

12.01 hrs.

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

The Lok Sabha reassembled after Lunch at Five Minutes past Fourteen of the Clock.

[SHRI K. N. TIWARY in the Chair]

SHRI JYOTIRMOY BOSU (Diamond Harbour): Mr. Chairman, Sir, there have been 500 jauhdice cases in Delhi. The sweepers' strike is one month old now and this is a very serious matter. I want the Government to make a statement on it.

Then, Sir, regarding Balyogeshwar, where Mr. Shambu Nath Misra of the Congress Party has gone to defend him, there is a serious allegation that some Customs official has demanded a bribe of Rs. 1 lakh and there is no statement from the Government yet and we have to collect the information from the Press. This is the fourth day I am raising this matter. Would you be so kind as to ask the Government to make a statement before the House so that we are enlightened on this?

MR. CHAIRMAN: There is a Zero-Hour when you could have raised all these matters. Treating any time as Zero-Hour is not proper. What you have said has gone on record. I will not allow any other person.

SOME HON. MEMBERS rose—

MR. CHAIRMAN: No, please. Nothing will go on record if anybody speaks without my permission.

Dr. Karan Singh.

SHRI SHASHI BHUSHAN (South Delhi):\*

SHRI RAMAVATAR SHASTRI (Patna).\*

SHRI SARJOO PANDEY (Ghazi-pur).\*

MR. CHAIRMAN: I do not want to waste the time. This is a very bad precedent. He has also spoken and I would also request him in future not to do it. But I will not allow any other person. Whatever he has spoken, it has gone on record and the Minister of Parliamentary Affairs is here and he has taken note of it.

Dr. Karan Singh

12.07 hrs.

CARRIAGE BY AIR BILL—contd.

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH): As I was beginning to explain yesterday, the whole network of international air services is governed by a complex system of bilateral and multilateral agreements. The first major international agreement was the Warsaw Convention which was signed in 1929 and we, in India, incorporated the provisions of the Warsaw Convention by the Indian Carriage by Air Act of 1934. The present Bill which I am bringing forward is an amendment of that Act and the main reason is that in 1963 there was an international conference at The Hague and this conference at The Hague adopted an agreement known as Hague Protocol which revised and improved upon the Warsaw agreement.

SHRI SAMAR MUKHERJEE (Howrah): Was India a party to that?

DR. KARAN SINGH: Now, India is going to become a party to this Hague Protocol. It has already been ratified by as many as 65 countries and we feel that it is in our interests and in the interests of our national carrier that we should also incorporate the provisions of the The Hague Protocol....

\*Not recorded.

**SHRI H. M. PATEL (Dhandhuka):** Why did you wait for ten years?

**DR. KARAN SINGH:** Because it was open for the countries and they could sign when they liked.

The three major features of the Hague Protocol are (1) the simplification in the documents of carriage No 2—and perhaps more important is that the liability of the carrier is raised from the equivalent of Rs 62,500 per passenger to Rs 1,25,000 per passenger. In other words, it is doubled from 1,25,000 gold francs to 2,50,000 gold francs. The point is that because air transport has become really more common now and a large number of people are travelling by air, it is necessary that the liability should also be raised. This Bill seeks to incorporate the improvements which have been effected over the Warsaw Convention

The second point that I would like to point out is that the Warsaw Convention will remain in force with those countries which have not ratified the Hague Protocol. In other words, as the hon. Members will see from the two Schedules to this Bill, the First Schedule is the Rules which will be operative when there is an agreement with a country which is only a signatory to the Warsaw Convention and not to the Hague Protocol, and the second set of rules are applicable to those countries which have ratified the Hague Protocol. As I mentioned, 65 countries have already ratified it and many more countries are expected to do so in the near future.

Mr Chairman, Sir, it is broadly to give force to these new provisions that this Bill has been introduced.

I commend it for the acceptance of the honourable House.

**SHRI B. K. DASCHOWDHURY (Cooch-Bihar):** With the increased liability will you increase the fare also?

**DR. KARAN SINGH:** It has nothing to do with the fares.

**\*SHRI AJIT KUMAR SAHA (Vishnupur) Sir,** I rise to support this Bill. In this connection I would like to say that even though the Warsaw Convention was held in 1929 and the provisions of the said Convention were amended by the Hague Protocol in 1955, we find that it has taken 17 years for the Government to introduce this Bill in this House. I would therefore like to know from the Hon. Minister the causes for this delay.

Sir, the present Bill has provided that claims can be filed in a court of law now, if a case is filed in the lower court then from there it will go to the High Court and from there finally to the Supreme Court. In this process, before a final decision in a case is taken a period of 5 to 10 years will elapse. I would therefore urge upon the Hon. Minister to consider whether instead of cases being initiated from the lower courts, they could start from the High Court so that the time taken for the disposal of such cases is minimised.

Sir, though not directly arising out of this Bill, I would also like to know whether as a result of this Bill the position of the Calcutta Air port will improve, and with those words, I conclude my speech.

**SHRI C. JANARDHANAN (Trichur):** Mr. Chairman, Sir, I have got only one or two points to make on this Bill.

\*The original speech was delivered in Bengali.

There is no provision in the Bill about a new phenomenon which has arisen in the international air traffic, that is, about hijacking of planes, which is spreading from one country to another and it has affected us also.

What happens to the passengers, cargo and other things? This should be specifically mentioned in this Bill. Sir, neither the Hague Protocol nor the Geneva Convention envisages such a situation. When we make a Bill, I feel, this should be mentioned.

Sir, the second point that I wish to make is this. Various buses are engaged by the air companies. The Bill specifically mentions that only cargo and passengers carried by the air-carriers will have the security under the law. But I would like to know one thing. What happens to the passengers and to the cargo in the buses? The moment the person gets into the car and checks his luggage and enters the bus, his security is the concern and responsibility of the company concerned. That should also be a part of this law. Then only those passengers will get the security and the cargo carried by the bus will get the same security as the passengers and cargo going actually by the aircraft carrier.

So, I hope, the hon. Minister will kindly take these two points into consideration.

\*SHRI J. MATHA GOWDER (Nilgiris): Mr. Chairman, Sir, I rise to say a few words on The 'Carriage by Air Bill, 1972.

Sir, the Hague Protocol was opened for signature on 28th September, 1955 and the Protocol came into force on 1st August, 1963 after the ratification by the required number of States. Only now the Government have brought forward this Bill which gives effect to the Warsaw Convention as amended by the Hague Protocol. I would like to know from the hon. Minister the reasons for this inordinate delay of nine years in bringing forward this measure.

I came across a news report in which the President of our country has expressed the view that the arrears of cases before our Courts are so large in number that it may take many years for clearing these arrears. In fact, there are thousands of labour disputes before our Courts, which should be disposed of expeditiously in the interest of labour welfare. The President has proposed that separate courts may be set up for hearing labour cases and such other disputes, which will also pave the way for clearing thousands of civil and criminal cases. In addition, he has felt that for quick disposal of constitutional cases some way must also be found out. Here, in this Bill Clause 7(2) empowers the High Court to make rules of procedure providing for all matters which may be expedient to enable the disposal of suits against High Contracting Parties. I do not understand why the High Court should be empowered to make rules of procedure.

These suits will involve foreigners. In view of the delay involved in the disposal of such cases the foreigners may be asked to come here frequently. Naturally, they will get a wrong impression about our processes of justice which consume a long time. I would request the hon. Minister to clarify this point.

Sir, one of the major amendments effected by the Hague Protocol is simplification of the documents of carriage. I would like to know from the hon. Minister whether the documents of carriage of I.A.C. and Air India relating to transportation of goods within the country will also be simplified.

The liability of the air carrier has been raised from 1,25,000 gold francs per passenger to 2,50,000 gold francs. I am afraid that the carriers, as a result of this increase, may have to pay more insurance premia which in

[Shri J. Matha Gowder]

turn may affect the air freight. The air company may insure the planes for a larger sum and the premium for this will be substantial. I want to know from the hon. Minister whether this will not lead to increase in air freight. I would also like to know from the hon. Minister whether the carrier should discharge its liability only in foreign currency. I raise this question because of our slender foreign exchange resources. I do not know whether this carrier's liability has been doubled for inland traffic also. In the objects and reasons it is mentioned that when an accident occurring during international carriage by air causes damage to a passenger or a shipper of cargo, there is presumption of liability of the carrier. That is why I want to know what will be the position if an accident occurs during internal carriage of goods.

Before I conclude I would also refer to the provision in the Bill giving power to apply the rules contained in the Warsaw Convention as amended by the Hague Protocol also to non-international carriages subject to exceptions, adaptations and modifications. I think that the provisions of the Bill will be made applicable to internal carriage also. I raise this question because it has been mentioned here as 'non-international carriages'. If it has been mentioned that the rules would apply to 'internal traffic' also, I would not have raised this question. I request the hon. Minister to clarify this point also in his reply to the debate.

With these words, I conclude.

श्री महा दीपक सिंह शास्त्री (कासगंज) :

सभापति महोदय, यह जो विमान बहन विधेयक पेश किया गया है, जैसा मंत्री महोदय ने बताया इसकी फंटे मीटिंग अन्तर्राष्ट्रीय स्तर पर बीरसा में हुई थीर दूसरी मीटिंग सन् 1955 में बताई तो वह 17 वर्ष के बाद जो आज पेश हो रहा है यह हमारे

भलाय की उदासीनता है। इसके सम्बन्ध में मैं बार-बारों पर अपने सुझाव पेश करता हूँ। पहला सुझाव यह है कि इस विधेयक के लाने का मंशा यही है कि यात्री का विदेश जाने वाला सामान या अन्य सामान अथवा दुर्घटनाग्रस्त होता है तो उस के सम्बन्ध में जो धोखा है उस पर इस में प्रकाश डाला गया है तो मैं बताना चाहता हूँ कि इस का जेन कारण यह है कि हमारे पास में ऐसे विमान हैं जिन विमानों का विकसित देशों में आज कोई उपयोग नहीं होता जैसे एबरो है, डेकोटा है, तो उस में सुधार होना चाहिये। दूसरी बात—मंत्री महोदय ने उद्देश्य और कारणों में यह कहा कि विमान द्वारा अन्तर्राष्ट्रीय यात्रा के दौरान किसी प्रकार के सामान या यात्री की किसी दुर्घटना से क्षति होती है तो वाहक उत्तरदायी होगा, इस में तो मुझे कोई आपत्ति नहीं है, लेकिन इसके साथ में उन्होंने थोड़ा सा और बढ़ाया है और वह यह है कि तब वाहक का कोई उत्तरदायित्व नहीं होगा, जब वह यह साबित कर दे कि उसने दुर्घटना से बचने के सभी संभव उपाय किए हैं या ऐसे उपाय करने के लिए उन्हें वे चीजें उपलब्ध नहीं हुई थीं जो होनी चाहिए थीं। मैं समझता हूँ कि वह जो इस में जोड़ा गया है यह ठीक नहीं है।

दूसरी बात यह है कि इस प्रकार के जो मुद्दाबन्धे दिये जाते हैं दुर्घटना होने के बाद तो उसका जैसा मुझे अभी तक ज्ञान है 80 रुपये प्रति किलो के हिसाब से मुद्दाबन्धा दिया जाता है। तो यह धोखा की कति सा सापेक्ष है? मैंन जानकर कि किसी का

साभान जाता है उसने सोने से बनौ बस्तु या कीमती बस्तु रखी हुई है या और कोई कीमती चीज रखी हुई है, मेरा तात्पर्य है कि कोई भी बहुमूल्य चीज हो सकती है ती किलो के हिसाब से उसका मुआबजा देने का क्या मापदण्ड है? मैं एक उदाहरण देना चाहूँगा। सन् 1972 की बात है जहाँ इसी हाउस के एक मंत्रिणीय सदस्य विल्सी से इन्वीर के लिए जाणा कर रहे थे। उनको पेटी हवाई जहाज मे रह गई और गुम हो गई। जब उन्होंने 1100 रुपये का क्लेम किया तो आधिकारिक विभाग ने केवल 600 रुपये भरने फारमूले से उन्हें भदा करने को कहा जब कि उसके अन्दर उनका नकद कैश भी था और बताया गया कि तीन घडिया भी उनमे थी। मैं मंत्री महोदय से प्रार्थना करूंगा कि कोई भी घडी डेड सी या मिनिमम सवा ती रुपये से कम में भाज नहीं आती। उनका जो क्लेम स्वीकार किया गया वह 600 रुपये का स्वीकार किया गया। तो मैं निवेदन करूंगा कि मंत्री महोदय उसकी भी जानकारी करे कि यह मामला आखिर क्या है?

तीसरी बात यह है कि आपने प्रत्येक यात्री के लिए यह रकम को निर्धारित की है 1 लाख 25 हजार की, यह अधिक से अधिक सीमा तो आपने बंताई है लेकिन मैं चाहता हू कि मिनिमम सीमा भी आप बसाए। इतना ही कह कर मैं आपको धन्यवाद भवा करता हूँ।

DR. KARAN SINGH: Sir, several points have been raised. One is this question which several Members have raised, namely, why is it that it has taken so long for us to bring forward

this legislation. This new protocol came into effect in 1968, and we were waiting to see how the international community would react to this because, as I said earlier, the value of these multilateral agreements depends to a large extent upon how widely they are accepted. We have been considering this for some time. In fact, it has been on the anvil for a year or so, and when we found that sufficient number of people had accepted this new protocol, we have come forward with this legislation.

The question of the court cases has also been raised. Under article 28 of the Warsaw Convention, the venue of the trial is left to the ordinary law of the land. I do not think, or rather, at least I hope that the number of accidents will not be sufficient to warrant a special court for this purpose. In fact, our hope is that this sort of unhappy episodes will be very few and far between. Therefore, I think that the normal law of the land is quite competent to deal with these things.

One hon. Member wondered about the question whether this was to be paid in foreign exchange. I think that if he will please refer to clause 6, he will find that it makes it clear that "any sum francs mentioned for the purpose of any action be converted into rupees at the rate of exchange prevailing on the date" of the accident. So, this francs is only an international measure, and every country will convert it into its own currency as and when necessary.

One hon. Member, Shri Maha Deepak Singh Shukya, mentioned the fact that we have old planes. It is true that we are a poor, developing country, and we cannot afford the luxury of throwing all our old planes

[Dr. Karan Singh.]

away immediately and buying new ones. But our safety record, particularly of our international carrier, Air India, compares very favourably with the safety record of any other international airlines in the world. Even in the Indian Airlines, if you consider the huge expenditure on its operation, and the fact that it operates almost on a hundred routes, and there are literally hundreds of flights every day, generally our safety factor can be considered to be good. One should not speak too much about this because there is an old superstition that you should not stress the safety of your planes, but nevertheless, the fact is that our safety record is quite good.

The hon Member from West Bengal mentioned the Calcutta airport. I have spoken about the Calcutta airport on many occasions. This Bill is not directly connected with that problem. But as he has raised the point, I may say that, as I have said earlier, we are bending all efforts to see that the Calcutta airport regains the position that it once had. As for as we are concerned, we have put up a structure and we have invested almost Rs. 3 crores upon that airport. We are redoing the domestic terminal and are building an airport hotel in Calcutta at a cost of over a crore of rupees. International traffic will take sometime to build up, and I am hopeful that it will come up soon.

Two points have been raised with which I shall deal, before I sit down. One is the question of insurance. It is open to anybody to insure himself in addition to this sum. For example, if a passenger has taken out an insurance policy of a crore of rupees with an insurance company, that will be payable to him in addition to this. In fact, this is really the minimum that the company will have to pay. Above that, if there is any special agreement or special insurance, it can be done.

As far as the insurance premium is concerned, I do not think that this will involve an additional premium payment as far as Air India is concerned.

One other point before I sit down. It was about hijacking that was mentioned. It is a very valid point, because hijacking is becoming an international menace. However, this particular Hague Protocol does not deal with hijacking. Efforts are in progress in various international forums to devise a proper mechanism to deal with hijacking. We are participating very actively in these efforts. Our representatives have attended conferences, and as and when legislation broadly acceptable to the international community becomes available, I certainly hope to bring it before the House as soon as possible.

MR. CHAIRMAN: The question is:

"That the Bill to give effect to the Convention for the unification of certain rules relating to international carriage by air signed at Warsaw on the 12th day of October, 1929 and to the said Convention as amended by the Hague Protocol on the 28th day of September, 1955 and to make provision for applying the rules contained in the said Convention in its original form and in the amended form (subject to exceptions, adaptations and modifications) to non-international carriage by air and for matters connected therewith, be taken into consideration."

The motion was adopted

MR CHAIRMAN: There are no amendments. I shall put all the clauses together. The question is

"That clauses 2 to 9, Schedules I and II, clause 1, the En-

acting Formula and the Title stand part of the Bill."

*The motion was adopted*  
Clauses 2 to 9, Schedules I and II, Clause 1, Enacting Formula and the Title were added to the Bill.

DR. FARAN SINGH: With your permission, I want to refer to this point. He mentioned the question of bulk payment of compensation. It is very difficult; if somebody loses a suit-case and he says he had watches, clocks, gold, jewellery, etc. in that, how is it possible for any airline to take unlimited responsibility of, that nature? Anybody who travels should enter into separate agreement with the insurance company against the losses, that is my suggestion. The airlines will have to go by this sort of the rule of the thumb. Otherwise there will be no end to claims.

I move:

"That the Bill be passed".

MR. CHAIRMAN: The question is:

"That the Bill be passed"

*The motion was adopted.*

14.32 hrs.

MOTION RE: TWELFTH REPORT  
OF THE COMMISSIONER FOR LINGUISTIC MINORITIES

THE DEPUTY MINISTER IN THE  
MINISTRY OF HOME AFFAIRS  
(SHRI F. H. MOHSIN): I beg to move:

"That this House do consider the Twelfth Report of the Commissioner for Linguistic Minorities for the period 1st July, 1969 to 30th June, 1970, laid on the Table of the House on the 12th April, 1972".

The Indian society is a multi-linguistic society. The framers of our Constitution rightly felt the need for incorporating in our Constitution a Comprehensive scheme for giving necessary

protection to the linguistic minorities so that they develop a sense of security and are in a position to conserve and develop their own script and language. Articles 29, 30, 347, 350 and 350A of the Constitution have a direct bearing on the safeguards for the linguistic minorities. The last article was introduced into the Constitution to give further safeguards to the linguistic minorities in the matter of instructions in the mother tongue at the primary stage of education to children belonging to linguistic minority groups in the light of recommendations made by the States Reorganisation Commission.

From time to time decisions have been taken at the national level and specially in the meetings of the Chief Ministers and the Central Ministers held in August 1961 to evolve specific schemes for safeguarding the interest of linguistic minorities in the matter of educational and administrative facilities. As a result of these decisions a scheme of safeguards has emerged and it is the duty of every State Government and the Union Territory Administration to make administrative arrangements for implementing the scheme.

In accordance with Article 350B of the Constitution, the office of the Commissioner for Linguistic Minorities was set up in 1957. The main functions of the Commissioner are to investigate in accordance with the provisions of Article 350B(2) all matters relating to safeguards provided for linguistic minorities and to report to President upon these matters at such intervals as the President may direct. The Commissioner prepares annual reports regarding implementation of Constitutional safeguards as also safeguards agreed to at the national level for the linguistic minorities. The Commissioner also receives complaints from the linguistic minorities and takes up the matter with the concerned State Governments for remedial action. However, the Commissioner is not