

THE DEPUTY CHAIRMAN: Shri John Fernandes. *...(Interruptions)...*

SHRI GURUDAS DAS GUPTA: Madam, I want to seek a clarification.

THE DEPUTY CHAIRMAN: On the Bill or something else?

#### RE: HIKE IN PETROL PRICES

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, I seek a clarification from you. Yesterday, the hon. Finance Minister made a statement in this House that the additional money that they had fraudulently charged, the petrol pumps, would be realised and deposited for building of national highways....

THE DEPUTY CHAIRMAN: Petrol thing is not taken up.

SHRI GURUDAS DAS GUPTA: Madam, today, a number of people came to me and they wanted to draw our attention, i.e. your attention, that since petrol pumps did not give them the receipts, how the huge money, that was fraudulently charged, would be taken back. *...(Interruptions)...* Madam, I only say that since the hon. Minister made a commitment in this House, it is in the fitness of things that the Minister makes it clear as to how the money so realised, fraudulently, by the petrol pumps will be taken back by the Government and deposited in its account for building of national highways. There is just a confusion, a serious confusion, and, therefore, the Government must make this point clear; otherwise, its credibility is going to be affected, and our credibility also is going to be affected. It has come out in the Press. Nobody knows how it is going to be done. Madam, I have drawn the attention....

THE DEPUTY CHAIRMAN: I don't know how your credibility has come into this!

SHRI GURUDAS DAS GUPTA: Madam, I am part of this House. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: Today, in the morning, Mr. Jitendra Prasad and Mr. Deo came to Hon. Chairman, and they wanted to raise this issue in the House. Mr. Chairman said, "Tomorrow you can discuss this matter." Today, the Finance Minister is not here. We are already in the process of a Bill. Let us go ahead. You

have made your point. The Ministers are here. They will inform the Minister concerned.

SHRI M. VENKAIAH NAIDU (Karnatak): Madam, I may be allowed. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: You can't answer!

SHRI M. VENKAIAH NAIDU: I don't want to be allowed to answer.

I am only trying to find out! *...(Interruptions)...*

SHRI JOHN F. FERNANDES: He is the Party's spokesperson!

SHRI M. VENKAIAH NAIDU: Madam, the hon. Member has brought to the notice of the House a relevant thing because yesterday a suggestion was made that this money should be accounted.

SHRI GURUDAS DAS GUPTA: The Minister himself said that.

SHRI M. VENKAIAH NAIDU: I agree. I am not denying that. That point that the hon. Member has made is whether the petrol pumps did not give receipts. I don't think anybody can take petrol without a receipt. *...(Interruptions)...*

SHRI GURUDAS DAS GUPTA: He does not know! *...(Interruptions)...*

The hon. Member has not gone to a petrol pump of Delhi.

He might have gone somewhere else!

SHRI JOHN F. FERNANDES (Goa): They did not give receipts. What is this?

THE DEPUTY CHAIRMAN: They don't give!

SHRI GURUDAS DAS GUPTA: Madam, no receipt was given. *...(Interruptions)...*

SHRI JOHN F. FERNANDES: The Government has no right to accommodate it somewhere else. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: Order, please. *...(Interruptions)...* Order please.

SHRI GURUDAS DAS GUPTA: Kindly ask Mr. Malhotra. He is a Delhi-ite. Let him confirm. No receipt is given. *...(Interruptions)...* You confirm from him. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: I am really surprised. It is not the fault of the petrol station. It is the fault of the person who is buying petrol. He should insist on a receipt. He should ask for it. ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: The fault is with the Government. ...*(Interruptions)*... The fault is with the Government. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Why don't they ask for a receipt? They should ask for a receipt.

#### THE MERCHANT SHIPPING (AMENDMENT) BILL, 1998—CONTD.

SHRI JOHN. F. FERNANCES (Goa): Madam, I rise to support this Bill. Though it is an innocuous Bill, it is an Ordinance which has been promulgated three times. Now it is coming to the Parliament to become a law. This Ordinance was promulgated three times because there was political instability in those days. I have no objection to that because we have done it earlier also. The point is that there were sessions earlier. It was not even introduced in those sessions. There was a session in November-December, 1997 and again we have a session in March. The Government should have, at least, made an attempt to introduce it. What is mentioned at the outset of this Bill is, "This Act may be called the Merchant Shipping (Amendment) Act, 1998". It will be enforced by clause 2 from 1997. So, there is an anomaly here.

Madam, I rise to support this Bill because this is a very progressive Bill. This Bill will remove the lacuna in the Act and solve the problems that the Indian seamen are facing. As a Member of Parliament I have to write to the Prime Minister very often that our seamen are stranded elsewhere. Lastly I have written to Gujralji, our then Prime Minister, that a ship was stranded in Karachi and the Indian seamen were stranded there for almost two years because the matter was litigated. The law is not waterproof. There is no waterproof mechanism. So, I appreciate that India is a singatory to IMO (International Mercantile Organisation) and ILO Convention No. 147. I

welcome this Bill. I have explained why this Bill was not brought earlier and what the anomalies in clauses 1 and 2 are. I think the Government can amend them and say that this Act may be called the Merchant Shipping (Amendment) Act, 1997 because it is deemed to have been brought into force from 1997. That is the anomaly. We are talking about the jurisdiction of this Act where it comes into force. It comes into force in the Indian waters, that is, 12 miles from land mass. But India has an Exclusive Economic Zone which is extending up to 2,000 miles. Then we have the continental shelf. I would like to know whether the Government has realised the problem that it is going to face because of the duplicity, whether it is going to the United Nations to get its consent to bring these waters also within the jurisdiction of Indian territory. Otherwise, we are going to have problems because this Act cannot be implemented for want of jurisdiction. We have also privatised the oil sector. We have oil rigs. They are also deemed to be ships. They are covered by this Act. Though they are stationary platforms in the ocean, they also come under this Act. I would like to know whether the Government has thought of this lacuna in this legislation, whether it will amend it, whether it will go to the United Nations because these things fall within the international waters. We have the exclusive right to have economic activity in some areas, for example, the EEZ and the continental shelf where most of the oil rigs are situated. We have the ONGC. I happened to inspect some of them. If you have no jurisdiction, the laws cannot be implemented there. I, therefore, request the hon. Minister to clarify this point whether he will see to it that these clauses in this Bill are amended. We have seen that there are a lot of accidents where there are port areas or wherever the mother ships enter into our territorial waters. We have a lot of fishing trawlers in our waters, and, maybe, beyond our waters. Quite often there are a lot of accidents because fishing trawlers are just being dashed against. Due to this there is loss of property and life. It is hit-and-run on the high seas. We don't have any mechanism. The coastguard or the Navy people are not available on the spot. I would like to know whether the hon. Minister