

सारे तथ्यों को ध्यान में रखते हुए मेरा सरकार से आग्रह है कि इन प्रश्नों को गंभीरता से लें और तत्काल वहाँ राष्ट्रपति का पद धारण के लिए कदम उठाएँ।

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : महोदय, श्री राम नरेश यादव जी के विशेष उल्लेख से मैं अपने आपको संबद्ध करता हूँ और कहना चाहता हूँ कि मिर्जापुर ऐसा इलाका है जहाँ आदिवासी लोग, अनुसूचित जाति और अनुसूचित जनजाति के लोग रहते हैं। एक सोनभद्र जिला है और दूसरा मिर्जापुर जिला है। वहाँ पर अकाल की स्थिति है। पहले ही भुखमरी के कगार पर वहाँ के लोग हैं। अब चूँकि वहाँ पर राष्ट्रपति का शासन है, इसलिए केन्द्रीय सरकार की विशेष जिम्मेदारी है। इसलिए मैं आपके माध्यम से सरकार से निवेदन करना चाहता हूँ कि इस मामले की ओर गंभीरता से ध्यान दें।

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now, we will take up the Statutory Resolution disapproving the Multimodal Transportation of Goods Ordinance, 1993 and the Multimodal Transportation of Goods Bill, 1993, together.

# STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE MULTIMODAL TRANSPORTATION OF GOODS ORDINANCE, 1993.

## II. THE MULTIMODAL TRANSPORTATION OF GOODS BILL, 1993.

THE VICE-CHAIRMAN (Shri Md. Salim): The BAC has discussed it and decided that we will pass the Bill without any further discussion, because we had already discussed it in the last session. Shri Satya Prakash Malaviya to move the Resolution.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि—

“यह सभा राष्ट्रपति द्वारा 2 जनवरी, 1993 को प्रख्यापित माल बहुविधि

परिवाहन अध्यादेश, 1993 (1993 का संख्यांक 6) का निरनुमोदन करती है।”

माननीय उपसभाध्यक्ष जी, जैसा कि इस विधेयक के उद्देश्यों और कारणों के कथन में कहा गया है कि कितनी परिस्थितियों में यह अध्यादेश लाना पड़ा और यह बहुत स्पष्ट है। लेकिन मान्यवर, यह सरकार अध्यादेशों के जरिए कानून बनाना चाहती है। पिछला सब जो खत्म हुआ उसके बाद नया सब शुरू हुआ। इस बीच में 24 अध्यादेश इस सरकार ने इस सदन के पटल पर रखे। यह सही है कि वर्तमान विधेयक जो पारित होने जा रहा है यह पहले अध्यादेश पारित हो गया था 16 अक्टूबर, 1992 को और उसके बाद राज्य सभा में विधेयक प्रस्तुत किया गया था 30 नवंबर, 1992 को और राज्य सभा ने इस विधेयक को 22 दिसम्बर, 1992 को पारित कर दिया था और उसके बाद चूँकि लोक सभा से यह विधेयक पारित नहीं हो पाया, इसलिए सरकार को 2 जनवरी, 1993 को अध्यादेश लाना पड़ा।

मान्यवर, मेरा निवेदन यह है कि यह अध्यादेश निरस्त हो जाता तो उसका कोई असर नहीं होता। सब शुरू होने जा रहा था, एक डेढ़ महीने बाद इस विधेयक को सरकार लाकर पारित करा सकती थी। मेरी आपत्ति यह है कि अध्यादेश के जरिए सरकार कानून बना रही है, यह अच्छी परिपाटी नहीं है। इस संबंध में, मैं श्री जी०वी० मावलंकर, जो लोक सभा के प्रथम अध्यक्ष थे, उन्होंने 25 नवंबर, 1950 को तत्कालीन जो संसदीय कार्य मंत्री थे भारत सरकार के, उनको एक पत्र लिखा था, उसको मैं उद्धृत करना चाहता हूँ। उन्होंने कहा था —

“The procedure of the promulgation of Ordinance is inherently undemocratic. Whether an Ordinance is justifiable or not, the issue of a large number of Ordinances has psychologically a bad effect. The people carry an impression that Government is carried on by Ordinances. The House carries a

sense of being ignored, the Central Secretariat perhaps get into the habit of slackness, which necessitates Ordinances and an impression is created that it is desired to commit the House to a particular legislation as the House has no alternative but to put its seal on matters that have legislated upon by Ordinances. Such a state of things is not conducive to the development the best Parliamentary traditions."

मेरी आपत्ति केवल यह है कि अध्यादेश के जरिए, विधेयक पारित नहीं कराना चाहिए था। ग्राडिन्स लेन्स हो जाता। उसके बाद वर्तमान सत्र में मंत्री जी विधेयक लाते और यह राज्य सभा में पारित हो गया था, फिर भी पारित हो जाता। इसलिए मेरी आपत्ति यह है कि यह कानून अध्यादेश के जरिए लाना ठीक नहीं है। वैसे मैं इस विधेयक का समर्थन करता हूँ।

The question was proposed

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): Sir, last time when this was discussed here. I had sought certain assurances from the hon. Minister. He had assured the House that he could take into account those assurances. We discussed in the Business Advisory Committee meeting that we would pass it without any discussion. I wish to remind the hon. Minister through you that today while he gets the approval of the House, he should keep in mind the debate which took place in this House in the last Session. Once he assure me that all the points which we had discussed in the last session would be taken care of, we have no hesitation in passing the Bill.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Shri Jagdish Tytler.

SHRI JAGDISH TYTLER: I am grateful to the Members that they should have agreed to pass the Bill without any discussion. We had discussed it in the last Session. I would like to first of all inform Members that this is being done

for technical reasons. The Ordinance had already been issued by the President. We had started the process of multimodal transportation of goods on the basis of multimodal contract. People had started registering their companies. I would like to inform the Members that seven operators had already registered and 100 applications are under consideration. Work had started and, therefore, it had become necessary. I could not stop the process of operation which had already started. That is the reason why we had to bring this Ordinance. I would like to inform Dr. Jain that there were two-three suggestions which were made in the last Session. One was that the Air mode of transportation should also be included. This is under examination and consideration in the Ministry of Civil Aviation. The second point was that partnership firms, proprietary concerns should also be eligible for registration. Under the present Bill they are not eligible for registration as MTO. However, these Suggestions will be

examined. These were the two major points. Dr. Jain, do you have any other point?

DR. JINENDRA KUMAR JAIN: One point was that there was a provision in the Bill that only the rich people would be able to participate. I had made a request that young people and entrepreneurs should also be able to participate in this upcoming business. You had assured the House that you would find ways and means so that entrepreneurs are not denied this opportunity.

SHRI JAGDISH TYTLER: We will encourage everybody. There is no way where only a certain category of people would be allowed. We are going to encourage everybody.

THE VICE-CHAIRMAN (SHRI MD. SALIM): We are not discussing the Bill. But some Members may have some questions and if the Minister is ready to reply, then instead of having a bilateral discussion, let the questions be asked and then the Minister can answer. Dr. Jain do you have any other queries?

DR. JINENDRA KUMAR JAIN:

Sir, I had pointed out that the Rs. 50 lakh criterion in the Bill would keep many people away from it. They may have managerial or educational qualification but because they do not have Rs. 50 lakhs, they may not get an opportunity. So, people who have proper qualifications, training, education and managerial expertise should have an opportunity. This was my request. I only want you to carry out the assurance that you had given.

SHRI JAGDISH TYTLER: I had assured there... (Interruptions) I had done this just now.

श्री मोहम्मद अमीन : (पश्चिमी बंगाल) :  
मेरे सिर्फ दो सवाल हैं । जिस वक़्त इस पर डिसक्शन हुआ था तो हम लोगों ने यह कहा था कि एक तो यह है कि प्राइवेट सेक्टर अगर इस मैदान में बड़े पैमाने पर दाखिल होगा तो नेशनल शिपिंग कॉर्पोरेशन को नुकसान होने का अंदेश है जब कि पलिसी यह होनी चाहिए कि शिपिंग कॉर्पोरेशन बड़े मगर फिलहाल गवर्नमेंट इसको सम्भाल नहीं पा रही है तो ठीक है, इस कानून को पास कर दिया जाय, मगर शिपिंग कॉर्पोरेशन को किसी तरह का नुकसान नहीं पहुंचना चाहिए । दूसरी बात यह है कि समुद्री सफर में जब कंटेनर सिस्टम आ गया है और कंटेनर सिस्टम के बड़े पैमाने पर इस्तेमाल से मजदूर बेकार हो जाएंगे, तो बेकारी का मसला भी संगीन सूरत अख्तियार करेगा । उसके लिए गवर्नमेंट क्या सेफगाइड ले रही है ?

श्री محمد امين : (پشچيمى بنگال) :  
صرف دو سوال ہيں جس پر وقت اس پر ڈيسکس  
ہوا تھا تو ہم لوگوں نے یہ کہا تھا کہ ایک تو  
یہ ہے کہ پرائیویٹ سیکٹر اگر اس میدان میں  
بڑے پیمانے پر داخل ہو گا تو نیشنل شپنگ  
کارپوریشن کو نقصان پہونے کا اندیشہ ہے جبکہ  
پالسی یہ ہونی چاہیے کہ شپنگ کارپوریشن بڑھے  
مگر فی الحال گورنمنٹ اس کو سمجھال نہیں  
پا رہی ہے تو ٹھیک ہے اس قانون کو پاس  
کودیا جائے مگر شپنگ کارپوریشن کو کسی طرح  
کا نقصان نہیں پہوننا چاہیے۔ دوسری بات یہ  
ہے کہ سمندری سفر میں اب کنٹینر سسٹم آ گیا ہے  
اور کنٹینر سسٹم کے بڑے پیمانے پر استعمال سے  
مزدور بے کار ہو جائیں گے تو بیکاری کا مسئلہ  
بھی سنگین صورت اختیار کرے گا۔ اس کے لئے  
گورنمنٹ کیا سیف گارڈ لے رہی ہے ؟

SHRI PARVAT KUMAR SAMANTA-  
RAY (Orissa) : Sir, ports are used for the  
destocking of cargos. And destocking in  
the parts used to be the worst affected.  
Now, after the introduction of the multi-  
modal transport system, who will be tak-  
ing up on the responsibility of protecting  
the cargos? This is No. 1. The second  
point is, when the Customs Act and the  
Indian Railways Act have not been suit-  
ably amended to cope up with this sys-  
tem, how are you going to implement  
and act upon this system?

SHRI JAGDISH TYTLER : Sir, first, I  
would like to tell you that the Shipping  
Corporation is not going to be the loser  
at all because it is an agency, more than

[Dr. Jinendra Kumar Jain]

being a promoter, which is going to see that the goods received from one end reach the other end and they will be legally responsible for it. The goods will be carried by the Shipping Corporation on other shipping lines which are being used now. The Shipping Corporation is not going to be the loser. As regards the second part which the hon. Member has asked, regarding containers, container is not a new phenomenon in our country. It is an international phenomenon. Rather, we are able to carry more cargo by containers. We have handled more cargo and I am glad to say that in spite of all the crisis we have had in the country, we have broken all records. Even when Bombay was burning, my port had a record handling of cargo tonnage that day also. So, it is not going to be hampered in any way.

The third thing, the hon. Member had said on stuffing and destuffing. We are privatising stuffing and destuffing also and our efficiency has increased. I was rather very unhappy because the number of people employed for stuffing and destuffing had come to be a record number but it does not come anywhere near the world standard. But, anyway, efficiency had to be brought about. We have talked to the unions. We have talked to the dock labourer and we have also started coaching for stuffing and destuffing outside the port. And it has helped the exporters in a big way. And, I don't think that the labour is going to be affected in any way.

THE VICE-CHAIRMAN (SHRI MD. SALIM): I shall now put the Resolution moved by Shri Satya Prakash Malaviya to vote.

SHRI SATYA PRAKASH MALAVIYA: Sir, I would like to withdraw the Resolution.

*The Resolution was by leave, withdrawn*

THE VICE-CHAIRMAN (SHRI MD. SALIM): I shall now put the motion moved by the Minister to vote. The question is:

"That the Bill to provide for the regulation of the multimodal transportation of goods from any place in India to a place outside India, on the basis of a multimodal transport contract and for matter connected here, with or incidental thereto, be taken into consideration."

The motion was adopted.

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

Clauses 2 to 32 were added to the Bill.

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

SHRI JAGDISH TYTLER: Sir, I move:

That the Bill be passed."

The question as put and the motion was adopted.

## STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE NATIONAL COMMISSION FOR BACKWARD CLASSES ORDINANCE, 1993.

### II. THE NATIONAL COMMISSION FOR BACKWARD CLASSES BILL, 1993

THE VICE-CHAIRMAN (Shri Md. Salim): We will take up the Statutory Resolution and the Bill to constitute a National Commission for Backward Classes together I request Dr. Jinendra Kumar Jain to move the Resolution.

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): I am here to move the Resolution but I do not find the Minister.

AN HON MEMBER: The Minister is here.

DR. JINENDRA KUMAR JAIN: With your permission, I move the following Resolution: