इसमें जहां पर आपने '3100 फ्रैंक' रखा है, मैं चाहता हूँ कि उसकी जगह पर '5000 फ्रैंक' रख दिया जाए।

पेज 11 में क्लाज (सी) में आपने 'तीन हजार एक सौ फ्रैंक' रखा है। वह इस प्रकार है—

"where the occurrence has given rise to personal claims and property claims, an aggregate amount not exceeding the amount equivalent to three thousand and one hundred francs for each tone of the vessel's tonnage....."

जहां पर '3100 फ्रैंक' है वहां '5000 फ्रैंक', और उसके मुताबिक जो परिवर्तन होना चाहिए वह है '2100 फ्रैंक' की जगह '3000 फ्रैंक' और 1000 फ्रैंक की जगह '2000 फ्रैंक' होना चाहिए। जहां पर माल का और जान का नुकसान हो वहां आपको नग्नता बरतनी चाहिए।

श्री इकबाल हिस : जहां तक इस बात का ताल्लुक है कि लायबिलिटी को बढ़ाया जाए,

[श्री इबाल सिंह]

आज का जो मचेंट शिपिंग ऐक्ट है, अगर कोई डैमेज हो जाए तो उसके मुताबिक कम्पेंसेशन क्लेम किया जाता है। ऐक्ट के मुताबिक अगर कोई डैमेज प्रापर्टी का हो तो 200 रुपया पर टन उसका, अगर वह इतना ही रुपया जमा करा दे तो उसके मुताबिक क्लेम किया जाता है। उसके साथ ही 100 रुपया पर टन है अगर सिर्फ प्रापर्टी का नुकसान हो और अगर आदमी या लास ऑफ लाइफ हो तो 200 रुपया पर टन है। इनको बढ़ा करके 1,500 रुपया पर टन, 1,000 रुपया पर टन और 500 रुपया पर टन आगे ही बढ़ाया। क्यों यह बढ़ाया गया इसलिए कि यह जो ब्रिटिश बोर्ड ऑफ ट्रेड की जो कंवेन्शन थी पहले वह लागू थी। वह यह है कि जिस जगह ऐक्सीडेंट हुआ उसके बाद टोटल डैमेज कितना हुआ, उसमें कितना नुकसान हुआ, आदमी कितने मरे, प्रापर्टी कितनी जाया हुई और उसमें जब वह शिप की वैल्यू लेते थे तो उसकी कोई साइंटिफिक बेसिस नहीं थी। उसके बाद इसको बदला गया और वह भी पर टन किया गया साइंटिफिक बेसिस पर। 1,500 पर-टन कोई नोशनल नहीं है, उसका एक तरीका है कि कितनी जहाज की कंसट्रक्शन कास्ट है आदि सभी चीजों को देख करके सारी दुनिया ने उस पर ऐप्री किया। मुझे खुशी होती अगर मैं आनरेबल मੈम्बर साहब का अमेंडमेंट मान सकता। पर मान नहीं सकता क्योंकि यह चीजें सारी दुनिया में ऐप्री करके रखी है। अगर हम इसको बढ़ाने की बात करें तो हिन्दुस्तान का जहाज यदि बाहर जाएगा तो और हिसाब से पे करेगा और यहां आएगा तो और हिसाब से पे करेगा तो हिन्दुस्तान के जहाज वालों को नुकसान होगा। इसलिए इस बात को सामने रखते हुए जो उन्होंने संशोधन दिया है वह मैं मान नहीं सकता।

MR DEPUTY-SPEAKER : I shall now put amendments Nos. 9, 10, 11, 12 and 13 moved by Shri Shiva Chandra Jha to the vote of the House.

Amendment Nos. 9 to 13 were put and negatived.

MR. DEPUTY-SPEAKER : The question is:

"That clause 16, as amended, stand part of the Bill."

The Motion was adopted.

Clause 16 as amended, was added to the bill

Clause 17 was added to the Bill

Clause 18.—(Amendment of Section 436).

SHRI SHIV CHANDRA JHA : I beg to move:

Page 20, line 28,—for "two" substitute "four" (14)

Page 20, line 34,—for "one" substitute "two" (15)

Page 30, line 41, for "one" substitute "two" (16)

Page 20, line 45, for "one" substitute "two" (17)

Page 21, line, 8,—for "five hundred" substitute "one thousand" (18)

Page 21, line 12, for "two" substitute "three" (19.)

Page 21, line 15,—for "twenty" substitute—"twentyfive" (20)

Page 21, line 18,—for "two substitute—"four".(12)

Page 21, line 26,—for "six months" substitute—"one year" (22)

Page 21, line 27,—for "five" substitute "seven" (23)

इंटरनेशनल कंवेन्शन के मुताबिक पहले ऐक्ट में यह सजाएं कम थीं, अब सजा देने में सरकार सक्त हो रही है। लेकिन लोग फाइन ज्यादा करते हैं, इसका खुलासा मंत्री महोदय ने नहीं दिया। ऐप्रीमेंट जो हुआ उसके मुताबिक फाइन तो कम दे रहे हैं लेकिन सजाएं वह इंटरनेशनल कंवेन्शन के मुताबिक दे रहे हैं। इस सारी चीज को मंत्री महोदय ने मैकेनिकली किया है। इस लिए मैं अपने संशोधन के अनुसार यह चाहता हूँ कि पेज 20 पर पंक्ति 28 में जहां फाइन 2,000 रु० लिखा हुआ है उसकी जगह पर 4 हजार रुपये कर दिया जाए, पंक्ति 34 में 1,000 के स्थान पर

2,000 कर दिया जाए, पंक्ति 41 में 1,000 की जगह 2,000 कर दें, पंक्ति 45 में 1,000 की जगह 2,000 कर दें, पेज 21, पंक्ति 8 में 500 के बजाए 1,000 कर दें, पंक्ति 12 में 2,000 के स्थान पर 3,000 कर दें, पंक्ति 15 में 20 के स्थान पर 25 कर दें, पंक्ति 18 में 2,000 के स्थान पर 4,000 कर दें, पंक्ति 26 में 6 महीने के स्थान पर 1 साल कर दें, और पंक्ति 27 में 5,000 के स्थान पर 7,000 कर दें।

यही मेरे संशोधन हैं और मैं समझता हूँ कि मंत्री महोदय उनको स्वीकार करेंगे।

श्री इकबाल सिंह : जहाँ तक इस बात का है कि आयल पालिसी के मुताल्लिक इस को बढ़ाया जाए या नहीं, तो मैंने जैसा कहा अभी तक यह प्रॉब्लेम इतनी एग्जैक्ट नहीं हुई है, लेकिन हम प्रिवेंटिव मेजर्स ले रहे हैं कि अगर कल कुछ हो तो हम इसके मुताबिक ऐक्शन ले सकें। आज तक यह कानून ही नहीं था। आज पहली दफा इसको सजा के लिए ला रहे हैं। आज तक अगर किसी जगह तेल फैक दिया जाए तो उसके लिए सजा नहीं दी जा सकती। अब कंवेनशन ऐडाप्ट करने के बाद जो मर्चेन्ट शिपिंग ऐक्ट में अमेंडमेंट में लाया हूँ उसके मुताबिक यह चीज सोची जा सकती है। लेकिन हम इसको कम करेंगे या बढ़ाएंगे या क्या करेंगे यह नहीं कहा जा सकता। कुछ बातें इंटरनेशनल तौर पर मानी गई हैं, उनको नेशनल तौर पर लागू करने के बारे में अभी कुछ नहीं कहा जा सकता।

इस लिए जो बातें माननीय सदस्य ने कही हैं उनको मानने से मैं मजबूर हूँ। जो बाकी बुनिया है उसी के साथ हम को चलना है।

MR. DEPUTY-SPEAKER : I shall now put amendments Nos. 14—23 to vote.

Amendments Nos. 14 to 23 were put and negatived

MR. DEPUTY-SPEAKER : The question is :

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill

Clause 19.—(substitution of new section for section 460A).

Amendment made :

Page 21, line 46,—

for "1969" substitute "1970" (8)
(Shri Iqbal Singh)

MR. DEPUTY-SPEAKER : The question is :

"That Clause 19, as amended, stand part of the Bill."

The motion was adopted

Clause 19, as amended, was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 20 stand part of the Bill".

The motion was adopted.

Clause 20 was added to the Bill.

Clause 1.—(Short title and Commencement)
Amendment Made :—

Page 1, line 4,—

for "1969" substitute "1970" (2)
(Shri Iqbal Singh)

MR. DEPUTY-SPEAKER : The question is :

"That Clause 1, as amended, stand part of the Bill."

The Motion was adopted.

Clause 1 as amended, was added to the Bill.

Enacting Formula

Amendment made

Page 1, line 1,—

for "Twentieth" substitute "Twenty-first" (1)

(Shri Iqbal Singh)

MR. DEPUTY-SPEAKER : The question is :

"That the Enacting Formula, as amended, and part of the Bill"

The motion was adopted

The enacting formula, as amended, was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That the Title stand part of the Bill."

The motion was adopted

The title was added to the Bill.

SHRI IQBAL SINGH : I move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER : The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

14.38 hrs.

MOTION RE: REPORT OF THE STUDY TEAM ON PROHIBITION— *contd.*

SHRI SURENDRANATH DWIVEDY (Kendrapara) : I do not know what purpose will be served by the debate that we are having today because it was left to a non-official Member, with such limited time, to bring this Report of the Tek Chand Committee before the House for discussion.

This Committee was appointed by the Planning Commission and the responsibility of the Government was either to implement its recommendations, or, if they had any other opinion, to place it before the House for discussion to find out how far it was practicable.

I do not think that there is any difference of opinion that prohibition should be implemented in this country. If anybody wants the opinion of the people again because of the climate that has been created by some, I will challenge him to go to the people, the poorer people about whom we are thinking. I think they will be cent per cent for prohibition. I have no doubt about it.

Prohibition was embodied in the Constitution itself, in the Directive Principles, and so whatever be the Government, it has to carry it out. But I think that this Government has been systematically sabotaging this prohibition policy. It is a national shame that in the Gandhi Centenary Year only two States are dry and in almost all the other States even partial prohibition has been lifted, withdrawn and relaxed. Probably they wanted to pay a tribute to Gandhiji by doing so. The Central Government says that it has nothing to do with it, that it is the business of the States. Agriculture and education also relate to the States, but has the Central Government any responsibility or not? Has the Centre no responsibility in the matter?..... (Interruptions..). It has become part of

our culture, if you do not drink, you are not modern; such an atmosphere has been created.

My point is this. Let us know from the Government whether they really and sincerely feel that prohibition policy should be carried out. Are they feeling that it is not practicable? Some people say that if there is prohibition, that only leads to illicit distillation which goes on as a cottage industry. Even from that point can one say: Gandhiji wanted cottage industry; if by having prohibition you are having this cottage industry, have it all the same and why are you objecting to it if people manufacture liquor illicitly?

Let us know specifically if the Government have any difficulties and feel that for practical reasons, economic reasons and financial reasons, they are unable to carry out this policy; let them go before the country and say: we want money from the sale of liquor. The reason behind this policy was not financial or economical but moral; for economic reasons of the poor in the country it was necessary that such a policy should be implemented in this country.

The real purpose of the debate would be served if the Government is frank enough and honest enough to tell the country that they are not in a position to do so. Let us not do this simply because Gandhiji said that it was one of the eleven programmes and during the British days we offered satyagraha and I personally faced police lathi charge in front of the ganja shops and liquor shops. Because there is Gandhiji's name in it, therefore we pay lip service to it and keep it in the Constitution and then we go on sabotaging it? There has been a demand to amend the Constitution to make it compulsory all over the country; there will then be dry States only and there is no question of wet States and dry States. I shall urge the Government to amend the Constitution and do away with prohibition altogether if it is not possible for this country in the present circumstances to implement prohibition really. I do not know what is the Government's reaction.

This was not within the jurisdiction of the Fifth Finance Commission but I was surprised to find that it had indirectly hinted that prohibition should be carried out if