

Illegal fishing by foreign trawlers

352. SHRI M. KALYANASUNDA-RAM:
SHRI INDRADEEP SINHA:

Will the Minister of AGRICULTURE be pleased to state:

(a) whether Government are aware that illegal fishing by foreign trawlers is on increase both on the eastern and the western coasts of India;

(b) what action Government propose to take for preventing intrusion in our territorial waters by foreign trawlers and illegal fishing and for protecting our traditional fishermen;

(c) whether there is any scheme under Government's consideration to exploit this valuable sea-food for the benefit of people;

(d) whether it is a fact that one of the big business houses has been permitted to enter deep-sea fishing; and

(e) if so, what are the considerations for granting such permit?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI R. V. SWAMINATHAN): (a) and (b) There are cases of poaching beyond our territorial waters but in the Exclusive Economic Zone are detected by the Coast Guard Organisation of the Ministry of Defence which is entrusted with the responsibility of guarding the Exclusive Economic Zone. They organise random patrolling with the available resources. Efforts have been made from time to time to intensify surveillance. The task, however, of patrolling our Exclusive Economic Zone which covers nearly 2.2 million sq. km. is an enormous one. With the increase in resources of Coast Guard by way of acquisition of more vessels, the position is likely to improve. However, the best remedy for preventing illegal fishing is by building a large fleet of deep sea vessels so that it is actively present in our seas.

(c) Yes, Sir. The Government propose to increase commercial deep sea fishing through introduction of large vessels both imported and indigenous. Joint ventures in deep sea fishing are also encouraged, wherever necessary.

(d) and (e) Deep sea fishing involves high investment with considerable managerial expertise. Six large houses are in the field of deep sea fishing. As deep sea fishing in India is in its nascent stage it also involves high risks which the large houses are capable of taking.

Shortage of nitrogenous fertilizers

*353. SHRI INDRADEEP SINHA: Will the Minister of AGRICULTURE be pleased to state:

(a) whether it is a fact that the country is facing serious shortage of nitrogenous fertilizers; and

(b) what steps Government have taken to make up the shortage?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI R. V. SWAMINATHAN): (a) No, Sir.

(b) Question does not arise.

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FELICITATIONS TO THE INDIAN HOCKEY TEAM FOR ITS SUCCESS IN THE MOSCOW OLYMPICS—contd.

SHRI BHUPESH GUPTA (West Bengal): Sir, before that we should send our heartiest congratulations to the Indian hockey team for winning the Gold Medal.

MR. CHAIRMAN: Mr. Bhupesh Gupta, that has been done. We have all associated ourselves with this. You were not here.

†Previously Unstarred Question 167, transferred from the 28th July, 1980.

SHRI BHUPESH GUPTA: I join with you.

MR. CHAIRMAN: We will specially record your name.

RULING BY CHAIRMAN ON PROCEDURE FOR THE ELECTION OF DEPUTY CHAIRMAN

MR. CHAIRMAN: I have to give a ruling on today's election. Yesterday, a request was made that the election of the Deputy Chairman be held by secret ballot and I should direct accordingly. A number of speeches followed, some generating more heat than light. I took the matter, as Judges say, "under advisement," which, in this context, means for further deliberation.

I have considered the precedents and the rules. There is one precedent of 1969 and one of 1977. In the latter, the hon'ble Shri Ram Niwas Mirdha was unanimously elected and no question arose. In 1969, there were two rival candidates and the procedure of rule 7 in Chapter III read with rules 252 to 254 was followed. On the basis of this precedent, I should follow the same procedure. Hon'ble Members have, however, requested that I should act under rule 267. That rule reads:

"Any member may, with the consent of the Chairman, move that any rule may be suspended in its application to a particular motion before the Council and if the motion is carried the rule in question shall be suspended for the time being."

It is said that the election is by a motion and this rule enables a rule to be suspended.

It is true that rule 7 in Chapter III under which the election is held uses the word "motion", but rule 7 sub-rules (3) and (4), which are sought to be waived cannot be waived. Sub-rule (3) cannot be waived because a Member must move his Motion; otherwise there will be no election. He can only

withdraw his Motion. There is no escape from this. In so far as sub-rule (4) is concerned, it provides that each Motion in turn shall be put to the vote of the House and adds "if necessary by division". The procedure of division follows first a voice vote, next a head count and then recording of votes by going into the Lobbies, or by operating the automatic vote-recorder. If sub-rule (4) of rule 7 is to be suspended, then rules 252 to 254 must also be suspended.

The lawyers here—and there are many here—will recall a famous observation of a Law Lord which is used every day in courts and which expresses the rule in extremely elegant words. It is: "When the law prescribes a certain mode for doing a thing, it must be done in that way or not at all: other modes of doing are necessarily prohibited." The step-to-step procedure of division must be followed, unless I or anyone has the jurisdiction to make a new rule. None of us can enact an *ad hoc* rule. Therefore, the existing rule alone must be followed and no other mode of compliance can be devised.

Thus, according to the precedent and the reason of the rules, the election shall be according to the procedure prescribed.

SHRI BHUPESH GUPTA (West Bengal): Thank you so much, Sir. For so little, you have said so much.

SHRI P. RAMAMURTI (Tamil Nadu): The last sentence was quite sufficient. All those precedents and Law Lords are absolutely unnecessary.

SHRI PILOO MODY (Gujarat): On the contrary, I think that the long statement that you, Sir, have read out proves the point that you could have given us permission. The conclusion, I don't agree with in logic or in law.

MR. CHAIRMAN: We shall proceed, in spite of these interruptions, to the very interesting task of electing a Deputy Chairman.