

THE MINISTER OF INDUSTRY (SHRI GEORGE FERNANDES): Sir, when this discussion was fixed yesterday...

SHRI RANBIR SINGH (Haryana): Sir, on the 15th there will be a meeting of the Consultative Committee of the Ministry of Agriculture and Irrigation at 3 p. m. So I do not think it will be possible to have the discussion on that day. Or the meeting of the Consultative Committee will have to be postponed.

SHRI N. G. RANGA: Let the date be fixed in consultation with the Minister of Agriculture.

SHRI GEORGE FERNANDES: I would only submit that this discussion was apparently fixed for today sometime yesterday. I was also informed about it late yesterday evening on telephone, that a discussion on the problems of cotton growers was scheduled for 3 O'Clock this afternoon. Now, Sir, I am concerned with cotton to the extent that the Cotton Corporation of India buys cotton and the textile mills use cotton. Primarily it is a question of agricultural prices...

SHRI DEORAO PATIL (Maharashtra) :  
Fixation of Price.

SHRI GEORGE FERNANDES:... fixing of a price to the cotton growers. I agree with the hon. Members that the presence of the Minister of Agriculture would be useful to contribute to a worth-while discussion. From my side there should be no problem in having this discussion postponed to a more convenient date. The Minister of Agriculture is out of station. He was not aware of this discussion. He is coming back tomorrow evening.

SHRI DEORAO PATIL: Would the Minister of Industry also be present on that day?

SHRI GEORGE FERNANDES: I shall be most happy to be present. 1529 R S—5.

MR. DEPUTY CHAIRMAN: If the House so wishes, we can postpone the discussion. But the date to be fixed will be decided later. We can then fix a date when the Minister will be present. I think we can postpone the discussion.

Now, the Port Laws (Amendment) Bill, 1977. Mr. Bhardwaj.

## THE PORT LAWS (AMENDMENT)

### BILL, 1977—*contd.*

SHRI JAGAN NATH BHARDWAJ (Himachal Pradesh): Mr. Deputy Chairman, Sir, so many learned Members have spoken on this Bill and I do not think there is much left for me to say about this Bill. But still I have to make some observations for the consideration of the hon. Minister.

I have gone through this Bill and it was my anxiety that I should be able to know something about the financial effect of this Bill because a Minor Port is to be taken over and then it is to be included in the new Tuticorin Port. Therefore, some financial effect must have been there. While taking over, it should have been seen whether the existing Minor Port does not involve any losses or any financial burden on the new port, because the Port authorities are taking so much responsibility upon themselves, they are including the entire area in their jurisdiction. With such increased responsibilities, I think it will not be so easy to manage the existing port. No doubt this step is good for the development of ports, but some thought should have been given over the financial aspect of this action. Anyway my main worry is about the employees. Firstly, I want the hon. Minister to give us an assurance that the rights and other facilities of the employees of the Minor Port will be protected. Another point is, we have seen that in the case of the larger ports, there are so many difficulties faced by the workers. For example, housing is their main difficulty. There are very poor houses and there is no standard of sanitation in the port area.

[Shri Jagan Nath Bhardwaj] Firstlv, I would suggest the honourable Minister should think in terms of building colonies for the workers in the port area so that they can live in better conditions. Then, standards of sanitation should be observed. What we find in the port areas is that the houses are very dark; there is no ventilation. All such facilities should be provided in the colonies that are going to be built in the port areas, particularly in the port under consideration. Another thing is most of the workers are on a casual basis. Efforts should be made to see that more and more workers are taken on regular list rather than kept temporarily, on a casual basis. The pay-scales or the wages of the casual workers are miserably poor. They are not given the standard minimum wage. It should be also observed that when responsibilities of the port authorities are increased considerably, the workers should not be made to suffer in the new setup. Another point is yesterday my honourable friend, Mr. Oadgil, pointed out that workers' representatives are not included on the port trust boards. It is very necessary that workers' representatives are taken on the new boards; otherwise, things will continue to be as bad as they are. Another point was raised by my honourable friend, Mr. Trivedi, that the State authorities should also be taken into confidence before making any new arrangements because their interest is also involved in it. If the interests of the State authorities are not kept in mind, then also the working of the ports will not be smooth and there will be difficulties which in turn reflect directly or indirectly on the workers. Things will go smoothly only if the new setup is properly built. I, therefore, urge upon the honourable Minister that the workers' representatives should be taken on the port trust which are going to be constituted now. With these words I conclude.

SHRI VEERENDRA PATH. (Karnataka)  
: Sir, I rise to welcome this Bill. To my mind this is a non-controversial Bill and it is brought apparently for a limited purpose and that purpose has

been stated in the statement of Objects and Reasons, that is, merger of the minor Tuticorin Port with the major Tuticorin Port. But in the Explanation to Clause 2 the Government has taken power to merge in future such minor ports wherever they are existing, with the major ports. That means the Government is taking all the powers and the difficulties or restrictions that were there hitherto are going to be removed by this amendment to the Minor Port Laws which are already in existence. I do not know why in the statement of Objects and Reasons they have mentioned only the name of Tuticorin Port. I come from Karnataka. I hope that the honourable Minister who is piloting this Bill is aware of the fact that the Government of India took a decision to develop Tuticorin Port as also Mangalore Port into major ports. This decision was taken in the same year and both the projects were sanctioned simultaneously and were also taken up simultaneously. Fortunately, Mangalore port is already ready and Tuticorin port is also ready. I do not know much of the Tuticorin port because I have not been there so far. But very recently I had been to Mangalore. It is in my State. Mangalore port has been completed in all respects. I do not say this about the final stage of the Mangalore port because they are going to further deepen the port. That will come in the second stage. So far as the first stage of the project is concerned, it is completed in all respects and it had been commissioned long back. Even when this is the case, the Mangalore minor port is still with the State Government. There was an understanding or agreement with the Government of India by the State Government that when the Mangalore port is going to be developed into a major port, the minor port would be handed over to the Mangalore port. Now the Mangalore major port has been completed; still, till today, the minor port has not been handed over to the Mangalore port

authority. Therefore, I would like to know from the hon. Minister whether.

after, passing this legislation, he is thinking of issuing immediate orders for transferring the jurisdiction of the Mangalore minor port to the Mangalore major port which is already in existence. As both the projects of Tuticorin and Mangalore were sanctioned simultaneously, executed simultaneously approved simultaneously and commissioned simultaneously, may I suggest that the act of transferring both the minor ports should also be done simultaneously ? This is my suggestion and I hope the hon. Minister concerned will give sympathetic consideration to this suggestion. And I think it is not too much for me to expect him to make the position clear during the course of his reply to this debate because we are under the impression that at the moment they are thinking of only transferring the Tuticorin minor port and not thinking in terms of transferring the Mangalore minor port. When I was in Mangalore recently there was agitation and there were representations. They have also been writing to the Government of India. The people who are working in the minor port are very much affected and they have been representing to the Government of India that the Mangalore minor port should also be transferred to the Mangalore major port. I very much wish that the Minister would make the position very clear and say that along with the tuticorin minor port the Mangalore minor port will also simultaneously be transferred to the Mangalore major port. With these few words, I conclude.

SHRI N. G. RANGA (Andhra Pradesh): Sir, I am in complete agreement with my friend Shri Veerendra Patil. But another hon. friend from the Janata Party, who spoke yesterday, made a good point, I thought, when he said that there would be some legal and constitutional trouble in regard to the power that the Government seeks to take now by this Bill. I would like to leave it to the Government and their legal experts and later on to the courts,

whether, with the consent of the State Government, any part or whole of a minor port which is within the State's jurisdiction can be taken over by the Central Government..

SHRI VEERENDRA PATIL : There is already an agreement to that effect.

SHRI N. G. RANGA : My friend says that there is some agreement between the State and the Union Government. If it applies to the whole of India, it is well and good. If it does not, necessary steps will have to be taken by the Centre to ensure that there is complete co-operation between the State Governments and the Centre so that nothing is held up by mere legal difficulties.

Apart from that, I am glad that this Bill has been brought in just now. I only wish the advisers to the Government had thought of Mangalore port also without confining it only to the Tuticorin port. But the Tuticorin Port, Sir, has had its own political history also. There used to be one great man there, by name Mr. Chidambaram Pillai. He lived there and he wanted to develop Indian shipping and he was prevented from developing it by the then British Government so much so that he had to go to jail for a number of years and he suffered so much for the sake of our country and for the sake of the shipping aspect of the industrial and naval development of the country. Therefore, Sir, I pay my tributes to his memory now.

Sir, Tuticorin Port has come to be developed into a major port ; the minor port is being merged with it and I hope the request made by Mr. Patil would also be accepted by the Government and, if possible, today, Sir, they would make the announcement ; otherwise, as soon as possible they would try and implement it. But then, Sir, there is the bigger question and that question is in regard to the minor

[Shri N. G. Ranga]

ports and the bigger ports, that is, the major ports. In fact, this kind of a division, the division of administration and jurisdiction, was brought into existence by the British. We only inherited it. At the time when we were including this kind of a division, the division of the ports into major ports and minor ports, in the constitutional provisions, we simply followed the earlier precedents. We did not give much thought to that question. The British people had done it at that time because they did not want our shipping to be developed. Many of the so-called minor ports which still continue to be minor ports till today, Sir, used to be very useful ports at one time when the British themselves wanted the Bay of Bengal on the one side and the Arabian Sea on the other to serve their interests in order to bring in their goods, to bring their goods into our country and take away our manufactures. But, when they began to develop their railways, about whose profitability they gave a guarantee, they wanted to prevent the development of our parts on the one side and also our inland transport on the other. In regard to our inland transport, we need so many facilities like wharfages and something like minor ports also in the inland transport areas. But this was discouraged. I see the Government's policy is also the same thing now. It was after a lot of nationalist propaganda, Sir, that the few big major ports came to be developed and it took so much trouble on our part to persuade the British Government then to develop the Vishakhapatnam Port into a major port. It is only after we became free and long after we became free and after so much hesitation that Mangalore also came to be accepted and to be developed along with the Tuticorin Port as a major port. Therefore, it is high time that the Government took some steps and gave some thought— I mean the State Governments and also the Central Government to this matter and see whether it would be any longer worthwhile, whether it would be in the national interest, to keep this distinction between

minor and major ports and also whether it would be useful for the Government to convert as many of these minor ports into major ports or to keep them as major ports only, but to take over the management and development of these ports and undertake the total responsibility for them by the Central Government itself. What is happening is this : Because of this distinction, we have a kind of portfolio in State Government for minor ports and there is a Minister also. A lot of pressure is being brought to bear upon the Minister for the development of such and such ports, minor ports, and the Minister finds himself helpless because he has got no funds and he has to approach the Government of India and the Government of India creates all kinds of difficulties and it does not provide him with funds so much so that these minor ports continue to be minor not only in their nomenclature, but also in their very utility, in their development and in their equipment. So, I would like the Government of India to study this matter in some depth and try to reach a decision soon, that is, to take over the management and the responsibility for the development of these minor ports also. As things are today, I do not think that the State Governments would stand in the way because they are not having any big sources of income for themselves, not much anyhow, and they find themselves in an embarrassing situation because they are unable to develop them and give satisfaction to the local people as the local people are made to understand that this is the State's responsibility. Sir, coming to the minor ports in Andhra itself, for a very long time we have been pressing the Government, both at the Centre and at the State level, to develop these minor ports which have had a lot of history of service to our sea-men in regard to port facilities. There is one Kalipatnam; another is Nizampatnam which was used by the British as well as the French for more than half a century. There is another, Motu-pal'i, a very ancient port. The British would not allow it to be developed. There

is Vadarevu, for the development of which so many people like myself and others have taken interest during the last thirty years. We have done quite a lot of work in approaching that Government as well as this Government and also persuading some of the shippers to send tobacco bales to other countries through this port. But till now neither that Government nor this Government have been able to develop that, although it is considered to be comparatively more manageable than many other places. There is also Kalipatnam. There is Baruva. There is Kalingapatnam Which used to be a very famous port. Till the Second World War, it proved to be a very useful port, through which lakhs of our Indians used to go to and fro, from Andhra to Burma, Malaysia, Singapore, Andamans, etc., and that is considered to be a very good port. There is Karishnapatnam in Nellore district, and many others like that. All these need to be developed. If they are developed, local trade would have a fillip and so much of employment would be created for fishermen and other workers. And their development would only be a kind of feeder to the major ports also. They would in no way come in the way of the development, utility, activity and the totality of business that would be flowing through the major ports. On the other hand, they would be feeders for these major ports. I would like the Government to consider the question of developing these minor ports very seriously, as also their jurisdiction.

I do not know how long they will take to arrive at a decision in regard to the suggestions I have made. They should take immediate decision to establish powerful light houses with modern equipment and these lighthouses should be used in such a crisis as we have had recently because of the cyclone. They should be built in such a way that they are cyclone proof also. I want the Government to give attention to this particular matter.

Then, there are Machhilipatnam and Kakinada. I do not know whether they are major ports or minor ports.

AN HON. MEMBER : Minor.

SHRI N. G. RANGA : They must be somewhere in between. I do not know who is in charge of these two ports. Only the other day, Machhilipatnam has come in for very shocking losses. So many bouts I have seen which were thrown up to two miles or three miles to the neighbouring land because of the tidal wave. Tidal wave comes once in a way. About 150 years ago, it came previously. It has again come now. I would like these ports to be developed. Some crores of rupees have been allotted. They are also being developed. But the development is going slow. It is not enough. These must be developed further. That development can be speedily and satisfactorily done only if these two ports are also taken over by the Government. How soon they are going to take them over, I do not know. Pending decision on the overall suggestion that I have made that all these minor ports should be taken over by the Government. I would like the Government of India to take over these two big ports and make them major ports and provide for them port trust authorities also and help Andhra's economic and commercial development. Thank you, Sir.

DR. RAJAT KUMAR CHAKRABARTI (West Bengal) : Sir, this is a very minor Bill. But I would like to call the attention of the hon. Minister to certain things. I hope that the hon. Minister would come forward with a major Bill on the port laws and other aspects of the working of the ports. Sir, I am very sorry to find that such a small Bill has come before us after so many months because what is going on in the ports in our country today is to everybody's knowledge—at least it is to the knowledge of the previous Minister, Mr. Trivedi, who is sitting over here—and so far as the service conditions of the employees of these port trusts and the amount

[Dr. Rajat Kumar Chakrabarti] of corruption that is going on in different port trusts and the measures to check that, are concerned, these are not taken care of in this Bill.

Sir, first I want to point out that in the Explanation to the Bill it is said, and I quote :

"... the power to alter the limits of any port by uniting with that port any other port or any port of any other port."

Now, Sir, is this explanation valid only for the minor port or is it for any port in the country because, you see, Sir, the explanation does not say that a major port is connected with a minor port situated particularly in that State. According to this explanation, any port can be merged with another port. Does it mean that some day the Calcutta port may be combined with the Bombay port or the Calcutta port may be combined with the Madras port to make it a single unit? So, this point is not very clear to me though in the Statement of Objects and Reasons, it is mentioned of a particular port, the Tuticorin port. So, Sir, this point should be clarified properly that it is meant only for the minor port situated in that State.

Sir, here again, if we come to the ports of Calcutta and Haldia, in the last two or three years, there is a move going on that these two ports should be connected and combined and put under one Chairman. And the present Chairman, Mr. Mitra, is trying his best to become the Chairman of both the ports by combining the two into a single unit. And he is also bungling the figures, the figures of the two ports in order to hide the facts, the very facts of what is going on in the Calcutta Port Trust. Sir, while we preach sometimes here that these Port Trusts are autonomous bodies and so the affairs of the Port Trusts are to be dealt with according to the Port Trust laws and rules and regulations, so far as the service conditions are concerned, the Chairman,

the Deputy Chairman and other top officials like the FO&CAO are all appointed by the Ministry and not by the Port Trust. So, it is a sort of a dual control. It is not exactly clear as to who is controlling whom and whether it is a Department of the Ministry or it is an autonomous body. If the Port Trust is an autonomous body, then the selection of the Chairman, Deputy Chairman and all other employees should be entrusted to the Trust only and not to the Ministry. But we find that in all the Port Trusts, the top officials are being selected and appointed by the Ministry and not by the Port Trust.

Sir, there is no system or no vigilance in these Port Trusts to check corruption. Sir, in the Calcutta Port Trust, over the last five or seven years, crores of rupees have been swindled by under-invoicing, over-invoicing, under weighing and over-weighing, and a continuous system of smuggling is going on from the ships by small boats to the nearby banks. So, Sir, there is no mention in this amending law to cover all these aspects of the problem.

Sir, I am sorry to give here one example which I have mentioned so many times during the last four years, with the full knowledge of the then Minister of State for Shipping and Transport, who is fortunately present in the House, of one Shri Haripade Ghosh, a small clerk, an Upper Division Clerk, in the Accounts section of the Calcutta port Trust. He has been in the service of the Calcutta Port Trust for the last 30 years. During all this time he has not got any benefit except his salary for his work. He has not put his son or daughter in any of the places. He has served the Port Trust sincerely and honestly. He is the man to point out that crores of rupees have been taken out by these officers in collusion with stevedores and other people by under-invoicing and over-invoicing. Sir, in pursuance of his memorandum, the Public Accounts Committee called him as a witness to appear before it on the 15th or 17th March, 1975. On the basis of the

evidence given by him before the Public Accounts Committee, the Public Accounts Committee passed a stricture on the working of the Calcutta Port Trust. And, then what happened ? This Shri Ghosh was victimised several times. He has been transferred twice in one day. When we raised the issue on the floor of this House, the then Shipping Minister assured us and said that no, no victimisation can take place because the P.A.C. has given a categorical assurance that no form of victimisation can be meted out to this person. Then, Shri Ghosh has been brought back to the Accounts Section. Last December, i.e., December 1976, this particular Shri Ghosh has been suspended and he is still under suspension for the last 13 months. Since his suspension he has not been given the suspension pay as admissible under the rules. Sir, I have heard that in the mean time one extension was given to the then Finance Officer & Chief Accounts Officer, who has unfortunately died at the beginning of this year. Now, the next man, the Deputy Finance Officer & Chief Accounts Officer has become the FO & CAO and he was also given an extension of service and his son has been put in the Jessop and Co. because the Jessop and Co. has got a link with the Calcutta Port Trust. When I was in Calcutta last week, I learnt that this new FO & CAO was called by the Chairman and told that this Shri Naripada Ghosh must be discharged, must be removed from service, at once. He protested and said that he could not do it. Upon that the Chairman told him that he had given him the permission and that he should sign it. Now Shri Ghosh's termination notice has been signed by the representative of the Chairman. It is wrong on the part of the Chairman of the Calcutta Port Trust. Sir, if this is the condition prevailing in the Calcutta Port Trust in spite of repeated

representations to the Ministry, as Mr. Trivedi will bear me out because I want to meet Mr. Trivedi so many times, what

will be happening elsewhere ? I had a talk with Dr. Dhillon so many times. Ultimately, before the last March elections, Dr. Dhillon told me on telephone that he was helpless and that he could not do any thing because all the top officers were against this particular clerk. Why the top officers should be against a particular small fry, a small clerk, in the Port Trust, I cannot understand. That is why I am saying there is no protection, there is no security of service for the employees of the Port Trust. If a comprehensive Bill could be brought on the floor of this House we could discuss thoroughly all the rules and regulations governing the Port Trust employees. There should also be a vigilance commission set up which could inquire into the activities and malpractices that are going on in the Calcutta Port Trust and other Port Trusts that are there.

Sir, as you know and as all of us know, the Government is spending roughly Rs. 300 crores in the Haldia Port. Interested people in the Calcutta Port Trust desire that the Calcutta Port Trust and the Haldia Port Trust should be kept together so that the Chairman and other unscrupulous officials can have the advantage of squandering more money because Calcutta Port is not yielding as much as it used to because cargo handling has dwindled. About five or six years ago cargo handling by the Calcutta Port was substantial as will be revealed from the figures given by Shri Kalyan Roy yesterday. He has pointed out by what percentage the cargo handling in the Calcutta Port has gone down from a very high figure to its minimum level in the last few years. From that it will be easily understood why the officials of the Calcutta Port Trust are interested in having a combined Port Trust for the Calcutta port and the Haldia port. It is because they can get more money from Haldia port, to the tune of Rs. 300 crores, which is a new grazing ground for them and they can derive personal profit out of it. I am sorry to point out that the whole process there has been like that. The

[Dr. Rajat Kumar Chakrabarti] Secretariat officials here and the psat Secretary were also involved in the whole thing, because all our representations to the Ministry and to the Minister resulted in nothing. They have not checked up. The P.A.C. checked up the matter in 1975 and pointed out that these malpractices were going on and so many crores of rupees has been swindled. I think, Sir, instead of bringing forward a Bill like this, the hon. Minister should bring forward a comprehensive Bill covering all the Port Trusts and making it very clear whether the Port Trusts are autonomous bodies or they are the Departments of the Ministry directly so that we would know in future whom to approach and where the grievances are to be taken to so that these grievances can be tackled. Thank you.

THE MINISTER OF STATE IN-CHARGE  
OF THE MINISTRY OF SHIPPING AND  
TRANSPORT (SHRI CHAND RAM) : Mr.  
Deputy Chairman, Sir, I am happy that several  
hon. Members have given us the benefit of  
their views and suggestions. All of them have  
been noted very carefully.

So far as this minor and innocuous Bill is concerned, I think some of the hon. Members have given some relevant suggestions in this respect. I am happy, Mr. Trivedi, my predecessor, raised some legal and constitutional questions. He was, for sometime, in this Ministry. The question of Salaya port and Kandla port must have been in his time also and he must have checked it up at that time. I can assure him that when we extended the limits of off-shore terminal at Salaya, we consulted the Gujrat Government. We have the concurrence and the approval of the Gujrat Government in that regard.

So far as the new Tuticorin and the old Tuticorin ports are concerned, we have already got the approval and the consent of the Tamil Nadu Government. They

have also agreed with regard to the financial implications. The minor port of old Tuticorin shows some annual surplus and now there is also some deficit. But the assets and the liabilities will have to be transferred to the new Tuticorin port.

I think some questions were raised about the employees. Regarding that also I can assure the hon. Members that we have given more or less the Central scales to the employees in the old as well as new Tuticorin ports. There is, therefore, no problem in that regard. When these two ports are merged, there will be *inter se* seniority and the cases will be decided on merit. There is a set formula and according to that formula, these things will be ironed out satisfactorily.

Certain other Members have, of course, raised certain questions which were not relevant to this minor Bill. One hon. Member, Mr. Kalyan Roy, raised the question of preservice of the Calcutta port. The hon. Member who spoke just before, also raised, in a way, the question of Haldia port. The Government of India is already exercised over this matter of Calcutta and Haldia ports. We have invested a huge amount on the development of these ports. In fact, Haldia port is developing. Calcutta port being congested, there was less drought and Farkka Barrage was built to encourage more supplies and more flow. But my hon. friends are, I think, unnecessarily exercised over the Farakka Barrage Agreement with Bangladesh. This question has also been discussed at length here. I do not want to say anything more on this sub-3 P.M. ject except that we will try to save the Calcutta Port and we will also try to develop the Haldia Port as far as possible. I am glad that some Members, particularly Shrimati Adivarekar, raised the question of the employees as well as the development and the modernisation of the Haldia

Port, the Bombay Port and various other Ports. They have no relevance to the various provisions of this Bill. But certainly, I can assure the hon. Member that so far as the question of modernisation of the Ports are concerned, I myself am very much exercised over this matter. So far as the management of the Haldia and the Calcutta Port is concerned, presently, the Calcutta Port Trust Chairman is the Chairman of the Haldia Port Trust also. But the General Manager of the Haldia Port Trust exercises most of the powers of the Chairman of the Port Trust. This is necessary because the Haldia Port has not so far developed fully. As and when it develops fully, we will look into this aspect also and see whether there can be a separate administration or a Trust to look after the Haldia Port. But at present, we find that the present arrangement is working satisfactorily.

So far as the other minor Ports are concerned,—this point was made by Shri N.G. Ranga—this is, in fact, a State subject. On the one hand, he raised the question of legal complications, legal difficulties and constitutional difficulties. On the other hand, he says that these minor Ports should be taken over by the Central Government. Now, the present position is that unless the State Governments concur and give their approval, we cannot merge the minor Ports with the major Ports. So far as the Mangalore Port and the new Managalore Ports are concerned, I have noted the suggestion of Mr. Veerendra Patil and I myself feel that this needs serious consideration. But I have been informed by my Ministry officials that we have so far not received any proposal from the State Government.

SHRI VEERENDRA PATIL: Sir, if I may intervene. I would like to clarify the position. The position is this. I am telling this with authority because I was dealing with this subject when the Government of India took a decision to to develop the Managalore Port into a 1529 RS—6.

major Port. Before taking up this project, before sanctioning this project, the Government of India entered into an agreement with the State Government to the effect that when the Port is developed into a major Port, the minor Port will also be merged with the major Port. Now, they are expecting proposals to come from the State Government. The State Government is interested in keeping this property with them. They want this property to continue to remain as a State property. Do you want to allow them to continue to keep this as a State property? Instead, you must unilaterally take a decision. Now, you have got the powers. You should extend the jurisdiction and say that from such and such date this will be the property of the Government of India and that the jurisdiction is extended. That is how the problem has to be solved. Instead, if you expect proposals to come from the State Government, you know, we know and everybody knows that the State Government is sleeping and the Chief Minister is all the time here in Delhi. So, it is too much to expect from the State Government. Instead, you should yourself take a decision and inform them that according to the agreement, you have extended the jurisdiction. There ends the matter.

SHRI CHAND RAM: I am happy that he has clarified the position. But again, there is the question of propriety. Even if we arm ourselves with the power that in future, we will amalgamate any part of a minor Port or any minor Port with a major port..

SHRI KALI MUKHERJEE (West Bengal): There is the question of State autonomy.

SHRI CHAND RAM: Yes. Then, there will be a hue and cry over small matters.

SHRI VEERENDRA PATIL : Both the State and the Centre are bound by

[Shri Veerendra Patil] this agreement.

Where is the question of encroaching upon anybody's autonomy ?

SHRI CHAND RAM: But, Sir, I can assure Mr. Veerendra Patil that I will look into this matter and see if we can do anything without the concurrence of the State Government. At present, we have ten major Ports in the country and this new Tuticorin Port is the last one to join the ranks of the major Ports. And if we develop other minor ports or major ports, there will not only be financial difficulties but there will also be difficulties of getting cargo. There is already overlapping of hinterland. Already a keen competition is going on between different ports. I have visited some of the major ports. I find that presently they are starving of cargo. We have invested huge amounts but all the major ports practically, with the exception of one or two, are now running into deficit. The Government is not in a position now to take over other minor ports and include them in the major ports. There are minor ports, there are intermediate ports and there are major ports. Now the major ports are the responsibility of the Central Government, but if any State Government wants to develop their minor or intermediate ports, the Central Government will certainly try to help them. We are trying to see that more funds are made available in the next five years for minor ports as well as for intermediate ports.

Well, Sir, I have made my position clear so far as this Bill is concerned. We have already got the concurrence of the Tamil Nadu Government. They have also agreed that all the property, assets and liabilities, will be transferred to the Major Port Board. So far as the law is concerned, I have made my position clear that we have of course, got the concurrence of the Gujarat Government. In fact, the agreement was going to be notified on 25th November. But the State Government wanted some more time to consider the above agreement. We are giving them time. As soon as we receive their concur-

rence, we will notify the agreement. I can, however, assure Mr. Trivedi that whatever difficulties he has presented before me will be looked into and all the charges that they were receiving at present from Salaya port will be handed over to them when we merge it with the major Port finally.

With these words, I think .....

SHRI VITHAL GADGIL (Maharashtra) : Sir, the Minister has not replied to the points I raised. For about a year and eight months there is no representative of labour on the Paradeep Port Trust.

SHRI CHAND RAM: Well, Sir, in fact that was outside the purview of this Bill and I did not want to say that certain Members have raised certain questions which were not relevant to this Bill.

SHRI N. G. RANGA: Sir, it should have been possible for him to come ready with the answer when a question has been raised here, whether it is relevant or not. And he made a very strong point that since one year and eight months they have been keeping it pending.

SHRI VITHAL GADGIL: I wanted to make it clear that it is their own union, it is an HMS union and yet nothing is done, still no representation is given.

SHRI CHAND RAM: The hon. Member, Mr. Gadgil, is very much agitated over this matter. I must make the point of the Government of India clear. The verification of the union, of which he is speaking, was done as far back as 1974. Now on the basis of the verification done in 1974 the present Government cannot nominate the labour representative on the Port Trust. I have, in fact, ordered that fresh verification should be done, as it existed on 31st December, 1976. There is a rivalry, there is a dispute between the union members themselves. I went to the Paradeep Port myself. In fact, I participated in four or five functions of the labour union there and all of them were quarrel-

ling as to who should be their representative. I wanted to assess myself as to 'who is the real representative of the union. I myself come from a labouring family. I am myself keen that a labour representative should be there everywhere. I have sent the file to the Labour Ministry. I can assure him that as soon as the latest verification is obtained, I will certainly nominate their representative on the Port Trust.

SHRI VITHAL GADGIL: Sir, verification of trade union takes long. The whole process will go on for years. Verification is already there; so why not appoint somebody till April. Later on, on the basis of the present verification, which is going on, you might appoint somebody else. But to keep it vacant for a long time .....

SHRI GHAND RAM: I shall try to get it done as early as possible.

SHRI H. M. TRIVEDI (Gujarat): I am afraid the hon. Minister has not clarified fully the points which I had raised. As far as Tuticorn is concerned, it was being governed by the Port Trust Act and the hon. Minister has mentioned that the intention is to merge the total minor port with the major port and the assets and liabilities etc. will be taken over. As far as Mangalore is concerned, my hon. Colleague, Shri Veerendra Patil, maintains that the State Government or the Central Government appear to have agreed even at the time of the formation of the major port that the minor port should be merged, but in that case also the whole of the minor port is to be merged. As far as Salaya is concerned, I might clarify for the information of the hon. Minister that the agreement to extend the limits of the major port of Kandla to only a portion of Salaya, a portion only of the minor port and not the whole, probably was obtained before I assumed office or after I left office. But the major point which I wish to raise is that the reason for taking over a portion of Salaya port was, firstly, that the Central Government decided upon the construction of

an offshore oil terminal which was near Salaya. The site of the offshore oil terminal fell within the limits of the minor port of Salaya. It was for that reason and in order to maintain the management and the revenues of the operation of the offshore oil terminal with the Central Government that the limits of the major port of Kandla were extended to include only the site of the offshore oil terminal and a further portion necessary for the approach to the offshore oil terminal. Under these circumstances, I would like the hon. Minister to give a categorical assurance that it is intended to arrive at an arrangement with the State Government to part with a portion of the revenues arising because the State Government would certainly be deprived to that. It is no use the hon. Minister saying that the charges which were previously being collected will continue to be collected by the minor port. That is not the point. The point is that the operation of the offshore oil terminal could certainly have been entrusted even to the State Government, if it was necessary. It is only to maintain the management and revenues of the offshore oil terminal with the major port of Kandla and the Central Government that this has been done. Therefore, I would very strongly urge upon the Minister that an arrangement must be arrived at with the State Governments to reimburse it with the portion of the revenues arising from the operation of the offshore oil terminal.

There is one more point which I would like to clarify, and that is this. This action was taken prior to this amending bill, in which case, as I said, unless these arrangements are arrived at, I would not be surprised if the State Government would be well advised to take up the question of jurisdictional conflict of the powers of the Central Government in regard to what it has done.

SHRI CHAND RAM: This Bill is, in fact, of a clarificatory nature. It has been brought here to remove certain doubts. In fact, in my opinion, we have already

[Shri Chand Ram]

he powers. We have certainly removed the doubts and we have certainly the concurrence of the Gujarat Government. He should put this question to the Gujarat Government. They should be, in fact, the party to object. The hon. Member was himself a Minister, When this terminal was started some 1<sup>1/2</sup> years ago, I believe he was a Minister in between. I don't think I have to say anything more than to assure him on this. Previously also, the charges for all those vessels which used to pass through the Salaya Port were recovered by the Salaya Port. That was the only thing. And, if I am correct, the offshore terminal is about 13 kilometers from the Salaya Port. He belongs to Gujarat he might be knowing more. But my Ministry officials have told me that it is 13 kilometres from Salaya. He can very well see that if this offshore terminal is set up, this will benefit Gujarat.

DR. RAJAT KUMAR CHAKRA-BARTI: The Minister has not said anything, about the complaint against the present Chairman.

SHRI CHAND RAM: In fact, I did not want to touch upon this subject because, as I have already said, I have received various complaints against the previous Chairman and I am myself thinking of setting up some kind of an Inquiry Committee. In fact, I have entrusted this matter to the Secretary so that he can look into it and if the Secretary and myself come to some conclusion then we can hold an enquiry.

Regarding the other point regarding minor officials, I also feel that an injustice appears to have been done to them.

DR. RAJAT KUMAR CHAKRA-BARTI: Sir, as Minister in charge he should take immediate action because he has got it signed by the Chairman. Unless you do something about it....

SHRI CHAND RAM: I shall take action if a *prima facie* case is established.

SHRI H. M. TRIVEDI: I am sorry to interrupt again. Even with the explanation that the hon'ble Minister has given, as I said yesterday, it may be in the national interest in certain circumstances to do certain things. Without going into the legality of the powers involved, I would still appeal to the hon'ble Minister to consult the State Government in order that the State Government may be reimbursed at least a portion of the revenue arising from the offshore oil terminal. The distance of the offshore oil terminal is immaterial. When it lies within the defined limits of minor port the question of principle does not arise.

SHRI CHAND RAM: With due apologies I can say that perhaps he did not hear my reply. The State Government is signing the draft agreement and that draft agreement will be considered. I think the draft agreement must contain all the points that must be concerning them.

MR. DEPUTY CHAIRMAN: Now I will put the motion.

The question is:

"That the Bill further to amend the Indian Ports Act, 1908 and the Major Port Trusts Act 1963, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

*Clauses 2 and 3 were added to the Bill.*

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

SHRI CHAND RAM: Sir, I move:

"That the Bill be passed."

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