

[Shri Mohd. Usman Arif]

problem and we also share their concern. At the time of bringing the comprehensive Bill, due consideration will be given to all those points and it will be our effort to ease the situation as far as possible.

The scope of this Bill is quite limited and all the Member have agreed to this amendment. I have committed before the House regarding the comprehensive Bill. Now I commend the Bill for the approval of the House.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): The question is:

"That the Bill further to amend the Delhi Rent Control Act, 1958, as passed by* the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): We will now take up clause-by-clause consideration of the Bill.

Clonuses 2 to 4 were added to the Bill.

Clause I. the Enacting Formula and the Title were added to the Bill.

SHRI MOHD. USMAN ARIF; Sir, I beg to move;

"That the Bill be passed."

The question was proposed.

SHRI AMARPROSAD CHAKRABORTY: Sir, there is only one point that I would like to make. Under clause 4, in connection with the rulemaking powers, I think that with the procedure that they have now laid down, it would take at least another four years for them to formulate the rules. Please take note of it.

THE MINISTER OF PARLIAMENTARY AFFAIRS, SPORTS AND WORKS AND HOUSING (SHRI BUTA SINGH): We have noted it.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Yes, the Minister has taken note of it. Now,, I will put the motion to vote. The question is:

•"That the Bill be passed."

The motion was adopted.

THE MERCHANT SHIPPING (AMENDMENT) BILL, 1984

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): We have one more Bill I would also like to remind the Members that there is also a Motion. So, I would request the Members to be as brief as possible. Now, we shall take up the Merchant Shipping (Amendment) Bill. 1984. Yes, Mr. Vijaya Bhaskara Reddy.

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI K. VIJAYA BHASKARA REDDY): Sir, I beg to move:

"That the Bill further to amend the Merchant Shipping Act, 1958, as passed by the Lck Sabha,, be taken into consideration."

Sir, with your permission, I would like to say a few words.

The Merchant Shipping Act has been amended from time to time to give effect to the International Conventions on maritime matters. The defects which have come to light after the last amendment have been examined by the National Shipping Board and it is now proposed to give effect to those recommendations by amending the Act.

The present Bill deals mainly with the welfare of seamen. One of the salient features of the present Bill is that there is a provision for insurance for the member of the crew of sailing vessels against death or personal injury caused by accidents in the course of employment. An obligation is sought to be cast on the owner of each sailing vessel to take and keep in force a policy of insurance for this purpose. Provision is also being made to prohibit the sailing of vessels without such policies and no customs collector shall grant port clearance to a sailing vessel until after production of a policy of insurance.

Another feature of the amendment relates to the employment of seamen by foreign ships. According to the Merchant Shipping Act, 1958, employment of Indian seamen at Indian ports is done only through seamen's employment officer. An exception, however, section 102 of the Act permits the master of a foreign flag ship to engage a seaman, not being a holder of a certificate of continuous discharge at a port in India, otherwise than through the seamen's employment office. It has been noticed that, by and large, masters of foreign flag ships employ Indians or foreigners, who do not hold a certificate of continuous discharge issued by their countries. It is proposed to substitute section 102 so as to confine the scope to engagement by a foreign flag ship at an Indian port to seamen who belong either to the flag State or to the State where the rest of the crew of the ship were engaged, the presumption being that in the absence of such seaman being available at an Indian port, employment would naturally be offered to Indian seamen holding certificate of continuous discharge.

Further, there is no provision in the Act at present for application of moneys deposited with the shipping masters on behalf of seamen which remain undischarged or unclaimed. As a welfare measure, it is proposed to

make a provision to the effect that if no claim for the money so deposited with the shipping masters is received for a period of six years, then the said amount would, subject to the orders of the Central Government, be utilised for the welfare of seamen.

Section 141(3) provides that any amount payable by way of compensation to the deceased seamen can be paid to his legal heirs. As the legal formalities required to be completed for establishing an heir are cumbersome, it is proposed to provide that compensation may be paid to a member of the family nominated by a seaman. For this purpose, it is proposed to amend section 141 (3) and also to define the expression 'family' in section 3 of the Merchant Shipping Act.

Section 159(b) provides that for considering the eligibility for a claim on money due to a deceased seaman, the shipping master may require the production of a probate, letters of administration or a certificate issued under the Indian Succession Act. As the procedure for obtaining a certificate under section 29 of the Administrator-General Act, 1963, is more expeditious, it is proposed to amend this section to make a provision that a certificate issued by the Administrator-General under section 29 of the Act would be sufficient for the payment of wages due to a deceased seaman. At present there is no provision in the Act for the prevention of Occupational Accidents to see fairer. It is proposed to make a provision in the Act to confer power on the Central Government to make rules so as to ensure safe working conditions on Indian ships and for preventing occupational accidents.

Section 101 of the Act provides that articles of agreement with the crew shall be signed by the master and the seamen. It is considered desirable to amend the section by providing that owners or agents of the ships should also be required to sign the agreement

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so as to bind them to obligations cast by the agreement with respect to payment of wages and other provisions protecting the interests of seafarers.

The remaining amendments in the Bill are of minor or consequential nature.

In the above circumstances, I now move the motion.

Thk question was proposed

DR. SHANTI G. PATEL (Maharashtra): Mr. Vice-Chairman, Sir, this Bill seeks to give effect to certain welfare measures as well as to remove certain hardships that are being experienced at present by the sea-going people. But I am very sorry to remark that it has taken a long time. For example, the ILO convention for occupational diseases was adopted some time in 1970. It has taken 14 years for the Government to come forward before this House and move amendments. May I know from the hon Minister why a long time has been taken in taking this welfare measure. Seafarers are faced with vagaries of weather. It is a hazardous occupation; it is well known. Socially also they are in a very peculiar position. They have to take a long time on the sea and they are away from their families and friends

When we are talking of the welfare, we should also think of unemployment with which they are faced at present. As I said in the House, and I would like to repeat with a view to giving emphasis that the job seekers of registered seamen in Bombay are 24000 while the jobs are 127800, that is, 2:1. In Calcutta 9600 are registered while the jobs are 2900, that is 3. That means, a seaman is required to remain unemployed for one, two, three or four years before he gets employment. And you can imagine the plight of seamen's family. Will not the Government come forward to give something during this period of unemployment? I know there is a voluntary organisation, Welfare Fund Society, which gives some

thing. But is it not the duty and responsibility of the Government to pay to these men, particularly when they are earning a huge amount of foreign exchange for the Government, because 60 to 70 per cent of seamen are employed on foreign flagships? And in this hour of difficulty it is the duty of the Government to come to their rescue and help them.

In this context, I would also like to refer to the shipping tonnage. Sir according to the Sixth Plan we are required to have 3.4 million GRT addition to the present 6 million GRT. What is our performance? I am very constrained to say that it is miserable it is 0.8 million. That means, we are still required to bring in 2 million GRT now, the Plan is about to be completed but the target has remained unfulfilled. This becomes more pressing because we are required to carry and we should carry more tonnage through Indian flagships. Unless we provide more tonnage, we cannot do this, I want in this context to say that this should be done through container ships and the Government should adopt a policy of having a large number of container ships, so that we can provide more space and also take the cargo at cheap freight rates. There is another aspect of this shipping, and that is the coastal shipping. It is being neglected for years together. At one time, we were moving a number of commodities through coastal shipping I would suggest that positive steps should be taken to encourage coastal ships. Even if necessary, the definition of home trade ships should be changed so that the people are able to ply the ships on the Indian coast and carry commodities. Even certain commodities should be reserved for the coastal shipping because it is not merely cheaper but it is easier. And crude oil which is a main fuel is also saved by having water transport.

Lastly, I would like to refer that we had the shipping at one time which was a glory. India was one of the leading sea-going nations. We were

not merely manufacturing ships but we were also carrying a lot of cargo to other countries. And we were the leading nation. Now, unfortunately, we have just sliced back and we are almost at the bottom. We can always say that we are leading as far as the developing countries are concerned. But I believe that will not be a consolation to us. We should make an effort to become really a leading nation in this particular regard and to catch the glory of the past so that we can say that we are really able to lead as far as the sea-going business is concerned Sir I have done.

SHRIK. MOHANAN (Kerala): Mr. Vice-Chairman, Sir, a lot of legislative business was slated for today and we have told the Leader of the House that we will co-operate to finish all the legislative business today itself.

Sir, as far as this Bill is concerned, the shipping industry is one of the major and vital industries of our country. The major share of the industry is with the private sector even now. When compared to other shipping companies in other countries, our shipowners, are charging a higher tariff. But even then, they are always complaining that the industry is in crisis and that they are running at a loss. But at the same time they are acquiring more and more vessels. The complaint of loss like the other monopoly houses in this country is only intended to cheat the workers and the Government. If I am correct, the Indian shipping industry has to pay more than Rs. 1700 crores to different public sector financial institutions. The entire amount is due for more than three years. Now they are demanding, exemption from repayment of these loans. The complaint of loss, as I have already mentioned, is to cheat the public and the workers as such. Another factor of this industry is the factor of the worker. It is a general complaint of the workers, those who are engaged in this industry that for the same kind of work, the same wages are not paid

and that discrimination is there. Secondly, a large number of workers are not made permanent in this industry. We will have to do something in this regard

Sir, the Scindia Navigation Company is the largest shipping company in our country. I have great respect for this company that they are the founders of our shipping industry. But what is the present stage? 50 per cent lay-off is resorted to by this company internationally and everywhere. It cannot be said that there is no scope for promotion of their operation. There is no explanation why there is this 50 per cent lay-off in this company. If I am correct, most of these companies are diverting their funds to other industries which are more profitable. We should have imposed some kind of restrictions on this diversion of funds and flow of funds outside of this industry. That diversion of funds will weaken this major industry. We know the notorious episode of Dharma Teja. He made a lot of money by swindling the Government and the people. We will have to impose some kind of restriction on the outflow of money from this industry to other industries. Now, I am not going into all the details of this Bill. The Bill was drafted on the lines of the recommendations made by the National Shipping Board, which is an advisory board on maritime matters. I do not think there is anything objectionable in this Bill. Some welfare measures are included in this Bill for the workers. They provisions are welcome especially the amendment to section 101 because it gives some kind of security of job to the workers. Therefore, most of the proposals are welcome. The introduction of a new insurance system is also a welcome feature. The owners of the shipping company should not be allowed to evade the amendment to section 101, that is to defeat the provision, by appointing less than ten permanent workers and all others as temporary workers. The temporary and casual system should

[Shri K. Mohananj]

be abolished from this industry. The snipping industry has its prospects and they should be promoted in a big way. But the performance of our public sector, i.e., the Shipping Corporation of India, is not satisfactory. I am not going into all the reports submitted by our parliamentary committees. I am not referring to all those things now. As far as my party is concerned, our long-standing demand is complete nationalisation of this industry. The scope of this Bill is limited and some welfare measures and some retrictions imposed on the performance of this industry are welcome. With these words Sir, I conclude. Thank you.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN); Mr. Jaswant Singh.

SHRI JASWANT SINGH (Kajas-than): Mr Vice-Chairman, Sir, how much time do I have?

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN). As brief as possible.

SHRI JASWANT SINGH: All right Sir. I will be as brief as possible. I will limit to less than five minutes.

Sir, I welcome the provisions of this Bill. As the hon. Minister has said they are largely welfare oriented and one of the significant welfare measures contained in the Bill is that there is a provision made, for the first time, to make insurance of seamen a mandatory provision This is a very welcome feature. Therefore, I unreservedly give my support to this particular aspect of the Bill.

The hon. Minister has gone to the extent of saying that customs clearance will not be available unless there is proof that all these measures have been complied with.

Sir, I have only one very small amendment to move to this Bill. I am not moving it in the regular fashion. At page 5, under clause 18, line 30, it is a

[very interesting suggestion that is made I Jin that particular line, which says "in clause (a), for the words if the shop performs international voyage'." I am intrigued by this suggestion of the hon. 'Minister in which he is attempting the 'shops' to perform international voya-ges. I do not think that even the Minister of Shipping can arrange that kind of facility. It is perhaps the printer's devil.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): It is a printing mistake. (*Interruptions*).

SHRI JASWANT SINGH: Unless we correct it, it may become a matter of history as to which shops we wanted to perform international voyages

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN). Your's may be some other copy.

SHRI JASWANT SINGH: The point is made. There are just two or three tangential questkms that I would like to raise. one is the policy on tankers, which is not within the scope of the present Bill. But the next one which is not tangential is about the welfare of the merchant navy cadets. Whereas the provision of this particular Bill are welcome, similar facilities for cadets who aspire to become or who join merchant navy, need to be provided. I think a great deal needs to be done to improve their lot, and institutions similar to INS Shivaji etc. which is at Lonavala, need to come up. Having trained cadets, one comes across a heartrending situation to And that cadets trained for the merchant navy, after they have gone through endless difficulties at a very great deal of expense, are not absorbed into it. This is a matter which deserves serious consideration of the hon. Minister. On the line, of present welfare measure to seamen for which this Bill has been brought about, I think some similar measure about new input into the merchant navy, and some similar measures, must be brought about.

I have three suggestions to make One is that it is my understanding thrat

there is great disparity in the wage structure on foreign vessels like the Greek vessels or the Middle-Eastern vessels, between Indian seamen employed on these vessels and others. If you are an Indian seaman, then on the same vessel you get less wages than for instance a Greek seaman. Because there is so much of unemployment in the country, because job opportunities here are not available, therefore our seamen go forward and get employed despite these disparities. It is a gross disparity; it is almost a slur on us as a nation and, therefore, it is matter which the Government ought to take up very seriously and see what can be done to either remove this anomaly or improve employment opportunities within the country. In that respect I would very strongly recommend to the hon. Minister "that the SCI which is the State's Shipping Corporation, should become a model owner; let it demonstrate what a model owner in the shipping world ought to be. Just in passing I make a suggestion and conclude I am making bold to make such a recommendation because I see that the Minister of State for Defence is present. It is reflective on the whole working of this Government that an institution like the Coast Guard—a coast guard has to guard the coast has its head quarters in Delhi, am unable to find any sea coast in Delhi and, therefore _____

SHRI S. W. DHABE (Maharashtra): It is dry port.

SHRI JASWANT SINGH: I do not really see any sense in having Coast Guard headquarters at Delhi; it must move to a place where it can really operate efficiently and effectively as coast guard. It is a tagential suggestion; but because it is the opportune moment to raise it I have done so I support the Bill.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): I welcome this Bill which has been brought based on the recommendations of the National Shipping Board. I only wish that the Minister would have gone a little farther in providing some more securities for

The seamen who lead a very difficult life, in very trying conditions. It may not be possible for the hon. Minister to incorporate any changes or amendments at this stage but he might make some rules based on suggestions made by Members. I particularly welcome provision for compulsory insurance of seamen. But I fail to understand why the Minister was so niggardly in providing for sums of insurance. For example, under section 434 he has said that premium per year shall not exceed where the number of members of the crew is not than 10, Rs. ISO.

Then, in (b) it says:

"where the number of members of the crew is more than ten, a sum calculated at the rate of fifteen rupees for each member of the crew."

I do not know for what sum they can be insured with this meagre premium. I would request the hon. Minister to consider whether this can be increased so that substantial relief is given to the families, in case some untoward thing happens.

Then, through the insertion of section 177A, provision is made for the checking of the vessels. This is a welcome provision. But this provision should be implemented should be observed and periodical checks should be carried out because the shipping companies in their eagerness to make profits, ignore repairs and therefore, I would suggest this they only carry out slipshod repairs. even when repairs are carried out, provision should be used to have periodical checks of the vessels.

Similarly, in clause 8, through the proposed insertion of new section 130A, it has been suggested that the sums which remain unclaimed may be utilised for the welfare of the seaman in such manner as the Central Government may direct. But it has not been specified who will use this sum. If it is left to the managements, I am afraid, they may not use the money for the purpose for which

[Shri Parvathaneni Upendra] it is meant. Therefore, the Govern-; ment must specify for what purpose . this money should be spent.

Through the proposed substitution of new section for section 102, provision is made for the employment of foreign nationals. This provision defeats the purpose specified in, defeats the provision in, clause (b) of the new section 102, wherein, it is stipulated that only Indian nationals should be given opportunity for employment. If clause (a) is there, then (b) becomes infructuous end nobody would observe clause (b). I would suggest that this should be made more stringent so that more Indian nationals are employed wherever possible.

There is one particular thing which is missing in this Bill. This is in regard to the job security for the seamen. This should have been provided for. These people are retrenched very often and there is no guarantee that they will be reemployed, when work is there, when business is there. There should be some provision for job security of seamen.

With these observations, I thank you for the opportunity given to me.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN-: Last speaker Shri Amarprosad Chakraborty.

SHRI AMARPROSAD CHAKARBORTY (West Bengal): Mr. Vice-Chairman, Sir, this is indeed a good piece of legislation. I welcome this. Through this amending Bill, opportunity has been taken to give effect to the ILO convention and other things. These are welcome provisions. I have nothing to criticise in this Bill. I only want that the provisions of this Bill should be implemented as early as possible.

I have only one point to make in regard to compensation. I hope, the

hon. Minister will please see while framing the rules. It says here:

"Where, under the provisions of any other law for the time being in force, compensation is payable in respect of death or personal injury sustained by a member of the crew of a sailing vessel as a result of an accident in the course of his employment as such member then if the amount payable in respect of such death or personal injury in accordance with the scheme framed under this section."

Rules will be framed under this section. It further says:

' "(a) is equal to. are more than, the compensation payable under such other law, no compensation shall be payable under such other law

Now, we have the Workmen's Compensation Act. But here it is not directly applicable and now compensation has been increased by the amendment up to Rs. 1 lakh. You might have seen that. I think here the Minister will kindly enlighten us. I could not find out that as to what the compensation will be. The compensation should be adequate and it should be either under some proper legislation or under the Compensation Act.

Then again it is said: "is less than the compensation payable under such other law, the compensation payable under such other law shall be reduced by the said amount." So, I think the Minister will throw some light on these two interpretations.

The second point is regarding seafarers and also those who remain unemployed for a long time. The hon. Minister has stated about the . rule-making power. So, while framing rules the Minister will kindly see that more and more workers are absorbed, more and more casual workers are made permanent, and also discharged hands are accommodated, so that more and more benefits are given to the workers at large,

Though there are some provisions for *employment*, I do not want to go into them due to lack of time. I will only request him to keep a watch so that it is actually implemented according to his intention because the Bill is a very good piece of legislation.

SHRI K. VIJAYA BHASKARA REDDY: Sir, this measure, as the hon. Member has said, is a welcome measure. I think *one* hon. Member mentioned that it should have been brought in early. He should be happy that it is brought in now.

These amendments are mostly on the ILO recommendations which were considered by the National Shipping Board for a number of years. The National Shipping Board recommended to the Government of India and the Government of India have accepted and brought them forward in the shape of this amending Bill. Most of the Members have welcomed the amendments. There are one or two suggestions which they have made. I think there is no scope for interpreting them in any way. The Act and the amendments are very clear. In one or two cases insurance is a must. Unless the seaman is insured the Customs Collector will not allow the ships to go and the risks that this provision involves are also made the responsibility of the owners.

These are some of the measures which have been brought in. Some more measures are there that the Government is considering and in the course of time we may bring them before the House.

While taking this opportunity, some of the Members have spoken about a number of things about the shipping industry. Particularly, Shri Mohanan has made some remarks about some of the companies. There are one or two points which the hon. Members have been stressing here and in the other House also. I know that the have made the points about casual 'abour and also about the

Scindias in this House and in the Lower House also. I wish, the hon. Member had made a deeper study of the shipping industry. Had he done that, he would not have raised these points. There is no question of diversion. This industry is facing crisis to the extent which in the known history of the shipping industry they have never faced. Of the last eight years six years have been very bad years. It has been very difficult for any shipping company to survive. I must say that the Indian shipping companies have survived better than the other ship owners in the other countries. The country is known for shipping for generations. So many houses in other countries have laid off, but in our country they are still facing the situation boldly. The Government has also gone to their rescue. We hope the coming years will be better, but there is no question of nationalisation of the Scindias. They are in difficulties, but you know how Scindias house is connected with the development of the shipping industry in the country.

It is a historical fact. We are ajP.M. most Concerned with that.

We are trying to help them out. Even under the present policy about 55 per cent of the tonnage that is going to be acquired is for the Government's concern and 45 per cent for the private sector. That percentage will be maintained. There is no question of nationalising all the other industries.

One or two hon. Members mentioned the fact about unemployment of seafarers and that is a reality. There are a number of people who are trying and the job ratio is about 1:3. Even those who are on the roster are finding it difficult to get an opportunity for some years. And we have stopped the training of these seafarers further. We are trying to evolve some method of distributing the jobs that are available equitably to those who are on the rosters. Calcutta is Lad and Bombay is slightly better. And the situation in Calcutta, I think the hon.

[Shri K. Vijaya Bhaskara Reddy]

Members know well, why it is so. The owners of foreign ships or our own ships are a little afraid to take people from there. They have some inhibitions about it. Even then it is a fact that unemployment is prevalent and it will continue for some more time because of recession and the foreign flagships are trying to avoid taking our seamen. A number of other countries have become very competitive and they are preferring them. That is a thing which we will have to sort out.

Apart from that, the points that were raised are all in support of the Bill.

SHRI S. W. DHABE: What about insurance amount? It is very small.

SHRI AMARPROSAD CHAKRABORTY: And the compensation amount also.

SHRI K. VIJAYA BHASKARA REDDY: Ye.s, yes I am coming to that.

About foreign flagships appointments, we have amended the Act to see that we create a difficult situation so that they will be preferring our people. That is one of the amendments and it will help our seamen.

About compensation, if you feel it is small, we cannot help at present. Those principles are involved. This is going to give them a lot of security. At present it is difficult to go beyond this. "Compensation" also is going to be well defined under the rules and there is not going to be a problem. To make even this compensation, if you have to get it you will have to go and get a certificate under the Succession Act, which is very difficult to get.

SHRI AMARPROSAD CHAKRABORTY: You can some simpler method.

SHRI K. VIJAYA BHASKARA REDDY: Simpler method is under section 29 you get a certificate and you are getting scholarship. That difficulty we are removing. That is why this amendment. More than the compensation, all that difficulty in getting the succession certificate is removed. The compensation is as in the previous Act itself. Insurance is a thing which we have introduced for the first time. That gives so much security for the seafarers. If the amount is small, let us see. First let us experiment with it. Later on if the situation improves, we can think of it.

Sir I thank again all the Members for having supported the Bill and I request that the Bill be passed.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): The question is:

"That the Bill further to amend the Merchant Shipping Act, 1958, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

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

Clauses 2 to 22 were added to the Bill.

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

SHRI K. VIJAYA BHASKARA REDDY: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.