

[Shri Khadilkar]

I will read one more sentence from my yesterday's speech. I said:

"I ask whether it is open to the Member of this Parliament to advise the foreign Government which happens to be the creditor...."

In this connection, the actual statement of Mr. Masani which I quoted then and which was not contradicted runs like this: This is from his speech which was reproduced in the *March of the Nation*, a Bombay paper then—I do not know whether it is published now. He had said that:

"We are going bankrupt, that TTK is going to lead this country to bankruptcy...."

It has no relevance here. The next is important. I said that he has advised other countries this way:

"He welcomed the West German Government's recent decision not to give any more government loans to India and other developing countries except for the legitimate purpose of building roads, bridges, dams and power stations. For everything else, those who wanted capital must go to the money market and raise foreign equity capital".

There is one more sentence which is more important. It is:

"Mr. Masani hoped the US Government would also impose similar economic discipline on the Indian Government by withholding further economic aid unless inflationary policies were abandoned, the proposed Fourth Plan was scrapped, the bias towards heavy industry eliminated and agriculture given the priority that it badly needed."

This is the quotation. Except for one word it is substantially correct. I have used here: "He has appealed to the Government" and at one place: "He advised." Instead of that it

should be: "He hoped." That is a minor correction in what I said yesterday, and I am making it here now.

12.37 hrs.

MERCHANT SHIPPING (AMENDMENT) BILL

Mr. Speaker: We shall now take up the Merchant Shipping (Amendment) Bill. I might inform the House that we have on the Agenda only two Bills. If they are finished earlier, we will have to take up the Calling Attention Notice.

Shri Hari Vishnu Kamath (Hoshangabad): When will the No-confidence Motion come up?

Mr. Speaker: He might settle it with the Leader.

Shri Hari Vishnu Kamath: Major Bills should not be moved before that is disposed of (*Interruption*).

The Minister of State in the Ministry of Transport and Aviation (Shri C. M. Poonacha): Sir, I beg to move:

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

While moving the motion for consideration, I beg to submit that the Merchant Shipping Act, 1958, prescribes certain minimum standards which Merchant ships should comply with in the interest of safety of life and property at sea. These provisions are based on the International Convention or the Saety of Life at Sea, 1948, which was ratified by India in 1954. This Convention requires cargo ships of 1600 tons gross to have radio telegraphy installation on board the ship. Both cargo and passenger ships are also required to maintain certain life saving and fire fighting appliances which should be open to inspection by the concerned Government authorities. Passenger vessels are required further to comply with additional measures relating to structural safety, stability, safety of navigation, etc.

The 1948 Convention was considered at the 4th International Conference on Safety of Life at Sea in London in 1960 under the aegis of Inter-governmental Maritime Consultative Organisation, one of the specialised agencies of the United Nations. The working of the 1948 Convention was reviewed and it was modified in the light of the experience gained and it was decided to replace the Old Convention by a new Convention of 1960. The provisions of the new Convention would necessitate a number of amendments to the Merchant Shipping Act. As the Indian ships were facing difficulties in having their Safety Convention Certificates renewed in the countries which have accepted the International Convention for the Safety of Life at Sea, 1960, India has deposited the instrument of acceptance of the above Convention with effect from the 28th February, 1966, after consultation with the Ministry of Law. The Convention will come into force for India with effect from the 28th May, 1966, three months after the date of acceptance.

But, as stated earlier, it is necessary to amend the Merchant Shipping Act to provide for the various changes brought about by the Convention of 1960. The present Bill has been introduced to effect these amendments.

Some of the more important requirements of the 1960 Convention are briefly as follows:—

(1) Under the 1960 Convention, the scope of survey of cargo ships has been extended to cover the survey of hull, machinery and other equipment of cargo ships. Further, all cargo ships of over 500 tons gross will be required to carry in addition to the existing certificates a safety construction certificate issued by or under the authority of a contracting Government. It is, therefore, necessary to make suitable provisions in the Act for survey of cargo ships and

for the issue of safety construction certificates to cargo ships.

(2) In contrast to the 1948 Convention, the 1960 Convention requires that every ship must carry on board sufficient data to enable the master, by rapid and simple processes, to obtain accurate guidance as to the stability of a ship under varying conditions of service.

(3) The most important deviation made by the 1960 Convention in regard to life-saving appliances relates to the removal of the restriction imposed by the 1948 Convention on the use of inflatable and other rafts which depend on air for their buoyancy. Inflatable life-rafts as well as rigid life-rafts as an alternative are now acceptable, provided these comply with certain conditions.

(4) Under the 1948 Convention, cargo ships below 500 tons gross were not required to be fitted with radio installations but under the 1960 Convention even cargo ships of less than 500 but not less than 300 tons gross are required to be fitted with such installations.

(5) The 1960 Convention contains a number of new requirements relating to the carriage of grain in ships. Emphasis is laid on the need for giving trimming and on the fundamental importance of preserving the stability of the ship. Duly approved grain-loading plans are required to be carried on board by ships carrying grain and such plans are required to be accepted by the other contracting Governments as evidence of compliance with the requirements of the Convention.

(6) The 1960 Convention contains a number of new regulations relating to the classification, packing, labelling, documentation and stowage of dangerous goods on board ships.

(7) The 1948 Convention does not contain any special provisions relating to nuclear ships. Having regard to the new problems in the

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field of safety owing to the advent of nuclear power as one of the means of propulsion for merchant ships, it is necessary to have special provisions relating to nuclear ships. The 1960 Convention contains a special Chapter for this purpose. A number of requirements are provided for in this Chapter for the purpose of ensuring that nuclear ships do not become a source of danger to life, not only at sea but also at ports and other places and that such ships do not become a source of contamination of food and water resources.

This Bill was introduced in Rajya Sabha on 7-4-66 and it was passed by the Rajya Sabha. But, due to some other pressing work, this august House was not able to find time to spare for the passing of this Bill during the last session. As the measure had to be brought into force under the International Convention three months after the date of acceptance, we had to issue an Ordinance to bring it into force.

Shri Hari Vishnu Kamath: The House could have sat a day longer and passed it.

Shri C. M. Poonacha: The last session was extended by three days and I was here till the last minute. Still, I could not get the time. As such, this Bill could not be brought before this House, because the time at the disposal of the House was taken away by other more important and pressing work.

Shri Hari Vishnu Kamath: Sir, I rise on a point of order. I am not speaking on the Bill but on this misrepresentation. The House was willing to sit but the Government did not want to sit. Because of that they had to pass an Ordinance.

Shri C. M. Poonacha: Therefore, we were forced to bring the measure into force through the Ordinance-making power, and an Ordinance has been

duly issued. With these words I move that the Bill may be taken into consideration.

Mr. Speaker: As no hon. Member wants to speak on this Bill, I will straightway put it to the vote. 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. Speaker: We will now take up clause by clause consideration.

Shri U. M. Trivedi (Mandsaur): We have not got copies of the Bill.

Mr. Speaker: I am not to be blamed for that.

Shri U. M. Trivedi: In the agenda it was mentioned that some other item was going to come up for discussion for today and tomorrow. Now this item has come without notice.

Mr. Speaker: But it was in the agenda.

Shri U. M. Trivedi: According to the agenda it was to come up only after the earlier item was over.

Mr. Speaker: It is always possible that the earlier item is disposed of soon, earlier than expected.

Shri U. M. Trivedi: We must be given time to prepare ourselves. Sir, you are a lawyer and you must understand this thing.

Mr. Speaker: Sometimes lawyers do not understand things. It is just possible.

Shri U. M. Trivedi: If you do not understand, it does not mean that I should not understand it. You can forget it; but I cannot forget it.

Mr. Speaker: I am not blaming him. I am blaming myself. Every lawyer might not have the same comprehension. I am not blaming him.

Shri U. M. Trivedi: In any case, let copies of the Bill be supplied to us.

Mr. Speaker: It has been in the agenda for the last so many days.

Shri U. M. Trivedi: But it was to have come up after the consideration of the motion.

Mr. Speaker: Now that we have no other work on hand, it is taken up.

Shri U. M. Trivedi: How can one speak or take part in the debate without seeing the Bill?

Mr. Speaker: What can I do? It is on the agenda for the last two or three days.

Shri U. M. Trivedi: I am not finding fault with you. But I want to plead with you one thing. The question is this. Every day we bring with us here only such papers and Bills as are likely to be taken up that day. We do not bring all the paraphernalia, all the papers and copies of Bills that are supplied to us. Because we have not brought the papers relating to this particular Bill today, we are not able to participate in this debate. I do not think we should be deprived of that opportunity.

Mr. Speaker: Copies of the Bill have been circulated to Members. This Bill has been on the agenda for the last two days as well. There is always the possibility of the previous item collapsing.

Shri U. M. Trivedi: We never expected that.

Mr. Speaker: A motion for adjournment of the debate can be moved at any time.

Shri U. M. Trivedi: A motion on the same point was lost yesterday. How could we anticipate that it will be taken up and adopted today?

Mr. Speaker: I am sorry, I cannot help it. Now, the question is:

"That clauses 2 to 39 stand part of the Bill".

The motion was adopted.

Clauses 2 to 39 were added to the Bill.

Mr. Speaker: There are two amendments by Government. Amendment No. 2 is for insertion of new clauses.

Shri C. M. Poonacha: Sir, I beg to move:

Shri Hari Vishnu Kamath: On a point of order, Sir. I invite your attention to rule 76. You had already rebuked the Treasury Benches once on an earlier occasion but they have not learnt a lesson and they seem to be incorrigible. Rule 76 says:—

"No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill".

Then, there is a proviso which reads:—

"Provided that if the member in charge of a Bill is unable, for reasons which the Speaker considers adequate, to move the next motion in regard to his Bill at any subsequent stage after introduction, he may authorise another member to move that particular motion with the approval of the Speaker."

On the previous occasion also you had rebuked a senior Minister, because without stating reasons somebody else came, got up and started moving that the Bill be taken into consideration. It is very unfair to the House and to you; it is contempt of the House and of yourself also. They do not learn a lesson. Why do they not give reasons why Shri Sanjiva Reddy is absent today? Let them give the reasons.

Mr. Speaker: It is appropriate that in the beginning some statement should be made in order to satisfy the House that such has been the case and the Minister has not been able to

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come. But the word "minister" includes other ministers also. Therefore there is no bar and he could take it up. But in the beginning he ought to have made the statement that the minister in charge could not come to take up and move the motion, and therefore he is moving it. Then there would not have been any objection.

Shri Hari Vishnu Kamath: Let him state the reasons now before he proceeds further.

Mr. Speaker: Not now when I have allowed it and the motion has been moved. It will be taken care of in future.

Shri Hari Vishnu Kamath: Your allowing also is not in order, I am sorry to say. Why should you give such easy, facile approval to these ministers? It whets their appetite, and the appetite grows by what it feeds on. It makes matters worse.

Clauses 40 and 41 (New).

Amendment made:

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after line 8, insert—

"[Certain contraventions etc. not to be offences.]

40. Notwithstanding the retrospective operation of this Act, no contravention of, or no failure to comply with, any of the provisions of the principal Act, as amended by this Act, shall render any person guilty of any offence if such contravention or failure—

(i) relates either to any provision inserted in the principal Act by this Act, or to any existing provision thereof as amended by this Act, and

(ii) occurred on or after the 28th day of May, 1966 and before the 6th day of June, 1966.

[Repeal and saving.]

41. (1) The Merchant Shipping (Amendment) Ordinance, 1966 (No. 3 of 1966) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act." (2)

(Shri C. M. Poonacha)

Mr. Speaker: The question is:

"That clauses 40 and 41 be added to the Bill."

The motion was adopted.

Clauses 40 and 41 were added to the Bill.

Clause 1.— (Short title and commencement).

Amendment made:

Page 1,—

for lines 5 and 6, substitute—

"(2) It shall be deemed to have come into force on the 28th day of May, 1966." (1)

(Shri C. M. Poonacha)

Mr. 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.

The Enacting Formula and the Title were added to the Bill.

Shri C. M. Poonacha: Sir, I move:

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

Mr. Speaker: The question is:

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

The motion was adopted.