

value not exceeding Rs. 7.5 lakhs cleared, for home consumption, by or on behalf of a manufacturer from one or more factories, from one factory by or behalf of one or more manufacturers, in any financial year, from so much of the duty of excise leviable thereon as is in excess of 12% ad *valorem* subject to the conditions specified in the notification.

[Placed in Library. See No. LT-1299] 85 for (i) and (ii)]

**CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE**

**Mysterious disappearance of two Merchant ships in the Bay of Bengal—  
Contd.**

THE DEPUTY CHAIRMAN: We will take up the calling attention.

SHRI N. E. BALARAM (Kerala): Madam, Deputy Chairman, I was listening to the statement made by the Hon'ble Minister on the question of disappearance of two cargo ships in the Bay of Bengal.

At the very outset, I must say that I am not satisfied with the statement because it does not give us a full picture of the whole incident. Not only that, it does not dispel so many doubts that are there in the minds of ordinary people in the country. After reading the newspaper report about the disappearance of these two cargo ships, I presume to think that it is not an ordinary matter. According to the newspaper reports, there is an element of fraud in all these episodes. According to me, the proprietor of that particular Shipping Company Mr. Maini has issued a statement soon after the incident stating the reasons for disappearance of those two ships. The two ships were sunk by the clouds and the tidal waves. In another theory, he said that this is due to a collision between the two ships but soon after the statement, the General Manager of the Shipping

Company contradicted that statement saying that there were no possibility for such an accident because there were four ships during that period at the same area on the same day. So, the theory advanced by the General Manager that the ships were sunk by the tidal waves or by the cloud burst were not true. That was the statement made by the General Manager of the shipping company. Mr. Chakra-barti. He has issued an open statement. So far, that statement has not been contradicted by anybody. So I have my own doubts: something is missing in the whole episode. Not only that, according to the newspaper reports, the meteorological station at Calcutta stated that on that particular day, the sea was not in a very bad condition. There were no large-scale bad weather conditions at all. And we learn from newspaper reports that these, two ships had got six radio transmitter systems. In spite of that, there was no message given that the ships were in distress. So, from the reports that have appeared in the press, what I understand is that there is some fraud in this whole affair. That is the main thing to which I want to draw the attention of the hon. Minister, of course, the minister has said in para 10:

"The International Maritime Bureau, London, had also been approached to carry out investigations to determine if there is a *prima facie* case of fraud in the matter".

I have no definite proof, but after reading the newspaper reports, I think some fraud is there. Otherwise how can the owners issue a statement the next day saying that the loss of the ships was due to cloudburst or tidal waves? And it was contradicted by the General Manager of the Shipping company. These are contradictory statements. On this basis, I think there is a *prima facie* case of fraud in this. The Minister says that they have asked the International Maritime Bureau, London, to investi-

[Shri N. E. Balaram]

gate this matter. I do not understand the need of such a step. What I understand is that the Government itself has got enough power if they feel that there is some truth in these reports, to make an enquiry; they can themselves make an enquiry about the whole affair. There is no need of going to the International Maritime Bureau and asking them to make an enquiry about the whole issue. This is the main point that I want to drive home. After all, it is not a small matter. Many ships were sunk in the Bay of Bengal or the Indian Ocean during the last so many years. In 1978 two ships sank and some enquiries were made. So far no report of those enquiries has been made available. So if we conduct an enquiry on a routine basis, I do not think we will get any idea as to what happened to these two ships. - What I am suggesting is that the Government should set up a special enquiry immediately. Then only we can come to know the exact truth as to what happened to these two ships. I am very much afraid that there is some fraud in the whole affair.

SHRI K. MOHANAN (Kerala): Madam Deputy Chairman, I am not going into the details of the incident because all of my learned colleagues have pointed out the various aspects of the incident. It is crystal clear from the whole episode that there was something mischievous and fishy. Various reports say that both the vessels were not fit for a sea voyage and they were in greatly dilapidated condition, I am of the view that this was a well planned conspiracy. The Minister mentioned in his statement that there was criminal negligence on the part of the owners of the ships. I would like to say that not only on the part of the owners of the ships but on the part of the concerned authorities also, there was criminal negligence.

I would like to mention on 23-5-1985 the Forward Seamen's Union wrote a letter to the Director General of Shipping saying that MV Nitya Nanak was not fit for a sea voyage and it was in a dilapidated

condition. On 23-5-1985 the union wrote a letter to the DG Shipping pointing out that this particular vessel was in a dilapidated condition. Why has that letter been ignored by the authorities? I would like the Minister to answer this question.

On this particular issue on 7th August 1985, the day before yesterday, I had put a question:

"Whether it is a fact that missing merchant vessels MV Nitya Nanak and MV Nitya Ram were sailing without basic safety measures?"

The Minister's answer was:

"Both the vessels were issued with statutory safety certificates as required under Merchant Shipping Act, 1958 and these certificates were valid at the time of departure from last port."

If so, who issued those fitness certificates to these two ships? Who was responsible for that? What is the machinery for inspection and issuance of such certificates? ...

SHRI LAL K. ADVANI: They got bad on the way.

SHRI K. MOHANAN: Yes, that is the point to be investigated and found out. Who is the person responsible for issuance of those fitness certificates? Again, in that question I had also asked:

"Whether it is also a fact that when the ships were inspected at the Colombo Port some months back they were found to be in dilapidated condition?"

And the answer was—

"MV Nitya Nanak was dry-docked at Colombo nearly nine months back for undergoing inspection by the classification society MJs Bureau Veritas. All the repairs as recommended by the Surveyor of the Classification Society were reported to have been completed and the vessel retained her class. MV Nitya Ram was not inspected at Colombo Port."

Even in today's statement I got the answer that the classification was reported to

have been completed and the vessel retained her class. On 7th August in your answer you have stated that the inspection was all right in Colombo Port and they got the necessary certificates. Again in your statement today it is stated:

"Further enquiry revealed that the owners were aware of the defective main transmitter when the vessel was in Colombo. The same could not be repaired due to lack of spare parts."

How contradicting: Two days back in answer to my question it was stated that from Colombo Port they got the classification certificates, etc. And in today's statement you have yourself contradicted the statement you had given just two days back. So, my point is that it is not only the owners of the ship who are responsible, officers and authorities of your Shipping Ministry are also responsible for this tragedy, and I suspect there was some kind of connivance or collusion between these two. That is my charge. This aspect also should be investigated.

Then, My last point is our country has got a vast littoral area and a sufficiently large merchant and passenger vessel capacity but there is no special machinery or special agency for us for rescue and Search operations in the event of a contingency of a ship missing. Whenever there is such a contingency, we are pressing the Naval and Air Force personnel into service for search and rescue operations. Naturally it is a time-consuming process to contact the Naval authorities and the Air Force authorities and others and press them into service. So, Madam, my suggestion—this is not a clarification—is that a country like ours, with a vast littoral area and a sufficiently large contingent of vessels in possession should have a separate agency with modern equipment to be pressed into service without any delay in such circumstances. Such an agency should be there. Otherwise, in the absence of such an agency, this type of slackness in the rescue and salvage operations would be there in the future also. Therefore, Madam, I would like to specifically ask the honour-^ able Minister whether the seamen's Union in advance informed the concerned authorities tiftt these vessels were in a dilapida-

ted condition. Secondly, I would like to know whether at the Colombo Port they got the Certificate and these were retained in the original classification and, if so, why the honourable Minister has, in the statement that he has made today, contradicted that position. Thank you, Madam.

THE DEPUTY CHAIRMAN: Yes, Mr. Vishwa Bandhu Gupta.

SHRI VISHWA BANDHU GUPTA (Delhi): Madam Deputy Chairman, the total disappearance of the two ships with so many lives is a very serious matter indeed and we must get to the bottom of it.

Madam, the ships were not carried away by the UFOs or by the Flying Saucers. But the whole thing reads like a UFO story.

SHRI LAL K. ADVANI: Like the "Bermuda Triangle".

SHRI VISHWA BANDHU GUPTA: Yes, like the "Bermuda Triangle" as my learned friend, Mr. Advani, is saying. I think we should take this matter very seriously. The crux of the question which several of my colleagues have ra'scd here with the Minister is whether the ships had, in fact, very clearcut Seaworthy Certificates just as our aircraft are issued the Certificates of Airworthiness. This is really required and this would be a crucial issue, whether they were issued the Seaworthiness Certificates or not, and whether they were allowed to go or not.

Madam, this is not really the first time that ships have been lost. You would remember that only three years ago, a supertanker, with 200,000 tonnes of crude oil was lost and it totally disappeared from the face of the earth near the Cape of Good Hope and there was no trace of it and there is no trace of it till today and even today we have no information of what happened to it. So, while we are concerned about this matter, we must remember that in the vastness of the seas it is sometimes very difficult to get the information quickly and the information does not come in quickly.

The second matter that should concern is whether any information came quickly

[Shri Vishwa Bandhu Gupta]

and whether any action was taken quickly enough Now, Madam, the lifeline of the world till 200 years ago was actually the ships and everything was carried in ships and our civilization really depended on ships. So, our laws also are about two hundred years old and I do not know whether they have been updated and to what extent they have been updated for modern conditions. I also do not know whether, as some of my learned friends have said, there is some equipment, some device, by which we can get to the ships quickly and rescue them very quickly. This would be another matter which the Minister should answer for us.

The third question that I would like to raise is whether, apart from the Navy and the Coast Guard, the Air Force was also pressed into service to search that area as it was done in the case of the Air-India Boeing.

The fourth matter that I would like to bring to the notice of the honourable Minister is that perhaps we should not give up entirely the search. You would remember that only recently, three weeks ago, Mr. Mel Fisher found a sunken ship with its treasure 54 ft. below the Atlantic Ocean surface, 40 miles west of Key West, after 363 years, with gold worth 400 million dollars.

THE DEPUTY CHAIRMAN: What was the ship carrying?

SHRI VISHWA BANDHU GUPTA: That is the next question that I would like to raise, and it is a tricky question, whether the ships collided, whether there was any hanky-panky or not, whether they collided or not; they are lost. But were they actually carrying the cargo that the Minister has mentioned, whether it was salt or coal or whether it was something else. That should be another key question that we should receive answer to. I am also pleased that our Minister of Space, Mr. Shivraj Patil, is present. That brings me to the next question. Perhaps he can answer. Madam, these days we have the satellite that we are using. The satellite the Ministry of Space is using for photography

of the land area and surface area. Would it be pertinent for the Minister of Space to check whether during this time we have the photographs available in satellite, whether the ships could be pinpointed and whether the disappearance of the ships could give a clue to what actually happened to these ships?

With these words, I would request the Minister to answer these points.

श्री राम नरेश कुशवाहा (उत्तर प्रदेश):  
माननीय उपसभापति जी, मैंने मजदूरों की यूनियन तो देखी है, किसानों की यूनियन देखी है, सब की यूनियन देखी है, जानदार लोगों की यूनियन देखी है, निर्जीव भी यूनियन बना कर कोई काम करते हैं यह मैंने केवल इस रिपोर्ट में पढ़ा है। एक जहाज चलता है 5-6-85 को कांडला से कलकत्ता और एक जहाज चलता है 17-6-85 को कलकत्ता से तूतीकोरिन। यह दोनों पंचायत कर लेते हैं रास्ते में और एक ही दिन और एक ही टाइम पर रेडियो सम्पर्क टट जाता है। यानी एक जा रहा है कलकत्ता से तूतीकोरिन और दूसरा जा रहा है उसकी उल्टी दिशा में और दोनों का एक ही दिन रेडियो सम्पर्क खत्म हो जाता है 21 तारीख से 27 तारीख तक किसी के वान पर जू तक नहीं रेंगती। 27 तारीख से जांच शुरू होती है। खोज खबर ली जाती है कि कहां क्या होता है और 17 जुलाई की तारीख को जा कर जांच का आदेश होता है। यह मामला है क्या? 44 आदमी उन दोनों जहाजों पर थे। मान्यवर मुझे खुद याद है कि चोपड़ा एक अधिकारी थे फौज के और उनके दो बच्चों का मर्डर हुआ था तब कई दिनों तक हमारे मित्रों में लोक सभा नहीं चलने दी। क्योंकि वह बड़े आदमी के लड़के थे और 44 आदमी जो मरे हैं ये गरीब आदमी के लड़के थे इसलिये इतनी नेगलीजेंस है। आज तक यह बताने के लिये तैयार नहीं है कि यह क्या है। कनिष्क हवाई जहाज पर बड़े-बड़े मिलिनियर होंगे, कुछ विदेशी भी थे इसलिये सब से गहराई में जा कर वह सारी चीजें निकाली गईं, मलबा निकाला गया, पता नहीं क्या-क्या निकाला गया,

ब्लैक बाक्स निकाला गया। और इतनी जल्दी कार्यवाही हुई जिसका कोई हिसाब नहीं और दुनिया की कोई शक्ति नहीं कह सकती कि हिन्दुस्तान सरकार ने कोई नेगलीजेंस की। लेकिन इन 44 आदमियों की आज तक भी खोज खबर नहीं ली जा रही है। कहां है आपका शासन? कहां है आपका मन? वह जहाज अगर डूब भी गया तो उसका मलबा कहां है? उनकी लाश का पता नहीं है। लाश का पता आपने लगाया नहीं तो जानना चाहता हूं कि कहां है आपकी सारी एजेंसी? क्या कर रही है यह सिद्ध हो चुका है मेरे पूर्व वक्ताओं से, अडवार्णो जी के कहने से, पेपर कटिंग से और एक चालक के उस पत्र से जो उसने अपने मित्र के पास भेजा था जिसमें कहा था कि मेरी मां से मत बताना। कोलम्बो में उसकी मरम्मत नहीं हुई। पुर्जों के बिना ही जहाज चला दिया गया, जबकि जहाज चलाने लायक नहीं था। जबर्दस्ती उसको चला दिया गया। ये दोनों जहाज डूब गये और इसलिए डूबा दिये गये कि इश्योरेन्स का पैसा मिल सके। मैं समझता हूं कि इसमें आपका विभाग भी शामिल है और वह सेठ भी इसमें शामिल है। किस तरह से इस मामले में लीपापोती की जा रही है यह किसी से छिपा हुआ नहीं है। श्री हुक्मदेव नारायण यादव जी बता रहे थे कि बैंकों में किस तरह से गोल-माल होता है। हर जगह यही स्थिति चल रही है। (सभ्य की घंटी)। आपने अब यह घंटी की तलवार लटका दी है। इसलिए मैं ज्यादा नहीं कहना चाहूंगा। सिर्फ इतना ही कहना चाहूंगा कि इस मामले में आपके विभाग और उस सेठ की मिलीभगत है। इश्योरेन्स का पैसा हड़पने के लिए यह सब किया गया है। ऐसी स्थिति में क्या मैं आपसे यह आशा कर सकता हूं कि आप इस इश्योरेन्स को कंसिल करेंगे? दूसरी बात मैं यह जानना चाहता हूं कि आपने एफ०आई०आर० कब दर्ज किया? कितने दिनों के बाद आपने इन अपराधियों के खिलाफ कार्यवाही की है? मैं समझता हूं कि आपने यह फेस सेविंग के लिए एफ० आई० आर० दर्ज कराया। आपने पहले ही इस मामले

के ऊपर लीपापोती करने का इंतजाम कर लिया था। अगर थानेदार मारे तो हम एस०पी० के पास जाते हैं। उसके बाद डी०आई०जी०, आई० जी० और मुख्य मंत्री के पास जाते हैं। उसके बाद प्रधानमंत्री के पास जाते हैं। ये 44 कर्मचारियों के परिवार के लोग प्रधान मंत्री तक पहुंच चुके हैं, लेकिन उनका अभी तक कोई पता नहीं लगा है। क्या ये लोग अब अल्ला मिया के पास जायें? आदमी मर जाय तो संतोष हो जाता है। जिन्दा बच जाय तो प्रसन्नता होती है। आप इस चीज का अंदाजा लगाइये कि पिछले दो महीनों से इन परिवारों के ऊपर क्या बीत रही होगी? इन परिवारों की मनोदशा क्या हो गई होगी, क्या आपको इसका ज्ञान है? आज ये 44 परिवार घूट-घुट कर मर रहे हैं। लेकिन आप चैन की सांस ले रहे हैं। इससे यह साफ होता है कि क्योंकि ये लोग अभीर नहीं हैं, बड़े-बड़े लोग नहीं हैं, इसलिए उनकी कोई परवाह नहीं की जा रही है। अगर कनिष्क में भी कुछ विदेशी नहीं होते तो उसका भी यही हाल होता। जिन लोगों में यह अनुत्तरदायित्वपूर्ण कार्य किया है, जो यह नेग्लिजेंस की है, उसके ऊपर आप कोई ठोस कदम उठायेंगे? आज आपके पास ग्रह और उपग्रह हैं। दुनिया भर का ज्ञान-विज्ञान है। क्या आपने इस ज्ञान-विज्ञान का उपयोग इन लोगों को ढूँढने में लगाया है? समुद्र में इनकी खोज की है? गरीबों की जान जाती है तो सरकार चुप रहती है लेकिन इनमें अगर कोई बड़ा आदमी होता तो सरकार जरूर खोज करती। क्या मैं आशा करूं कि सरकार जिन लोगों ने इस मामले में नेग्लिजेंस बरती है उनके खिलाफ ऐक्शन लेगी और इश्योरेन्स का पैसा कंसिल करेगी? एक जहाज डूब जाय, सरकार कोई कार्यवाही न करे, यह बड़े आश्चर्य की बात है। मैं चाहता हूं कि मंत्री जी गोलमाल जवाब न दे कर स्पष्ट जवाब दें।

**श्री हुक्मदेव नारायण यादव (बिहार) :** महोदया, आप भी चाह रही हैं कि समा देर तक न चले और माननीय सदस्यों ने सभी बातें कह भी दी हैं। अभी माननीय कुशवाहा जी ने कहा कि मूल प्रश्न यह है

[श्री हृदयमदेव नारायण यादव]

कि जहाज टूटा था, फूटा था, चलने लायक नहीं था या था यह तो आप पीछे जांच करेंगे। मैं भी सीधे यह कहना चाहता हूँ इन 44 आदमियों के बारे में सरकार कुछ बता दे और अगर उस जहाज का पता-बता नहीं लगा और अपने यहाँ से नहीं खोज सकते तो जैसा कनिष्क को खोजने के लिये दुनिया भर के खोजी यंत्र लाये, उसको खोजने के लिये भिन्न-भिन्न तरह के यंत्र लगाये जिससे उसका पता लग सके उसी तरह इससे लिये ऊपर आकाश से या इस क्षेत्र के सौ किलोमीटर, तीन सौ किलोमीटर, चार सौ किलोमीटर तक कहां-कहां इसका मलबा है या नहीं है इसका पता कराइये। इस तरह का गोरखबंधा कंपनी वाले करते ही रहते हैं। बात ऐसी नहीं है जो छिरी हुई हो, सत्य सब के सामने है ही। लेकिन यह कहने में आपको भी लाचारी है। कहते हैं तो फिर खुद अपने ऊपर जिम्मेदारी आ जायेगी इसलिये अच्छा है कि कहें ही नहीं। करना भी चाहते हैं लेकिन कर नहीं सकते आप वही कहेंगे जैसा कि अधिकारी रिपोर्ट देगा। जैसा अधिकारी रिपोर्ट देगा अंतारी साहब वही कहेंगे। आप अपनी आंखों से चाहे कुछ भी देखें लेकिन अगर अधिकारी फाइल पर लिखेगा कि यह झूठ है तो आपकी भी मजबूरी हो जायेगी। यह एक बहुत बड़ा बड़बुत है। 44 आदमियों के परिवारों के लिये कंपनी वालों ने क्या किया। आप अगर जानते हैं कि 44 आदमों मारे गये हैं उनके परिवारों को मुआवजा, सांत्वना और खर्चा तो मिलना चाहिए था। मैं यह कहना चाहूंगा कि आप एक तकनीकी समिति बनाइये जो इन सारे कंपनियों के जहाजों को देखें और जब तक वह उन जहाजों के बारे में स्वीकृति न दे तब तक उस जहाज को पाना में उतरने की इजाजत न दी जाय। इसमें जिस अधिकारी ने फिटनेस सर्टिफिकेट दिये और जब जहाज डूब गये तो वह भी उतना ही दोषी है जितना कि उस कंपनी का मालिक दोषी है। आप यह बतलाइये कि वह अधिकारी जिसने फिटनेस सर्टिफिकेट दिया उसके खिलाफ क्या कार्यवाही की गई है। जैसा कि अभी शवाहा जी ने कहा कि कंपनी वाले इस

तरह करते ही रहते हैं। हमारे बिहार में मुजफ्फरपुर में बस का एक अंतर है और उसका काम यही है कि पुरानी बस ले लेगा और उस पर आदमियों को चढ़ा देगा और कहीं जाकर बस को उलट देगा और उसके इंश्योरेंस का पैसा खाकर चला जायेगा। यह उसका काम था। एक बार मैंने सोचा कि इसके बारे में कुछ करना चाहिए। मैंने पत्र लिख कर इनकम टैक्स डिपार्टमेंट वालों को सारे चार्ज लगाकर दिये। सरकार ने सख्ती की और इनकम टैक्स डिपार्टमेंट वालों ने उसका घर पर छापा मारा और उसका करोड़ों का माल पकड़वाया और तमाम कागजपत जो वहां मिले वे सब जाली थे। वह अभी भी फंसा हुआ है। ये लोग इस तरह की गड़बड़ी करते ही हैं। इंश्योरेंस कंपनी से मिल मिलाकर उसका हिसाब लगाकर ये लोग पैसा खा जाते हैं। गांवों में एक वहावत है कि एक किलो रुई का किसी ने धुनवाने के लिये दिया लेकिन एक महीने बाद भी जब धुनने वाले ने नहीं दिया तो मालिक उसके पास गया और उससे पूछा कि एक किलो रुई का क्या हुआ। कहा कि मुझ से हिसाब लेगे या रुई लेंगे। उसने कहा कि हिसाब दो। तो उसने कहा कि एक चौथाई उड़न-पूरण एक चौथाई पम, एक चौथाई सूत लपेटन और एक चौथाई हम और हिसाब खत्म। इस तरह से बेईमानी, जालसाजी कम चलेगी। मैं चाहता हूँ कि सरकार उस कंपनी पर थोखाघड़ी जालसाजी बेईमानी, शैतानी, खून, हत्या इस तरह के जितने भी अपराध बनते हैं, वह उस कंपनी पर लगाये। इसके साथ-साथ आपके जो भी अधिकारी दोषी हैं उनको आप समेटिये और बाकी जो बीमा कंपनी वाले दोषी हैं उनके नाम राजा विश्वनाथ प्रताप सिंह के पास भेज दें। जो कंपनियाँ इस तरह से चोरी, बेईमानी से अधिकारियों के साथ मिलकर आम करती हैं राजा साहब उन पर कोई मजबूती से चलायें तभी मुल्क का भला हो सकता है।

एक बात अंत में कहूंगा कि जहाजों में काम करने वाले मजदूरों की दशा बड़ी दयनीय है। महोदय, ये जहाज कंपनियों दिवालिया हो गई हैं। जिसको अंग्रेजी में

कहते हैं लीक्वीडेंट हो गये। तो जो लीक्वीडेंट हो जाए, या आदमी डूब कर मर जाए मजदूर, उसके बाद उस मजदूर का जो भी बकाया हो, पेंशन, ग्रेज्युटी, प्राविडेंट फण्ड वह सब मालिक खा जाता है। कहते हैं कि हम तो खत्म हो गये, दीवालिया हो गये, कहां से दें, हमारा तो जहाज ही डूब गया, हमको क्या जो इनको दें। उनका जमा जो रहता है वह भी, बकाया कमाया हुआ पसा श्रम कानून के मुताबिक, सब गायब हो जाता है, कोई नहीं देता। तो जहाज के मजदूरों की कई लेबर यूनियन्स हैं—(समय की घंटी) हमारे शान्ति गी० पटेल भी उस जहाज वाली मजदूर यूनियन को चलाते हैं, उसके अध्यक्ष हैं, और कई लोग हैं। उन लोगों ने भी कई मांगें सरकार के पास रखी हुई हैं।

तो मजदूरों की उन मांगों को देखिये और आपसे आखिरी निवेदन यही है कि बहुत ताकत आपको हाथ में मिली है, मजदूरों का बहुत नाम भी लेते हैं, उनका गुनगान भी करते हैं और जिस गरीब का नाम लेने से इतनी बड़ी कुरसी मिलती है, जरा उसको काम दिखाइयें तो एक हाथ, एक गज ऊंची कुरसी मिल जाएगी उनके लिए कुछ काम भी करिए, केवल नाम मत लाजिए नहीं तो आप भी कभी सोखा खा जाइयेगा उन गरीबों को सोखा दीजिएगा। तो।

SHRI Z.R. ANSARI: Madam Deputy Chairman, at the very outset I would like to thank the hon. Members of this House who raised this question because there are many reports, many misleading reports in the press, which were based not on facts but only on probabilities. I have said in my statement that I share the concern of the hon. Members of this House regarding this incident.

My hon. friend Mr. Advani, who has initiated discussion on this Calling Attention Motion was a bit unfair to the Government and I think that it was because he just missed the full facts. Madam, the first question which Mr. Advani raised was regarding the ship which was to reach Madras on 23rd. Probably he mentioned

about the ship "Nitya Nanak," the master of which sent a message on the 20th then on the 21st, and earlier also I have said in my statement on the 12th also there was a message, that there are some holes. So, on the 21st he indicated in his message that water is gushing in one hole and there-tore he proposed, instead of going to Calcutta, diverting the ship to Madras and he was very much right. I do not know about the speed and all those things but it may be 23rd or 24th the ship if it would have been diverted at that time to Madras, it would have reached there. Now, Madam, the question is regarding the responsibility of the Government and its organs to react. The message was sent to the owner of the ship: not to any organ of the Government, and that message both on the 20th and 21st and also earlier on the 12th were such that the Master of the ship thought it proper to divert the ship to Madras instead of taking it to Calcutta. So, it was, as a matter of fact, a distress call to the owner but the owner, instead of reacting and giving information to the concerned authorities, the DG Shipping and Mercantile Marine Department, he kept quiet and on 22nd he instead sent a message to the Master of the ship; this was not conveyed to him because the transmitter system of the ship had totally failed, probably, and the message was: "I rely on you; make it to Calcutta." This is one incident which created some sort of a suspicion in the mind of the Director General Shipping and Mercantile Marine Department as to why this message sent, because the decision had to be taken by the Master, and instead of agreeing to the Master's decision who was the man on the spot, he directed him to go to Calcutta. This suspicion was created when other papers were examined and scrutinised. The Government did not hesitate to come forward and lodge a report with the CBI for a thorough probe from criminal angle. ...

SHRI LAL K. ADVANI: On what date?

SHRI Z.R. ANSARI: On 5th of August. I am not concealing any fact.

SHRI LAL K. ADVANI: Until the matter was raised in Parliament, no action was taken.

SHRI Z. R. ANSARI: There is a procedure. The Mercantile Marine Department according to the Merchant Shipping Act proceeded soon after the reports came to them and search was conducted. 26th is the first date; it is not 23rd. So, 26th is the first date when the MMD, Mercantile Marine Department came to know about the ship Nitya Nanak, and 28th is the date when they reported about Nitya Ram. Just after the Mercantile Marine Department received that report, they took all steps for a proper and thorough search by the Coast Guards, by the helicopters of the Navy and they alerted all those ships. So, all those steps were taken.

Now, on 28th, the second report came about Nitya Ram and the search was proceeded and upto 2nd of July the search was going on. The search was confined to a limited area of the route of those ships because it was known that one ship was going from Colombo to Calcutta; it might have been diverted to Madras, and the other ship was coming from Calcutta. But on the 2nd July when no trace of the ship was found, then the search was made in a larger area. About 200 nautical miles area was combed and a proper search was made but no trace of anything was found. If there had been a casualty, at least something could have been found, some bodies, or some wreckage should have been found but there was no trace of anything. After getting hold of those documents which were in the possession of the owners including the radio message which were passed on from the owner to the Master and from the Master to the owner, this suspicion was created. After this suspicion, we had to take certain action. We consulted the Law Ministry and the Home Ministry, in regard to a CBI enquiry and after all these procedures, a report was lodged on the 5th of August, for a CBI enquiry, for a thorough probe Madam, it is not from the 23rd of June that the responsibility of the Central Government and its organs starts. It is only from the 26th June, when we were intimated about this mishap that the responsibility of these organs start.

Madam, the hon. Member has drawn a parallel—some other hon. Members also

did so— between this incident, in regard to these two ships, and the Kanishka crash. Madam, this is quite unfair. I never expected such an unfair comparison between these two incidents from a learned Member like Mr. Advani. The planes are directly in touch with the ground always, on radar. When a plane leaves one radar range, it comes in the range of another radar. As soon as any accident takes place, within minutes, everybody knows that this accident has taken place and they swing into action. Here, the case is altogether different. We have no such system. The responsibility was that of the owner to intimate the Director-General Shipping, when the ship was in distress. They failed to do this and as soon as the Government came to know about it, the Director-General of Shipping and the Mercantile Marine Department, the whole machinery swung into action. Actually, the comparison ought to have been between this incident and that of m.v. Chidambaram, which caught fire a few months back. I would like to remind hon. Members here about the promptness which was shown by the Government in the rescue of this ship which caught fire in the sea, how the ships of the Shipping Corporation of India, and Naval ships came out to help this ship. As I said here, the case is quite different. We came to know about the incident after five days of the incident.

Now, Madam, I just want to hurriedly give replies to some of the questions. There was a question asked about the Sri Lanka radio broadcast. This news by Sri Lanka radio was based on some write-ups in the Indian Press. This is just like making suggestions, giving out some probabilities, without any basis. This seems to be quite improbable. Madam, I say, improbable, because, we know the history of hijacking. Whenever any ship is hijacked by some terrorists or group, what happens is that, that group or that organisation immediately boasts about the hijacking; they declare that they have hijacked a particular ship or a plane. In this case, no such suggestion has come. This is a radio news which has been broadcast, quoting the Indian Press, some news-item which was published in the 'Statesman'.

SHRI LAL K. ADVANI: Madam, my question is, have we enquired from the Government of Sri Lanka? Have we made enquiries from the Government of Lanka? This is my question.

SHRI Z. R. ANSARI: That is what I say. Our Ambassador there has sent a write-up to the Government in which he has said that the report of the Sri Lanka Radio was based on the write-ups of some Indian newspapers. In the Statesman this news came.

SHRI LAL K. ADVANI: My question has still not been answered. My question is, have we enquired from the Government of Sri Lanka?

SHRI Z. R. ANSARI: The normal channel for communication with any foreign Government is our Ambassador. Through our Ambassador we get this information.

SHRI LAL K. ADVANI: But has our Ambassador contacted the Sri Lankan Government?

SHRI Z. R. ANSARI: Now it is not the External Affairs Minister who is dealing with the subject. It is the Shipping and Transport Minister who is dealing with the subject. We can only ask that channel through the External Affairs Ministry and that channel is the Ambassador in that country who can just send us the write-up. It is his report that the Sri Lanka Radio report was based on the news that appeared in the Statesman.

As far as the question of sea worthiness is concerned...

SHRI LAL K. ADVANI: If there is no basis for hijacking, what is the basis that it has sunk? Not a single debris is available?

SHRI Z. R. ANSARI: I do not say that it has been sunk. I am not saying that. The whole matter is under enquiry, Madam. We cannot say what the truth is. A Magisterial Inquiry under the Merchant Shipping Act has been instituted which

will go into the causes of this incident, whether they have been sunk or they have been hijacked. I am not even saying that that probability is ruled out. It is for that investigating machinery, the Magisterial Inquiry, to come to the conclusion. Since the Inquiry is there, I am just not drawing any conclusions. I am just saying that these are the things.

SHRI LAL K. ADVANI: But you have declared that the ship is missing. Is it missing at sea or lost at sea?

SHRI Z. R. ANSARI: The difference between the missing and lost in sea is that of time. If for a quite a long time no trace is found out, it is lost in sea; otherwise, it is missing.

SHRI LAL K. ADVANI: Twenty days earlier it was said that it is lost and now he says that it is missing. •

SHRI Z. R. ANSARI: In a bahas bazi like atmosphere I cannot put my case. I heard the hon. Member patiently and I think he will bear with me.

श्री अश्विनी कुमार (बिहार) :  
आप बचाने की कोशिश कर रहे हैं  
अपराधियों को ।

श्री जेड० आर० अंसारी : आप  
बगैर किसी चीज को सुने हुए पहले से  
फैसला कर लेते हैं । आपका फैसला  
तो हर हाल में यही होगा । कनिष्क  
के वक्त भी आपने यही कहा था —

There are lapses on the part of the Government.

श्री लाल कृष्ण आडवाणी : मैंने  
नहीं कहा था ।

SHRI Z. R. ANSARI: From your party it was said. A Call Attention Motion was discussed in this very House and from the side of your party this was said that there were lapses on the part of the Government.

श्री लाल कृष्ण आडवाणी : वह तो  
हो सकते हैं, उसमें क्या है ।

SHRI Z. R. ANSARI: The Government only was accused. Today you are praising the Government for speedy action in that incident, but at that time the Government was being accused. (Interruptions). It is quite natural. The opposition is meant for that.

श्री अश्विनी कुमार : आप पता लगा लेंगे तो हम आपको धन्यवाद देंगे ।

SHRI Z. R. ANSARI: And Madam, we are meant to bear what the hon. Members say and to give whatever explanation we can offer from our side, from the side of the Government.

Now coming to the question of seaworthiness, there is a statutory provision for every ship to have certain certificates. The four certificates which have to be obtained by every ship are, Safety Construction Certificate, Safety Equipment Certificate, Loadline Certificate and Radio Telegraphy Certificate. Two certificates are being issued by a classification society. They are authorised to issue those certificates. And in the case of these two ships, the classification society was Bureau Veritas. This is an international practice and these two certificates—the Safety Construction Certificate and the Loadline Certificate—are issued by those classification societies. The other two certificates—Safety Equipment and Radio Telegraphy certificates—are issued by the DG Shipping. At the time of the incident, the certificates were valid. The Safety Construction Certificate was valid for Nitya Ram up to 2-10-86 and for Nitya Nanak upto 12.8.86. The Safety Equipment Certificate was valid for Nitya Ram upto 31-10-85 and Nitya Nanak upto 30-3-87. The Loadline Certificate was valid for Nitya Ram up to 2-10-85 and for Nitya Nanak up to 11-8-85. And Radio Telegraphy Certificate was valid up to 18-10-85 and 10-8-85. On the basis of these certificates we can say that the two ships were having valid certificates for being seaworthy.

Madam, in between — because these certificates are issued after periodical inspections — every year or after two years

— that does not mean that after the issue of certificate, if some failure is there, if some system fails, then on the basis of that certificate we can say that because the certificate was there, therefore there is no responsibility of the owner or the Master or anybody. The lapse on their part is one that occurred at Colombo. The transmitting system failed and it could not be repaired because the spares were not available. And without getting it repaired, without intimating to appropriate authorities — i.e. DG Shipping and PO MMD — they choose to sail the ship from Colombo. This was a lapse on their part. Actually when that system had failed, immediately that ought to have been reported to the DG Shipping or to the PO MMD. Madam, these are the facts. So as far as seaworthiness on the day was concerned, according to the certificates, it was there. But in between if some trouble started it was the duty of the Master of the ship as well as the owner of the ship not to sail the ship, not to allow the sailing of those ships unless they are fully repaired and they become fully seaworthy. This was a lapse on their part.

I 6.00 P.M.

As far as this aspect of this question is concerned, whether these certificates were issued correctly or not, this is also a matter under examination and investigation. And I assure the hon. Members that if any lapse is found out after the investigation, after the enquiry, no one will be spared, and strict action, whatever action is required under the Merchant Shipping Act or under the provisions of the Criminal Act, will be taken against those persons. So, there is nothing just to protect anybody for any lapses which have been committed by anyone.

A question has been raised by hon. Member. Mr. Advani, that the search of the Coast Guards from the 27th onwards was only on a random basis. This is not correct. Actually what happened from 27th is that the search started. Naturally, the search has to be made in a limited area on the track of that ship. On the 28th the other information also reached, that the 'Nitya Ram' was not traceable. So, from the 27th to the 2nd the search for these

ships was there, and that naturally was in an area which ought to have been the Hack of those two ships. When those ships were not traceable, then, the search was extended to a wider area for some days for debris for somebody, some member of the crew or anything, but unfortunately nothing could be traced out, not even any semblance of any accident, some oil or anything; nothing was found.

Madam, one more question was posed by the hon. Member: Why was submarine not used. Madam, submarine or robot has to be used at a particular point when it is suspected that this is the point where the ship has been drowned. In the case of Kanishka, because the wreckage was there and the place was identified and it was expected that the black box might be traceable at the place, that the robot would bring out the black box, it was sued. But *in* this case there was no wreckage. The submarine or the robot cannot roam the whole Indian ocean or the Bay of Bengal. So, it was not possible in this particular case.

Mr. Satyanarayan Reddy has raised a very pertinent point that some system should be developed for finding out which ship is in distress and to provide assistance to that ship. Madam, this requires improvement in the monitoring system. I do agree that some more steps must be taken for the monitoring system. And in that context. I would like to inform the hon. Members that ratification of the International Search and Rescue Convention is under consideration of the Government for improvement of search and rescue operations.

Regarding fraud also a question was posed. I have already said in my statement that in such cases of frauds at high seas, there is the International Maritime Bureau, London. And we have already requested this organisation to look into this aspect if any fraud has been committed. However, that agency was of the view that in as much as both the casualties involve the disappearance of the entire crew and no other information has surfaced, no useful purpose will be served at this stage. How-

ever, they have agreed to keep the Government of India informed of developments in this case which they may come across.

Regarding statements given by the owner of the ships, some times he says it was because of collusion of both the ships; and some times it was because of bad weather. So, all these aspects are being looked into and thoroughly investigated by the CBI as by the magisterial enquiry. I assure the hon. Members of this august House that we shall spare no effort to find out the truth about these ships. We shall also not spare anybody who is guilty of any lapse on his part. It may be some official machinery or it may be some owner or a private person, whosoever he may be if there are any lapses on their part we shall spare no effort in punishing them.

With these words I conclude.

SHRI LAL K. ADVANI: Will the search for 44 crew continues? What is the Government's attitude in respect of insurance?

SHRI Z. R. ANSARI: The instance aspect has to be decided by the insurance company. In fact, the Ministry of Shipping and Transport does not come into the picture. But when the insurance company will come to know about the CBI enquiry and all those things which will come to the surface, then, I hope that they will also move with due caution.

SHRI LAL K. ADVANI: Madam, we are not satisfied with the Minister's explanation about the D. G. Shipping and the Merchantile Marine Department. I would think this is a very important matter in which the Government has been amiss and the Departments have been remiss. To register our protest we walk out from the House.

[At this stage some hon. Members left the Chamber.]

SHRI VISHWA BANDHU GUPTA: Madam, the Minister has not replied to my question: whether those ships were carrying salt and coal? Will he check with the

[Shri Vishwa Bandhu Gupta]

Minister of Space, who is here, to get the information through satellite.

THE DEPUTY CHAIRMAN: Now we will take up Special Mentions. Shrimati Kanak Mukherjee.

**REFERENCE TO THE PUBLIC INTEREST IN CONTINUING BRITISH AIRWAYS SERVICE FROM CALCUTTA AIRPORT**

SHRIMATI KANAK MUKHERJEE (West Bengal): Madam, I would like to draw the attention of the Government through you to a very very important point and urgent matter. The British Airways has decided to withdraw its weekly Tri-star flight to Calcutta from December 1, 1985. This flight will be redployed to serve Bombay. At present the British Airways operates seven flights to Delhi, six to Bombay and one to Calcutta. Madam, The decision of withdrawal from Calcutta was surprising as well as abrupt. It is not that business in Calcutta is not good, but British Airways is after a booming demand elsewhere and we do not know what is the reasons.

It is understood that the income of the Airways has increased more than twofold as compared with the last year. They are earning at least 40 lakhs every months. So their income has increased. Many people are on the waiting list. So many employees and institutions are involved with it and consideration must be given to these. I understand that the total number of tickets booked from Eastern and North Eastern Zone (Assam, Bengal, Bihar, Orissa, Tripura etc.) for journey abroad by Indian Airlines, Air India and Foreign Airways are much more, but many ticket holders take the International flight from Delhi and Bombay instead of Calcutta.

And the total quantum of Air Cargo booked in the Eastern Zone are delayed in Bombay for Air lifting. When Calcutta consignment sets delayed in Bombay for Air lifting abroad, it gives bad name to Calcutta Air Port. Causes economic loss to West Bengal.

As it is due to imposition of Restricted Area Act on the Northern Part of West Bengal since 1963 the tourist landing in Calcutta has reduced and come down to only 10 per cent of the tourist landing in each of the cities of Bombay and Delhi.

I do not know what is the reciprocity condition between the Air India and the British Airways. How many flights Air India operating in Britain and whether it has any effect on the British Airlines decision to reduce their flights in India.

But it will show an utter discrimination on the part of the Union Government, if it does not take strong decision in favour of Calcutta Air Port.

In view of this, I would like to request the Union Government to look into the matter and persuade the British Airways to desist from their earlier decision in the interest of the Public.

**REFERENCE TO THE ALLEGED IRREGULARITIES IN THE EXAMINATIONS OF DELHI UNIVERSITY**

श्री राम नरेश कुशवाहा (उत्तर प्रदेश) : माननीय उपसभापति महोदया, एक पंडित जी बड़े तपस्वी थे। उन्होंने तप किया तो देवताओं ने उनको एक शंख दिया। उस शंख का गुण था कि जितना पंडित जी मांगते थे उसका दुगना वह देता था। पंडित जी उस शंख को घर लाये तो उन्होंने मांगना शुरू किया तो वह शंख देता गया। लेकिन वह लेता एक भी नहीं था। पंडित जी ने पूछा कि तुम कुछ लेते क्यों नहीं हो तो शंख ने कहा कि हम घपोड़ शंख हैं। हम लेते नहीं हैं, देते हैं। लेकिन अब हमारे देश में एक नया घपोड़ शंख पैदा हुआ है और वह है दिल्ली विश्वविद्यालय। एक लड़का है, उसका नाम राजेश कुमार है। यह सैकेन्ड ईयर का छात्र है। उसने इम्तहान दिया। इनकी मार्क शीट में 9 पर्चे हैं। एक पर्चे में कुल मार्क्स 50 हैं, लेकिन इसको मिले हैं 60। टोटल मार्क्स 186 मिले हैं। पांच पर्चे