

(iv) breast-feeding is beneficial to the mother's own health also."

*The motion was negatived.*

**THE VICE CHAIRMAN (SHRI SYED SIBTEY RAZI) :** Now I shall put clause 6 to vote.

The question is :

"That clause 6 stand part of the Bill."

*The motion was adopted.*

*Clause 6 was added to the Bill.*

*Clauses 7 to 26 were added to the Bill.*

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

**KUMARI SELJA :** I move :

"That the Bill be passed."

*The question was put and the motion was adopted.*

#### **THE MULTIMODAL TRANSPORTATION OF GOODS BILL, 1992**

**THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI) :** We shall now take up Statutory Resolution and the Bill together. Dr. Jinendra Kumar Jain and Shri Kamal Morarka—absent. Shri Jagdish Tytler.

**THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER) :** Mr Vice-Chairman, Sir, I move :

"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 matters connected therewith or incidental thereto be taken into consideration,"

With your permission, I would like to say a few words while moving the Multimodal Transportation of Goods Bill, 1992 for consideration and passing. The Bill seeks to replace the Multimodal Transportation of Goods Ordinance, 1992 (18 of 1992) promulgated by the President on the 16th October, 1992.

In developed countries, containerisation has resulted in multimodal transport of goods, under a single transport document, covering all modes of transport from the exporters' premises to the consignee's place.

Such multimodal transportation of goods under one single document has a number of advantages like reduction in the overall transportation cost, reduction in delays, smoother and quicker movement of cargo and improvement in the quality of service. In the context of growth of containerised trade in India, the need for introduction of a similar system in India has been felt. The Multimodal Transportation of Goods requires a legal regime to govern on a uniform basis the liabilities and responsibilities of a Multimodal Transport Operator, who can provide services to the shippers engaged in international trade. The Government of India had, therefore, set up a Working Group to recommend a law on Multimodal Transportation of Goods. This Group formulated proposals for the said legislation mostly based on the internationally accepted rules of the International Chamber of Commerce (ICC). The Working Group had also recommended suitable amendments to the Indian Carriage of Goods by Sea Act, 1925, Sale of Goods Act, 1930 and the Carriers Act, 1865. These amendments are necessary to bring the provisions of these Acts in harmony with the proposed provisions of the Multimodal Transportation of Goods Legislation. In the context of various measures taken by the Government of India to liberalise controls, simplify procedures and facilitate smooth flow of international trade and promotion of exports, it became necessary to immediately regulate Multimodal Transportation of Goods by issue of an Ordinance. This Bill seeks to replace the aforesaid Ordinance.

*The question was proposed.*

**THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI) :** Mr. Sukomal Sen. (*Interruptions*).

**SHRI SUKOMAL SEN (West Bengal) :** Mr. Vice-Chairman, Sir, I would like to say that this Bill has been very hurriedly placed in Parliament because it involves many agencies if you want to introduce a new system of transportation in the country as far as container transportation system is concerned. It is true that containerisation is increasing day by day. Particularly, in developed countries, it is

fully containerised. In developing countries, like India also, container service is increasing daily. There is no doubt about it. And, it has many advantages also. Both the consignor and the consignee can avail themselves of its advantages. But, Sir, if we appoint multimodal transport operators, if we introduce this system in the country, I doubt whether it will really contribute towards a quicker transportation of containers because it involves three transport agencies. One is shipping liners. If only shipping liners have to operate as multimodal transporters, they will have to interact with the Railways and with the road transporters. Three transport systems have to be integrated into one or, at least, they have to coordinate among themselves so that a multimodal transporter can function properly.

Now, the Railways have this container service; shipping liners have this service; and many road transporters have this service. Many road transport services take containers from the shipping liners and deliver them to the consignee by road. Now, to integrate all these systems, to bring about coordination among all these systems and put them into one multimodal transport system, in the present conditions of the country, I doubt how far it will be possible.

Another point is, if this system is introduced, what will the Railways do with their container service? The Railways have their own service. Does this Bill envisage that after the introduction of this system, after this Bill is passed, the container service in the Railways can be abolished and whatever the Railways' container service carries should be done only through multimodal transport operators? This point, at least, I am unable to understand. I would like the hon. Minister to clarify as to what will happen to the container service of the Railways.

Another question is, who will be multimodal operators? In clause 4 of the Bill, it has been said that any shipping company or a company engaged in the business of freight forwarding in India or abroad to with the minimum prescribed annual turnover can be registered as a multimodal transport operator. Now, in

our country, both Indian and foreign shipping companies are operating. They are also registered. Does it mean that any foreign shipping companies or any companies who are dealing with freight forwarding abroad, can also register themselves as multimodal operators? If that is true that even the foreign companies can register themselves, then it means our transport system, mainly the container service system, will be placed in the hands of the foreign companies which I feel is not conducive to the economy of our country and it will create more problems than we have at present. I would like the hon. Minister to clarify this point whether only the Indian companies will be eligible for registration or even the foreign companies will be eligible for registration. If foreign companies are eligible for registration, then I strongly oppose it. I feel it is not correct. It will be like handing over a part of the economy and the transport system, particularly the container service system in the hands of the foreigners. This is not good. This is what I understand.

Another point is about containerisation. It is very good. Mechanisation and computerisation is all good because it gives so much of facilities to all concerned—the consumers and others—in every sphere of life. Containerisation is the order of the day even in major ports whether it is Bombay, Madras, Calcutta or any other port; containerisation is spreading in a very big way. At the same time, with this containerisation, another problem is also arising. That is about the labour. I do not know whether the hon. Minister has given thought to it that the container service system introduced in different major ports, is replacing labour. What I understand is that in all the major ports, the Dock Labour Board is facing a tremendous difficulty because the container service is acting against the interest of labour and the labour has been displaced. Now if the container service is introduced in a place that I mentioned in such a way, then it will create a problem of labour in our country. All ports will suffer from this difficulty in this country. I would request the hon. Minister to throw some light on this point. These are some of the points involved in it. I understand

that in the developing countries, it is already there in operation. In the particular situation of our country whether it would be helpful, I have my own doubt. I would request the hon. Minister that instead of hurrying through the Bill, let us discuss it in detail. That is why it is necessary that a Select Committee of the House can be formed and they can be asked to scrutinise the Bill. They can discuss it with all the agencies—the shipping lines, the railways and the other transport agencies, the consignor and the consignee; all the interested parties should be consulted and their opinion should be taken and then this system should be introduced. Otherwise, if in a hurry, we introduce this system, it may create more problems. Not only that, it may lead to bureaucratisation instead of hastening the transport system. I do not know how far they will be quick in interaction with the railways and the transport agencies.

Then I come to corruption. It may lead to corruption because of loss of consignments, damage of consignments. Here the clauses envisage how the losses and damages will be dealt with. I feel that may be deliberately done—damages to the consignments. In that case, those clauses that have been given here, I don't think they are foolproof and the transport operators, that is the multimodal operators, instead of taking the full responsibility, may resort to those clauses and can even cheat the consignors and the consignees. That is what I am afraid of. I would like the hon. Minister to clarify all these points. Thank you.

**श्री एस. एस. अहलवालिया (बिहार) :**

उपसभाध्यक्ष जी, मैं माल बहुविधि परिवहन विधेयक, 1992 का समर्थन करने के लिए खड़ा हुआ हूँ। लेकिन मेरे दिमाग में एक संशय जरूर है और वह संशय यह है कि क्या ऐसी जरूरत आन पड़ी थी कि 16 अक्टूबर, 1992 को राष्ट्रपति महोदय के माध्यम से एक आर्डिनंस जारी करना पड़ा? क्या मंत्री महोदय बिल को पास करने के साथ-साथ इस सदन को बताने की कृपा करेंगे कि क्या हमारी कोई कंडीशन, किसी इंटरनेशनल फोरम के साथ किसी एग्रीमेंट में कोई ऐसी

कंडीशन थी कि इस टाइम के तहत या इस टाइम के बीच हम कोई ऐसा बिल लाएंगे? क्योंकि मैं जहाँ तक बिल के बारे में पढ़कर समझ सका हूँ, किसी भी देश की प्रगति होना या देश के दूसरे जो इन्फ्रास्ट्रक्चर हैं, उनमें प्रगति का लक्षण आना बहुत अच्छी बात है और ट्रांसपोर्टेशन का जो हमारा सिस्टम है, वह हमारे देश की प्रगति के पथ पर एक बहुत बड़ा योगदान करता है। पर ऐसा ही कुछ सोचकर जो कंटेनर सिस्टम चालू करने की बात आज सोची जा रही है या उसका जो मल्टी मोडल/ट्रांसपोर्टेशन सिस्टम शुरू करने की कोशिश की जा रही है, वैसा ही कुछ सोचकर रेलवे का कंटेनर कार्पोरेशन शुरू किया गया था और आज सरकार की तरफ से ट्रांसपोर्ट मिनिस्टर इस बिल को ला रहे हैं। क्या वाकई हम रोड ट्रांसपोर्ट के माध्यम से या शिपिंग ट्रांसपोर्ट, जो हमारी कट्टी में बहुत नगण्य मात्रा में है, उसमें हमने कोई क्या ऐसा कोई इन्फ्रास्ट्रक्चर उसको मैच करने लायक बना लिया है जो अगर हम टोटल कंटेनराइजेशन कर दें तो उसके साथ मैच कर सके? और ऐसा बिल लाने के पहले क्या रेलवे के कंटेनर कार्पोरेशन के साथ कोई मीटिंग या बैठक की गई? उनके साथ कोऑर्डिनेशन का क्या प्रावधान इस बिल में रखा गया है? और सबसे बड़ी बात है, उपाध्यक्ष महोदय, यह तो खुशी की बात है कि आप यहाँ पर एक कंटेनर बुक करेंगे और वह कंटेनर संपोज वाइजेक से डिस्पैच होना है थ्री शिप, तो उसकी बुकिंग यहीं से हो जायेगी, आप अच्छी चीज ला रहे हैं। पर मैं कहता हूँ कि आप जो कंटेनर यहाँ से बुक करेंगे वह यहाँ से वाइजेक पहुंचने में कितना टाइम लगाएगा? हो सकता है वाइजेक से जापान के बंदरगाह पहुंचने के लिए उसको कम समय लगेगा, पर यहाँ से वाइजेक पहुंचने के लिए उसको जितना समय लगेगा, उसको कम करने के लिए आपने कोई रास्ता ढूँढा है? क्या आपके कंटेनर मूव करने के लिए जितना लम्बा

[श्री एस. एस. अहलुवालिया]

विदेशों में, आपने बहुत सारे उदाहरण दिए हैं, जो ग्रुप फारमूलेट किए गए थे उसमें इंटरनेशनल चैम्बर ऑफ कॉमर्स से सजेशन लिए गए हैं, फिर यूनाइटेड नेशन्स बॉन्वेशन ऑन मल्टी मॉडल ट्रांसपोर्ट आफ गूड्स 1980 का हवाला दिया है, पर मैं यह कहना चाहता हूँ कि फॉरन कंट्री में जहाँ पर 5 लेन, 6 लेन या 7 लेन के रोड हैं, उसमें एक परटिकुलर लेन जो है, वह सिर्फ कंटेनर के लिए होती है, उसमें सिर्फ कंटेनर मूव कर सकते हैं और बहुत फास्ट मूव करते हैं, उनके लिए कोई अड्चन नहीं होती, कोई रुकावट नहीं होती और बंदर-गाह तक पहुँचने के लिए उनको एकदम ग्रीन चैनल मिलती है। क्या आपके पास कोई प्रावधान है? क्या आपने ऐसी कुछ गुंजाइश की है? हम तो अभी दो लेन के भी रोड नहीं बना सके। तो रोड कंडीशन जब तक नहीं सुधारे गें तो सिर्फ कंटेनर में माल भरकर भेजने से हम कैसे उसमें द्रुत गति ला सकते हैं या कैसे उसको फास्ट कर सकते हैं? सिर्फ इस बात के कि हमने जल्दगी कर ली है। पहले बोरों में और लकड़ी के बक्कों में सामान बंधकर जाता था और उसको वहाँ जहाज पर लद दिया जाता था और अब उसको कंटेनर में डालकर भेजा जाएगा और वह कंटेनर जहाज पर चढ़ जाएगा। इससे कितना फर्क हो जाएगा? सबसे बड़ी जरूरत जो है, यह आपका कंटेनर सिस्टम, यह एयर, रोड, रेल और शिप लिंक है, इन चारों की ओर इन चारों में आप देखिये कि आपका इन्फ्रास्ट्रक्चर कौन सा, कितना मुद्द है और यह सिर्फ सरफे ट्रांसपोर्ट मिनिस्ट्री का काम नहीं है, इसमें रेलवे मिनिस्ट्री जुड़ी हुई है, इसमें सिविल एविएशन जुड़ा हुआ है और तभी आप इसको सार्थक रूप दे सकेंगे। मुझे यह बात समझ में नहीं आई कि किन मजबूरियों के कारण इतनी जल्दी यह बिल लाने को कोशिश की गई और ऑडिनेंस पास किया गया। यह एक अच्छा बिल है और इस बिल

को लाने पर पूरा सोच-विचार करने की जरूरत है और मैं समझता हूँ कि मंत्री महोदय इसको लागू करने के साथ-साथ इस पर सोच विचार करेंगे और दूसरा, यह कंटेनर जितने भी सरकारी काम है वह किसी न किसी प्राइवेट कम्पनी को दिए जा रहे हैं।

..... (व्यवधान) "

5.00 P.M.

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): Mr. Ahluwalia, if you don't mind, I would like to know how much time you will take because we have to take up the Special Mentions at 5-00.

SHRI S. S. AHLUWALIA: Is it at 5.00 or 5.30?

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): It is at 5-00.

SHRI S. S. AHLUWALIA: I will speak after the Special Mentions or tomorrow.

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): If the House gives its sense to continue after 5.30 after the Special Mentions, you can speak. If the House adjourns for tomorrow, you can speak tomorrow. Now we shall take up the Special Mentions.

Shri Satish Pradhan, Shri Kamal Morarka, Shri H. Hanumanthappa, Shri Maulana Obaidulaah Khan Azmi—absent. Shri S. S. Ahluwalia.

#### SPECIAL MENTIONS

#### PLIGHT OF SIKHS IN TERAJ REGION OF UTTAR PRADESH

श्री एस०एस० अहलुवालिया (बिहार): उपसभाध्यक्ष महोदय, मैं आपके माध्यम से उत्तर प्रदेश में रहने वाले सिखों के साथ उत्तर प्रदेश सरकार द्वारा किए गए अत्याचार के बारे में आपका ध्यान आकर्षित करता चाहता हूँ। उपसभाध्यक्ष महोदय, आपको अच्छी तरह ज्ञात होगा कि पिछले साल पीलीभीत में तीर्थ यात्रियों की एक बस में से करीब 18 यात्रियों को उतारकर मार दिया गया था और वह सिख तीर्थ यात्री थे। हम एक डेलीगेशन में भी वहाँ गए थे और वहाँ जाकर उनका सारा ब्यौरा लिया गया था। यह