

ary limit has been increased from Rs. 5,000 to Rs. 2 lakhs. I feel that Rs. 2 lakhs is also a very small amount. As the value of money is going down, the monetary limit should be increased to Rs. 5 lakhs.

With this submission, I support this Bill. Thank you.

SHRI M. THAMBI DURAI: Hon. Members have suggested that the limit should be increased from Rs. 50,000 to Rs. 5 lakhs. But, actually, Sir, we have proposed Rs. 2 lakhs. When it is required to be increased, we can consider it. It is not a very static point. Hon. Members have also raised a point about stamp duty. Only the State Government can do this. It is up to them. therefore, it is a simple thing. It is only going to help the poor people. Therefore, I request this House to pass the Bill.

SHRI H. HANUMANTHAPPA (Karnataka): Mr. minister, actually Mr. Chunni Lal suggested that it should not be a burden for the successor before drawing....

THE VICE-CHAIRMAN (SHRI SANATAN BISI): He has stated that. It is a State subject.

SHRI H. HANUMANTHAPPA: I know that. A methodology can be found out. After receiving this money, that can be deducted out of that money. The man is after all a successor. He is not having anything to fall back upon. He is dependent on that. Added to that, if he has to pay stamp duty, before taking the money, before disposal, it would be difficult. After dispersal or while disposal, stamp duty can be deducted. that suggestion can be taken note of.

SHRI M. THAMBI DURAI: This can be taken note of by the State Government. We can pass it on to them.

SHRI H. HANUMANTHAPPA: If you assure us on this, while passing this Bill, at least, they will take note of it.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): The question is:

"That the Administrators-General (Amendment) Bill, 1998 be passed."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI M. THAMBAI DURAI: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Now, we will take up the merchant Shipping (Second Amendment) Bill, 1998.

THE MERCHANT SHIPPING (SECOND AMENDMENT) BILL, 1998

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (SHRI M. THAMBI DURAI): Sir, I beg to move:

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

Sir, with your permission, I would like to invite kind attention of Hon'ble Members of this August House that during the last Budget session of Parliament the Merchant Shipping (Second Amendment) Bill, 1998 was introduced in Rajya Sabha on 4th August, 1998 to amend sections 76 and 95 of the Merchant Shipping Act, 1958.

The Bill was referred to the Department Related Parliamentary Standing Committee on Transport and Tourism. I would like to give a brief background before highlighting the recommendation of the Committee and before moving the

Merchant shipping (Second Amendment) Bill, 1998.

Sir, the maritime operations in the country are mainly being governed by the Merchant Shipping Act, 1958. This Act was enacted to foster the development and ensure efficient maintenance of Indian Mercantile Marine operations in manner best suited to serve the national interest. The Act has been amended from time to time in the light of experience gained in its implementation and to give effect to the provisions of various International Conventions, ratified by India.

Government has taken various measures to exploit the opportunities available in the International Shipping manpower market. The guidelines in regard to pre-sea training for seamen in the private sector were amended to facilitate trained seamen find jobs on foreign flagships. These trained seamen can earn valuable foreign exchange for the country. In fact some smaller countries like Philippines are able to provide a very large number of seamen to the International market and are earning huge foreign exchange, in addition to providing employment opportunities.

Section 76 of the Merchant Shipping Act stipulates manning scales for officers in coastal and foreign going vessels. However, it does not distinguish between different kinds of vessels or even between coastal and foreign going vessels. According to this section even small ships operating in coastal waters, are required to have equal manning scale officers as is required for foreign going vessels. This not only casts additional financial burden on coastal shipowners but sometimes causes difficulty in complying with the provisions.

Keeping in view the various important review the various provision of the Merchant Shipping Act and identify necessary amendments required to bring it in line with important changes in international shipping. The comprehensive amendment proposals made by this Committee are under active

examination now and are being processed on a priority basis. However, amendment of these two sections has been considered necessary so that Indian shipping can face international competition and more of our certified personnel can take advantage of the employment opportunities available in the international market. Regarding manning scales, the Committee, also known as the Praveen Singh Committee, recommended that instead of specifying the manning scales in the Act itself, Section 76 may be amended to give rule making powers to the Government to prescribe different manning scales for different types of ships and ships engaged in different trade/different seasons.

It is, therefore, proposed that instead of specifying the manning scales for different kinds of ships in the Act, itself, Section 76 may be amended to give the power to the Central Government to prescribe under Rules made under the Merchant Shipping Act, different manning scales from time to time. It will be cumbersome to amend the provisions of the Act whenever manning scales need to be revised. At the same time, without detracting from the requirement of keeping the House informed about any changes in the manning scales, it is proposed to amend Section 76 to give powers to the Central Government to prescribe manning scales from time to time under the Rules. This will introduce flexibility keeping in view the operational and other requirements of the shipping industry. Another important aspect of this amendment related to coastal shipping, the encouragement of which is very essential. In the existing scheme, manning scales for coastal shipping are the same as for international shipping. The places where hardship on coastal shipowners, as their cost of operations goes up. Operations in coastal shipping being simpler and relatively for short duration do not require the same manning scales as for ships trading overseas. With the proposed amendment, it will now be open to us to prescribe different manning

scales for coastal shipping to make it viable.

Sir, the other section needing amendment is Section 95 which deals with the registration of Indian Seamen (excluding officers) and regulation of their employment on Indian as well as foreign flag ships. Section 95 of the Act also specifies the business of "Seamen's Employment Office". The provision now is that no person can receive or accept employment on board any ship unless the seaman has been supplied by the Seamen's Employment Office. Besides recruitment for employment as seamen, their promotion or change of categories, retirement aspects are also part of the duties of the Seamen's Employment Offices.

Hon'ble Members are aware that India is one of the important maritime nations which provide manpower to international shipping industry. At present, Seamen are being provided on the basis of a roster system adopted by the Seamen's Employment Office. This system has some drawbacks. It has resulted in large number of overaged seamen occupying the higher ranks of the general roster, thereby inhibiting employment of the Indian Seafarers by foreign shipowners. Since the age profile of Indian seamen has increased, both Indian and foreign shipowners are reluctant to take them from the general roster. As a result, while nearly 23,000 Indian seamen are registered with Seamen's Employment Offices in Mumbai and Calcutta, less than 9000 are actually employed. In order to harness the International market for 'ratings', efforts are being made to train young seamen under the liberal policy of training in private sector.

There has been a demand from the shipowners, both Indian and foreign that they being the employers, should have the freedom to select seamen as per their requirements as the employer in any other industry is free to choose the employees of his Organisation. The Praveen Singh Committee considered this

question and felt that the existing Seamen's Employment Offices (SEO) need not continue its function of supplying manpower to the shipping industry by maintaining rosters of seamen and recommended to reduce SEO functions to the bare minimum. The Committee has felt that alert and active Unions of Seamen and responsible employees as well as stabilisation of the system during the last three and half decades had gradually reduced the need for Seamen's employment offices. The Committee had also noted that Shipowners and Unions had shown their ability to mutually resolve complex and far reaching issues like wage agreements without Government's intervention.

In these circumstances, it is no longer relevant to insist that the Indian or foreign ships recruit seamen through Seamen's Employment Office only. It is, therefore, proposed to amend section 95 of the Act suitably so that it will no longer be obligatory for ships to obtain ratings (seamen) from Seamen's Employment Office.

This amendment meets a long pending demand of the shipping industry, it makes the relevant law up-to-date and it will facilitate Indians getting more jobs on foreign flag ships also, resulting in more employment as well as enhanced remittances of foreign exchange.

Sir, the Standing Committee on Transport and Tourism has submitted its Report on 4th December, 1998. The Committee is in agreement with the provisions of the Bill and recommends to amend Section 76 & Section 95 of the Merchant Shipping Act. However, on the advice of Ministry of Law, the Committee suggested to make consequential changes in Section 436 and Section 458 of the Merchant Shipping Act. Under the present scheme of the Merchant Shipping Act violation of the provision of Section 76 attracts penalty under item 17(b) of Section 436. Since, in the proposed amendment to Section 76 the manning scales are to be

"prescribed", it is essential to make change in Section 436 and 458 for providing punishment in case of violation of notified manning scales.

The question was proposed.

SHRI JIBON ROY (West Bengal): Mr. Vice-Chairman, Sir, I rise to oppose the Bill. I oppose the Bill not because of the fact that the Bill is aimed at liquidating the services of the existing workers in the merchant shipping and at withdrawing the restrictions over the ship owners on manning, but also because if this Bill is passed, the process of handing over the Indian trade to the foreign ship owners will be complete. Because of these two reasons, not only because the workers will lose their jobs, workers will be made slaves, but because this will also complete the process of handing over the Indian trade, both foreign and coast trade, to foreign ship owners, I oppose it.

Mr. Vice-Chairman, Sir, of the total number of ships which are engaged in shipping trade, if you take coastal and the foreign trade together, more than 95 per cent of the GRT is owned by the foreign ship companies. Five or six or seven per cent is in our hands. With that strength, we manage around 25 to 30 per cent of the trade. Out of the total foreign trade, may be around 70 per cent is controlled by the foreign ships. When all over the world, the coastal trading is being done by the Indian ships, now they have decided to press into services foreign ships in the coastal trade also. So far as the foreign trade is concerned, all over the world, there is a law or Cabotage Convention which stipulates that 40 per cent of trade will be controlled by domestic ships. Here, 70 per cent of the total trade is controlled by foreign ships. There are two Government Regulations in this Act. Section 76 says that when a ship will be in the sea, it shall be provided with officers duly certified under this Act—I am not talking about the manpower that every ship must have—according to the following scale:

- (i) duly certified master;
- (ii) first mate;
- (iii) second mate; and
- (iv) navigational watchkeeping officer..

This is the manning they have provided in the law. Generally, manning is determined by the maritime board which is a bipartite body and a direction is given in the Act. Now, you will withdraw it. This is one thing if it is accepted. Secondly, with regard to regulation, we have our trade, we have our employment office which will regulate employment in shipping. They maintain registers, give employment when the situation arises, give dole during the period of two sea journeys. This is employment generation. At least, through the people we can control the foreign ships to an extent because the employment office is a tripartite body. There is the Government representative, the union representative and the employer representative. If the two are withdrawn, what remains in our hands? Nothing. It will go totally into the hands of foreigners as far as navigation is concerned. There will be an illegal recruitment. There will be an introduction of brokering system.

Would you remember? I do not know whether you know or not, your officials must be knowing. Last year, there was sinking of an Indian ship, at Malta in the Mediterranean Sea. The ship sank and all the people died. It came to our notice that sinking took place because of illegal recruitment. Through this Bill, you are going to legalise illegal recruitment. Therefore, it is a dangerous thing. This you have provided in the Bill. I understand, now-a-days, most of the economic Bills are formulated and prepared by the IMF. Everybody knows it. You are bringing three, four Bills so far as shipping is concerned. We have passed one, the second is with regard to Major Ports, the third is this Bill. It is understandable that through a plan you are moving. Most of the Bills are prepared by that office. Can I not expect,

when a Bill is introduced before the House, that the officials will, at least, see to it that there is no contradiction? At least, that thing is expected of you.

In your Statement of Objects and Reasons, for deleting Section 95 you have said: "In order to facilitate increased employment of Indian seafarers particularly on board foreign flag vessels so as to realise vast potential of the country in this regard and to augment valuable foreign exchange earnings, the Government seeks to encourage private sector participation in training and placement of merchant navy seamen." You say that your objective is to increase the manpower. The main objective in order to delete Section 95 is to increase the manpower, very good. But, for deletion of Section 76, you have said, "Even small ships operating in coastal waters are required to have certified officers on the scale specified for foreign going vessels. This not only casts additional financial burden on coastal ship-owners but sometimes causes difficulty in complying with the existing provisions. Coastal vessels do not require the same level of manning as is required for foreign-going vessels." When you want to delete Section 76, your aim is to reduce the manpower and send ships to the sea without certified and required manpower but in clause 3, you say that it will increase the manpower! Again, Sir, in the Statement of Objects and Reasons, it does not meet the provisions made in Section 76 of the main law. In Section 76, it is clearly mentioned that two sets of manning are required. Sir, it says, "Every Indian ship, other than a home-trade ship of less than two hundred tonnes gross engaged in coasting trade of India, when going to sea from any port or place, shall be provided with officers duly certified under the Act according to the following scale, namely, in every case, with duly certified master, if the ship is a foreign-going ship, with an officer holding a certificate not lower than that of a mate and a navigational watchkeeping officer." So, this provision is there. In coastal

trade how much technical manpower should be there and how much voyage should be there? You have stated that according to the existing law, it is provided that all the manpower has to go with the coastal trade. Therefore, when you introduce this Bill, there should be some semblance also. You should take care of it. Sir, the entire Bill is a fraud. It does not tell you the objective.

Secondly, when you introduced the last Bill, that is, first amendment to the Merchant Shipping Act, at that time, I pointed out that the seamen had no law for the settlement of their industrial disputes. They do not have any industrial dispute settlement machinery. Neither does the Industrial Disputes Act take care of them nor does your departmental Act take care of them. At that time, the Chair directed you and you agreed that a comprehensive legislation would be brought forward. But, you have not done that. Now, you have brought a Bill for the total liquidation of the seamen in merchant navigation. If this Bill is passed, then who is going to recruit the existing workers? Nobody is going to recruit them. The present system is such that our seafarers are the most insecured workers in the world. Their job is only three months in a year. Their services are exigency prone. This Act gives them some benefit. But, you have brought a new Bill. You have brought a Bill to liquidate them. Only in April, you talked about your Employment Office. In your Performance Report, it is stated, "The Government of India has set up Seamen's Employment Offices at Bombay, Madras and Calcutta, the three important major ports for regulating recruitment of seamen in India in March 1954, January 1955 and April 1993 respectively. Although the Seamen's Employment Scheme was originally intended to cover the employment of Indian Seamen on foreign-going ships only, it was extended later to Home Trade Seamen at Bombay in the year 1957 and in Calcutta in the year 1960." Then you have narrated the objectives of the Seamen's Employment

Offices stating that how beautiful this scheme is! Then you try to placate. This was the position only in April 1998. What has happened to you between April 1998 and today. Is the whip of the IMF or the World Bank is so stiff that you could not wait for some more days? You did not even talk with the unions. You are going to remove all the workers from the ships. This is a thing which is ultimately going to happen in merchant shipping. Nobody will exist at the end and a broker system will come, the security of the ships will go, the trade will be handed over to the foreign people and you will have no control over it. The Shipping Board is a tripartite body. Then you have the Shipping Board is a tripartite body. You have not discussed this matter with anybody. You have not discussed this matter even with the hon. Labour Minister. If you had discussed it with the Labour Minister, then he would have called a tripartite meeting.

I wish to know—understand the pinch of the IMF and the World Bank—is it that the entire Government has become the servant of the World Bank and the IMF? Cannot they look beyond that? You have introduced this Bill which has no relation between one chapter and the other; has no relation between one section and the other; and has no relation between the Objects and the Act. Do not try to make us fools. I oppose this Bill, not only because it is anti worker, but it is also anti-national. I humbly request—I understand your problem; your partners are hauling you and bringing you near the hell—that you should also try to demarcate yourself. You should know what you will get by passing this Bill. Therefore, with these words, I oppose this Bill. Thank you.

SHRI VEDPRAKASH P. GOYAL (Maharashtra): Sir, this is another Bill in a series of simple Bills brought in today by the hon. Minister, Shri Thambi Durai. The Bill seeks to amend only two sections of the Merchant Shipping Act, 1958. The Act of 1958 is an outdated and

archaic Act. So much so, the Committee, under the Chairmanship of the Director-General of Shipping, constituted in 1991 to review the provisions of the Act, had identified the necessary amendments needed to bring it in line with the important changes in international shipping; it suggested that 180 clauses needed to be amended. I would be happy if, at the earliest, more amendments are brought in to cover all those recommendations. This step, particularly, is in the right direction. It cannot be objected to, or, opposed only because all the 180 clauses have not been brought in. Sir, it is a dynamic world. We cannot mark time. If we do that, we shall be left behind in the forward march of progress. The country has taken some bold steps in 1991—after four decades of a static mindset. The fresh wind of liberalisation was trying to unleash the pent up energies of entrepreneurship. There are some difficulties and setbacks when such a big change takes place; and there may be some initial lack of enthusiasm in the foreign investors. The world economy, particularly, the Asian economy, has taken some beating. But we, in India, with strong economic fundamentals, have nothing to worry about. We will sail through all right. With the change in the economic order, the fall of the citadels of socialism seven or eight years back, some friends have not changed. They still stand and wait. They do not see the winds of change blowing all over the world, particularly, in India. I would appeal that instead of opposing this Bill, there should be a pragmatic approach. We should see how the workers are going to be benefited. It is not an anti-worker Bill. In fact, it is worker-friendly Bills as it opens up vast employment opportunities; of course, by qualifying to meet today's requirements, not merely by passage of time. We should have faith in our workers' ability to raise to the occasion and find employment, in competition, in ships, both Indian and foreign. Sir, time-scale promotions have brought our public sector industries to a ruin. We have

discussed, in the last one or two months, proposals from the Ministry of Industry and the Ministry of Chemicals and Fertilizers, how large public sector undertakings, in the name of protecting the industrial workers, have suffered. They have come to grief and there is nothing that can save them. The same fate need not be met by these seafarers. It is felt that two sections, namely section 76 and 95 of the Act, may be amended now, as an urgent measure. The Objects and Reasons have been elaborated by the hon. Minister very well. I do not want to repeat them. Sir, section 76 stipulates manning scales for officers in coastal and foreign-going vessels.

As it stands, this section does not distinguish between different kind of vessels, or, even between coastal and foreign-going vessels, as far as manning scales are concerned. In today's industry, a lot of new machinery and equipment are coming. If we are stuck on the point, that everybody who has been employed, must hang on; that everybody at any level, with the passage of time, must continue to get employment, they will not be able to run the modern machinery, modern ships. It is difficult to comply with the present Act, as it causes additional financial burden to coastal ship owners. Coastal vessels do not require the same level of manning as required by foreign-going ships, as coastal voyages are for relatively short durations and ships generally ply close to the Indian coast. An example has been given that a ship sank and 100 people died because of improper manning". At that time this amendment was not there. The existing Act was there. They had all been recruited through the same system. But that cannot be the only cause of the sinking of the ship. Even large ships sink. Even the Titanic had sunk. (*Interruptions*) The application of international manning scales, as prescribed in the Merchant Shipping Act for coastal ships, playing along the Indian coast line, and also to ocean-going ships engaged on short voyages to nearby

countries, has resulted in extra financial burden to the Indian ship-owners. Ship-owners also face difficulties in complying with the prescribed provisions of the Merchant Shipping Act, so far as the requirement of highly qualified seafarers is concerned, for coastal and near coastal voyages, due to acute shortage of such manpower.

Section 76 may be amended to give rule-making power to the Government, as stated in the Statement of Objects and Reasons of the Bill.

The Afzalpurkar Committee, set up in 1992, to suggest measures for the growth of coastal shipping, had also recommended this amendment.

This section 76 does not take into account the need to rationalise the scales in the light of the many changes that have taken place in the maritime industry, consequent to our ratification of the International Labour Organization's Convention No 147, and different International Maritime Organization Conventions. In compliance with the ILO Convention No 147, necessary amendments in Sections 89, 132, etc. have been made. In fact, this Act has been amended from time to time. It is not a static Act. There are other amendments also in the same direction. It is now proposed that the power to prescribe the manning scales should be given to the Government under the Act itself, rather than leaving it to be changed from time to time. This would enable quick action in prescribing the manning scales for different ships, operating in different trades, keeping in view the operational and other requirement. Accordingly, Section 76 is proposed to be amended.

Now, I come to Section 95 on which there seems to be more objections. This section specifies the business of 'Seamen's Employment Office'. There is one agency which keeps a list, through which people have to be employed, in seriatim. This section makes it obligatory on the SEO to regulate and control the supply of

seamen, recruitment of persons for employment as seamen and their retirement, promotion, etc. It also provides that no persons shall receive or accept for employment any seamen on board any ship, unless the seamen have been supplied by the SEO. It is a monopoly which has its agents.

For some years now, the Government have experimented with the Retainer Scheme under which individual companies were allowed to take seamen on their own roster and to employ them, without reference to the SEO. While this has worked greatly to the benefit of seafarers, by bringing an element of permanency into their employment, it is at odds with the provisions of Section 95(2). The earlier system of regulating engagement of seamen through the SEO was evolved during the 50's, that is, at least 50 years back, for ensuring proper employment to Indian seamen because, at that time, there was the risk of exploitation. Over the years, it has been clearly established that this system does not yield the desired result and it puts the Indian Shipping companies at a disadvantage. Whereas the foreign shipping companies are allowed to sponsor candidates of their choice for training and absorption on the roster of the company, the Indian shipping companies have to go to the SEO for hiring seamen. It is not on an equal-level-playing, field.

The strict following of the roster system has had several other unfortunate results. As a result, while nearly 23,000 Indian seamen are registered with the Seamen's Employment Offices in Mumbai and Calcutta, less than 9000 are actually employed. However, this is on a rotational basis. The seamen go to sea for a period of six months on an average and they do not get permanency. If we wish the international market for ratings and compete with other countries like Sri Lanka, China, etc. for supplying manpower to the shipping industry, we must have a pool of young, able-bodied,

seamen from which the international shipping community can draw.

In order to facilitate the increased employment of Indian seafarers, particularly, on board the foreign flag vessels, in order to realise the vast potential of the country in this regard and to simultaneously augment the valuable foreign exchange earnings and remittances to India; guidelines have been issued to encourage private sector participation in training merchant navy seamen.

The general roster be phased out and substituted by company rosters. It will reduce the Government controls which have been perceived by foreign shipowners as a major obstacle in employment of Indian seafarers. The Government has now taken a decision that any young Indian, who is otherwise qualified, can go in for pre-sea training at an approved institute. On successful completion of this training, he will be eligible for a "Continuous Discharge Certificate." This implies that the market will now be open and that all employers should have the right and the freedom to take trained young seamen of their choice out of these trained people. Consequently, Section 95 is proposed to be amended, as suggested. Then, it is proposed to redefine the role of the SEO so that the SEO can act as a Placement Cell or as a facilitator—it is not proposed to be wound up—for providing employment to trained Indian seafarers on board the foreign flag vessels, on competitive basis; on qualification basis. The amendment of Section 95(2) will only result in removal of the mandatory provisions which compel the shipowners to employ seamen only through the SEO.

I support this Bill absolutely unreservedly, with full force; as the need of the hour is to open up the world shipping for employment of our boys.

SHRIMATI KAMLA SINHA (Bihar):
Sir, I rise to oppose this Bill. Why do I oppose it? I have a few reasons.

The seafarers, the mariners, when they join a ship, they spend at least nine months on the sea without their families and friends on the ship. Previously there was a recruiting board. Their names are listed before the recruiting board. Everytime a ship goes to the sea, these persons are called because by being on the sea for a certain time for a number of years, they attain expertise.

If this Bill is passed, what will happen? Section 95 of the original Merchant Shipping Act, 1958 provides for the Seamen's Employment Office which regulates supply of different categories of seamen for various classes of ships on the basis of a roster system. Whenever a ship goes to sea, men are picked from the roster. What will happen if this Amendment is carried. This will give to the Indian or foreign ship-owners a free hand to recruit new crew members. The employer will not go to the Seamen's Employment Office. They will pick and choose whomsoever they want. It will not be done through the roster. So, the time spent, two, three, four or five years' time has no meaning. A young man goes to sea and attains the expertise. Then he is thrown out of job at the age of 30 or 35. Where does he go? He would have no new place to go. So, this is wrong. His whole expertise goes to waste.

The Government says that in order to facilitate increased employment of seafarers, particularly on foreign flag vessels, so as to realise the vast potential of the country in this regard and to augment valuable foreign exchange, we have no other means but to give foreign vessels and the owners of foreign vessels a free hand to employ, to pick and choose our young people. They will change the system. They will have new recruits every year. So, this is wrong. On this basis, I have grave doubts about the Government's intentions, and I oppose this Bill.

Thank you.

SHRI JOHN F. FERNANDES (Goa): Sir, this is again an innocuous Bill. But I do not know the intention of the Government, and I do not know whether I should support like my colleague, Mrs. Kamla Sinha.

SHRIMATI KAMLA SINHA: I opposed it.

SHRI JOHN F. FERNANDES: I am doubtful whether I should support it because you opposed it. I am also about to do the same thing. I am putting forward my arguments.

This Act was amend in 1987. The relevant section was also amended. Section 44 was amended in 1987 through Act 13 of 1987. Now the Government comes before Parliament to delete section 76 and give exclusive power to the bureaucracy.

We have enumerated various criteria and conditions to see that this Act is properly implemented. When we are going in for liberalisation and globalisation, I do not know why we give power through an executive order because it has been said that the Government by a notification will do it. It will be like the Income-tax Act. People are not aware of what is there. It is on the status. They will issue a notification and put it in the cupboard. When people go to them, they will say, "You have not followed the notification." That notification is in the drawer. So, I don't think that it will be appropriate for the Government to scrap the whole section 76 and take power to provide for delegated legislation. In the principal Act there are various provisions giving delegated legislation powers. There are various provisions in the principal Act, which provide for delegated legislation. The Government can frame rules and regulation. Therefore, I do not think it will be appropriate for the Government to usurp the power and give it to the bureaucracy, because we are deleting the whole section. In Section 76(1), it is said 'as may be prescribed'. We do not know what they are going to prescribe

Therefore, I do not think it will be proper for the Government to have this in the main body of the principal Act.

The second intention of the Government is very clear when they speak of Section 95. Seamen are not going to any foreign or domestic vessels. It was done through the cartels or organisations. The Government is doing away with this. That is a good thing. That would give a good opportunity to the young people.

Sir, I do not know what the motive of the Government is. The Government should withdraw this Bill and come before Parliament with a comprehensive Bill detailing all the steps that they want to take in this connection. Sir, I do not mind referring it to a Joint Committee. Let us not give more and more powers and create more and more controls, particularly when we are liberalising everything. We are part of many international conventions like the Laws of the Seas. We are also opening up our off-shore oil sector.

SHRI GURUDAS DAS GUPTA (West Bengal): Mr. Fernandes, are you raising a question for referring it to a Joint Committee?

SHRI JOHN F. FERNANDES: What I am saying that it is not proper for us to give power to the bureaucracy, because that will bring in more and more controls. You are saying that is prescribed. We do not know what is prescribed. Delegated legislation provisions are there in the principal Act. I do not know why the Government wants to do that. I do not know whether the hon. Minister has understood the implications of this. Instead of liberalising, they are bringing in more controls. Therefore, the hon. Minister should withdraw this Bill and bring forward a more transparent legislation. Thank you.

श्री जलालुद्दीन अंसारी (बिहार): उपसभाध्यक्ष महोदय, यह जो मचैट शिपिंग (सैकंड अमेंडमेंट) बिल, 1998 लाया गया है, मैं उसका विरोध करने के लिए

खड़ा हुआ हूँ, इसलिए कि इसमें जो दो संशोधन आए हैं, एक सैक्शन 76 और दूसरा सैक्शन 95, ये दोनों के अमेंड कर देने का अर्थ यह है कि विदेशी जो शिप ओनर्स हैं, उनको लाभ होगा और अपने देश के जो जहाज के मालिक हैं और उनके जो वर्क्स हैं उनके नुकसान होगा। इस बिल के एम्बेड एंड आब्जेक्ट्स में लिखा गया है, उनका जो लक्ष्य है वह विदेशी जहाज मालिकों को अधिक लाभ पहुंचाना, क्लीयर कट इसमें है, साफ-साफ इसमें लिखा हुआ है। साथ ही साथ, इस सैक्टर में प्राइवेट सैक्टर, निजी क्षेत्र के विनिवेशी चाहते हैं देशी और विदेशी, और अपना जो पहले से सैक्टर है, उसको ये और भी सीमित करना चाहते हैं जैसे कि इन्होंने अपने स्टेटमेंट ऑफ ऑब्जेक्ट्स एंड रीजंस के लास्ट पैरा में दिया है कि: "It is, therefore, necessary to minimise Government controls which have been perceived by foreign ship owners as a major obstacle in employment of Indian seafarers on their ships. Accordingly, the Bill proposes to amend section 95 relating to seamen's employment office so as to allow both Indian and foreign ship owners to employ merchant navy crew members without going to the seamen's employment office." तो जो एम्प्लायमेंट ऑफिस है, उसी को खत्म कर दो। इस तरह अगर यह बिल पास हो जाता है तो एम्प्लायमेंट ऑफिस समाप्त हो जाएगा और उन को खुली छूट मिल जाएगी कि वे अपने लोगों को रिक्रूट करें।

[उपसभाध्यक्ष (श्री जॉन एफ. फर्नांडिस) पीठासीन हुए]

और यह अधिकार वे ऑफिसियल्स को देंगे तो इस से रिक्रूटमेंट में भी सही तरीका नहीं अपनाया जाएगा जिस से प्रशासन बढ़ेगा और ट्रेड लोग भी इस प्रोफेशन में नहीं जा पाएंगे।

महोदय, इस तरह से इस बिल के दो लक्ष्य हैं — एक तो फॉरेन एक्सचेंज इन को मिले और विदेशी जहाजों की बढ़ोतरी हो। यह इस बिल का मुख्य उद्देश्य है। ये अपने जहाज को समुद्र में डुबो देना चाहते हैं और विदेशी जहाज को समुद्र में व्यापार करने के लिए खुली छूट दे देना चाहते हैं। इस तरह से वर्क्स की सुरक्षा और जॉब सेक्युरिटी दोनों को आप विदेशियों के हाथों में छोड़ देना चाहते हैं। महोदय, इन का इंटेंशन अपने देश के जहाजों के प्राथम्य से ट्रेड को बढ़ाना नहीं बल्कि देशी-विदेशी मचैट शिप्स के ओनर्स को व्यापार करने के लिए खुली छूट देना चाहते हैं। इसलिए मैं इस बिल का

विरोध करता हूँ और माननीय मंत्री जी से कहना चाहता हूँ कि इस बिल को वापिस लें और एक नया कांफ्रेंसिव बिल लावें जिस में कि इस व्यवसाय से जुड़े सारे आस्पेक्ट्स को आप दर्ज करें फिर सदन उस पर अपने देश के हित को प्राथमिकता देते हुए विचार करे। महोदय, आप का नारा तो स्वदेशी का है, लेकिन जो बिल आप लाए हैं, उस में विदेशी हित है स्वदेशी है ही नहीं। आप इस बिल के द्वारा स्वदेशी पर रोक लगाना चाहते हैं। जो नियंत्रण अपने देश का अभी है, उस को भी हटाकर विदेशी को दे देना चाहते हैं। मैं यह जानना चाहता हूँ कि "स्वदेशी" के नारे से आप का क्या अर्थ है जिस में आप इस संशोधित बिल के माध्यम से अपने ही देश के हित को नुकसान पहुंचा रहे हैं? इन्होंने शब्दों के साथ मैं इस बिल को विद्वद्ध करने की मांग करता हूँ और इस का विरोध करता हूँ।

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Mr. Vice-Chairman, Sir, I rise to raise important objections to the Bill which has been brought forth before us for consideration.

I draw the attention of the hon. Minister to clauses 76 and 95. If this Bill is passed by this august House, it is going to undo good things which have been done throughout the century. I want to remind the treasury benches of this. The ILO recommended in 1920 the constitution of a Committee to go through the issues pertaining to seafarers. As per the recommendation of the ILO, a Committee was constituted in 1921. That Committee was called the Clow Committee. That Committee had recommended the curtailment of the privileges of brokers. The reason for such a recommendation was that even till 1922, brokers were dominating in this field. The curtailment of privileges of brokers was recommended by the Clow Committee in 1921. The selection of leading ratings—that means lower officers, semi-skilled officers like deck and engine room seranges and saloon butlers—should be made directly by the ship-owner or the ship-master or by the employment office. Establishment of employment offices to select seafarers was recommended by the Clow

Committee in 1921. But it was not done so.

In 1931, the Royal Commission on Labour in India was convened under the British regime. The Royal Commission on Labour in India recommended that the licence of brokers should be withdrawn. On the recommendation of the Royal Commission, the licence of brokers was withdrawn by the Government of India. There were so many people actually seeking so few jobs. Therefore, they recommended continuous discharge by periodical suspension. That was in 1931. Then it came into being.

In 1947, the Government of India convened the Tripartite Maritime Labour Conference. In that Tripartite Conference, a resolution was passed. By that resolution, it was envisaged that ship-owners and representatives of seamen should join together and find out ways to re-organise their own method of recruitment. That was in 1947. Then came the establishment of employment office based on the recommendation of the Tripartite Maritime Labour Conference convened by the Government of India in 1949. The then hon. Minister of Commerce, Mr. Niyogi, had the Bill passed in 1949, that too, in the month of December. That Bill passed in 1949 paved the way for the establishment of the employment office. It was passed in 1949 because it was urged perpetually by the labour union leader N.F. Joshi, who was AITUC General Secretary. He urged upon the Central Government to see that it was passed. Then they convened the Conference and the Bill was passed in 1949. Subsequently, in 1953,.....

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): Mr. Virumbi, will you please come to the latest Bill which is before the House? You have only three minutes.

SHRI S. VIDUTHALAI VIRUMBI: Sir, I am speaking only one sentence on each subject.

In 1953, the ILO convened the Asian Maritime Conference in Nuvalia. I am tracing the history because a provision, for which people fought from 1921—they fought for the establishment of the employment office—is going to be abolished by the present Government. That is why I am saying all these things, not to narrate the history. In 1953, the ILO convened the Asia Maritime Conference in Nuvalia in Ceylon. The main theme of the resolution passed there was:

- (1) eradication of malpractices; and
- (2) employment offices should be organised on certain designed principles or other methods accepted by all sections.

The resolution was passed in 1953.

Subsequently, now, we have come to the present Bill. What does the Statement of objects and Reasons say? They struggled together to get that provision from 1920 to 1953. Section 95 of the Merchant Shipping Act provides for the seamen employment office which regulates the supply of different categories of seamen. But this is not so. The statement of Objects and Reasons is not giving a proper direction or proper information to the nation. The employment office is actually meant here for the semi-skilled workers, not for the officers. Secondly, this system will discourage the employment of young trained manpower by the Indian and foreign ship-owners. This is not true. If they are trained as officers, they are directly getting employment. If they are semi-skilled officials, they are getting jobs through the employment office. Therefore, the information provided in the Objects and Reasons is not correct. The Government seeks to encourage the participation of the merchant navy system in the placement services. What do you mean by private placement? So far, the semi-skilled workers were being recruited through the employment office. Now, they are going to be at the mercy of the

foreign ship-owners as well as the Indian ship-owners and the shipping masters. This is what they are going to do. That means the privileged licensed brokers are again going to play their role in connivance with some people having a vested interest. The so-called friends of the labourers have also joined hands with them. So, what they are proposing is not at all necessary. The Bill seeks to amend section 95. Actually, in the guise of amendment, they want to repeal this section. By repealing this, they are going to abolish the employment office. 35,000 people are employed in this area alone. The majority of these people are seafarers. More than 25,000 semi-skilled people are going to be affected by this. What do they say? They say that they want to earn some foreign exchange. This is not the way to earn foreign exchange. We do not have any port of international standards. If you take the feeder vessels, we are spending Rs. 800 crores on this count. The Singapore port and the Ceylon port are earning the maximum from the Indian feeder vessels. 75 per cent of the Colombo ports are getting income only from the feeder vessels coming from India. Our manufacturers are losing to the tune of Rs. 800 crores in this way. If we are able to lay our hands on this money, the cost of production will become less and our products will be able to compete in the international market. Instead of ensuring that our ports come up to the international standards. You are trying to catch hold of the poor employees who are working from dawn to dusk. I therefore totally oppose this Bill. I do not want to be a party in passing this Bill. Thank you.

SHRI R. MARGABANDU (Tamil Nadu): Sir, I rise to support this Bill, with some modification. Now, this Bill seeks to amend section 76 and section 95. In 1991, these sections were taken up for consideration by the Standing Committee and various witnesses, who have got experience in this field and the officials, from the Surface Transport Ministry, the Tourism Ministry and the Law, Justice

and Company Affairs Ministry, were examined in this connection. They have considered the entire aspect and, ultimately, they brought in this legislation. In section 76, under the original Act of 1958, there is no distinction between the vessels. As regards the appointment of officials, they require certificated officers of competency. As far as coastal vessels are concerned, competency is not at all necessary. In the case of coastal vessels, people with less efficiency or something like that will be enough. If the same standard of certificate of competency is required for the coastal vessels, it will put a heavy financial burden on the coastal vessels. This is one aspect. There should be a difference. There should be difference between the coastal vessels and the foreign vessels. The Standing Committee had discussed it for 5-6 years and they had given this suggestion in 1996.

So far as section 95 is concerned, no doubt, efficient persons in the field can have an opportunity in foreign vessels and they can be opted by the foreign vessels also. But there is one thing. As far as persons who seek Government jobs are concerned, they have to register their names in the Employment Exchange and the persons are selected without over looking their seniority. It is, of course, correct. This way the job opportunities have been regulated. Just like that, there is a Seamen's Employment Office. Now, this section 95 seeks to do away with this Seamen's Employment Office. If you give job opportunities to young trained Indians in foreign vessels, it is all right. Apart from that, there is the point of earning foreign exchange also. No doubt, it is welcome. But from the workers' point of view as well as from the unemployed persons' point of view, dispensing with the Seamen's employment Office will cause some difficulty. Let us not incur the wrath of the trade unions, the workers and those persons who have registered their names in the Seamen's Employment Office. I

don't say that the Standing Committee has not done its work perfectly. It has done its work perfectly and placed the Report with the progressive idea of providing employment opportunities to the trained persons. It is with that laudable objective that this amendment has been suggested by the Standing Committee. In view of the objections, if a message goes that the Seamen's Employment Office is dispensed with by this Government, it will send a wrong signal to the people that the workers and the trade unions have been by-passed. So, to avoid bringing a bad name to this Government, what I suggest is this. Let this Bill be discussed in a wider sphere by sending this Bill to a Select Committee. Thank you.

श्री अनन्तराय देवशंकर दवे (गुजरात):
उपसमाध्यक्ष महोदय, सलेक्ट कमेटी में यह बिल भेजने की कोई जरूरत नहीं है। मैं इस बिल का समर्थन कर रहा हूँ। जब स्टैंडिंग कमेटी के पास यह बिल गया तो स्टैंडिंग कमेटी ने इस बिल पर बहुत मीटिंग्स करके चर्चा की, डिटेल में चर्चा हुई। यहाँ सवाल उठाए गए कि सेक्शन-95 की वजह से सब वर्क्स खल हो जाएंगे। ऐसी कोई बात नहीं है। एक नयी दिशा हमारे लिए खुली है। देश आगे बढ़ता जा रहा है, दुनिया आगे बढ़ती है, शिपिंग इंडस्ट्री भी डेवलप हो रही है। मैं तो यह कहना चाहता हूँ कि क्या हमें, जहाँ हम हैं, वहाँ ही रहना है या आगे बढ़ना है? इससे ट्रेड परसन्स मिलेंगे। आज भी मैं जानता हूँ। मैं उसी क्षेत्र से आता हूँ जहाँ बहुत से सीमेन हैं। उनकी जिन्दगी निकल गयी, एक-ही बार टर्न आया है। जहाँ से कोई महोदय बात कर रहे थे कि उनकी कोई सुरक्षा नहीं है। वह इंडस्ट्री ही ऐसी है, उनकी नौकरी ही ऐसी है कि इम्प्लॉयमेंट ऑफिस में से जिसका नाम आएगा, वह सर्विस पर जाएगा। अब वह निकाल देना चाहिए। जो ट्रेड परसन्स मिलेंगे, जो लड़के लोग ट्रेड होते हैं, उनको जो कम्पनी होगी, वह बुलाएगी और जो लोग ठीक होंगे, वह सर्विस में जाएंगे। आज भी फ़ोरम शिपिंग में हमारे लोग जा रहे हैं। किसीने कहा कि नहीं जा रहे हैं? बहुत से शिप्स में जा रहे हैं। ग्रीस के शिप्स में जा रहे हैं, स्पेनिश शिप्स में जा रहे हैं, स्कैंडीनेवियन के शिप्स में हमारे बहुत से लड़के जा रहे हैं लेकिन उनके पास ट्रेनिंग नहीं है। हम यह ओपन कर रहे हैं और जब सबको ट्रेनिंग मिलेगी तो मैं मानता हूँ कि इस क्षेत्र में हम आगे बढ़ेंगे, हमारी शिपिंग इंडस्ट्री आगे बढ़ेगी।

Bill, 1998

रही है और स्टैंडिंग कमेटी ने बहुत गौर से विचार करके यह सुझाव दिया कि अगर हम इस सैक्शन को निकालेंगे तो पीछे जो 436 और सैक्शन 458 के लिए हमें कुछ सोचना है, उनके लिए हम सोच पाएंगे। दूसरा प्वाइंट मैं यह कहना चाहता हूँ, किसी सदस्य ने यही बात उठायी थी कि ऐक्जीक्यूटिव्स को यह पॉवर देने की क्या जरूरत है? पॉवर्स हम ऐक्जीक्यूटिव को दे रहे हैं, नो डाउट, लेकिन स्टैंडिंग कमेटी ने जो सुझाव दिया है, मैं थोड़ा सा कोट कर रहा हूँ:

"The Ministry of Surface Transport during the deliberations in a meeting desired that the rule-making power under Section 76 of the Merchant Shipping Act may be given to the executive, i.e. the Ministry of Surface Transport as they have to give effect to agreements and treaties ratified by India from time to time and to keep with the fast changes that are taking place in the shipping industry."

मान लीजिए हमें यह पॉवर्स या अधिकार वहाँ नहीं दिये तो हर छोटी-छोटी बात, 76 वाली बात पार्लियामेंट में आएगी, माइनिंग स्केल के लिए कितना शिप होगा, कितना स्टाफ होगा, क्या करेंगे आदि। तो उससे बात बनने वाली नहीं है। दुनिया आगे जा रही है और हमें उसके साथ चलना है। हर छोटी-छोटी बात अगर पार्लियामेंट के पास आएगी—नो डाउट, लॉ ऐंड जस्टिस डिपार्टमेंट ने स्टैंडिंग कमेटी में बहुत सी बातें कही हैं, लॉ ऐंड जस्टिस डिपार्टमेंट ने जो कुछ उस कमेटी में कहना था, वह वहाँ कहा है और साथ में यह बात भी बतायी है कि ऐसी कोई बात नहीं होगी जो देश के इंटरस्ट के खिलाफ हो। इसलिए मैं मानता हूँ कि यह बिल पास होना चाहिए। स्टैंडिंग कमेटी के पास जाने की कोई जरूरत नहीं है। इस बिल को पास करके हम इस हैवलॉपिंग इंडस्ट्री—जो शिपिंग इंडस्ट्री है, उसके आगे बढ़ाना चाहते हैं। इसलिए मैं इस बिल का समर्थन करता हूँ।

श्री गांधी आज़ाद (उत्तर प्रदेश): महोदय, यह वाणिज्य पोत एवं परिवहन (दूसरा संशोधन) विधेयक 1998 जो लाया गया है, मैं इसके विरोध में खड़ा हुआ हूँ क्योंकि इस बिल के द्वाए जो धारा 76 और 95 का संशोधन किया जा रहा है, इस संशोधन के फलस्वरूप भ्रष्टाचार और घूसखोरी को बढ़ावा मिलेगा, नाविकों की नियुक्ति में धांधली को बढ़ावा मिलेगा। नाविकों की सुरक्षा एवं स्वतंत्रता प्रभावित होगी, निजीकरण एवं

विदेशीकरण को बढ़ावा मिलेगा। इस प्रकार यह बिल जो है, वह जनहित में नहीं है इसलिए मैं इसका विरोध करता हूँ और इस बिल को सिलैक्ट कमेटी में भेजकर जांच कराने की मांग करता हूँ।

SHRI JOYANTA ROY (West Bengal): Sir, I do oppose this Bill because, in my opinion, it is a blatant attack, an onslaught, on the working class, in general and the skilled seamen, in particular. Sir, it is the most funny thing that when more than 71 per cent of India's foreign trade is being done through overseas vessels, then amendment of Section 76 of the principal Act amounts to reducing the right enjoyed by the skilled seamen of our country. So it is anti-national, in my opinion. My second point is, Sir, that under the seamen's employment scheme, as pointed out by my colleague Shri Jibon roy, tripartite representation is there...

श्री संघ प्रिय गौतम (उत्तर प्रदेश): एंटी-नेशनल शब्द अनपार्लियामेंट्री है उसको कार्यवाही से हटा दिया जाए।

SHRI JOYANTA ROY: This is not an unparliamentary word.

श्री नीलोत्पल बसु (पश्चिमी बंगाल): एंटी-नेशनल कैसे अनपार्लियामेंट्री हो गया?

He is dictating, on behalf of the Chair as to which word should be left out and which word should be added. I think this is out of...

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): No, no, he can request the hon. Member to use a milder word and the word *per se* is not unparliamentary. The hon. member's request is that he should use a milder word. It is for the hon. member to do so.

SHRI JOYANTA ROY: My intention is that this Bill means...

SHRI NILOTPAL BASU: Are you saying that it should be expunged?

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): I didn't expunge it. I didn't say it is unparliamentary.

SHRI JOYANTA ROY: This is directly against the national interest. Therefore, I have termed it as anti-national. Sir, in respect of deletion of clause (a) of Section 95, I think, by this proposal, the Government intends to reduce the rights of our skilled men or skilled seamen. Therefore, as proposed by many of my colleagues, the entire Bill should be placed before the Select Committee for further discussion.

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): Shri Bratin Sengupta. He is absent. Shri Gurudas Das Gupta. He is absent. Dr. Biplab Dasgupta, you wanted to speak.

DR. BIPLAB DASGUPTA (West Bengal): Sir, I am not making any substantive point, but from different corners of the House, from different parties, there has been, more or less, the same demand that this Bill should be referred to a Select Committee. Excepting the BJP, all the other party spokesmen have asked for a Select Committee.

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): Are you moving a motion to refer it to a Select Committee? Are you trying to move a motion?

DR. BIPLAB DASGUPTA: If you allow me, I will do it.

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): No, it is not permitted because the hon. Minister has already moved the motion for consideration.

DR. BIPLAB DASGUPTA: Sir, this is a very important Bill. Our Members who are mainly concerned with trade unions have expressed their views. They feel that this Bill will curb whatever little opportunity is there for employment. It will go to the advantage of the foreign vessels. The Indian vessels will not be acting in a level-playing field. Taking everything into account and keeping in mind the tone of the discussion so far, I am simply requesting the Minister,

without elaboration, that, maybe, he will consider this in view of the request that has come from the spokesmen of the Congress Party, CPI(M), CPI, Forward Bloc; the two parties from Tamil Nadu; all of us have spoken in the same voice. Keeping that in mind, the concern expressed by the House, by so many Members, from different corners of the House, maybe, you can consider this. It has been through the Standing Committee; I know it. But can he refer it to the Select Committee for further consideration so that the interest of the workers is not harmed? That is the only request I am making to you.

प्रो० विजय कुमार मल्होत्रा (दिल्ली):
उपसभाध्यक्ष महोदय, यह बिल स्टैंडिंग कमेटी में गया था और सभी बातों पर वहां विचार हुआ था। स्टैंडिंग कमेटी में 45 सदस्य होते हैं। वहां पर आखिरी दिन तीन मेम्बर्स ने अपनी रिजर्वेशन्स रखी थीं।.....

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): No, don't state the proceedings. (*Interruptions*) It is not proper for you to state the procedure of the Standing Committee. Malhotraji, you can do one thing. The Minister can reply to this: If you want to speak on the Bill, you can do that (*Interruptions*)

PROF. VIJAY KUMAR MALHOTRA: The Standing Committee's report has been placed in the House.

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): Yes, you can say that, but don't give the details of the proceedings of the Committee, how many opposed and how many favoured.

PROF. VIJAY KUMAR MALHOTRA: But I can definitely quote the report which was placed here.*

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): Certainly, you can quote that.

प्रो० विजय कुमार मल्होत्रा: मुझे सिर्फ यह कहना है कि इसमें तीन-चार चीजों के बारे में शक जाहिर किया जा रहा है। एक तो यह शक जाहिर किया गया है कि

जो इम्प्लाइमेंट का काम था उसको इम्प्लाइमेंट एक्सचेंज के माफ़त ख़त्म कर दिया जाएगा। आज हिन्दुस्तानभर में इम्प्लाइमेंट एक्सचेंजेज हैं। यह कोई कम्पलेशन नहीं है कि नाम वहीं के इम्प्लाइमेंट एक्सचेंज से ही लेना पड़ेगा। अब टाइम बहुत बदल गया है। वहां के इम्प्लाइमेंट एक्सचेंज से भी नाम लिये जाते हैं और बाहर से भी नाम लिए जाते हैं। और उसके बाद फैसला किया जाता है। यहां पर एक क्लान रखे हुए हैं जिसके माध्यम से वहीं के इम्प्लाइमेंट एक्सचेंज के अलावा किसी और जगह से नाम लिए ही नहीं जा सकते। इसकी वजह से हिन्दुस्तान के आदमी इम्प्लाय नहीं हो रहे हैं। आज लोग बैंकांक, फिलिपीन्स और सिंगापुर जाकर इम्प्लाय कर रहे हैं और लगातार बाकी सारी दुनिया से लोगों को इम्प्लाय किया जा रहा है। हिन्दुस्तान के लोगों को इम्प्लाइमेंट नहीं मिल रहा है। क्योंकि जो प्राइवेटली ट्रेड लोग हैं उनको नहीं लिया जा रहा है। यह बिल आज ही नहीं आया है। पहले इसको 1991 में रिकमेंड किया गया। उस समय कोई बीजेपी की सरकार नहीं थी, कांग्रेस पार्टी की सरकार थी। उसके बाद 1997 में भी यह बिल रखा गया तब दूसरी पार्टियों की सरकार थी। उस समय इसको स्टैंडिंग कमेटी के पास भेजा गया। मुझे लगता है कि एक बड़ी प्रिंसिपल है कि पहले स्टैंडिंग कमेटी गौर करे, लगातार कई महीने वहां गौर होने के बाद फिर यहां पर लाया जाए और उसके बाद फिर सेलेक्ट कमेटी में भेजा जाए। मैं समझता हूं — it will be a very bad precedent for all times to come. पहले स्टैंडिंग कमेटी फिर सेलेक्ट कमेटी और उसके बाद किसी तीसरी कमेटी में भेजा जाए, यह तरीका मेरी राय में ठीक नहीं है और इसको पास कर दिया जाए।

SHRI M. THAMBI DURAI: Sir, I want to make it clear, regarding the apprehension expressed by hon. Members that by passing this Bill we are bypassing the trade unions and not giving importance to workers. We have discussed it with the trade unions also. The proposed amendment has been made only after consultation with the Sea Farers' Union and the ship owners. It was recommended by the Praveen Singh Committee, which was a tripartite body. Further, the role of the Seamen's Employment Office was also discussed in the Seamen's Employment Board. This is the thing. Now first of all they raised queries about manning of our ships, our coastal shipping as also the foreign

shipping. As far as coastal shipping is concerned, we know that the time consumed is very limited. As some hon. Members have also mentioned, with the development of modern technology we may not require so many persons on the ships. We have also tried to see to it that to minimise the cost

SHRI JIBON ROY: Sir,....

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): Mr. Jibon Roy, let the Minister reply first. I will give you a chance. (*Interruptions*) No. Let the hon. Minister complete. Then I will give you a chance.

SHRI JIBON ROY: Let me just point out, Sir. The Minister mentioned that the matter has been discussed at the trade union level. Was there any decision in support of this Bill? (*Interruptions*) Could the Minister please enlighten us at what forum was it discussed? (*Interruptions*)

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): Mr. Jibon Roy, please take your seat. Let the Minister complete.

SHRI M. THAMBI DURAI: The Praveen Singh Committee recommended it, based on the proceedings that took place among various parties. Now, as far as Section 76 is concerned, we have to provide natural justice so as to enable the coastal shipping to flourish. You go on insisting that we should develop coastal shipping. How can we develop it? You are comparing everything with international standards. When a ship is on the sea for months and months together, then definitely it will require more men. We cannot deny that. Is it desirable to have same standards for coastal shipping also? If you want to develop coastal shipping, then, you will have to think how to help it by reducing the manning scales. There is some logic behind it. We are asking the House to authorise the Ministry to prescribe by rules the manning scales because the sizes of ships

are also changing. These are not uniform. The sizes of ships are changing. Accordingly, we will prescribe the manning scales. That is our intention. It is not that the bureaucrats are taking advantage of it. We will see that it is done fairly. We want to make it transparent. We are always answerable to the House. If you want to prescribe everything, then, for everything we will have to come to the House to make changes in the law. That is the problem.

Some hon. Members raised the question of seamen's employment offices. I want to assure the House that by way of amending this Bill, there won't be any unemployment in the category of seamen. That much I can assure the hon. Members. I am giving that assurance to the House by way of modifying this clause. I will see that nobody will be retrenched and no office will be closed. It will function in an efficient manner. We will take all the necessary measures in this regard. The conditions which led to the setting up of seamen's employment offices in 1920s and 1940s are no longer relevant. There are so many issues which they can look after. Definitely we will take care of them. As mentioned by me earlier, we will protect their employment opportunities and jobs. On any ground, we won't close down any office and retrench the employees. That is the assurance I can give to the House. I, therefore, request the House to consider and pass this Bill. *...(Interruptions)...*

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): The question is:

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

DR. BIPLAB DASGUPTA: Sir, we want a division.

SHRI JIBON ROY: Sir, we want a division on this.

We want to demarcate ourselves. Then, you will face the music outside.

...(Interruptions)... No, we will demarcate ourselves.

THE VICE-CHAIRMAN : (SHRI JOHN. FERNANDES) Despite the assurance from the hon. Minister do you want a division?

SHRI JIBON ROY: Yes, Sir. We don't want any assurance.

SHRI JALALUDIN ANSARI: There is no provision for the employment offices in the Bill. *...(Interruptions)...*

DR. BIPLAB DASGUPTA: Sir, if the Minister at this stage agrees to send it to a Select Committee, we will support it. But, if he still insists on vote, we will vote against it. We would also like to show, maybe tomorrow, even more emphatically, that on these economic policies, the Congress and the BJP are together.

SHRI H. HANUMANTHAPPA (Karnataka): It has already, been examined by the Members of all the parties.

SHRI JIBON ROY: Mr. Vice-Chairman, Sir, my humble submission to the Minister and the ruling party is that it will set a serious precedent. *...(Interruptions)...*

THE VICE-CHAIRMAN (SHRI JOHN F. FERNANDES): I am not giving time for a debate. For division, the Secretary-General has to come and operate it. I am waiting for the Secretary-General. *...(Interruptions)...*

SHRI JIBON ROY: My humble submission to the hon. Minister is, it is a serious Bill having far-reaching implications. This matter has not been discussed at the trade-union level. So far as shipping is concerned, you are having a number of tripartite bodies.

[Deputy Chairman in the Chair.]

Refer the matter to a Select Committee. *(Interruptions)* My submission to the Minister is...*(Interruptions)...*

PROF. VIJAY KUMAR MALHOTRA: You have already submitted.

THE DEPUTY CHAIRMAN: See, Jibon Royji, somebody speaks either in his time as the Chair calls him or he speaks in the third reading. How are you placed?

SHRI JIBON ROY: In the third reading, I have given...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Okay, you have spoken. Would you like a division? Do you still insist on a division? Or, shall we go ahead?

SHRI JIBON ROY: Let it be referred to a Select Committee.

THE DEPUTY CHAIRMAN: We shall have a voice vote again and try. *(Interruptions)* Okay, I will put the question once again. Maybe, you did not hear it. Maybe, you did not count them. The question is:

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

(Interruptions)

SOME HON. MEMBERS: We want a division now. *(Interruptions)*

THE DEPUTY CHAIRMAN: I think, we did not have a division in this Session. Let us have a division. Ring the bell. Let the Lobbies be cleared. I do not want any Member of the House to feel that justice is not done to him. It is within the rules. We could have passed without that.

SHRI JOHN F. FERNANDES: The demand is to refer it to a Select Committee; they do not oppose the Bill.

SHRI JIBON ROY: I sought a division in principle. We want a demarcation, between those who are in support of it and those who oppose it. *(Interruptions)*

THE DEPUTY CHAIRMAN: I will oblige because it is within the rules. No problem. *(Interruptions)*

SHRI M. THAMBI DURAI: I have assured the House that we will not close

down any office. We will give protection to all the employees who are already there. *(Interruptions)*

THE DEPUTY CHAIRMAN: Order, please. *(Interruptions)* Division does not mean that anybody and everybody can speak. *(Interruptions)* He is saying that he gave an assurance to the House that no seaman will be affected by it and that he will try to see that their jobs are secure. Right?

SHRI M. THAMBI DURAI: Seamen's employment office will not be closed down because of this amendment. Also, there will not be any retrenchment. We will not close down any office. We will not shift the office also for any other sake. We will give protection to the Seamen Employment Office. *(Interruptions)* So many PSUs are facing the same thing. We are giving the same thing. There will not be any problem. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: It does not matter if the offices are close or if the offices are maintained. If the recruitment is not done through these offices, then...*(Interruptions)*

PROF. VIJAY KUMAR MALHOTRA: It is in Delhi also.

SHRI GURUDAS DAS GUPTA: The normal provision was that through employment office recruitment was done. When the workers did not have any job, they used to be given benefit by these offices. We are not interested in having the structures of the Offices. If the owners of the ships are allowed to move directly and not through the agents and these Offices, then I would like to know whether these Offices will remain. ... *(Interruptions)*... It means that the owners will have their own way and there will be more ... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Let him answer. ... *(Interruptions)*... Still you can ask for voting. ... *(Interruptions)*...

SHRI M. THAMBI DURAI: Madam, the Seamen's employment Offices will

continue. Instead of regulating, they are going to facilitate. They will facilitate actively and they will continue it. ... (Interruptions)...

THE DEPUTY CHAIRMAN: Jibon royji, let the Minister reply to one query. ... (Interruptions)... Just one second. ... (Interruptions)... Let him reply to Mr. Gurudas Das gupta. ... (Interruptions)... Then I will go ahead with the voting. ... (Interruptions)...

SHRI GURUDAS DAS GUPTA: Madam, the point is that this Bill gives power, total power to the owners of the ships, Indian and foreign, to make recruitment at their own sweet will and at their own discretion and according to their own choice. If this is done and if these Offices are maintained, then I would like to know how the Government can influence. You are giving all the powers to the ship owners. At the same time, you are making a plea to the House that the workers would not be laid off. I do not how this is possible. ... (Interruptions)...

SHRI M. THAMBI DURAI: Sir, I would like to clarify the points raised by the hon. Member. Sir, the problem which the ship-owners are facing is that they are maintaining a roster in the Seamen's Employment Office and because of age and other things, they are not able to get youngsters. Then they have to maintain the seniority. The young people who were trying recently, according to the roster, they want them. ... (Interruptions)... That is the problem which they are facing. In order to facilitate all these things, we are changing it and by way of changing, this Office will not be affected in any way. The Government will take care of it. ... (Interruptions)...

SHRI GURUDAS DAS GUPTA: The roster should be allowed to be maintained. ... (Interruptions)...

THE DEPUTY CHAIRMAN: Mr. Gurudas Das Gupta, I think first I will

include the age bar limit for you. ... (Interruptions)...

DR. L. M. SINGHVI (Rajasthan): Madam, I am on a point of order. You had put the motion. The motion having been put, the procedure is set into motion which does not permit the exchanges that we are having now. I think it is appropriate if we proceed with that. ... (Interruptions)...

THE DEPUTY CHAIRMAN: Actually, when we were waiting for the three minutes and the bell to ring, it was just an agreement. If the Minister could pursue, explain and clear it, then we could have avoided the division also. But, we also use the machine sometimes. Otherwise, it will get rusted. The Secretary-General will explain the voting procedure.

The question is :

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

The House-divided.

THE DEPUTY CHAIRMAN:

Ayes ... 39

Noes ... 21

Ayes—39

Bagrodia, Shri Santosh

Chaudhary, Chunni Lal

Dave, Shri Anantray Devshanker
(Gujarat)

Dhindas, Shri Sukh Dev Singh
(Punjab)

Dhyani, Shri Manohar Kant (Uttar Pradesh)

Frenandes, Shri John F.

Gautam, Shri Sangh Priya

Goradia, Shri Prafull

Goyal, Shri Vedprakash P.

Hamdard, Shri Barjinder Singh

Hanumananthappa, Shri H

Judev, Shri Dilip Singh

Keswani, Shri Suresh A.
 Lakhawat, Shri Onkar Singh
 Malhotra, Prof. Vijay Kumar
 Miri, Shri Govindram
 Naidu, Shri M. Venkaiah
 Parmar, Shri Rajubhai A.
 Patel, Shrimati Urmilaben Chimanbhai
 Patil, Dr. Gopalrao Vithalrao
 Raghavji, Shri
 Rai, Shri Lajpat
 Rajagopal, Shri O.
 Sarma, Shrimati Basanti
 Sharma, Dr. Mahesh Chandra
 Sharma, Shrimati Malti
 Shourie, Shri Arun
 Singh, Dr. Ranbir
 Singhal, Shri B.P.
 Singhvi, Dr. L.M.
 Solanki, Shri Gopalsinh G.
 Soundarajan, Shri P.
 'Surya', Shri Rajnath Singh
 Topno, Miss Frida
 Vahadane, Shri Suryabhan Patil
 Varma, Prof. Ram Bakhsh Singh
 Verma, Shrimati Veena
 Yadav, Shri Janardan
 Yerra Narayanaswamy, Shri

Nos.-21

Ansari, Shri Jalalsudin
 Azad, Shri Gandhi
 Basu, Shri Nilotpal
 Biswas, Shri Debabrata
 Das, Shri Khagen
 Dasgupta, Dr. Biplab
 Das Gupta, Shri Gurudas
 Dubey, Shrimati Saroj, (Bihar)
 Gowda, Shri H.K. Javare
 Md. Salim, Shri

Mukherjee, Shri Dipankar
 Murty, Dr. Y. Radhakrishna
 Pandey, Shrimati Chandra Kala
 Pillai, Shri S. Ramachandran
 Ray, Prof. (Shrimati) Bharati
 Roy, Shri Jibon
 Roy, Shri Joyanta
 Sengupta, Shri Bratin
 Sinha, Shrimati Kamla
 Vijay Raghavan, Shri A.

The motion was adopted.

Yadav, Shri Naresh (Bihar)

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

"Clauses 2 and 3 were added to the Bill."

THE DEPUTY CHAIRMAN: There is an insertion of new clauses 4 and 5 Mr. Thambi Durai to move.

New clauses 4 & 5

SHRI M. THAMBI DURAI: I move:

That at page 2, after like 11, the following be inserted, namely:—

"4. In section 436 of the principal Act, in sub-section (2), in the Table, for serial number 17 and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

Amendment
of section
436.

1	2	3	4
17.	If any master fails to submit the required crew list or fails to report the changes	84 to (1) (c)	Fine which may extend to five thousand rupees and in addition, a fine which may extend

1	2
made in the list before commencing the relevant voyage.	to one thousand rupees for every day during which the offence continues after conviction

5. In section 458 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

“(aa) in the case of a rule made under section 76, with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees, or with both.”

The question was put and the motion was adopted.

New Clause 4 and 5 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill

THE LEADERS AND CHIEF WHIPS OF RECOGNISED PARTIES AND GROUPS IN PARLIAMENT (FACILITIES) BILL, 1998

संसदीय कार्य मंत्री तथा पर्यटन मंत्री (श्री मदन लाल खुराना) : महोदय, मैं प्रस्ताव करता हूँ कि:

“संसद में मान्यता प्राप्त दलों और ग्रुपों के नेताओं और मुख्य सचेतकों के लिए सुविधाओं का उपबंध करने वाले विधेयक पर, जिस रूप में वह लोक सभा-द्वारा पारित किया गया है, विचार किया जाए।”

उपसभापति महोदय, लोक सभा से पारित होने के बाद इस विधेयक को मैं राज्य सभा में पेश कर रहा हूँ।

इस विधेयक में संसद के दोनों सदनों में मान्यता प्राप्त दलों और राजनीतिक समूहों के नेताओं और मुख्य-सचेतकों को अतिरिक्त सेक्रेटेरिएल और टेलिफोन सुविधाएं उपलब्ध करने का प्रावधान किया गया है। ये सुविधाएं इस समय उनके सांसद के रूप में संबंधित

कमून के तहत मिल रही सुविधाओं के अलावा होंगी। राजनीतिक दलों के नेताओं और मुख्य-सचेतकों को दी जाने वाली इन सुविधाओं को नए नियम के तहत बाद में अधिसूचित किया जाएगा। ये सुविधाएं इस प्रकार होंगी:

(ए) स्टेनोग्राफर, जो प्रेड-III निजी सचिव के स्तर का होगा,

(बी) कार्यालय और निवास के टेलिफोनों में कुल मिलाकर प्रति वर्ष मुफ्त दस हजार स्थानीय कॉल्स की सुविधा। ये कॉल्स इन्हें संसद सदस्य के रूप में उपलब्ध निःशुल्क कॉल्स के अलावा होंगे।

उपरोक्त दोनों सुविधाएं राजनीतिक दलों के नेताओं और मुख्य सचेतकों को तब तक मिलती रहेंगी जब तक वे अपने पदों पर रहेंगे। सदन इस बात से सहमत होगा कि संसदीय व्यवस्था का सुचारु संचालन बहुत हद तक पार्टी मशीनरी की दक्षता पर निर्भर करता है। राजनीतिक दलों के नेता और मुख्य सचेतक संसद के दोनों सदनों की कार्यवाही में अपने दलों के कामकाज में महत्वपूर्ण भूमिका निभाते हैं। इस बात को ध्यान में रखते हुए की 1994 में बंगलौर में आयोजित 11वें अखिल भारतीय सचेतक सम्मेलन में यह सिफारिश की गयी थी कि संसद और राज्य विधान मंडलों में मान्यता प्राप्त विपक्षी दलों के मुख्य-सचेतकों को ऐसी सुविधाएं उपलब्ध कराई जाएं जिस से वे अपनी संसदीय जिम्मेदारियों का प्रभावी ढंग से निर्वहण कर सकें। वास्तव में देखा जाए तो यह सिफारिश अभी तक कई अखिल भारतीय मुख्य सचेतक सम्मेलनों द्वारा की जा चुकी है। परन्तु इन पर कार्यवाही पेंडिंग रही। मैडम, मुझे याद है, जब मैं दिल्ली महानगर परिषद में मुख्य सचेतक था, मुझे सचेतक सम्मेलनों में भाग लेने का मौका मिला, वहां सचेतकों को इस तरह की सुविधाएं देने की मांग की गई थी और बाद में सम्मेलनों में भी इसी तरह की मांग उठाई जाती रही है। मेरे लिए यह व्यक्तिगत रूप से संतोष की बात है कि हम 31 वर्षों के अधिक समय से विचारधीन इन सिफारिशों को इस विधेयक के माध्यम से लागू कर रहे हैं। संसदीय कार्य मंत्री के रूप में इस सदन के सम्मुख यह विधेयक लाते हुए मुझे खुशी हो रही है। मुझे उम्मीद है कि राज्य सरकारें भी हमारे इस कदम का अनुसरण करते हुए अपने विधान-मंडलों में भी इसी तरह का विधेयक लाएंगी ताकि राजनीतिक मुख्य सचेतकों और नेताओं को अपनी जिम्मेदारियों को निर्वहण करने में संसद के अनुरूप ही सहायता मिल सके।