

revised wages. Now, Sir, I can assure him that the Government will do everything it can in the meanwhile to think of ways and means of ensuring that in this industry where there has been bad history—a bad history of managements dragging their feet and challenging the verdicts in the courts, we look for some means of ensuring that the new wage rates that would be arrived at as a result of this...

SHRI VISWANATHA MENON: Will you apply pressure through advertisement policy?

SHRI RAVINDRA VARMA: That is one way that has been suggested, and all these ways will be considered. Therefore, I would say once more to the House that this Bill is an essential Bill to ensure expedition in the work of the revision of the wages of the working journalists and the non-working journalists, and I commend the Bill to the House.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): The question is:

"That the Bill further to amend the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Now we shall take up clause by clause consideration of the Bill. There are no amendments.

Clauses 2 to 7 were added to the Bill.

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

SHRI RAVINDRA VARMA: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

2065 LS

4 /M.

The Merchant Shipping (Second Amendment) Bill, 1978.

THE MINISTER OF STATE IN CHARGE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI CHAND RAM): Mr. Vice Chairman, Sir, I beg to move:

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

Sir, while moving this Bill for the consideration of the hon. House, I may say a few words by way of elucidation. This is a very small Bill necessitated by circumstances. We are facing a shortage of navigation officers and engineering officers so far as our Merchant Navy is concerned. Sir, the Government spends huge amounts on the training of these Merchant Navy personnel, but each year we find that there is a brain-drain; there is an exodus of these officers finding employment abroad because of higher emoluments abroad. This Bill has been brought with a view to preventing this drain of trained personnel. Sir, if we continue to allow this drain, then our Merchant Navy will be depleted of its skilled officers and senior officers. Therefore, this Bill has been brought before the House.

For the information of the hon. Members of this House, I may say that the present shortage on the navigation side, as on the 31st March, 1979, will be 1,200; and there is an annual recurring shortage of 140. On the engineering side, the backlog, as on the 31st March, 1979, will be 250; and the annual recurring shortage is 195. At the estimated drift per year is 30 per cent of the total number, that is, about 200 navigation officers and 150 on the engineering side.

Sir, with a view to increasing the number of these officers on the navigation side and on the engineering side, we are taking some steps along. So when we are able to train more

[Shri Chand Ram]

and more officers, we will not have to use this Act.

Sir, with these words, I beg to move this Bill for the kind consideration of this House.

The question was proposal.

SHRI SANTOSH KUMAR SAHU (Orissa): Mr. Vice-Chairman, Sir, this Bill, the Merchant Shipping (Second Amendment) Bill, 1978, has been pending before this House for a long time. Sir, any Bill which is passed into law must have a social purpose. It must not create deadlocks which will create something which will not be very much helpful for the economic growth in the national perspective.

The hon. Minister has said just now that we are having a dearth of marine technical personnel. I would like to examine how far that position is correct. Sir, any new law must not be framed on *ad hoc* thought, but after taking into consideration socio-economic justice, research and study by experts and planning of economic programmes. Without these considerations any Bill that we draft for a periodic shortage or for an *ad hoc* programme, just on the advice of somebody, creates sometimes very many difficulties for the younger generation of the country. We have with us the Report of the Shipping Ministry for 1976-77. And what are the provisions for recruitment of seamen? Seamen's employment offices were set up at Bombay and Calcutta in June 1954 and March 1955 respectively for regulating the supply of seamen for the foreign-going and inland shipping. The result of the report in 1976-77 was. . .

SHRI CHAND RAM: Mr. Sahu, this does not apply to seamen.

SHRI SANTOSH KUMAR SAHU: I know it, but generally you have mentioned for one type of persons, the navigators. But what is envisaged here will not remain restricted

only to the navigators. Any certificate obtained is a certificate for all other things; it is not limited only to this specific purpose, a certificate is a certificate for anything Section 87B(1) provides—

"Every citizen of India who obtains, on or after the appointed day, a certificate shall be liable to serve the Government, or in any Indian ship, for such period not extending beyond four years from the date on which he obtains such certificate or for such shorter period as the Central Government may, by a general or special order published in the Official Gazette, specify."

Now, this limitation is provided in this Clause in this Bill. But the application of this limitation will not remain limited only to the navigational officers. It will apply to any type of marine personnel; marine engineers, other crew, etc. My fundamental question is if there is a shortage of personnel in any particular category, this limitation should apply only to that category; it need not apply to categories where there is surplus. In both the reports, that is, for 1976-77 and 1977-78, it is mentioned that on the registers of the Seamen's Employment Registration Offices there are certain categories of jobs like trainees where the people are in surplus. In those cases, if we restrict their movement, if we extend this limitation to all types of seamen who are trained in different branches of marine engineering, in the different branches of the mercantile navigation, but to whom we cannot provide employment within this country, then it will create a deadlock and put those people in difficulty.

Then the honourable Minister referred to brain-drain theory. This brain-drain theory is not confined only to shipping sector. It is prevalent in other branches of science and technology also. We have to be proud

of the fact that India is the third largest country, next only to USA and USSR, which has the largest number of technical personnel in the world today. We have a very large number of technical personnel in this country. But unfortunately we have little money on training these technical people. We have spent public money on training these technical people. We should be proud that our technical personnel are acclaimed as the best trained, whether they work inside the country or outside the country. So, you cannot look at this problem with this brain-drain theory. It is not confined only to this branch of learning. We know in our country there were many trained physicists and scientists who had gone to the USA and other countries. Dr. Khorana and many other top scientists went to America and settled there. So this brain-drain is not limited to the seamen alone. It extends to other scientific and technical personnel. Therefore, my point is this is a piecemeal legislation and although it is meant to restrict a particular branch of trained personnel will not remain limited to that branch alone. I know the intentions of the honourable Minister and I agree with him but we cannot close our eyes to the realities of life. Those trainees who have received training in different branches of engineering and who have no scope or prospects of getting employed within the country, should not be prevented from seeking their opportunities elsewhere and they should not be bound by this 4-year restriction. Four years period is a very valuable period. In this Bill you are saying, "... shall be liable to serve the Government, or in any Indian ship for such period not extending beyond four years from the date on which he obtains such certificate or for such shorter period as the Central Government may, by a general or special order published in the Official Gazette, specify". We are thus saying that he must serve in this country for four years. Sir, you

know about the medical profession. When a man passes his MBBS examination, the Government has said by law that he must serve as an intern in a hospital for sometime, for one year. He must be an intern in some hospital. Will you not make a similar provision here also? Sir, it is necessary that those Indians who are trained with the help of the money from the public exchequer and in our educational institutions must serve the country first. I do not deny that. But, Sir, when a young man goes and gets a certificate after a long period of training, he must get a guarantee of job in this country. But they have no job. They are not like the internees in the hospitals. There they get emoluments during the housemanship. So also, when these persons get their job guarantee some allowance must be given by the Government till they are suitably employed. Otherwise, Sir, without this sort of to these provision, this will hit hard the younger generation which gets training in this branch. Then, Sir, there is a provision here under section 87B which says:

"Notwithstanding anything contained in sub-section (1) or sub-section (2), a citizen of India who has obtained, on or after the appointed day, two or more certificates shall not be liable to serve under the Government or in any Indian ship for any period or periods exceeding, or, as the case may be, exceeding in the aggregate, seven years . . ."

Now, there is another question which arises here: Many of our young men who have been trained here have gone abroad and have been getting good jobs outside the country or in foreign ships. Now, Sir, they come here for the examination for a second time and when they get a certificate, we have now made it compulsory that they have to serve for 7 years or four years in the minimum. Now they have to leave their jobs. They

[Shri Santosh Kumar Sahu]

were at a greater advantage when they were serving and they have done yeoman's service. But when they come back they are deprived of their jobs and they have to search for a job and there is no guarantee that they would get a job. That sense of security is not there and in order to ensure that, the Government must come forward with a foolproof Bill which should ensure that they are not, these people who come here, are not kept like this for four years or so compulsorily. When these people come back and when they appear at the examination, and get the certificates for a second time, they should immediately be absorbed here in India. But there is no provision here to that effect. Then, Sir, I come to clause 87 C. (*Time bell rings*). I am speaking on the Bill only, Sir, and not on any other subject. Sir, in clause 87C, in the last one or two lines, it has been stated:

" . . . and if the Director-General is satisfied that the grounds stated in the application justify the exemption sought for, he shall, by order, exempt such person from the requirements of those sub-sections."

This is the provision now. It has been said, "if the Director-General is satisfied . . .". Satisfaction of what? To the effect that he does not get employment within six months? Should it not be so, Sir. He should not be at the mercy of anybody. After securing the certificate if the man applies and within six months he is not employed, if he gets employment later, he should be exempted. This should be the reasonable conclusion. We should not keep this matter hanging for a long time. Then, there is another clause in the Bill under which, if the Director-General refuses to grant an exemption applied for, the applicant may prefer an appeal against the refusal to the Government within 30 days of the receipt of the order of the Director-

General. But here it has not been mentioned as to whom he should file the appeal. "Central Government" means the Secretary to the Government in the Ministry or the Minister or some other authority? This has not been defined in the Bill. This will become quite vague. Unless you say it specifically, it will be very vague because "Central Government" is a very big thing. He is a young man and he has got the certificate for the job and he is refused an exemption. To whom shall he apply? This will have no meaning unless you make it clear. To whom will he address the appeal? It should be made clear so that he can make an appeal and get that exemption. Sir, I would like to mention another thing. Here is the "Maritime News" dated 3-2-1979. Sir, this is very important. It says that the Government has taken a decision not to make any further acquisition of modern ships during the year 1979-80 in view of the crisis facing the shipping industry. It is not that the shipping industry has not a great scope for development so that we can appoint all these personnel. We can have some limitation like this for one category of service and make a discriminatory law and the same restriction should not apply to others. Otherwise, there will be difficulties. Sir, the cadets who are undergoing training in the different institutes have lodged a protest and they have gone on strike also and you should absorb them. But the Government has failed to absorb them and to appraise the whole situation, particularly the situation faced by the shipping industry (*Time-bell rings*). Sir, in India, the shipping industry is facing a crisis and in this very same news item it has been said that the ship-owners are suffering because the Government grants have not reached them till the first week of March and they are daily suffering and the situation is very much dangerous. Sir, it is very good, but at the same time we must have some sort of perspective planning to deve-

lop inland shipping as in other countries, who have developed inland shipping—connecting the Ganges with Godavari, and so on, so that our trade can grow. Take the case of Chicago in U.S.A. Moscow itself is also connected by ships because they have developed it, because they know that shipping is the most economical and cheapest way of transport. But in our country today, shipping industry is under a gloom. We are not going in for more shipping facilities in the coming year . . . *Time bell rings*). We should see that the trained personnel do not go elsewhere. I humbly submit that if the Government is sincere that once they get trained, they must be appointed somewhere; they should be restrained from going anywhere else. They must be given certain living allowance, so that their suffering does not continue.

Thank you, Sir.

SHRI HAREKRUSHNA MALLICK: (Orissa): I rise to support the Bill as my hon. friend who preceded me has already done. He has said that we should develop inland shipping and all that, because shipping is the best method of carrying goods. In this regard I have to say that India has got so much personnel in all branches, including warships, and so on. As my hon. friend has already stated, "Brain drain" is hitting us hard. He has himself said that Dr. Khorana left this country and he went to another country. Similarly, thousands of people are leaving this country. Not only technocrats, but the labourers are also going away because of some sort of mismanagement in this country for the last two or three decades. Now, time has come when we should organise all our sectors so that our own men can get work in our own country and work with honour and develop our own motherland. I need not remind painfully now Indians have been thrown away from different countries like Burma, Uganda, and so on. Also, the recent tests in England have sadly

assaulted our prestige in foreign countries. Therefore in any platform of life, we should see that our men are really manning our country. In this context I am reminded of one thing when the intellectuals flew away from the University of Alexandria and they spread out to Europe and there was "Renaissance" which brought about a big revolution i.e. the "Industrial Revolution". All progress has been due to them. We should therefore, see that the intelligentsia, which are so numerous, do flourish in our own country. I am really glad that the Minister of Shipping has started piloting here this Bill, and while piloting this Bill he has made it an obligation for those who are trained in any Branch may be required to serve in any capacity for four years for which they are trained. This is almost an assurance for them to get employment. Therefore, there is no difficulty. We have also said that in case there is scope in the United Nations or in some other friendly country, and we have surplus number, they can go there. In this context, I need not emphasise that merchant shipping is the most beneficial thing and we should make use of it more and more. We should develop inland shipping in the Ganges, Godavari etc. and by connecting the Godavari, the Ganga and all that. Now we have also big trawlers for deep-sea fishing. There also we can employ a lot of people. Therefore, we should explore ways and means to employ the cadres engaged in shipping. That will also bring some fortune to our country. In this connection, Sir, I want to stress one more point. We should create more facilities for training different personnel not only just in one place like Bombay but we should also spread our tentacles in places like Paradeep, Vizag and some other smaller ports so that there may not be concentration in only one place like Bombay. We can have better planning because our sea-coast is very vast. And, Sir, every year, we are

[Shri Harekrushna Mallick]

having devastating floods in our country. These people who are trained in shipping can also be used to man big boats, etc. during the flood crisis, and they can also be of great help in the matter of relief and all that. Therefore, Sir, while we are thinking of the scope of shipping, we should also see how best we can utilise more and more talent in different avenues of shipping services.

With these words, Sir, I support this Bill. Thank you.

SHRI KRISHNA NAND JOSHI (Uttar Pradesh): Mr. Vice-Chairman, Sir, as has been pointed out by the hon. Minister, this amendment has been brought forward for a limited purpose.

At the outset, Sir, I may recall that the hon. Minister while introducing the First Merchant Shipping Amendment Bill, 1978, said that a comprehensive Bill would be brought forward amending the Merchant Shipping Act, 1958. Sir, this is rather an old Act and the technological advancement all the world over requires that a comprehensive Bill should be brought forward forthwith.

Sir, as has been pointed out earlier, this present Amendment Bill has been brought forward for a limited purpose. It is stated in the Statement of Objects and Reasons "with a view to increasing the availability of trained Merchant Navy personnel for employment on Indian ships, shore-based establishments, etc., it is proposed to cast obligation on the holders of Certificate of Competency and other certificates under the Merchant Shipping Act, 1958, to serve for a certain, minimum period on Indian ships, ports and other establishments". So, this prevents the officers working in the field of Merchant shipping from going abroad, as an hon. Member was referring to the brain-drain in respect of trained personnel.

Sir, I want to draw the attention of the hon. Minister to one aspect. Presently, the sources of recruitment of Marine personnel are: training ship 'Rajendra' for Deck officers; Shipping Corporation of India and other shipping companies; direct Cadet recruitments; and ex-Naval personnel. And on the engineering side, the sources are: the Directorate of Marine Engineering Training; Mechanical Engineering graduates from different universities; and retired Naval personnel. In regard to trained navigating personnel, 'Rajendra' has 200 Cadets every year; there are about 125 direct Cadet recruits in all the shipping companies including the Shipping Corporation; and there are the ex-Naval personnel of about 40 or 50. On the engineering side, there are about 100 cadets every year from the Directorate of Marine Engineering Training; about 200 graduate engineers, and about 75 to 100 retired Naval personnel. So, from this, it will be seen, Sir, that the number of personnel trained every year is very limited. There is a need to increase the number of trained personnel by having training facilities in various regions of the country. At the present state of the personnel training and recruitment we have already reached a stage where certain categories are becoming excess to the requirements. Today there are at least 150 Graduate Engineers with marine orientation, i.e. with Part 'A' of 2nd Class Certificate waiting to join jobs as Junior Engineers. Added to this one will be the DMET Cadet and retired Naval personnel.

This will indicate that even today we are in fact hard pressed to find suitable jobs for our marine going personnel. This situation will become very difficult with the passage of time with the present conditions in the shipping industry. As we all know the Indian shipping industry is facing a crisis because of the dock strikes and congestion in ports. The hon. Minister said some time ago

that the loss incurred came to about Rs. 100 crores because of congestion in various ports. With the passing of the present Amending Bill, we will not only create a situation where Marine personnel will be discriminated against the other sections of the society, but will also create a situation whereby qualified personnel will be rendered surplus and unemployed.

Presently, our engineers and nauticals have established for themselves a good name in the international shipping and are abreast of the technological developments. Any restrictions on their employment now will only force them to be out of touch with the developments and remove the jobs-satisfaction incentive.

Sir, I may draw your attention to the reaction of Maritime Union of India about this amendment. I am informed that the Maritime Union of India had threatened to go on strike if the proposed amendment was given effect to. I am further informed that the Union has been approached to allow the Bill to be passed and the Government have promised that the actual implementation of the Bill will virtually be shelved by delaying the framing of rules and procedures, etc. If it is so, then why is the Government standing on prestige and keen to pass this Bill at this stage. Why should it not be withdrawn? From all aspects, this is the most inopportune time for this amendment. On the other hand, the Government should improve the service conditions of the Merchant Navy personnel so that they may not be getting any advantages on leaving this country. The gap in their pay here and foreign shipping lines should be minimised. Relief in income-tax and other benefits should be given to them. If they have these benefits, why should they join foreign shipping lines, leaving their own country? Therefore, Sir, I suggest that the hon. Minister should withdraw the Bill.

SHRI VISWANATHA MENON (Kerala): Mr. Vice-Chairman, Sir, begin from where my hon. friend has left. I request the hon. Minister to withdraw this Bill and bring forth a comprehensive Bill safeguarding the benefits of the Indian seamen. Sir, he has brought forth piecemeal legislation in order to restrict people from the Indian shipping services going to other services. Before doing that, let the Minister put his hand on his heart and say whether the seamen in this country are being well-treated. Are we doing it? From my own part of the country, I must have sent to him hundreds of letters on behalf of the Forward Seamen's Union complaining about the bad treatment in the shipping industry.

SHRI CHAND RAM: Only for recognition.

SHRI VISWANATHA MENON: Not only recognition. I have written hundreds of letters about these things also. You may have recognised the National Seamen's Union; I am not bothered about it. But have you consulted the National Seamen's Union about this Amendment? When you are going to restrict an individual from doing anything and you are keeping him for four years, at least you should give such benefits so that the person may continue. But here the seamen are treated like slaves. There is no security of job for them. Even on the question of their provident fund, even on the question of their gratuity, they have to go to each and every officer in the Maritime House. This is the position and I have to write to the Minister everyday. By bringing forward this kind of a piecemeal legislation and getting it passed, the Minister actually is not helping the seamen. He is helping the tycoons in the shipping industry who want to exploit the seamen and keep them as slaves. Sir, in the foreign countries the seamen are getting better salaries but our seamen are not allowed to go and they are restricted for a period of four years.

[Shri Viswanatha Menon]

and are to be kept here as slaves. This is what I understand from the Bill. This is a clear case of discrimination. Many technical personnel like the doctors, engineers and others are allowed to go but you are putting a restriction in regard to the seamen.

Sir, the conditions of service on the ships are terrible and horrible. I have written at least half a dozen letters to the Minister on the question of water facilities. Even water is not being provided to them and they are being treated like slaves. My humble submission to the Minister is—since he is new to this industry—let him consult these unions and bring about a comprehensive Bill and let the conditions of service be improved and made attractive so that the seamen need not go outside. Bringing forward this type of legislation is only inviting a disruption in the industry. I will not be surprised if the seamen oppose such kind of restriction. The cadets are already on the revolt. Many people are not aware of the conditions of service of the seamen. By passing this type of Bill and putting such restrictions, what are you going to gain? The only gain that will come out of it will be to the private sector in the shipping industry and not to the Shipping Corporation. Actually, the private sector is dominating the shipping industry and they will be benefited and they will treat the seamen in whatever way they like. I, therefore, humbly request the hon. Minister to withdraw this Bill and bring about a comprehensive Bill in which the security of job and such other matters should be assured. Here you have provided nothing. For four years, the seamen will have to work as slaves. The Merchant Shipping Act of 1958 is actually a snag and it is not at all serving the purpose of the seamen. So my submission is for a comprehensive Bill to be brought about and the hon. Minister should consult the unions, whether it is the National Seamen's Union which is recognised or whether it is the unrecognised union. This kind of a piece-

meal legislation would only create industrial unrest in the Shipping industry.

SHRIMATI LEELA DAMODARA MENON (Kerala): Sir, I take up from where my hon. friend stopped. I request the hon. Minister to withdraw this Bill.

Sir, when we heard that the Merchant Shipping Act is going to be amended, we thought that it will be a more comprehensive Bill but this only seems to be a deterrent Bill. Sir, I come from a State from where most of the seamen come. I agree when the hon. Minister stated that this is a Bill dealing with the officers. But what are the types of officers? Now, today, the whole picture has changed. New vessels have come. Trawlers have come. A vessel even with 25 tonnes comes within the purview of this. Who are these second mates? They are ordinary seamen who are being trained in these vessels. Sir, I come from the State of Kerala. In those days, *kala pani* was not considered a good thing for the Hindus to go over. Therefore, the then ruler of that State, the Zamorin of Calicut, said that one person from every Hindu family should be a Muslim. This was meant to enable people to get maritime training so that this training would stand them in good stead. In that coast, foreign invaders were defeated. We have such a glorious past of Indian seamen. Now, I think, it is time to see what is happening to them. I agree with the hon. Member who just spoke in regard to the State of our personnel in the shipping companies today. Recently, a ship in Cochin was abandoned by the owner and the entire crew of the ship had to be without water, without light, without food and without any sort of protection and I do not know how many telegrams, telex messages and so on were sent from various quarters to see that some help was given to them. The hon. Minister has said that this Bill is meant to see that the personnel trained in India are retained in India. On the one hand, we say

that we must have new avenues of employment for our young people. I would like to ask: What is the state of affairs and what is the number of applications in Bombay and Calcutta for entry into the various training programmes of the shipping industry. I think, only a very small percentage is taken by the Rajendra and various other training programmes. There had been before a training programme where second mates and others are trained in the shipping vessel itself. Sir, these people were working to their bone. Still they are being given training. It is not as if they are being trained for nothing. They give their blood and sweat for this training. Therefore, instead of preventing these people from going abroad and taking up employment there, why should we not increase the training facilities so that it would fit in with the present needs? I think, our shipping industry is growing. I disagree with those hon. Members who have said that it is stagnating. We should have more trawlers, more shipping companies and more ships in this country. Otherwise, what will happen to our ship building yards? The ships coming from our ship building yards will have to be utilised in some way. Why should we not train our young men so that they are able to take up these jobs?

I would also like to take this opportunity to mention about the state of our ships today. Today, many of our young men would like to remain near their homes. They do not want to go abroad. But when they go abroad, they do so not only because higher wages are paid to them by other shipping companies. They also go because, sometimes, they are very unhappy in their own set-up. The hon. Member who spoke just now said that they are working like slaves. I do not know what is happening in other parts of the world, in regard to the personnel working in the ships. But I know one thing. The maintenance of our ships is not very good. I would ask the hon. Minister: Why should our

ships have to wait for months and months for some parts that need to be replaced so that the ships do not have to stop suddenly in the middle of the voyage on the high seas because something had gone wrong or the requisition for some parts which had been sent seven or nine months ago had not been complied with. The maintenance of our ships is very bad. I do not blame the Shipping Corporation for this because they have a very elaborate system of dealing with such questions. But why do you blame these people when they want to get rid of such an environment and take up new avenues of employment? Sir, I don't think they are doing a very unpatriotic thing. When we can have the facilities of training there and these boys go outside and make way for the other people to take up their places, why shouldn't it be allowed? Why can't we make arrangements for this? Originally, I understand, there had been schemes where cadets had been taken up for three months pre-sea training and put on board sea-going vessels to complete their training. They automatically get trained and they can sit for the examination and they can be accepted there. I have a feeling that this is a very short-sighted amendment. I am putting it in a very mild way because I do not call it the jealousy of any particular people for some of these people going abroad and getting money. I would like to point out that. When these boys earn money abroad, they send it back in foreign exchange to our country so that we need not shed crocodile tears about training them because they send back to the country much more than they have taken. I think some people are jealous of these people getting some money. So I request the hon. Minister to reconsider this aspect and instead of bringing this amendment, I could have understood if this had been brought in as a part of a comprehensive amendment to the Shipping Act. It must be agreed that the Shipping Act has been a sort of hang-over of the British regime and we have not made many changes

[Shrimati Leela Damodera Menon] because we had not much experience of Shipping. I could have understood if we had taken this up as a part of the bigger scheme for training instead of just for preventing a few people from taking up jobs outside. From the layman's point of view, it looks as if this is a very very short-sighted policy and also a vindictive policy. I am sure the hon. Minister did not mean that and, therefore, without casting aspersions on the people who go abroad for jobs—not only to better their lot but also to better the economic situation of the country I would request the hon. Minister to withdraw this Bill and bring in a more comprehensive and good Bill so that this House could accept it. I would request the House to reject the Bill if the hon. Minister does not withdraw it. Thank you

श्री शिव चन्द्र झा (बिहार) उपसभा-ध्यक्ष महोदय, इस विधेयक को विदड़ा करने के लिये उधर से अभीले आई है कि इसको विदड़ा कर लिया जाय और एक कंस्ट्रैक्टिव विधेयक लाया जाय। कुछ दलीलों भी दी गई है, कुछ दलीलों में जान भी है लेकिन तमाम दलीलों में जान नहीं है। जान इस बात में है कि इस विधेयक में इतने समय तक काम करना पड़ेगा। सर्टिफिकेट ले लेते हैं, ट्रेनिंग ले लेते हैं, प्रशिक्षण हो जाता है परन्तु क्या इस बात की गारंटी है कि प्रशिक्षण मिलने के बाद काम मिलेगा ही। उसको कुछ सुविधायें हैं। वे सुविधाएँ निश्चित रूप से मिलनी ही रहेंगी वह केवल लफ्फाजी है। हमें यह देखना चाहिए कि भारतीय जहाज में काम न कर वह दूसरे जहाज में भागता है, वहां कौन सी ऐसी सुविधायें हैं जो आप उनको नहीं देते हैं, जिसके कारण वह भागता है। क्या आप वे सुविधायें देंगे जो दूसरे जहाज पर उसको मिलती हैं?

दूसरी बात, आपने जो कही है इस विधेयक में यू० एन० ओ० से रिक्वेस्ट करेंगे और एज्मन दे देंगे। इन सब बातों में मैं देख रहा हूँ कि प्रशिक्षण दिया, सर्टिफिकेट देकर आप यह शर्त रखना चाहते हैं कि वह इंडियन शिप में

काम करें, हमारे पोर्ट में काम करे। उसको यह करना ही पड़ेगा। जब यह शर्त आप रख रहे हैं तो जब आप यह कर रहे हैं तो इसमें कुछ लूप-होल्स भी निकल आते हैं। जब उनको हमारे जहाज वाले, यू० एन० ओ०, दूसरा देश, कोई प्राइवेट शिप में उसको ज्यादा सुविधाएँ मिले तो आप क्या उसको छूट देने को तैयार है विधेयक में कहा है कि छुट्टी दे दो 45 दिन की आपने इस पर ठीक से विचार नहीं किया इस पर ठीक से विचार किया जाना चाहिए। यह जो आप ट्रेनिंग देना चाहते हैं, आप जानते हैं कि लक्षद्वीप में तीन में से दो आदमी जहाजरानी में काम करने हैं। मैं मिनीकोय और बंगराम गया था वहां पर सब के सब सेलर परिवार के लोग रहते हैं। कुछ लोगों का नारियल का धंधा भी है लेकिन जहाजरानी में काम करना उनका मुख्य पेशा है। इन लोगों ने हमारे सामने अपनी दिक्कतें जाहिर कीं कि हम लोगों को ट्रेनिंग की कोई सुविधा नहीं है, हमको काम नहीं मिलता है। बहुत से लोगों ने अपनी दिक्कतों की फहरिस्त हम लोगों को दी और प्रधान मंत्री जो हम से पहले वहां गए थे उनको भी दी। आप यह जो सर्टिफिकेट दे रहे हैं और उनको जहाज में काम करने के लिए कम्पलसरी बना रहे हैं कि वे उनका करना ही पड़ेगा तो मैं तो यह कहना चाहता हूँ कि लक्षद्वीप के लोग तो भारतीय जहाजों के अन्दर काम करने के लिए तैयार हैं, कभी छोड़ने के लिए तैयार नहीं हैं यदि आप एग्जेंप्शन भी देते हैं तो भी वे लेने के लिए तैयार नहीं हैं लेकिन उनको जो दिक्कतें हैं उनको आप दूर नहीं करते इससे यह साबित होता है यह सेलर और शिपिंग का मसला है इस पर आपने ठीक से गौर नहीं किया है। मैं एक दूसरा उदाहरण ठीक से गौर न करने का दे रहा हूँ। मंत्री महोदय, जरा इस पर ध्यान दें। दा मार्च को यानी फ्राइडे, को मैंने उनसे सवाल किया था कि मेनलैंड से लक्षद्वीप में कितने बैदरशिप चलते हैं, वहां लोगों ने एक और बैदरशिप के लिए मांग

की है या नहीं ? उन्होंने जवाब दिया है कि कोई जहाज नहीं चलता है । मैं यह कहना चाहता हूँ कि यह बिल्कुल गलत है कि मेनलैंड और लक्षद्वीप के बीच में कोई नहीं चलता है ! मंत्री महोदय ने दो तारीख को जो जवाब दिया है वह मेरे पाम है । मैं खुद लक्षद्वीप में अमीनदीवी जहाज में गया था । हमारे पैसेंजर भी जाते हैं और बराबर जाते रहते हैं । सवाल यह है कि इसके ऊपर ठीक से गौर नहीं किया । यह अमीनदीवी जहाज जो यह आल-वैदर शिप है, दूसरे जहाज भी बराबर चलते रहते हैं । मेनलैंड से लक्षद्वीप, एक टापू से दूसरे टापू के बीच में पैसेंजर शिप चलते हैं, दो तारीख को मंत्री जी ने जवाब दिया है कि कोई नहीं चलता है । वह बिल्कुल गलत है । मैं कहता हूँ कि पैसेंजर शिप है और बराबर टापू और मेनलैंड के बीच में चलते रहते हैं । वहां की जनता की मांग है कि एक जहाज और होना चाहिए ताकि मेनलैंड और टापू के बीच में बराबर यातायात जारी रहे लेकिन आपने कहा कि कोई शिप नहीं चलता है । लक्षद्वीप में एक पैसेंजर शिप है 'मालदीव' जो कि आल-वैदर शिप नहीं है । अमीनदीवी ही आल-वैदर शिप है । इस तरह के जहाज की वहां पर मांग है लेकिन आप कहते हैं कि कोई जहाज नहीं है । मैं खुद सवार हो कर गया था और पैसेंजर भी जाते हैं और बराबर जाते रहते हैं । सवाल यह है कि इस पर ठीक से गौर नहीं किया गया । मैं मानता हूँ परिस्थितियां कुछ बदली हैं । उपसभाध्यक्ष महोदय, मैं आपको वर्षों पहले की बात बताता हूँ । बम्बई के डाक-यार्ड में मैं काम करने के लिए भर्ती होने के लिए गया था, चक्कर लगाया था । वह तो एक दूसरा सपना था, ख्वाब था । वहां पर मुझे कहा गया कि पहला प्रिफरेंस क्रिश्चियन को दिया जाता है और दूसरा मुसलमानों को दिया जाता है और कहा गया कि वहां पर हिन्दुओं को कोई पूछता ही नहीं । मैं मानता हूँ यह परिस्थितियां अब नहीं हैं लेकिन कहां

तक यह परिस्थितियां बदली हैं, यह मैं जानना चाहता हूँ । क्या अभी भी वहां पर वहां लोगों का यही तरीका है ?

जिन लोगों की परम्परा आयद जहाज-रानी से नहीं रही उनका काम नहीं मिलता और जिनकी परम्परा रही है उनको मिलता है, क्या यह बात है ? आज के आजाद देश में ऐसा नहीं होना चाहिए । मैं यह कहना चाहता हूँ कि आप इन पर गौर करें । आपके विधेयक में बहुत सी इनकमिस्टेंसीज हैं । मैं नहीं कहता कि तुरन्त आप विदड़ा कर लें, मैं इसका समर्थन करता हूँ लेकिन साथ ही साथ संशोधन करके फिर विधेयक लावें, पहली बात यह है कि वे सर्टिफिकेट लेगे तो गारंटीड जाब उनको मिलेगी जिस तरह बाहर की सुविधाये हैं, वे भी मिलेंगी । मैं जानता हूँ हमारे साथ बहुत से सेलर थे लेकिन हिन्दुस्तानी सेलर हमारे जहाजों में जाते हैं वे न जाएं, डम चीज का आप ध्यान रखें वे न जाएं । वे मारी सुविधाएं आप उनको दें । यह जो आप अवर्जकजंम लगाते हैं कि दूसरे में चले जायेंगे, यू० एन० ओ० को लिखेंगे, यह आप बन्द करें । इसका मैं समर्थन करता हूँ ।

लेकिन एक कम्प्रेहेंसिव विधेयक आप जल्दी ले आयें और लक्षद्वीप में आल-वैदर शिप के बारे में जो मैंने कहा इस पर गौर करें । एक शिप वहां लगाएं । यदि आपके पाम जहाज नहीं है, या बनाने में वक्त लगता है, तो लोगों ने मुझे सुझाव दिया है कि अडेमान इलाके से एक जहाज लाया जा सकता है और तुरन्त वहां पर आल-वैदर दो शिप चले । लक्षद्वीप में जो सेलर लोग हैं, वे काम करना जानते हैं । आप उनकी परिस्थिति पर गौर करें । वे सब के सब भर्ती होने के लिये तैयार हैं । वे हमेशा अपने जहाज पर काम करेंगे कभी नहीं छोड़ेंगे, दूसरी जगह नहीं जायेंगे गारण्टीड आपके सेलर रहेंगे ।

[श्री शिव चन्द्र झा]

इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ ।

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) :

उपसभाध्यक्ष महोदय, हमारे साथी श्री विश्वनाथ मेनन और श्रीमती सुशोला शंकर आडिवरेकर ने जो भावना व्यक्त की है, वह इसलिये कि आप लोग उस क्षेत्र से आते हैं जहाँ कि यह सेलर लोग ज्यादा तादाद में रहते हैं उनकी समस्याओं से आप लोग ज्यादा अवगत हैं और उनकी कठिनाइयों से जानकारी रखते हैं लेकिन एक बात जो उसूल की है और जिसके लिये यह संशोधन विधेयक लाया गया है वह यह है कि क्या हिन्दुस्तान के नागरिक, हिन्दुस्तान में ट्रेनिंग लेने के बाद अपने देश की सेवा को छोड़ कर के अपने देश की सेवा की परवाह किये बगैर दूसरे देश की सेवा में इसलिये चले जायेंगे कि वहाँ अपने देश से अधिक पैसा मिलता है और यह एक बड़े सिद्धान्त का सवाल है और इस सिद्धान्त पर पहले भी बहस हुई है और बहस होने के बाद यह फैसला हुआ है कि हम इस पर रोक लगायेंगे ।

डाक्टरों की ट्रेनिंग पांच-छः साल की होती है । एक डाक्टर की ट्रेनिंग पर कम से कम एक लाख रुपये से ज्यादा खर्च होता है । यहाँ ट्रेनिंग लेने के बाद और पढ़ने के बाद क्योंकि यहाँ डाक्टर को एक हजार रुपये तनखाह मिलती है और अमरीका में दस हजार मिलती है, इसीलिये यहाँ छोड़ कर के सीधे अमरीका चला जाए, इसके लिये कोई औचित्य नहीं है । इसलिये सरकार ने, उत्तर प्रदेश की बात मैं जानता हूँ, वहाँ रोक लगाई गई है कि एक डाक्टर जिस दिन एडमिट होता है मैडिकल कालिज में, उसी दिन उसको एक कंडिशन का फार्म भरना पड़ता है कि पास होने के बाद और ट्रेनिंग लेने के बाद वह उत्तर प्रदेश की सरकार की सेवा में इतने दिन कम से कम अवश्य करेगा । यह अवधि पांच साल की है । इसी तरह से यह रिस्ट्रिक्शन भी लाजमी है क्योंकि ऐसा न हो कि अपने देश के

जहाज सेवा सफर करे और अपने देश के ट्रेण्ड नाविक दूसरे देश की सेवा में जाएं । इसका एक और भी कारण है श्रीमन् अभी दो हफ्ते पहले यहाँ संसद में हंगामा हुआ, पूरे देश में हंगामा हुआ कि अपने देश की एक महिला शादी करने के लिये ब्रिटेन गई । उन्होंने अपनी वर्जिनिटी टेस्ट एक मेल डाक्टर को करने के लिये एनाउ किया । देश भर की भावना को ठेस लगी ।

उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : यह शिपिंग बिल पर बोल रहे हैं क्या ?

श्री नागेश्वर प्रसाद शाही : यह शिपिंग बिल पर है कि देश के नागरिक क्या अच्छे जीवन के लिये, अच्छी सुविधा के लिये अपना देश छोड़ कर विदेश में जाकर बसेंगे । उम महिला को यह भावना नहीं पैदा हुई कि जब उसे विवश किया गया कि अपना वर्जिनिटी टेस्ट मेल डाक्टर से कराएँ, उसे इन्कार कर देना चाहिए था । हिन्दुस्तान की जमीन से अगर प्रेम होता और हिन्दुस्तान की संस्कृति और सभ्यता से प्रेम होता और भारतीय नारी के सम्मान का खयाल होता तो महिला ऐसा अलाऊ नहीं करती ।

श्रीमन्, इसी तरह से अभी एक साल पहले की बात है, ग्रीस के जहाज पर हिन्दुस्तान के नाविक थे लेकिन सेम पेमेन्ट फ़ार सेम वर्क नहीं हो रहा था । वहाँ जो यूरोपियन्स काम करते थे, उन को बैटर तनखाहें और सहूलियतें मिल रही थीं । परन्तु हिन्दुस्ताना नाविक जो उस जहाज पर थे उन को वह इमोल्यूमेन्ट्स नहीं मिल रहे थे, वह तनखाह नहीं मिल रही थी । उन्होंने हड़ताल की इंग्लैंड में गिरफ्तारी हुई हड़ताल की वजह से और वहाँ हंगामा खड़ा हुआ । यह एक असूल का सवाल है कि क्या अपने देश के हित की पर्वाह किए बगैर महज इसलिए कि दूसरे

देश में बेटर इमाल्यूमेन्ट्स मिलेंगी, यूनाइटेड स्टेट्स में दम गुना ज्यादा तनखाह मिलेगी, अपने देश के ट्रेन्ड लोग वहां जाएंगे ? इसलिए सिद्धांततः यह बिल बहुत ही सही है । लेकिन मैं मंत्री महोदय से कह दू कि वे इस बात पर भी गौर करें कि मर्चेन्ट शिप्स के प्राइवेट ओनर्स नाविकों का शोषण न करें, उन्हें बेहतर सर्विस कंडीशन देने की कोशिश करें । अगर हम तरह का जीवन नहीं जैसा कि यूरोपियन और अमरीकन कंट्रीज में है तो कम से कम बेहतर दें क्योंकि समुद्री जीवन बहुत ही कठोर और कठिन होता है, नाविकों का ड्यूटी बहुत सख्त होती है । उन को अगर बेहतर कंडीशंस नहीं मिलेंगे तो उनको काम करना मुश्किल होगा । इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ ।

SHRI CHAND RAM: Sir, I am thankful to those hon. Members who have supported the Bill. I am also thankful to those hon. Members who have asked me to withdraw the Bill and have offered some valuable suggestions and arguments in support of their ascertainment that I should withdraw the Bill.

Sir, the main purpose of bringing this Bill before this august House is that we want to prevent brain-drain for a certain limited period. Sir, we are not imposing unreasonable restrictions; we are only limiting their exodus for a period of four years in the case of those persons having one certificate, and if a person has more than one certificate, then we are providing for preventing him from going abroad for about seven years. And there also we have laid down a provision in the Act that in some hard cases or in some cases where the U.N.O. or other agencies require their services, and we have authorised the Director General of Shipping, to exempt those persons from the provisions of this Bill.

Sir, one charge that Mr. Viswanatha Menon has made is that the Shipping industry is dominated by private enterprise. Sir, this is not so. Presently,

54 per cent of the total tonnage of the country is owned by the shipping Corporation of India or the Moghul Lines which are public sector companies.

Sir, I would read out the figures of shortage being faced by the major ports in the country. The marine personnel shortage faced by the Bombay Port is 13; Madras, 9; Marmagao, 9; Vishakhapatnam, 9; Cochin, 5; Kandla 5; Paradip 3; Calcutta 32; the total shortage on the Ports itself is 85. So, you can see that not only the Moghul lines but also the Ports and other shore establishments are feeling the shortage of marine personnel. Sir, this is, as I said, a Bill aimed at instilling a sense of patriotism in those on 5 P.M. whom public funds are spent.

As I said, we are spending huge amounts on the training of these marine personnel. I have also said that there is not a single person now unemployed who is a trained personnel, whether on the navigation side or on the engineering side, at least to my knowledge.

Sir, Mr. Kolah, the leader of the Mari time Union, met me and he wrote to me also. I asked him to supply me a list of those persons who are unemployed at the moment. Sir, he has not been able to give me the name of a single person who is unemployed. I have also received certain complaints from the National Seamen's Union. Now they have also joined in protesting against this Bill. But, Sir, may I clarify—I have in fact, clarified while Mr. Sahu was speaking—that this Bill does not apply to seamen? This does not apply to seamen. This will apply only to those certificate-holders who will get certificates under section 78 of the Act. And section 78 says: "a certificate of competency shall be granted in accordance with this Act for each of the following categories, namely . . . "They have been listed. They are not concerned with seamen as such. And we have also taken care to see that this Bill is not made applicable retrospectively

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[Shri Chand Ram]

It will be applicable prospectively only, only to those persons who will be trained in future. So, we have tried to see that no hardship is caused to any person. Sir, as I said, we are also taking steps...

SHRI KRISHNA NAND JOSHI: Have the Maritime Union given you a memorandum?

SHRI CHAND RAM: I did receive. Mr. Kolah, General Secretary of the Union, did meet me and he put forward certain suggestions. And that is why I told him if he could supply the name of even one person who is unemployed, we would make provision for giving him employment. Sir, we are, in fact facing a shortage, shortage to the extent of 1,200 at present; and there is an exodus of about 200 per year on the side of navigation and about 150 on the side of engineering. Sir, as I said, we are taking steps to increase the intake of the trainees also. Already we have doubled the number of trainees on the ship Rajendra. There were annually 125 persons taken for training on the ship Rajendra. Now we have increased it to 250. We have also reduced the period of training from two years to one year. We have also, on the engineering side, increased the intake to 320 per year. I had a meeting with the Director-General of Shipping and other interests to see whether this increase could be further augmented. And I am taking steps to see that either we are able to establish a shore-based academy or we are able to acquire a new ship for training. Sir, I have also asked the Shipping Corporation of India and other shipping companies to see that there is some increase in the direct entry Cadets. There is going to be a ship-by-ship assessment, and I hope to increase the in-take even in the case of direct entry Cadets. The Shipping Corporation of India, I think, will be able to recruit this year 600 cadets in place of 150. On the engineering side also, 320 engineers, in place of

100, will be trained. So it is not that we are not trying to get the number of trainees increased. We are going to, but it will take time, this training will take time; it will take two or three years more to meet the shortage. It is only to meet that this Bill has been brought. Then, Mr. Menon, Mr. Joshi and other friends have raised certain questions. I assure them that I am proposing to bring forward a consolidated and comprehensive Bill very shortly. But that will take some time. We will certainly consult the Seamen's Union also and I can assure the House that so far as welfare of the seamen is concerned, I am proposing to call a meeting of the various interests concerned shortly and we will see that the seamen are not discriminated against and that they are treated properly. Mr. Menon referred to a certain strike in the DMET, Calcutta. That was not because of any real problem. They are just trainees. They were agitating for some local demands; for example, that they will not be amenable to the discipline of the Director, that they should be permitted to go outside like other students. These are very petty local demands. I can assure the honourable House that I am keen that no hardship is caused to any person. I hope this House will be good enough to pass this Bill.

SHRI N. P. CHENGALRAYA NAIDU (Andhra Pradesh): Sir, I want to ask just one clarification. If I employ one person in my farm and also advance him money and get an agreement, it comes under bonded labour. But if the Government takes an agreement for four years and seven years, does it not come under bonded labour?

SHRI CHAND RAM: Sir, much has been made that these doctors and engineers are not amenable, that no restriction can be placed upon them. I have with me here the National Service Act, 1972. This was passed in 1972. This Act is specifically applicable to doctors, engineers and

others who can do some kind of social service. This is called the National Service Act, 1972. All these restrictions are there. But these restrictions do not cover the DMET and navigation cadets. And therefore, this Bill has been brought.

SHRI HAREKRUSHNA MALLICK: Will the honourable Minister look at Paradip and the demand for a shipyard, for a shipbuilding yard, there?

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): This Bill is for seamen. Where is Paradip in this?

Now, 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 ARVIND GANESH KULKARNI): Now we shall take up the Clause-by-Clause consideration of the Bill.

Clause 2: Insertion of new Part VIA.

SHRI CHAND RAM: Sir, I move—

4. “That at page 1, line 13, for the words, brackets and figure (Second Amendment) Act, 1978, the words, brackets and figure ‘(Amendment) Act, 1979’ be substituted.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): The question is:

“That clause 2 as amended, stand part of the Bill.”

The motion was adopted.

Clause 2, as amended was added to the Bill.

Clause 3 was added to the Bill.

Clause 1—Short title

SHRI CHAND RAM: Sir, I beg to move:

2. “That at page 1, line 3, the word ‘second’ be omitted.”

3. “That at page 1, line 4, for the figure ‘1978’, the figure ‘1979’ be substituted.”

The questions were put and the motions were adopted.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): the question is:

“That Clause 1, as amended, stand part of the Bill.”

The Motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

SHRI CHAND RAM: Sir, I beg to move:

1. “That at page 1, line 1, for the word ‘Twenty-ninth’, the word ‘thirtieth’ be substituted.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): The question is:

“That the Enacting Formula, as amended, stand part of the Bill.”

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI CHAND RAM: Sir, I beg to move:

“That the Bill, as amended, be passed.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Now, the half-an-hour discussion. Shri S. W. Dhabe. Not here. Shri J. P. Mathur. Not here. Shrimati Ambika Soni. Not here. Shri Mahanti. Not here.

The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at twelve minutes past five of the clock till eleven of the clock on Tuesday, the 6th March, 1979.