

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Plantations Labour Act, 1951, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

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

Clauses 2 to 8 were added to the Bill.

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

SHRI ABID ALI: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE INDIAN AIRCRAFT (AMENDMENT) BILL, 1960

THE MINISTER OF TRANSPORT AND COMMUNICATIONS (DR. P. SUBBARAYAN): Sir, I move:

"That the Bill further to amend the Indian Aircraft Act, 1934, be taken into consideration."

Sir, this is a very simple amendment and has been necessitated by fact that a number of people, without, declaring the explosives, etc. under the Act, go without being punished properly because they think the fine to be levied and the imprisonment to be imposed are only Rs. 1,000 and 3 months respectively. So we are amending section 10 and are providing for a more severe punishment, as would be found. The punishment is for 2 years and there will also be the liability to a fine, so that this will act as a deterrent.

Taking advantage of the amendment, we are also introducing two amendments which have been neces-

sitated by recent trends. The Law Commission have recommended that the word 'Indian' need not occur in any legislation. So the word 'Indian' in the Indian Aircraft Act in section 1 is left out. Also any rules made under this Act, under section 5(3), will be applicable to all rules made under the Act, and not only to the particular section provided in the Indian Aircraft Act, as it exists now, because the Committee of Parliament on Subordinate Legislation have recommended that all rules should be so laid on the Table of the Houses and subject to alteration by the Houses of Parliament.

The question was proposed.

SHRI BIREN ROY (West Bengal): Mr. Deputy Chairman, we are glad that the hon. Minister has brought in at least one very necessary amendment of a section of the Aircraft Act on account perhaps of certain accidents which took place in India but we are not happy at the manner in which only this one section—and that too after such a lot of time—of the Act XXII of 1934 is being amended. Many things have happened in these last 26 years. We have practically two Aircraft Acts. If we take the word 'Indian' out from this, as we are doing now, then certainly from the other Act, which is called the Indian Air-carriage Act, that word would also have to be taken out. At the same time it should also have been stated in the same Indian Aircraft (Amendment) Bill that all the rules made hereafter will also be called as Aircraft Rules and not Indian Aircraft Rules. Otherwise it is not consistent.

Now the clause is so going to be amended, as he has rightly pointed out, that every rule made under this Act shall be laid as soon as may be, after it is made, before each House of Parliament. It is a very salutary move. The point is, after a lapse of nearly 26 years, as I said, we are having a comprehensive set of rules which have been gazetted only recently, namely, on the 11th July 1960. It

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brings about not only the changing of rules which were up till now prevalent but it brings in many new things and unfortunately those persons who are vitally interested in these rules—the Flying Clubs, the Aero Club of India, the National Body of Aero Clubs—and also those who are in charge of running these institutions, of giving licences, have not at all been consulted before the rules were brought in. Now we have an opportunity just because this amending Bill has come before us to give you a glimpse only of a few items because it is very difficult to go into all the rules, within this short time. A six-page Act has got 180 pages of rules and a 2-page Act—the Indian Aircarriage Act—has also got about 20 pages of rules. The Acts are so concise that unless one goes through the rules, it is not possible to understand the Act. In other countries these Acts are consolidated in a real Aircraft Code and that should have been done when these amendments were being brought to us. Just only because some dangerous substances have been carried by air and those people could not be punished, we are confronted with this but we have been asking the D.G.C.A. that there must be a comprehensive change of the rules in view of the fact that today the ICAO is there. We have international air transport from our own country. We have bilateral agreements. We have multilateral agreements. We have now the Bermuda Pact. And now there is the pooling of air passenger profits and so on between one line and another line. All these things are not covered as yet and we are not even allowed to know what is going to happen and whether India is suffering by this or whether we or somebody else is benefiting by this. These are the things which should be discussed in connection with this Bill. Anyway, before we go into these, let us see the definitions now being gazetted. Perhaps it may be said that these were gazetted before this change,

that the rules should be presented here, was made and so it should not be discussed in Parliament. So I am taking only one aspect of these definitions.

These definitions are not full and complete. Here aerodyne and gyrodynes are mentioned, but it is not explained what they are. In one definition it is stated that aircraft means balloons, airships, kites, flying machines. Then they go on describing what these things are. Even gliders have been mentioned, but not gyrodyne or aerodyne or kite. There are differences. Because of these differences they come in another portion of the Act. Then there are students' pilot licences. It is not mentioned anywhere why a student pilot licence is coming? Now it has been brought in, of course, from the ICAO Regulations and you say what it should be, under section (b) of the Rules. And there under brackets come "aeroplanes, helicopters and gliders". That is good. But here is an important point. The D.G.C.A. is making these rules and he should have and the Ministry should have a body to advise them. It does not have such a body, just as there is one in the U.K. a body not only of Parliamentarians but of experts who are engaged in producing pilots and in giving them licences. It will be seen that glider licences and certificates are not given by the U.K. Ministry. It is considered 'air sport' and the National Aero Club, which is just like the Indian Olympic Association, issue the licences. There is the F.A.I., the Federation of Aeronautiques International, like IOC and as the counterpart of it here we have the National Aero Club of India, the federation of the flying clubs in this country. These are authorised in all other countries and the National Aero Club should issue these licences. But here the licences are going to be controlled by the D.G.C.A. That will mean that the Air Club will not even have the funds it would get from the issuing of certificates.

There is another point about the students' pilot licence. In other countries they have followed the I.C.A.O. After all you have to give encouragement to the students to come and fly, also to gain the knowledge and with that knowledge they can have their own air sports. The I.C.A.O. Regulations have been decided by an international body. You have all the countries there and India is a member of the I.C.A.O. Here in these rules fortunately or unfortunately, it has been given out today by the D.G.C.A. in the consultative committee; as you know, Sir, that the I.C.A.O. has only stated the minimum standard and India wants to raise the standard. Why? Here is the standard laid down as the minimum and it has been fixed and it is international. It should be agreed to by all. And if it is agreed to by all, then why should India just depart from it and say, our boys instead of having what the I.C.A.O. says must be more experienced? That means a higher standard is sought to be introduced and this will show to others, to the foreigners that we are very slow in the uptake, I mean, in the uptaking of flying training and that we are inferior in this respect. We are not. Our flyers, Parliamentarians will be very glad to know, have for three years in succession, when our Defence Department allowed them to compete in England against the Air Force pilots of Great Britain, came out first as a team, in aerobatics. And they were all trained here, not trained abroad, nor even according to I.C.A.O. rules. Many of them went through the flying clubs here. Then why should you insist on this? It will mean various other things also. The commercial pilot licence' is also now being strengthened or rather tightened up in all countries. That is very good, because we have very complicated aircraft to operate now-a-days. We have also instrument rating astral navigation and faster 'jets' are coming in. But the I.C.A.O. have fixed certain hours of training, they are internationally fixed hours of flying training. For commer-

cial pilots licence for seniors they have fixed 700 hours of training, but we have fixed in these new rules 1,250 hours. These 1,250 hours in commercial aircraft will mean an additional 500 hours of flying and will also involve a cost of nearly 20,000 to Rs. 25,000 extra. Is it possible for a pilot in India to get that amount of money? Of course, it will be said that we shall subsidise them and train them in our aircraft. Quite right, but somebody pays. Government will have to pay from the taxpayer's money. Why this fantastic move? Have we become so very intelligent and more intelligent than even the I.C.A.O. that we do not want to accept their standard and want to make our own standards and make them higher than even the standards laid down by the I.C.A.O.?

Then comes the question of glider pilots licensing. This, as I said before, should be left completely to the Aero Club of India. And not only that, but it should be treated as air sports like Olympic sports. The F.A.I. which is the international controlling body is going to have their annual conference this year in Spain and I have been delegated by the National Aero Club to represent India and to lead that delegation. I have been going to these conferences for the last seven years. We have also to take part in the field of sports, in gliding, and so on. Now when they produce these rules for discussion what have you to say? Here in India the rules made are different. That is very funny. They will ask me, 'What, as the National Aero Club, were you doing?' So here I am also voicing as representatives of the Aero Club our opposition to this and also our opposition to the issuing of students pilot licences or glider licences by Government. It should be handed over to the National Aero Club of India. We have practically the first professional pilot in India working as our Secretary-General here. He knows the rules. He has been working with us in a concerted effort to make the trainees well qualified, to see that

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the training in clubs is upgraded and so on. We are trying to do it. Today we are experiencing financial difficulties. After all, we are working as a team and therefore, our advice in this matter should be accepted.

Not only that. We suggest that there should be an Advisory Committee as in the U.K., attached to the D.G.C.A. or the Ministry of Aviation. In principle you have accepted it, because you have accepted that an advisory committee should be attached to the Air India International and also one to the Indian Airlines. Why should you not then have an Advisory Committee for the control and development of all aviation? Therefore, this proposal should be accepted. A member of the Aero Club and also a member each from both the Houses who knows about the practical side of flying should be there and also your own technical expert so that any time when the rules are changed and are published before being placed before Parliament and so on, all these things may be discussed and decided.

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.]

Finally, as I have already suggested, a consolidated Act covering the rules and so on should be prepared. Many new things are coming up in the field of Aviation, new problems have arisen in respect of air transport, in respect of licensing, in respect of air carriage, freights, passenger flights and so on. There are also meteorological matters and there are the instruments and radar activities for the control of very fast flying and so on. All these should be combined and discussed together and then a comprehensive Bill should be brought instead of bringing in only one item here. Many other problems are now coming in. We know that aircraft belonging to our country have landed in other countries and have been attached. We are also perhaps going to attach aircraft of other countries, for smuggling and other acts. Such

possibilities may happen in the future. Our laws are different and they may take shelter under the rules. We will never be able to justify our stand. Therefore, I suggest that all these things should be put in a consolidated measure.

We give our fullest support to the proposals which the hon. Minister has brought forward because they are very salutary. Without these provisions we will never be able to do anything with those people who jeopardise the lives of persons and also the aircraft of which we have only a few in India by taking in, without proper precaution, the prohibited goods. There are also, besides these goods, other activities which are being carried on. This, of course, is not mentioned in the Bill. We have not brought forward any amendment, and so I will not speak about those.

While giving our full support to this measure, I have to request the Minister to bring in a consolidated Bill in the near future. I would also request the hon. Minister to place before us the rules that will be made hereafter as also those which have been made before so that our suggestions in regard to the rules may be accepted by him.

SHRI ROHIT M. DAVE (Gujarat): Sir, I rise to give my full support to this Bill. It is certainly highly irresponsible and unsocial to smuggle goods through aircraft from one point to another. I want to know from the hon. Minister as to whether proper precautions have been taken at the air terminals to see, when these goods are offered for carriage in the aircraft, that they are not contraband goods. It should be possible to find out at that stage whether they are contraband goods or not. Unless we make proper arrangements at the air terminals to see that contraband goods are not offered for carriage, in spite of this very salutary provision in the Bill that we are intending to introduce, it may be difficult for us to carry out the full intention which

the Bill has in mind. Therefore, while welcoming the Bill, I would request the hon. Minister to assure the House that proper arrangements will be made to see that contraband goods are detected and properly dealt with.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Mr. Vice-Chairman, I am grateful to you for giving me this opportunity to say a few words. While this matter was being debated, I was feeling that we have not been given much data about the number of cases that have been taken to the courts in respect of the carriage of dangerous goods like this, the extent of damage caused and the manner in which such cases have been dealt with. I am saying this because I find that even the enhanced punishment is not adequate for the loss and damage that such acts may cause. I would request the Minister through you, Sir, to enlighten us regarding the previous situation, and also to let us know whether, if these things had occurred frequently, it would not be proper to enhance the punishment proposed in this Bill.

DR. P. SUBBARAYAN: The hon. Member who spoke first, Mr. Biren Roy, is not here, but I know that he is very well acquainted with aircraft rules and regulations because he has been in the Bengal Flying Club for many years. As he has said, he has represented India in the Aero Club Conferences, and he is going there this year also. As I explained to him this morning when this point was raised, the fact is that we have got to make rules in such a manner as to prevent accidents if we can, and I think Indian pilots have built up a very good reputation and have maintained it also because, if you compare the accidents in other countries, ours are much fewer. This is because of the fact that our rules are very strict. That is also the reason why the rules have been made stricter, and I do not think there is going to be any harm because the pilots that come up seem to satisfy the requirements that are

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laid down. As a matter of fact, the rules are constantly being reviewed. Part XII of the rules was revised only recently, and the question of amending part V—personnel and aircraft—is under consideration. Under the new clause in the Bill, the rules will come up before the House, and they will be placed before the Houses. It will be for them to suggest amendments, if any.

Mr. Akbar Ali Khan has raised the question of the accidents that have happened. I have in my possession details of about seven incidents involving the carriage of contraband goods and which might have resulted in a total loss of the aircraft as well as the death of many persons including pilots, etc. All this happened because the people had not declared the nature of the goods offered for carriage. When we took up the cases to courts, some of them were even acquitted because it was said that the evidence placed before the courts was not complete. That being the situation, we want these amendments to be made urgently, and that is the reason why, as Mr. Biren Roy said, we are proceeding with this legislation quickly so that with the deterrent punishment now proposed we may be able to prevent this type of accidents.

I am glad that hon. Members have welcomed this Bill. Mr. Biren Roy is naturally interested in flying because of the great deal of interest that he has been taking in this subject. I will take into consideration all that he has said on the floor of the House and I will also see as to how far I can satisfy what he has in mind when bringing in a comprehensive Bill.

I thank once again the hon. Members who have welcomed this Bill, and I hope that it will be passed without any amendment.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The question is:

“That the Bill further to amend the Indian Aircraft Act, 1934, be taken into consideration.”

The motion was adopted.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): We shall now take up the clause by clause consideration of the Bill. There are no amendments.

Clauses 2 to 6 were added to the Bill.

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

DR. P. SUBBARAYAN: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE CHILDREN BILL, 1959

THE MINISTER OF EDUCATION (DR. K. L. SHRIMALI): Sir, I beg to move:

"That the Bill to provide for the care, protection, maintenance, welfare, training education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union territories, as reported by the Joint Committee of the Houses, be taken into consideration."

Sir, before this august House considers the Report of the Joint Committee, I should like to inform the House that since this Bill had been considered by this House on a previous earlier stage and has also gone through the Select Committee stage, the Bill, as it has emerged out of the Joint Committee, does not make any radical departure from the one which was introduced in Parliament. There is, however, one major change which has been introduced by the Joint Select Committee, and I would like to draw the attention of the House to that change. The House would remember that we had provided for the children's courts considering cases both of neglected children and delinquent children.

It was thought at that time that though these children belonged to different categories it may be difficult

for us to set up two kinds of machinery to deal with two different types of children. This matter was discussed at length in the Joint Select Committee and the Joint Select Committee in their wisdom decided that it would not be proper to have the same kind of institution both for a neglected child and for the delinquent child. The reason is that they are two different categories. A neglected child may not be a delinquent child and if we put them in the same category and they go to the same court then the neglected child when it comes out of the court will have a stigma that such and such a child had been to the court and had been prosecuted by the police and so on. I do not think I should take the time of the House in describing in detail the circumstances which make a child delinquent or make him neglected. There are various circumstances—social, economic, psychological—which lead to delinquency. There may be a different set of circumstances which lead to neglect of children. Therefore, one major change which the Joint Select Committee has introduced is that for dealing with neglected children we should have Child Welfare Boards. The functions will be more or less the same. The Child Welfare Board will exercise the functions of the court because after all if you have to send a child to an institution you must have the power of the court. So, those powers would be there but the institution would be named differently. It would have a different designation and the whole machinery will be different. This, I think, is the major change which the Joint Select Committee has introduced and the rest are all consequential. In the original Bill this provision was not there but this is important and it is good that we make this difference between a neglected child and a delinquent child. A delinquent child after all has committed a crime. You may not call it a crime but all the same he has been delinquent; he has committed some action which is considered anti-social, whatever the reasons may be. But it would be wrong for us to put the neglected child also in the same category.