SHRI BHUPESH GUPTA: Kindly allow me to put a question, Six. Usually, after the debate questions are allowed, *one or* two. You do not allow the Opposition Party to put a question.

MR. DEPUTY CHAIRMAN: The question is:

"That at the end of the Motion, the following be added, namely: —

'and having considered the same, this House is of opinion that: —

(i) the programme of food production is much behind the schedule' owing to the halting land reform policy and the absence of effective steps for the proper utilisation of existing irrigation facilities and the availability of cheap finance to the cultivator; and

(ii) the Government has not been able to create the required administrative machinery at the district level for the successful execution of the Plan.' "

The motion was negatived.

MR. DEPUTY CHAIRMAN: The ■discussion is concluded.

MESSAGE FROM THE LOK SABHA

THE APPROPRIATION (NO. 4) BILL, 1958

SECRETARY: Sir, I have to report to the House the following Message received from the Lok Sabha, signed by the Secretary of the Lok Sabha:

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Appropriation (No. 4) Bill, 1958, as passed by Lok Sabha, at its sitting held on the 25th September, 1958.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

rS'ir. I lay the Bill on the Table.

REQUEST FOR SUPPLY OF THE REPORT OF THE WORLD BANK MISSION TO MEMBERS OF PAR- " LIAMENT

SHRI BHUPESH GUPTA (West Bengal): Sir. I have a submission to make. The Session is coming to a close. We see press reports about the Report of the World Bank Mission that came to this country. It has a great bearing on the Plan. I would request you to request the Government to see that this Report is made available to all of us, Members of Parliament, before we disperse. We consider this very important.

MR. DEPUTY CHAIRMAN: Aft right. We will consider it.

The House stands adjourned till 2-45 P.M.

The House then adjourned for lunch at six minutes past two of the clock till forty-five minutes past two of the clock.

The House reassembled after lunch at forty-five minutes past two of the clock. Mr. Deputy Chairman in the Chair.

THE MERCHANT SHIPPING BILL, 1958—*continued*

Clause 21—*Indian Ships—continued*

MR. DEPUTY CHAIRMAN: Before you begin, Dr. Kunzru, let me tell the House that we have to finish all the stages of the Bill by 4 O'clock and take up some other business. I hope Members will be brief in their speeches.

SHRI H. N. KUNZRU (Uttar Pradesh) : If you will let me know how many minutes you can give me I shall try to cover all I have to say within that time.

• MR. DEPUTY CHAIRMAN: Two or three minutes more.

SHRI H. N. KUNZRU: I am afraid I have to say something that will occupy more than that.

MR. DEPUTY CHAIRMAN: I believe this is the only controversial clause, clause 21. and there may not be any discussion on the other clauses.

SHRI H. N. KUNZRU: I do not think there will be any discussion on the other clauses.

MR. DEPUTY CHAIRMAN: If that is agreed to we can take another ten or fifteen minutes over this, but then there are two or three more speakers on this side.

SHRI H. N. KUNZRU: I do not think that there will be any speeches on the third reading.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): At least none of those Members who have had the occasion to speak at the first and second reading stages will feel tha need.

SHRI H. N. KUNZRU: Sir, I was trying to explain the other day why I had given notice of this amendment Now I shall begin with the first category of persons whose share capital will be regarded as held by citizens of India. The first category relates to persons of Indian descent domiciled abroad. Some objection was raised to this. Now, Sir, it seems somewhat strange that people who are nationals of another country, citizens of another country should in no case be treated as citizens of India for any purpose. Sir, the situation at present is such that I think, without any fear now and for many years to come, that we can treat the Indians who are settled outside India as Indians for the purpose of holding shares in our mercantile marine, but if Government want to know whether there is any country which has allowed people who are of the same origin as the people of that country but who are settled elsewhere, *to* be treated like the citizens of that country for any purpose, I shall quote the example of Poland. I have taken this example from the laws concerning the nationality of ships, which has been published by the United Nations. The publication to which I am referring, I think, dates back to 1955 only. It means, therefore, that the law from which I shall quote—though it was passed in 1928—is still in force. Now article 4 of this law relates to the recognition of sea-going vessels as Polish merchant marine vessels, and article 4 of this law says:

> "In evaluating the qualifications of individuals and corporate bodies in order to decide whether the vessels owned by them shall be recognised as Polish merchant marine vessels, persons of Polish racial origin who' are not Polish nationals may be treated on an equal footing with the citizens of the Republic."

Sir, I am sorry that my hon. friend Shri Bhupesh Gupta objected to my amendment on the ground that I was trying to have persons: who were domiciled abroad treated as citizens of India and he would have been greatly interested in this article which forms part of a Polish law that is still in force. In the peculiar circumstances of India I have no doubt whatsoever that if Government accept my amendment, the inclusion of this particular category among those shareholders who might be regarded as citizens of India would do the country's interests no harm.

Now I come to the second category of "persons domiciled in States protected by India under treaty obligations." Sir, when I gave notice of this amendment I had in mind the persons living in Sikkim and Bhutan. Now those States are under treaty obligations with India, and one of them is certainly under the protection of this country, I mean it is a Protectorate. There is no reason, therefore, why persons domiciled in these States should be treated differently from the people of our own country. It is true that for internal purposes these countries are independent. Nevertheless I think it will be regarded as a good gesture if we allow people who are living in these territories to hold shares in our mercantile

marine, if they want to do so. Of course, their share will not form part of the percentage of 25 which is allowed to be held by foreign nationals.

Now the last category referred to in my amendment is that of "persons domiciled in neighbouring countries to be determined by the Government of India and notified in the Gazette of India." Well, I thought primarily of Nepal when I included this category in my amendment. Now, Sir, people of Nepal serve in our army, and nothing can be more important from the national point of view than defence, and if in our defence forces we allow the people of Nepal to enlist themselves, there is no reason why we should not allow the people of Nepal, if they are inclined to do so, to hold shares In our mercantile marine, without being regarded as foreigners. I think in their case not even the most suspicious person here including the hon. Minister for Communications and Transport will have any reason for objecting to their inclusion in my amendment.

Now, Sir, I should like to deal with one or two general matters which arise out of the last speech of the hon. Minister for Transport and Communications. I think, speaking in this House on the 23rd September, he referred to the ratio fixed by the laws of some countries with regard to the shares that must be held by the nationals of those countries and the percentage of shares allowed to be held by nationals of other countries. He referred to a number of countries including France, the U.S.A., Italy etc. and then said that he regarded these percentages as national and by this he meant that in spite of the permission given to foreigners to hold shares in the mercantile marines of those countries, no advantage had been taken by them of these opportunities. I confess that this surprised me. I, therefore, tried to look into the matter and see whether I could get any information which either confirmed the hon. Minister's information or controverted it. Now, I **found** ■ some information in a book called the I London Stock Exchange, Official Year Book, 1957, which I think does not bear out what the hon. Minister said two days ago. Take first the case J of France. There is a company there known as—I will not read out the French name—The General Transatlantic Company. It has an issued capital of about 2 billion francs and the shareholders are divided into two classes, Class A and Class B. The capital actually subscribed is about 408 million francs. And about 142 million francs are in category A and the rest is in category B. The shares relating to category B must be held by the nationals of France but the rest of the shares might be held by any country.

SHRI V. K. DHAGE (Bombay): What is the fact?

SHRI H. N. KUNZRU: This company is referred to in the book that I mentioned a little while ago. Therefore I take it that this means that the shares of this company are quoted on the London Stock Exchange and through this we may draw the inference that there are Englishmen holding shares in this company. Otherwise there is no reason why the shares of this company should be quoted on the London Stock Exchange.

SHRI V. K. DHAGE: Could it be that the law of the Stock Exchange in England permits these stocks to be traded in that market provided the shares are registered there for this purpose?

SHRI H. N. KUNZRU: The shares may be registered but it is difficult to see how the Britishers will take these shares in this company if there are no British citizens holding shares in it. It is very difficult for me to believe that, a national company— this is not an international company— like this should be quoted on the London Stock Exchange if there were no British shareholders in it. *(Time* bell *rings)*

[Shri H. N. Kunzru.] Now, the next example will b'e that of the United States. There is a company known as the United States Lines Company. The issued Capital of this is about 3 million dollars and § the shares of this company are quoted on the London Stock Exchange. Well, I could give other instances also which seem to bear out the view that in the mercantile marine of France and the United States and of Australia shares are held by persons who are not Frenchmen or United States citizens or Australians. I quote 3 P.M. these figures for what they are worth. I quote them in the belief that shares in these companies are held by non-nationals and I hope that my hon. friend would, therefore, give a little more attention to this subject than he seems to have done.

Sir, one more remark before I sit down. One of the reasons why, according to the Minister for Transport and Communications, it is not necessary to accept foreign equity capital in ,our mercantile marine is that we shall not have and we do not have adequate trained personnel and that if foreign equity capital is allowed to be introduced into our mercantile marine dividends will have to be paid on it from year to year. Now, as regards the second question I may say that as with a sum like a crore of rupees we can buy nearly five ships, it means that if these ships are gainfully employed the dividend to be paid will form a negligible part of our total profits. As for the first point, I say that the Government will only have to make up their mind to provide adequate arrangements for the training of personnel and the difficulty that appears to them almost insurmountable will, I am quite sure, •disappear in a few years.

MR. DEPUTY CHAIRMAN: Mr. Kapoor, be very brief.

SHRHI JASPAT ROY KAPOOR: Mr. Deputy Chairman, Sir, the four I amendments that stand in my name { should be divided into two parts; three of them relate to one subject and the fourth relates to another. The object of the three amendments is primarily to meet, so far as possible, the two conflicting viewpoints with regard to the proportion of foreign capital that should be in these shipping concerns and the effective measures that we should adopt in order to see that our control is real and effective. I do not know whether I will be accused while speaking on my amendments of trying to fight a lost battle. No doubt, I am probably the last entrant in. the arena but my excuse is that I think I have entered this arena with a new weapon which I feel I have found, a weapon of a very modest nature without any sharp edges, a weapon which probably the hon. Minister piloting this measure and his eminent colleague would like to have. My first amendment is not a new one and it is to the effect that the proportion of foreign capital may be even more than 25 per cent, subject to the condition as contained in my another amendment which suggests that the number of foreign directors on the Board of Directors may never exceed 20 per cent. Yet one more safeguard I have suggested in my amendment No. 36 which is to this effect. Shall I read it out?

MR. DEPUTY CHAIRMAN: Not necessary; they are taken as read.

SHRI JASPAT ROY KAPOOR: But I want to read it because it is a bit self-explanatory and it will help me to dispose of that point a little earlier. It reads thus:

> "Provided further that the voting right in respect of every share held by a person other than a citizen of India shall be half that of the right of a citizen of India in respect of a share held by him in the company."

So, this is another restriction which I submit is of a very important nature.

Now, Sir, I will very briefly deal with these points. There is one thing which, it appears to me, has been agreed by both the parties concerned and more so by the hon. Minister, Mr. Patil, that we need to increase as much as possible, in as short a time as possible, as much of our Indian shipping tonnage as possible. Its need would not have been better emphasi. ed by anybody than by the hon. Minister himself while he spoke in Bombay on the occasion when the President of the Indian National Steamship Owners Association feted him, where he said: "We require a large amount of tonnage which we do *not* possess today. If this effort had been made on a very big scale—mark the words 'on a very big scale'—some 25 years ago, perhaps it would have cost us only one-third, surely less than half of what it costs us today. Every year that passes means more and more money, because the cost of living everywhere has been on the increase." And then, Sir, one pertinent sentence of his I am tempted to quote. At the end of his speech he said: "But we must also realise that we should not be too patriotic." And this he said with reference to the demand of the members of that Association that the definition of Indian shipping must be completely altered. Now, Sir. realistic as the hon. Minister, Mr. Patil, has always been, (Time bell rings.) he has earned a reputation to that effect, he will, I hope, maintain that reputation by not trying to be a little too patriotic, on this occasion by not accepting the amendment that I have ventured to put before the House. Now, Sir, the hard fact is that while in 1947 we put a target of 2 million tons to be achieved in five or six years, we have not been able to achieve it so far. We have achieved only about 33 per cent of it. Why is it that we could not achieve it? I need not repeat all that. It does not appear to be possible to reach that target even at the end of the Second or probably even the Third Five Year Plan. Then, the question is what are we to do? In this connection, I can do not better than quote Dr. Ramaswami Mudaliar himself, because there are two schools of thought, one represented strongly by Dr. Ramaswami Mudaliar and his colleagues and the other represented by Mr. Ha.ii and his colleagues. Now, Sir, I will place more reliance on what Dr. Mudaliar himself has said on two or three occasions. He said . . .

MR. DEPUTY CHAIRMAN: You must close now, Mr. Kapoor.

SHRI J ASP AT ROY KAPOOR: I will try to be as brief as possible.

MR. DEPUTY CHAIRMAN: You have already taken ten minutes. We have got only fifty minutes and we have got so .many amendments and so many clauses.

SHRI JASPAT ROY KAPOOR: I am talking something, that is of some consequence. I am getting an opportunity only now. I gave my name during the first reading of the Bill. 1 did not get an opportunity to speak.

MR. DEPUTY CHAIRMAN: It is all right. Now, the time is limited. Please wind up.

SHRI JASPAT ROY KAPOOR: That is what I am trying to do. Now, Sir, at page 44 of the proceedings of the Joint Select Committee, we find Dr. Ramaswami Mudaliar himself admitting—I am quoting the exact words:—

> "We cannot think of expanding beyond that at the present time in view of our foreign exchange diffi culties .....Now it can only be done by foreign participation by way of equity capital which, as I said, is a dangerous thing."

Now, so far as the danger implied 1 in it is concerned, I will deal with it I in a minute. But it stands uncontro-verted that even he said that we cannot ; expand rapidly unless we get foreign i equity capital. Now, let us see what he says again at another page. . . .

MR. DEPUTY CHAIRMAN: They are all in the printed report. The hon. Minister knows it.

SHRI JASPAT ROY KAPOOR: So, I will pass over, quoting the pages. Then, again, at page 45 he admitted, in reply to a question by Mr. R. P. Sinha, that if we can have an effective control, we can have foreign equity capital. So, the question reduces itself to this. Can we have effective control? With regard to that my submission is. accept these two amendments of mine that the foreign directors do not have more than 20 per cent representation and then secondly that each foreign shareholder when he possesses a number of shares will not have as many votes, but only half the number of votes. *(Time bell rings.)* so that out of every hundred shares, if 60 are possessed by Indians, Indians will have 60 votes and if 40 are possessed by foreigners, they will have only 20 votes. So that out of 80 votes . . .

MR. DEPUTY CHAIRMAN: I am sure Mr. Patil can understand that mathematics. Mr. Chauhan.

SHRI JASPAT ROY KAPOOR: These are my points. . . .

MR. DEPUTY CHAIRMAN: I have called Mr. Chauhan. There are other sneakers also. Give them some time.

SHRI JASPAT ROY KAPOOR: I will give them ample time.

MR. DEPUTY CHAIRMAN: No. There is no time.

SHRI JASPAT ROY KAPOOR: Last sentence . . .

MR. DEPUTY CHAIRMAN: I have »ot got ample time. You may afford to give, but I cannot.

SHRI JASPAT ROY KAPOOR: If you had not interrupted, I respectfully say, I would have closed by this time. Now, Sir, another danger that has been suggested is this that these ships may have foreigners as masters and as engineers because of shortage of personnel, and there is much force in it. With respect to that my suggestion is that so far as foreign-going ships are concerned, you may have only Indian masters and Indian engineers and so far as the coastal shipping is. concerned have foreign masters and foreign engineers. That 'will do away with the danger and difficulty which you are anticipating.

My last submission is the hon. Minister said that this is only notional and symbolic. Admitting it to be so, why then are you afraid of not accepts ing the modest suggestion of other persons? If you can satisfy them, why do you not satisfy them? Wc have nothing to be afraid of it. Why then in matters notional and symbolic, you could not be generous?

Last thing . . .

MR. DEPUTY CHAIRMAN: I am sorry. No last thing. Mr. Chauhan,

श्री नवाब सिंह चौहान (उत्तर प्रदेश) : उपसभापति महोदय, मेरा भी संशोधन वैसा ही है जैसा कि माननीय डा० कुंजरू का है। इसलिये इसके समर्थन में उन्होंने जो शब्द कहे हैं उनका मैं समर्थन करते हुए दो चार शब्द और कहना चाहता हूं। अगर मेरा संशोधन मंजूर हो जाता है तो इसमें मुझे कोई हर्ज नहीं मालूम पड़ता है। हां, यह कहा जा सकता है, जैसा कि एतराज कुछ लोगों ने उठाया है, कि जिनकी श्रेणियां गिनाई गई हैं उनको भी अगर हिस्सा दे दिया गया तो जो ७५ फी सदी हिन्दुस्तानी शेयर है वह कम हो सकता है। अव्वल तो यही नहीं कहा जा सकता है कि इन लोगों की तरफ से शेयर कैपिटल आयेगा भी या नहीं, लेकिन अगर इस संशोधन को आप मंजूर कर लेते हैं तो इससे एक अच्छी भावना का परिचय मिलेगा। आप यह कहते हैं कि ये हमारे सिटिजन्स नहीं हैं, दूसरे देशों के सिटिजन्स हैं, यह मैंने माना, लेकिन बहुत मानों में हिन्दुस्तान का उनसे सम्बन्ध है।

जो इंडियन ओरिजिन के हैं जब उनको कोई तकलीफ होती है, तब भारत सरकार अपने नियमानुसार दूसरे देशों से, चाहे वह बर्मा हो, चाहे अफ्रीका, सम्बन्ध स्थापित करके उनकी तकलीफ दूर कराने की कोशिश करती है। अफ्रीका में जो भारतीय नसल के आदमी हैं उनके लिये जो राष्ट्रमंडल है वहां हिन्दुस्तान की सरकार लड़ रही है। जहां तक नैपाल का सवाल है मुझे मालूम है कि यहां नैपाल के बहुत से लोग हैं, यहां पर राणाओं में से बहुत से लोग हैं जो कि वहां से चले आये थे। जहां तक मुझे खयाल है उन्होंने भारत की राष्ट्रीयता को, नेशनैलिटी को अख्तियार नहीं किया है लेकिन फिर भी वे अपना व्यापार चला रहे हैं और कई कारखाने खोल रहे हैं।

परिवहन तथा संचार मंत्रालय के राज्य मंत्री (श्री राज बहादुर) : उनके पास डालर और पौंड नहीं हैं।

श्री नवाब सिंह चौहान : डालर और पौंड नहीं हैं, लेकिन भारत का रुपया तो है और यहां का रुपया नैपाल में लीगल टेंडर है, वहां आपकी यह चीज वैसे ही चलती है जैसे यहां हिन्दुस्तान में चलती है। तो भलमनसाहत का परिचय हमारी तरफ से भी होना चाहिये। मैं बताना चाहता हूं कि नैपाल देश के लोग, छोटे से बड़े तक, ठीक ढंग से यहां व्यापार चला रहे हैं। अगर उसी चीज को एक कानूनी ढंग से यहां मान लें तो कोई बुरी बात नहीं होगी। इसलिये मैं अपने संशोधन का और डा० कुंजरू साहब के संशोधन का भी समर्थन करता हूं।

SHRI P. S. RAJAGOPAL NAIDU (Madras): Sir, according to my amendment the proviso to clause 21(b) (iij will have to be deleted. Shri Avi-nashilingam Chettiar has also tabled a similar amendment, and his reason for deleting that proviso was that wide powers to the executive should not be given as it would increase the foreign participation in equity share capital. My reason for deleting this proviso is entirely different. Sir, if the Minister wants to exercise the powers both for increasing the Indian participation as well as the foreign participation, it is all right. Then tne proviso can stand. But it is his intention to use it only in one way. His intention is not to use it both ways, but his intention is to use it in one way, namely to reduce the foreign participation. If that is his intention, the proviso becomes purposeless, and there is no meaning at all in the proviso remaining. It is only for this reason that I had tabled the amendment. If the Minister wants to use the power only to reduce the foreign participation, there is absolutely no meaning in the proviso at all.

THE MINISTER OF TRANSPORT AND COMMUNICATIONS (SHRI S. K. PATIL) : Sir, I must not take the time of the House, but so far as the question of foreign participation and the amendments leading to that are concerned, I still remain unconvinced by the arguments advanced. No one has yet said anything as to where is that foreign capital that they are looking for. *(Interruptions.)* The other day I said that I had a lot of smell but the substance had not yet come. Therefore, it is merely deluding ourselves to think that it is coming from somewhere. It is not out of any obstinacy that I am saying so. If really we could count upon that, then we could have taken some kind of decision regarding that. Therefore, I have to point out that with all the stipulations that, we have got, namely, three-fourths of the Directors must be Indians, and this must be there and that must be there, despite all these, if really somebody believes that foreign capital is coming, I think that kind of optimism may be anything but it is not infectious and, at any rate, it has not caught me in that infection. *(Interruption.)* Sir, I do not yield the floor *to* the hon. Member. I have heard him. My eye is on the clock, we have got to finish it. I am merely making that remark

[Shri S. K. Patil.] because we had finished discussion on that point. Anyway the House is free to discuss it and suggest it. I do not doubt their motives, if they still believe in that.

Sir, it has been contended by my hon. friend that we are going to use that proviso merely to decrease participation of foreign capital. The proviso is intended to be a cushion. As I told you, it has got a double purpose. You can increase it or decrease it. I told you how my mind was working. Surely no opportunity has arisen and possibly will arise of using that proviso. But the proviso sometimes is necessary for the purpose, as I said, of acting as a cushion. If anything comes in, your case should not go by default because you have no power to do so. Therefore, if that power merely remains there, let it remain. I must not take your time on that.

Then there was the important suggestion made by my hon. friend Dr. Kunzru as to why we should not have the capital of those people of Indian origin or of those people who might have even become nationals of other countries but were of Indian origin or of those people who are remaining in those kinds of protectorates like Bhutan or Sikkim. I can assure him that I am as much anxious as he is that if there is any chance of having capital from that direction, we should have it, but J would not accept his amendment for the reasons that I am stating, that there are other ways of attracting that capital. Now, there are three or four categories into which these persons can be put. There are persons of Indian origin who have accepted the nationality of other countries; therefore they are not Indian nationals, they belong to some other country. There are persons who have not yet accepted the nationality, it is hanging in between, some of them are on British passport, etc. etc., and the nationality desired in those particular countries have not been granted j yet, and therefore they do not cal'l I themselves one way or the other. There are people of that kind. Then there are people who have still got the Indian passport, but they are in other places. These are all the i various categories of persons that are there. This matter bristles with diffi-; culties of all types. It is not a simple question. My hon. friend is conversant with the conditions overseas more than anybody else in this House, I grant that. But I had also the good fortune of remaining with them for many years and knowing their conditions, and I can assure my hon. friend I that to the extent to which it is pos-' sib'le for us to attract the capital of j these people in some way we will do so which does not arouse the suspicion I of those Governments; otherwise they will clamp down some kind of laws by which even what little they are able to do they may not be able to i do. For instance, I can say that the countries that can really give us capital in a big way—I am not talking of i Sikkim or Bhutan, let them be ! separate—are those like East Africa. ; During the last two years we have been able to get from them crores of rupees—I am not talking of shipping but of other industries—and I know of cases where they have done it and how they do it. Perhaps some people may help us from Hongkong and such places. I am talking of places where there is money and which can be given. There are people in Ceylon, in Colombo, but surely they have no money to give us, and therefore we do not depend upon them. But the trouble 'is that our laws are also becoming more and more rigid as time goes on. And then, because we are Commonwealth countries, the law has not yet come about the repatriation of money, and sometimes we can take advantage of it, as we have been doing. But if we definitely pass a law that they can be treated for the purposes of the Act as Indian citizens, then surely we will be doing something by which the remedy will ' become worse than the disease. I Instead of attracting that capital, we

may create difficulties in our foreign affairs which will be hurting those people. As it is, some capital is com- j ing. How is it coming? Because j there is no ban on it just now. As j tor East Africa, I can quote many examples to show that during the last two or three years capital has come to the tune of Rs. 5 crores. It I can also come for this purpose. But they do not do it in their capacity of citizens of any other country. Their citizenship is not yet determined because they are still on the British passport, the old passport. Neither j the East African Government nor any of those Governments of Kenya, Uganda, Tanganyika and Zanzibar have made their citizenship laws. Therefore taking advantage of that, capital may be coming. I shall apply my mind to it and see if there is any possibility in that direction. We should not fail to take advantage of any such possibility. My only difficulty is that if I accept these amendments and just cry from the house •. tops that that is the meaning of it, i that we shall count them as Indian citizens for these purposes also, the difficulties will be more than the conveniences that we shall derive out of it. Only, that is my difficulty and it is not for the substance of it.

Somebody mentioned about Nepal. Nepal is a different proposition altogether. But so far as Bhutan and Sikkim are concerned, I wonder as to how really we shall get aid from them and it won't be in the shape of foreign exchange. Today, what we are worried about is this foreign participation. When We talk about it, it is not the rupee, it is really the foreign exchange that we are thinking about. Therefore, merely for the sake of Bhutan or Nepal, we need not do that. But I gathered from the learned Doctor that it is possible and if an amendment becomes necessary after very careful thought that it should be done, I shall be prepared to move it. But at this stage, you will kindly excuse if I am not in a position to accept those amendments.

SHRI H. N. KUNZRU: The Gov-arnment can issue instructions to the Reserve Bank of India in order . . .

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 14, for the existing clause 21, the following be substituted, namely:—

'21. For the purpose of this Act, a ship shall not be deemed to be an Indian ship unless owned wholly by persons to each of whom either of the following description applies:—

(a) a citizen of India; or

(b) a company which satisfies the following requirements, namely:—

(i) the principal place of business of the company is in India;

(ii) hundred per cent, of the share capital of the company, is held by citizens of India;

(iii) all the directors including the chairman and managing director of the company are citizens of India; and

(iv) the managing agents, if any, of the company, are citizens of India or in any case where a company is the managing agent, the company satisfies the requirements specified in sub-clauses (i), (ii) and (iii).'" (After a *count)*

Ayes .. 6

Noes .. 28

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

2. "That at page 14, line 13, for the word 'seventy-five' the word 'sixty' be substituted."

The motion tfas negatived.

MR. DEPUTY CHAIRMAN: The question is:

4. "That at page 14, lines 15 to 20 be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

5. "That at page 14, line 16, for the word 'alter' the word 'raise' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: •Amendment Nos. 6 and 7 are barred. The question is:

8. "That at page 14, after line 20, the following further proviso be inserted, namely:—

'Provided further that the following categories of share capital will be regarded, for the purposes of this sub-clause, as held by citizens of India, when held by:

(i) persons of Indian descent domiciled abroad;

(ii) persons domiciled in States protected by India under treaty obligations;

(iii) persons domiciled in neighbouring countries to be determined by the Government of India and notified in the Gazette of India.'"

The motion was negatived.

MR. DEPUTY CHAIRMAN: ♦Amendment No. 15 is barred. The question is:

16. "That at page 14, line 21, for the words 'not less than three-fourths of total number of the words 'all the' be substituted."

The motion was negatived.

•For text of amendments, *vide* cols. 4337 of Debate, dated 23rd September, 1958.

MR. DEPUTY CHAIRMAN: The question is:

17. "That at page 14, lines 27 to 29, the words 'or in any case where a company is the managing agent the company satisfies the requirements specified in sub-clauses (i), (ii), (iii) and (iv)' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: •Amendments Nos. 31 and 33 are barred.

SHRI JASPAT ROY KAPOOR: Sir, I withdraw my amendment. No. 34.

"Amendment No. 34 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

35. "That at page 14, line 20, for the words 'specified in this clause', the words 'specified • in this ' sub clause' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

36. "That at page 14, after line 20, the following further proviso be inserted, namely:—

'Provided further that the voting right in re.speci of every share held by a person ether than a citizen of India shall be half that of the right of a citizen of India in respect of a share held by him in the company.'"

The motion was negatived.

SHRI NAWAB SINGH CHAUHAN: Sir, I withdraw my amendment No. 37.

•Amendment No. 37 was, by leave, withdrawn.

•For text of amendments, *vide* cols. 4338-39 of Debate, dated 23rd September, 1958.

SHRI JASPAT ROY KAPOOR: Sir, 1 withdraw my amendment No. 38.

♦Amendment No. 38 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

39. "That at page 14, line 28, for the words 'the company' the words "the managing agency company' be substituted."

The motion was adopted.

MR. DEPUTY . CHAIRMAN: The question is:

41. "That at page 14, line 29, after the brackets and figure '(h),' the words 'without the alteration under the authority of the proviso thereunder' be inserted."

The motion **was** negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 21 stand part of the Bill."

The motion was adopted.

Clause 21 was added *to* the Bill.

Clause 22 was added to the Bill.

Clause 23—*Ports* of registry

SHRI V. PRASAD RAO (Andhra Pradesh): Sir, I move:

18. "That at page 14, line 45, for the words 'and Madras' the words 'Madras, Cochin and Visakhapatnam' be substituted."

(The above amendment stood also in *the names of Shri Bhupesh Gupta, Dr. R.* B. *Gour, Shri N. C. Sekhar, Dr. A. Subba Rao and Shri P. A. Solomon.)*

MR. DEPUTY CHAIRMAN: The clause and the amendment are now before the House. Do you accept it, Mr. Patil?

SHRI S. K. PATIL: No, Sir.

*For text »f amendment, *vide col.* 4339 of Debate dated 23rd September, 1958.

MR. DEPUTY CHAIRMAN: The question is:

18. "That at page 14, line 45, for the words, 'and Madras' the words 'Madras, Cochin and Visakhapatnam' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: Th-question is:

"That clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Clauses 24 to 35 were added to the Bill.

Clause 36—*Power to grant new certificate when original certificate is defaced, lost* ***etc.***

SHRI JASPAT ROY KAPOOR: Sir, I move:

42. "That at page 32, after line 25, the following may be inserted, namely:—

'(8) If the ship is a foreign -going ship the master, officers and engineers shall be only citizens of India unless in any case the Central Government grants permission to any other person'."

MR. DEPUTY CHAIRMAN: The clause and the amendment are **now** before the House.

SHRT JASPAT ROY KAPOOR: Sir, I rather believe that it should be possible for the hon. Minister to accept this unless he thinks that at the end of the session if he accepts even this very reasonable and necessary amendment he will have to undertake all the trouble of again going to the other House. This amendment I consider to be of very great national importance because every one has stressed this point that, when our ships are on the high seas, if ever an emergency arises and if the master, officers and engineers are all of them foreigners, then we shall have to wash our hands of that ship. That is

[Shri Jaspat Roy Kapoor.] a very important point that we must hold in mind. Therefore, I suggest that we must have it specifically incorporated in this measure that, if the ship is a foreign-going ship, the master, officers and engineers shall be only citizens of India unless in any case the Central Government grants permission to any other person. The point is, I do not want to fetter the hands of the Government absolutely. Normally, it should be that the foreign-going ships would have Indians, but if they consider it necessary and desirable in some particular cases to permit a foreigner to be a master or engineer of a foreign-going ship, they may grant permission to him. I know that they have reserved to themselves the right of issuing certificates and they can cancel them also. But then, I do not think they will ever find themselves in a position to cancel a certificate or refuse a certificate merely on the ground of nationality. That will be a delicate position to them. Let them, therefore, arm themselves with this right.

SHRI RAJ BAHADUR: Sir, I do not think this amendment is necessary because the provisions already contained in the Bill are sufficient and cover this particular idea also which the hon. Member seems to entertain. The provision in clause 76 makes it obligatory that our ships shall be provided with officers duly certified under this Act. Clause 77 says:

> "Subject to the provisions contained in section 86, an officer shall not be deemed to be duly certificated under this Act unless he holds a certificate of a grade appropriate to his station in the ship or of a higher grade granted in accordance with this Act."

Under clause 99, no person shall engage or carry TO sea any seaman who has not got this certification. Our certificates are required and we can very well control the nationality of a seaman or an officer to manage the ship.

SHRI JASPAT ROY KAPOOR: What is going to be your policy with regard to issuing of certificates?

MR. DEPUTY CHAIRMAN: Do. you withdraw your amendment?

SHRI JASPAT ROY KAPOOR: I wanted this question to be answered. If he gives me a satisfactory answer, I will withdraw it. What is going to be your policy?

SHRI RAJ BAHADUR: I can assure him that the number of foreigners coming and getting certificates in our country will be few and far between.

MR. DEPUTY CHAIRMAN: They are provided in the Bill itself.

SHRI JASPAT ROY KAPOOR: Let me withdraw it.

♦Amendment No. 42 was, by leave,, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

> "That clause 36 stand part of the Bill."

The motion was adopted.

Clause 36 was added to the Bill.

Clauses 37 to 100 were added to the Bill.

Clause 101—*Form and contents of the agreement*

SHRI V. K. DHAGE: Sir, I move:

> 10. "That at page 43, after line 15, the following be inserted, namely: —
>
> '(2A) The agreement shall provide that servicemen including a captain and other officers shall be entitled to one month's holiday with pay in India immediately

*For text of amendment, *vide col.* 4816, *supra.*

after every four months of service rendered by him on sea or away from India.'"

SHRI N. C. SEKHAR (Kerala): Sir, I move:

19. "That at page 43, after line 15, the following be inserted, namely: —

'(m) the hours of work.'"

(The above amendment stood also in the names of *Shri Bhupesh Gupta, Dr. R. B. Gour, Shri V. Prasad Rao. Dr. A. Subba Rao and Shri P. A. Solomon.)*

MR. DEPUTY CHAIRMAN: The clause and the amendments are now before the House.

SHRI V. K. DHAGE: I wiU just explain. How many minutes have I,
Sir?

MR. DEPUTY CHAIRMAN: Take one or two minutes.

SHRI V. K. DHAGE: I shall take only one minute.

Sir, I must say that there is some background for the amendment that I have moved now and it is a social one. While we the members of the Select Committee were on tour, we came across several seamen and came to know that there were a number of them who were married. They also informed us that they had not returned back to their families for more than a year or two. We also came across an officer who said that he returned back to his place three years after and his child addressed him as his uncle because he had not seen him before. This is a very serious situation from the social point of view. We have passed laws with regard to the suppression of immoral traffic and yet here, we expect them to indulge in immoral traffic by not providing any family facilities for them. Not that I say that they should be provided with this facility on the ship, but. nevertheless, some consideration must be given to this. Now ships do not take six months to come from England to India, but they take only **a** few days. If this amendment is accepted, methods can be devised to-implement it. We should look at it not only from the point of view of the seaman, but also from the point of view of the society. We should look at it not only from the point of view of the ship owners, because they are interested differently, but see as to how the society is affected otherwise. We have very many laws; for instance the laws of marriage provide under what conditions a divorce can be had. One of the clauses of it is that if a person is convicted for 3' years or 2 years with imprisonment etc. there is a right IOT the wife to seek divorce. The meaning of it i* that if the wife is denied the company of the husband for a particular period she should be able to claim a relief. That would be **the cause.** Here they take 3 or 4 years to return home. We don't really want to create a state of things by which we may create a disturbance in the society or in the family. I, therefore, suggest— I don't mind 4 or 6 months,—that the idea should be accepted so that no disturbance is caused in the society as it is.

SHRI N. C. SEKHAR: I don't want to make a speech.

SHRI RAJ BAHADUR: May I just say that so far as the agreement is concerned and the terms and conditions contained therein are concerned, they depend on the negotiations, discussions and settlement between the two parties namely, between the seamen and the ship-owners. All that is provided in this clause No. **101** is sufficient to cover all that is required for the seamen excepting holidays, wages, hours of work etc. which can be only settled mutually between the two parties. I don't think it is necessary for us to restrict or limit by some rigid provisions the scope of this clause especially with regard to the

[Shri Raj Bahadur.] holidays or leave or such other facilities. Moreover a holiday may he impracticable also. If a seaman happens to be far-off from the country, if supposing after 4 months of voyage he has to be. given a holiday, and he is somewhere near Newfoundland, how can he come back to India? He must find some port of relief there whenever he is to be given leave. So I don't accept the amendment.

MR. DEPUTY CHAIRMAN: He should also find his wife there.

The question is:

10. "That at page 43, after line 15, the following be inserted, namely: —

'(2A) The agreement shall provide that servicemen including a captain and other officers shall be entitled to one month's holiday with pay in India immediately after every four months of service rendered by him on sea or away from India.'"

The motion was negatived.

MR. DEPUTY CHAIRMAN: The •question is:

19. "That at page 43, after line 15, the following be inserted, namely: —

'(m) the hours of work.'"

The motion was negatived.

MR. DEPUTY CHAIRMAN: The •question is:

"That clause 101 stand part of the Bill."

The motion was adopted.

Clause 101 was added to the Bill.

Clauses 102 to 142 were added to the Bill.

i *Clause* 143—*Compensation to seamen for premature discharge*

SHRI N. C. SEKHAR: Sir I move:

20. "That at page 61, for the existing clause 143, the following be substituted, namely: —

'143. If a seaman having signed an agreement is discharged, otherwise thin in accordance with the terms thereof, without fault on his part justifying the discharge and without his consent, he shall be entitled to receive from the master, owner or agent the wages for the period for which the agreement is signed.'"

(The amendment also stood in the names of Shri Bhupesh Gupta, Dr. *R. B.* Goitr, Shri V. Prasad Rao, Dr. *A. Subba Rao and Shri* P. *A. Solomon.)*

MR. DEPUTY CHAIRMAN: The clause and the amendment are before the House.

SHRI N. C. SEKHAR: Sir, we want this amendment to be accepted from the Government side because of ttrs. Usually we find in the contracts entered into by Government with foreign experts or technicians—we have come across this experience— according to which if the technician or an expert is asked to go back before the prescribed period is over, the full amount is paid, there was the instance of the Government having paid the full amount promised to the technicians. If the technician was brought for 5 years on the basis of a certain contract under which he waa to be given so much pay per month and allowances etc., if such a technician or exDert is asked to go after one year of his term, then the entire amount that would have accrued in the form of pay and allowances were being given to him under that contract. Similarly, why not the Government hek> the seamen to get the same contract terms with the employers? If any employee is dismissed or discharged before the period of the contract, the entire amount to

which he is entitled to if he would be in the job should be given to him. That is my amendment.

SHRI RAJ BAHADUR: The clause as it is provides for a just and equitable scheme of compensation in all ■cases of premature discharge. It will not be fair to the ship-owners themselves if it is provided that the wages for the entire neriod of agreement are allowed. The scheme as contained is just and reasonable and we should stick to it.

MR. DEPUTY CHAIRMAN: The question is:

20. "That at page 61, for the existing clause 143. the following be substituted, namely: —

'143. If a seaman having signed an agreement is discharged, otner-wise than in accordance with the terms thereof, without fault on his part justifying tne discnarge and without his consent, he shall be entitled to receive from the master, owner or agent the wagei for the period for which the agreement is signed'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: Th» ■question ia:

"That clause 143 stand part of the Bill."

The motion was adopted.

Clause 143 was added to the BilL

Clauses 144 to 149 were pdded to the BilL

Clause 150—Potoer to refer dispute* *between seamen and their employer* to Tribunals*

SHRI N. C. SEKHAR: Sir, I move:

21. "That at page 64, lines 21 to 27 be deleted."

(This amendment also stood in *fhm names of Shri Bhupesh* Gupta, *Dr. R. B. Gour, Shri V. Prasad Rao,* Dr. *A. Subba Rao and Shri P. A. Solomon.)*

SHRI P. S. RAJAGOPAL NAIDU: I move:

43. "That at page 64, line 13. the words 'with the consent of the other party or parties to the proceeding and' be deleted."

MR. DEPUTY CHAIRMAN: The clause and the amendments are before the House.

SHRI P. S. RAJAGOPAL NAIDU: I just want to explain this and if tne Minister thinks it is reasonable, ne may accept this. The purpose in moving this amendment is this clause 150 deals with disputes between sea-men and employers and sub-clause (3) says:

"No party to a dispute shall be entitled to be represented by a legal practitioner in any proceeding before the tribunal except with the consent of the other party or parties to the proceeding and with the leave of the tribunal."

I can understand that parties to a dispute may engage a lawyer with the consent of the tribunal but I cannot understand why one party to a dispute, if he wants to engage a leeal adviser will have to seek the consent of the other party. I had never come across sucb a thing. More so, this is a dispute between seamen ana shipowners. It may be that the shir>-owners may be rich and if the seamen want to engage a lawver to defend a case, they can be easilv shut out by the ship-owners by not giving permission at all to them. Further the tribunal so constituted shall have power to regulate its own procedure and shall have the same powers as are vested in a civil court under the Civil Procedure Code and also the decision of the tribunal is deemed to be that of a judicial tribunal under sub-clause (2) . When that is the case,

fShri P. S. Rajagopal Naidu.] 1 feel that the permission of the other party need not be insisted upon and it is enough if the tribunal's permission is taken to engage a lawyer by either party.

SHRI RAJ BAHADUR: I would only say one sentence. We have, in this particular clause in respect of which the amendment has been tabled, followed the pattern as laid down in the Industrial Disputes Act. As a matter of fact this provision which has been objected to was not there in the Bill as introduced initially. We had to introduce it because we wanted to conform to the relevant provision in the Industrial Disputes Act as much as we could.

MR. DEPUTY CHAIRMAN: The question is:

21. "That at page 64, lines 21 to 27 be deleted."

The motion was negatived.

SHRI P. S. RAJAGOPAL NAIDU: Sir, I beg to withdraw my amendment.

*Amendment No. 43 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 150 stand part of the Bill."

The motion was adopted.

Clause 150 was added to the Bill.

Clauses 151 to 174 were added to the Bill.

Clause 175—Accommodation for *Seamen*

SHRI N. C. SEKHAR: Sir, I beg to move:

22. "That at page 74, line 20, for the word 'may' the word 'shall' be substituted."

*For text of- amendment, *vide col.* 4824, *supra.*

(The amendment also stood in the names of Shri Bhupesh Gupta, Dr. R. B. Gour, Shri V. *Prasad Rao, Dr. A Subba Rao and Shri* P. A. *Solomon.)*

MR. DEPUTY CHAIRMAN: The clause and the amendment are before the House.

SHRI N. C. SEKHAR: It is only a matter of difference between **'may"** and 'shall'.

SHRI RAJ BAHADUR: I am not accepting it.

MR. DEPUTY CHAIRMAN: The question is:

22. "That at page 74, line 20, for the word 'may' the word 'shall' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 175 stand part of the Bill."

The motion was adopted.

Clause 175 was added to the Bill.

Clause 176 was added to the Bill.

Clause 177—*Inspection by master of provisions, water and accommodation at sea*

SHRI N. C. SEKHAR: Sir, I move:

23. "That at page 76, line 2, for the words 'cause an inspection to be made of the word 'inspect' be sub stituted."

(The above amendment also stood in the names of Shri Bhupesh Gupta, Dr. R. B. Gour, Shri V. Prasad Rao, Shri P. A. Solomon and Dr. A. Subba Rao.)

MR. DEPUTY CHAIRMAN: The clause and amendment are for discussion.

SHRI N. C. SEKHAR: Sir, the effect of this amendment that I moved will be that the master, instead of causing

the inspection to be made by some one else, will himself do the inspection, *j* ,

SHRI RAJ BAHADUR: Sir, I am not able to accept the amendment.

MR. DEPUTY CHAIRMAN: The question is:

23. "That at page 76, line 2, for the words 'cause an inspection to be made of the word 'inspect' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 177 stand part of the Bill."

The motion was adopted.

Clause 177 was added to the Bill.

Clauses 178 to 192 were added to the Bill.

Clause 193—*Conveyance of deserter or imprisoned seaman on board ship*

SHRI N. C. SEKHAR: Sir, I move:

25. "That at page 80, lines 35-36, the words 'or any offence against discipline' be deleted."

(The above amendment stood also in the names of Shri Bhupesh Gupta, Dr. R. B. Gour. Shri V. Prasad Rao, Dr. A. Subba Rao and Shri P. A. Solomon.)

MR. DEPUTY CHAIRMAN: The clause and amendment are before the House.

SHRI RAJ BAHADUR: Sir, I am not accepting the amendment.

MR. DEPUTY CHAIRMAN: The question is:

25. "That at page 80, lines 35-36, the words 'or any offence against discipline' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 193 stand part of the BUI."

The motion was adopted.

Clause 193 was added to the Bill.

Clause 194—*General offences against discipline*

SHRI N. C. SEKHAR: Sir. I move:

26. "That at page 81, lines 22 to 24 be deleted."

(The above amendment stood also in the names of Shri Bhupesh Gupta, Dr. R. B. Gour, Shri V. Prasad Rao, Dr. A. Subba Rao and Shri P. A. Solomon.)

MR. DEPUTY CHAIRMAN: The clause and amendment are for discussion.

SHRI RAJ BAHADUR: Sir.. I am not accepting the amendment.

MR. DEPUTY CHAIRMAN: The question is:

26. "That at page 81, lines 22 to 24 be deleted."

The motion was negatived.

ME. DEPUTY CHAIRMAN: The question is:

"That clause 194 stand part of the Bill."

The motion was adopted.

Clause 194 was added to the Bill.

Clauses 195 to 217 were added to the Bill.

Clause 218—*Functions of National Welfare Board for Seafarers*

SHRI N. C. SEKHAR: Sir, I move:

27. "That at page 89, line 27, for the word "may' the word 'shall' be substituted."

This *amendment stood also in the names of Shri Bhupesh Gupta, Dr. R. B. GOUT, Shri* V. *Prasad Rao, Dr. A. Subba Rao and Shri P. A. Solomon.)*

MR. DEPUTY CHAIRMAN: The clause and amendment are for discussion.

SHRI RAJ BAHADUR: Sir, I am not accepting the amendment.

MR. DEPUTY CHAIRMAN: The j question is:

27. "That, at page 89, line 27, for the word 'may* the word 'shall' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 218 stand part of the Bill."

The motion was adopted.

Clause 218 was added to the Bill.

Clauses 219 to 454 were added to the Bill.

Clause 455—*Exemption of public ships, foreign and Indian*

MR. DEPUTY CHAIRMAN: Mi-. Himatsingka who has given notice of an amendment to clause 455 is not present. So the amendment is not moved.

Clause 455 was added to the Bill.

Clauses 456 to 461 and the Sche- i riule were added to the Bill.

Clause 1 was added to the Bill.

Proposed Preamble

SHRI NAWAB SINGH CHAUHAN: Sir, I move:

28. "That at page 1, before the Enacting Formula, the following preamble be inserted, namely: —

"WHEREAS a national mercantile , marine provides an essential ser- ! vice of vital importance to the ! nation during the times of peace and particularly so during times of war; and

WHEREAS such ships should be caDable of serving as defence aux.Jiaries in times of nationa! emergency; and

WHEREAS it is necessary that the mercantile marine of an ancient maritime country like India should be strong and should consist of dry cargo vessels, passenger vessels, tankers, fishing trawlers, vessels propelled by sails and/or fitted with auxiliary engines; and

WHEREAS an adequate mercantile marJne is necessary for the development of the foreign and coastal trades of the country; and

WHEREAS the nationa] mercantile marine should be adequate to carry hundred per cent, of the coastal trade and fifty per cent, of the overseas trade of the country; and

WHEREAS all ocean routes for the carriage of foreign trade of the world in general need to be served by vessels of India Merchant Fleet: and

WHEREAS the national target of shipping should be reached at as early a date as possible; and

WHEREAS such shipping should wear the national colours and be placed on the Indian Register and carry certificate of Indian Registry; and

WHEREAS it is essential to maintain a controlling interest for Indian citizens whether as owners of ships or as shareholders in shipping companies; and

WHEREAS proper conditions should be provided for the recruitment, service, discipline and welfare of officers and seamen of the Indian mercantile marine; and

WHEREAS proper provision has to be made for the safety and maintenance of ships; and

WHEREAS the ships of the Indian mercantile marine need to be controlled by Government in the interests of the nation:—'"

MR. DEPUTY CHAIRMAN: The amendment is for discussion-

SHRI RAJ BAHADUR: Sir, I am not accepting this new preamble.

SHRI NAWAB SINGH CHAUHAN: Then in that case, I would like to withdraw this new preamble

MR. DEPUTY CHAIRMAN: Has he the leave of the House to withdraw his amendment?

SHRI V. PRASAD RAO: No.

MR. DEPUTY CHAIRMAN: Then I have to put it to the vote, even if ene hon. Member opposes it.

MR. DEPUTY CHAIRMAN- The question is:

28. "That at page 1, before the Enacting Formula, the following preamble be inserted, namely: —

'WHEREAS a national mercantile marine provides an essential service of vital importance to the nation during the times of peace and particularly so during times of war; and

WHEREAS such ships should be capable of serving as defence auxiliaries in times of national emergency; and

WHEREAS it is necessary that the mercantile marine of an ancient maritime country like India should be strong and should consist of dry cargo vessels, passenger vessels, tankers, fishing trawlers, vessels propelled by sails and/or fitted with auxiliary engines; and

WHEREAS an adequate mercantile marine is necessary for the development of the foreign and coastal trades of the country; and

WHEREAS the national mercantile marine should be adequate to carry hundred per cent, of the coastal trade and fifty per cent, of the overseas trade of the country; and

WHEREAS all ocean routes for the carriage of foreign trade of the world in general need to be served by vessels of India Merchant Fleet; and

WHEREAS the national target of shipping should be reached at as early a date as possible; and

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WHEREAS it is essential to mainta.n a controlling interest for Indian citizens whether as owners of ships or as shareholders in shipping companies; and

WHEREAS proper conditions should be provided for the recruitment, service, discipline and welfare of officers and seamen of the Indian mercantile marine; and

WHEREAS proper provision has to be made for the safety and maintenance of ships; and

WHEREAS the ships of the Indian mercantile marine need to be controlled by Government in the interests of the nation:—'"

The motion was negatived.

The Enacting Formula and the Title were added to the Bill.

SHRI S. K. PATIL: Sir, I have great pleasure in moving now:

"That the Bill be passed."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI J ASP AT ROY KAPOOR: Mr. Deputy Cha rman . . .

MR. DEPUTY CHAIRMAN: Only five minutes.

(Two hon. Members stood up)

I find there are two more wishing to speak. Then each will take three minutes. ■

SHRI JASPAT ROY KAPOOR: Mr. Deputy Chairman, we will shortly be passing a very important measure, a measure of national importance which aims at bringing back to our •country our lost maritime glory and I feel this is an occasion when we should feel proud. I would like to •congratulate not only the hon. Minister and the Government but also ■ourselves on this achievement.

There is, however, one unfortunate thing which will loom large in one section of the persons engaged .in the shipping business. While one section has been satisfied to the full another section has been disappointed unnecessarily . . .

SHRI J. S. BISHT: No, no.

SHRI JASPAT ROY KAPOOR: I :say "unnecessarily." because we had nothing to lose and probably something to gain if foreign capital proportions wcr(> increased subject to effective Indian control. I have reason to speak thus and that reason is based on the statement of Dr. Mudaliar before the Committee, that the old companies do not want new companies to come in because they feel they must get the reward for all the sacrifices that they liad made. This attitude is a little unfortunate. But we need not now go into that old story once again. Let us hope and believe and even trust that the hon. Minister when he is approached by any new entrant in the shipping business and he places his difficulties before the Minister and points out to him in a satisfactory manner that some foreign capital can be accepted without detriment to the national interest, the hon. Minister will see that •according to the proviso which he has been pleased to accept in the . other House, he will not ever interpret it as authorising him—and I do believe that that proviso does not legally authorise him—to reduce the maximum which has been permissible under that clause as foreign capital.

Lastly I would suggest that the hon. Minister may give an assurance to the effect that whenever he alters clause 21 in any manner whatsoever, one way or the other, he would be pleased to lay that Notification which it is incumbent on him to publish, in the Official Gazette, on the Tables of both Houses of Parliament, and will also let us have an opportunity to discuss it and express our views thereon.

I end by congratulating him and the Government and all of us, Sir, once again on this measure of national importance.

SHRI N. C. SEKHAR: Mr. Deputy Chairman, I do come out with my compliments to the Transport and Communications Ministry for having brought forward this measure consolidating the existing mercantile marine and merchant shipping laws. This measure will help to build our merchant navy and we can be proud of it. At the same time I would like to utter a warning to the Government. I do hope that the Government is aware of the fact that powerful interests are pulling and trying to get a much larger share of interest in our mercantile marine which certainly is our second line of defence. They are trying their level best to get a much larger share with a particular political view and also with an economic view. This our Government should guard against and they should not allow them to be taken in. There are foreign agents who are trying hard to get more interest. We know that and we are aware of it. Therefore, I say the success of this Bill depends on how the Transport and Communications Ministry implements it in

the national interest and in the interest of all of us. With these words, I wish success to this measure.

SHRI M. P. BHARGAVA (Uttar Pradesh): Mr. Deputy Chairman, I will be failing in my duty if I did not say a few words at this stage. This is an important Bill and it is rather surprising that such an important Bill was brought before the House at the fag end of the session and it was hustled through. I wonder how five hours were fixed ior such an important Bill.

MR. DEPUTY CHAIRMAN: You have taken nearly eight hours.

SHRI M. P. BHARGAVA: We were allotted only five hours but we did forego our lunch and that is how we found eight hours. I wonder how five hours were allotted for a Bill of such importance, with 461 clauses. Some of the Members could not fully express their views while others did not get an opportunity to express them at all. It was surprising that a time limit of ten minutes was fixed even for the Minister of Shipping. In the other House, seven hours were allotted but actually they took about thirteen hours. I do not understand the rigidity in this House.

MR. DEPUTY CHAIRMAN: The "hon. Member will be criticising the ■Business Advisory Committee, a 'Committee of this House. That Committee fixed the time limit.

SHRI M. P. BHARGAVA: I would request the Business Advisory Committee to give due importance to yuch Bills in future and allow more time for the discussion of such voluminous Bills. Thank you, Sir.

SHRI J. S. BISHT: Mr. Deputy Chairman, I want only one second. Mr. Kapoor raised an important point with regard to the proviso. In any particular case where the Minister exercises the powers vested in him, my submission is that he cannot use that authority for an individual case. The proviso says that this should be in substitution of that given above. Therefore, once he makes an amendment, it is open to everybody. It would mean amending the law. Once he exercises the authority, it will be open for everybody. He should bear this in mind whenever he wants to use that power under the proviso. Secondly, once the Government has exercised this power under the proviso, it is exhausted and the power cannot be exercised again.

SHRI S. K. PATIL: Sir, it is with feelings of profound gratefulness that I reciprocate all the joy that the House naturally feels at the passing of this very epoch making national Act of ours. We may have differences; we express them at the various stages of the Bill but the Bill is now at the third reading stage and. when it gets the assent of the President, it will be the law of this land. It is not your law or my law, it is not the law of the supporters or of those who opposed it but it will be the law of this land and it is our national duty—it will be our duty—to implement it as loyally and as sincerely as we can with the co-operation of everybody concerned.

Fears have been expressed that there were two sides of this question. So far as I am concerned, I recognise no side. Everyone is a lover of national shipping and, therefore, let us now give up the idea that some company wanted one thing and another company wanted another thing. Mention was made during the course of the debate that there might be perhaps monopolist tendencies which might be encouraged. I have given that assurance and I repeat it here that so long as it lies within the power of the Government, there will be no monopolist tendencies encouraged as a result of this measure and, therefore, the companies, even the new ones which

[Shri S. K. Patil.J want to come, can come and wholeheartedly and sincerely co-operate with the Government and they would find in Government a very very ready response indeed. One thing, Sir, many many people have really worked hard so that the big, almost gigantic, legislation consisting of 461 clauses could be brought forward and passed. Apart from the complaint made about the time, it was not our desire to restrict the time. As you pointed out rightly, it is the Business Advisory Committee that fixes the time. If it was not merely for the fact that it was the fag end of the session, I would really have liked it myself more time being given and I would have welcomed that. We have passed the Bill, a national Bill, the object of which is to develop national shipping for this country. May it be given to this generation and to you and me, as representatives of this generation to see that India is firmly put on the map of the maritime powers in this world.

4 P.M.

SHRI J ASP AT ROY KAPOOR: Let India rule the waves once again.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

MOTION *RE* STATEMENT ON THE DAMAGE CAUSED TO KADAM DAM IN ANDHRA PRADESH

SHRI V. PRASAD RAO (Andhra Pradesh): Mr. Deputy Chairman, I move:

"That the statement on the damage caused to the Kadam Dam in Andhra Pradesh, laid on the Table of the Rajya Sabha on the 12th September, 1958, be taken into consideration."

MR. DEPUTY CHAIRMAN: One hour is the time allotted.

SHRI V. PRASAD RAO: Sir, I request that the time be extended. Let us have at least one minute for every lakh worth of dam washed away. This dam is worth two crores of rupees.

MR. DEPUTY CHAIRMAN: There are five speakers.

SHRI V. PRASAD RAO: Mr. Deputy Chairman, it is with a sad and a heavy heart that I move this motion. It is the misfortune of Andhra Pradesh that during the last two years, apart from this important Kadam Which is to play an important role in the life of Telangana, dams worth two crores of rupees have been washed away. The Malldmadugu and the Kalangi in Chittoor District and Swarnamukhi and Moosi, in last June, were washed away. This was in the Nalgonda District. Sir, it has become the practice of the Government to blame providence, to shift the responsibility to providence who is neither responsible nor accountable here in this House. It is the practice to shift responsibility on that. *Varuna,* we have all the while been led to believe, was in charge of water and rain-making but now, Sir, according to Government sources, has become a Super-Minister without responsibility but with a lot of power. Anyway, Sir, coming to this Kadam . . .

SHRIMATI YASHODA REDDY (Andhra Pradesh): You have started believing in God.

SHRI V. PRASAD RAO: At least you do believe in God. Let us examine and see, Sir, whether it is-really the hand of providence that is responsible for this, whether it is the heavy downpour that is the real cause for the washing away of this Kadam Dam. If we examine all the material that is here before us dispassionately, it will be perfectly clear that *prima facie* it is the Government and the Government agen-