

with regard to a particular paragraph wherein it is stated that "Apart from the merits of Mr. Biswas's remarks, the incident is regarded as intriguing also because, before giving his certificate, the Speaker had taken the opinion of the Law Ministry over which Mr. Biswas presides." Sir, the w<sup>TM</sup> 'intriguing' really casts reflection upon the Leader of our House and in that respect, also, Sir, it is a matter of breach of privilege.

MR. DEPUTY CHAIRMAN: The matter will be enquired into and then taken up.

DR. SHRIMATI SEETA PARMA-NAND: In this *context* the word 'intriguing' has acquired the meaning of 'interesting'.

MR. DEPUTY CHAIRMAN: We will look into the whole matter after the enquiry is first of all made.

#### **THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL, 1952**

THE DEPUTY MINISTER FOR RAILWAYS AND TRANSPORT (SHRI O. V. ALAGESAN): I beg to move:

"That the Bill to enable effect to be given to an International Convention for the Safety of Life at Sea, signed in London on the tenth day of June, nineteen hundred and forty-eight, to amend the provisions of the Indian Merchant Shipping Act, 1923, relating to life-saving appliances, wireless and radio navigational aids and to other matters affected by the said Convention, as passed by the House of the People, be taken into consideration."

The purpose of this amending Bill is to effect such amendments in the Indian Merchant Shipping Act, 1923, as are necessary to give effect to the International Convention for the safety of life at sea, 1948. The subject-matter of the Bill is highly technical

and I shall try to explain in lay language the background of this Bill.

At present important matters relating to the safety of ships and of those on board are governed by the International Convention for the Safety of Life at Sea, 1929. This Convention deals with the construction of ships, life-saving appliances and wireless equipment to be carried by them, safety of navigation and issue of Convention Certificates of International validity. Now this Convention has been replaced by the new 1948 Convention which has come into force from the 19th November 1952. The new Convention was adopted at a conference held in London between the 23rd April and the 10th June, 1948, which was attended by representatives from 30 States including India and other Commonwealth countries. So far 19 countries including ours have ratified the Convention.

The Indian National Steamship Owners' Association, which is a representative body of Indian shipping companies, was consulted and they are of the view that India should subscribe to the new Convention. Also the participation of Indian shipping in International trade has been growing since independence. Our seagoing tonnage now stands at about 4,00,000 G.R.T. whereas it was 1,50,000 in 1946. It is, therefore, necessary that Indian Merchant Ships are maintained in regard to safety at internationally accepted standards.

Now I should like to indicate the important features of the new Convention and how it differs from the old. Though the new Convention deals with the same subjects that are dealt with in the old one, it is wider in scope and represents an advance over the old one. For instance, whereas the old Convention applied to all passenger-ships and cargo-ships of 1,600 tons and above, the new Convention applies to all passenger and cargo ships of 500 tons and above. Also, the new Convention provides for the issue of a new Convention

[Shri O. V. Alagesan.] Ceiuncate called the Safety Equipment Certificate with regard to cargo ships, and they are also obliged to carry life-saving appliances, which was not the case before. Another new feature is that cargo ships of 500 tons and above but less than 1,600 tons are now required to carry either radio telegraphy or radio telephony at the option of the owners. Another change is that, whereas formerly only passenger ships of 5,000 tons and above were required to be provided with a direction-finding apparatus, now all ships—passenger and cargo—of 1,600 tons and above are obliged to be fitted with it. The new Convention also provides for the international regulation of the carriage of grain in bulk and the precautions that should be taken to prevent the grain from shifting. There are several other new provisions also, which I do not want, to enumerate here.

There is one matter which is of special interest to India, and that is with regard to passenger ships employed in the carriage of large number of unberthed passengers in special trades, which include Indian Deck passengers and pilgrim traffic. The new Convention, like the old one, provides for exemption of this class of ships from the full requirements of the Convention subject to certain conditions. At present, the Indian Deck passengers and pilgrim traffic are regulated by what is known as the Simla Rules, 1931, which constitute an International agreement arrived at among countries interested in the unberthed passenger traffic. These Rules were formulated at a Conference held in Simla in 1931 in pursuance of the Old Convention and prescribed lower standards of construction and life-saving appliances in relation to ships carrying unberthed passengers. We propose to convene again another meeting of countries interested in this traffic in order to revise the Simla Rules in the light of the new Convention.

The subject-matter of the Bill is so technical that detailed arrange-

ments have to be relegated to rules. The Bill provides for the rule-making powers and our technical officers are already preparing the necessary rules. In order to enable shipping companies to equip their ships with new appliances required by the Convention provision has been made in the Bill for different effective dates. During the transitional period, that is, after the passing of the Bill and till the new rules are framed, the existing rules and certificates will remain in force. There is also a provision to the effect that no ship shall be prevented from proceeding to sea without the safety equipment certificate for two years and Radio Certificate for one year. Many of the clauses of the Bill are consequential to the ones introduced in conformity with the new Convention. By adhering to the new Convention we shall enable Indian Shipping to take its rightful place among world shipping.

With these words, Sir, I move.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill to enable effect to be given to an International Convention for the Safety of Life at Sea, signed in London on the tenth day of June, nineteen hundred and forty-eight, to amend the provisions of the Indian Merchant Shipping Act, 1923, relating to life-saving appliances, Wireless and radio navigational aids and to other matters affected by the said Convention, as passed by the House of the People, be taken into consideration."

SHRI RAJENDRA PRATAP SINHA (Bihar): Mr. Deputy Chairman. Sir, as the hon. Minister has said, the Bill ratifies the Safety of Life at Sea Convention of 1948 which contains better protection of the life of seamen in international voyages as compared with the provisions contained in the 1929 Convention. Sir, this new Convention has incorporated the vast technical developments that have been achieved during the last two decade\*

in the field of safety appliances, Sir, I wholeheartedly support this measure because it is good that we should equip our ships with safety appliances—latest safety appliances—to ensure greater safety to our seafaring people. Also, Sir, we should bring our ships in parity with the ships of other advanced countries. We are therefore very anxious, Sir, that the provisions of this Bill should be implemented as early as possible. I find, Sir, that there are *two* kinds of changes envisaged in the Convention. One change is in the construction of ships and the other is to equip new ships and the existing ships with more modern safety appliances and to renovate the existing safety appliances, to bring them in line with the modern developments. Sir, I *am* a layman and I do not know much about these technical matters, but as far as I understand, the structural changes in the existing ships will not be done but the new appliances and additional modern appliances will have to be provided in the existing ships as well. I want to emphasise, Sir, that Government should fix a time limit before which all these appliances should be provided in the existing ships, and I want a clarification from the hon. Minister on this point as to how much time will be taken for equipping the existing ships with these new and modern appliances. I am emphasising this point, Sir, because the renovations must be done speedily and therefore a time limit is important for making these renovations.

Now, Sir, as the hon. Minister has said, the Convention applies to ships, whether passenger or cargo, which are of 500 tons and above and which are engaged in international voyages. I want a clarification as to whether our ships engaged in the coastal trade will be obliged or not, under this Bill, to adopt these new modern safety appliances. Sir, our country is differently situated as compared with other countries who have ratified this Convention. We have a very long coast-

line probably about 1,700 miles and a voyage from Bombay or Kandla to Vizag or Calcutta is as good as an international voyage attended with all the risks of the high seas in long voyages. I would therefore, Sir, very much like that these safety devices should be provided in ships, whether passenger or cargo, which are engaged in coastal traffic.

Sir, there is another point which I have in view when I emphasise to bring the coastal ships under the provisions of this Bill. Sir, the idea to equip our ships with modern equipments of safety has a double purpose. As you know, the mercantile marine is a second line of defence and it is very important that it should be equipped with all modern appliances which cover the risks of war as well. More than 60 per cent, of our shipping tonnage is engaged in coastal traffic. We cannot exclude them from being made use of during any emergency of war. If we keep this view before us, it is absolutely imperative that the provisions of this Convention should be enforced on them as well so that they may equip themselves with these safety devices which can be used in a war emergency. I have already pointed out that the safety of our seamen and passengers is also involved in the regulation of coastal traffic, because our coastal voyages are quite different from those of other countries which have a very short coast line. I am afraid that the vested interests, the shippers, may resist the inclusion of ships engaged in coastal traffic in this Convention, because it will mean some expense to them to equip their ships with these modern appliances. Of course we have to give some exemptions in the case of ships which may be engaged even on international voyages, for example, ships going from Travancore-Cochin to Colombo, or ships going from Calcutta to Chittagong. I can think of giving exemption to such ships, but we should not exempt ships engaged on our long coastal voyages.

SHRI C. G. K. REDDY (Mysore): May I interrupt, Sir? Does not the amending Bill apply to coastal ships also?

SHRI O. V. ALAGESAN: It does not apply strictly. I will explain, if the hon. Member would wait.

SHRI RAJENDRA PRATAP SINHA: Another point which I would like to make is this. We must encourage the manufacture of these safety devices and appliances in our own country. I would like to know what percentage of these appliances and equipment are being manufactured or planned to be manufactured in India.

Then, Sir, the hon. Minister has stated that unberthed passenger ships will be exempted from the Convention although they may be of 500 tons and above and may be engaged in international voyages. Sir, people travelling on unberthed passenger ships also need those very safety devices which are meant for those going by other types of ships. The Deck Passenger Committee has also recommended the inclusion in the present rules as regards safety devices of all unberthed passenger ships. From the report it appears that they carry quite a large number of passengers from our Indian ports to other countries. The number was very much bigger during the pre-war days. That number has declined, but even then it is quite big. I do not see any reason why they should be exempted from the operation of this Convention. I would very much like the hon. Minister to consider this point, that the poor people also deserve the same sympathy and protection which people travelling by other and better equipped ships get.

Lastly, I would put one question to the hon. Minister, although it may be irrelevant strictly from the point of view of the Bill. In the Five Year Plan we have provided that in five years' time our additional shipping tonnage will be 1 lakh tons from the Vizag shipyard for replacement— and

65,000 tons G.R.T.; for additional shipping and for coastal and overseas trade, it is provided, that we shall have an additional 1,10,000 G.R.T. tons. Now, I do not know whether there has been any break up in this programme year-wise, and if so, what progress we have achieved in the acquisition of the additional tonnage whether for replacement or new additions and whether the Government is satisfied that by 1956 we shall have the tonnage as provided for in the Plan.

SHRI C. G. K. REDDY: Sir, I must congratulate the Government on the reasonable speed with which they have sought to amend the Merchant Shipping Act in order that our shipping traffic may come under the safety conventions adopted by most of the countries in 1948. While saying this I wish the Government had acted with the same amount of speed in regard to other international conventions affecting the terms and conditions of service of our seamen and officers. I may refer in this connection to the Seattle Conventions which were adopted more or less at the same time—I think it was in 1947—and which have still to be accepted by the Government and still to be implemented by them. I would only take this occasion to impress on the Government that perhaps the conditions of service and the terms of service of our seamen and officers are the lowest that shipping of any country imposes. Therefore, it is all the more incumbent that they should do something to bring the standard of life at sea of our sea-going personnel to the same level as obtains elsewhere, so that a career at sea may be just as attractive to our young men, as it is to other young men of other countries.

So far as the Bill itself is concerned, before I deal with some of the clauses, I may invite the attention of the hon. Minister to the manner in which this Merchant Shipping Act has been amended time and again. Apart from the ugly manner in which it presents itself to any one who goes through it, I think there are certain—

sections, a great number of sections, perhaps the majority of the sections, of the Act which now appear to me to be obsolete and which do not fit in with the conditions which exist in the country today. Also, there are certain other things which are done under this Act which are even more obsolete and which do not at all fit into the conditions as they exist in the country today. This Act was passed in 1923 more or less following British traditions and British law and more or less following the conditions that obtained in Britain and conditions that obtained even in this country at that time. Till 1947, of course, there was no necessity, so far as the then Government was concerned, to alter this Act in any manner. But since 1947 we have brought in two or three amending Bills. Opportunity was also taken to amend certain sections in order to see that those particular sections fitted into the scheme of things at present obtaining. But even there I find that there are a great number of anomalies. Even when you amend certain sections, I find an anomaly exists.

The biggest anomaly in my opinion that exists throughout this Act in spite of so many amendments is what is called a British ship registered in India. As far as I know there is no such thing as a British ship registered in India. I am aware that in the definition and commencement clauses a British ship has been made to refer to Indian ships also. But there is another clause where 'Indian ship' has been defined. I want to know why this hybrid thing 'British ship registered in India' should continue to exist in our country. And I would only say that as soon as possible—and we have already spent about six years thinking about it—the Government should bring in a comprehensive legislation not only to make this Act more readable but also to see that every section fits into our scheme of things. I will draw, in this connection, particular attention of the hon. Minister to the Articles of Agreement that sea-going personnel are

obliged to sign before they proceed to sea. Of course, the sea-going personnel sign these articles of agreement without even reading those clauses. There are two or three pages of closely printed agreement. But they sign it without even reading it. I should, Sir, think that no self-respecting Indian could ever sign those Articles of Agreement if he ever read through them. In spite of the fact that we have amended so many sections to see that the law fits into the conditions as at present obtaining and also to see that they are suitable to our dignity and our status today, I find that those Articles of Agreement have not been changed at all and nobody seems to have bothered to even look at them. As I know, Sir, and I understand that representations have been made to the Ministry drawing their attention to the fact that the officers and personnel of ships are obliged to sign the Articles of Agreement which do not do credit to the status of our own country or certainly to the dignity of our own people and I think this complaint has reached the Ministry more than two years ago and in spite of that no effort has been made to amend those articles.

Now, Sir, I will refer to three or four sections which induce me to ask for more clarification and also for some action. Now, Sir, in clause 9 it is said that surveyors in India are charged with certain functions to see that certain action is taken on board the ship like arranging of ships into classes, description and mode of construction, equipment to be carried by boats and rafts, provision in ships, etc. etc. Now, Sir, I would like to draw the attention of the Ministry to the fact—this is rather embarrassing and rather delicate for me, but I find that our surveys of ships today do not seem to be of the desirable standard. If we imagine a ship carrying 3,000 or 4,000 passengers, the safety of such a ship is mainly dependent on the survey carried out by the officers. We can understand the magnitude of the task and the care that should go into the

[Shri C. G. K. Reddy.] survey. It is rather difficult for me, Sir, to criticise one or two exceptions in our survey department. They happen to be my old colleagues. Almost all of them have been my colleagues. But all the same, in the in-i-terest of safety, I must draw attention of the Ministry to the fact that there have been cases where the ships which clearly are not safe to be taken to sea have been given certificates of their being in good condition. Our rules are very good but the implementation of the rules and the manner in which the survey is affected is all the more important, because rules by themselves do not make a ship very safe to travel. I may draw the attention of the hon. Minister to certain lapses that happened and in which I myself was involved at a time when the safety of ships was much more important. In 1942 during the war when the surveys were conducted almost before every voyage, I found that the ship that I was in, when it was sunk, some of the life boats we could not lower into the water at all and the equipment that the life boat is supposed to carry—biscuits, chocolates, water, etc.—some of these things were completely absent. I am only bringing it to the notice of the hon. Minister that even when surveys were being done before the commencement of every voyage during the war, still the life boat specifications were not adhered to by the shipping companies and the surveyors probably did not give sufficient attention to see that the safety of life at sea was properly looked after. Apart from that, Sir, the life boats were never tested there, they were never lowered into the sea and sometimes we find that the ropes are so rotten that they snap when the boats are being lowered. They do not reeve well through the pulleys. All these things are, Sir, matters which need the utmost consideration of the Government and we must see that every surveyor carries out a very effective survey so that the standard equipment that we are supposed to carry is maintained according to that specified under this Act.

Secondly, Sir, as I was interrupting my hon. friend Mr. Sinha. I have to look through the Act and alter the amending of this Act I am not able to see how the amending clauses will not apply to coastal or other ships. In almost every section I find a British ship about which I have already said. I do not see any exceptions except in one or two sections where it is said that the Government may give exemption to certain classes of ships. Otherwise almost every clause seems to refer to all ships without any distinction. If there is any distinction, I must endorse the view of my friend Mr. Sinha who has brought the attention of the Ministry to this fact that the standard of security and safety and other clauses that go into this amending Bill must be even more rigorous in the case of our coastal steamers and our unberthed passenger steamers than they should be for foreign-going ships where the passengers are more comfortable and where the number of passengers carried is much less. You can imagine, Sir, and I am glad in this connection that Government has decided that the deck passenger system must go. Until such time we must see to it that in respect of the passengers who travel on deck unberthed, sufficient safety precautions are taken to see that their life is not endangered. After all, Sir, if there are 2,000 or 3,000 passengers sprawled on the decks, you can imagine in the case of an emergency what predicament they will certainly find themselves in. Probably the ship will have to lose about 75 per cent, of the passengers before any measures could be taken to withdraw them from that danger. Therefore, Sir, until such time as the deck passenger system is abolished, if this amending Bill is in the nature of a discriminatory power in so far as our coastal traffic and our unberthed passenger traffic is concerned, then I would suggest that this Bill should be a little more amended to see that even more precautions than are taken on international voyages are taken in the case of these ships.

In this connection, I may say that

the Simla rules have never been adequate, and they are not adequate today. The Simla rules, as the hon. Minister knows, were brought into operation during the time of the rule of the British Government in this country, and as hon. Members are aware, the British Government in every action that they took was influenced by British interests, and I venture to say that the biggest British interest today in India and at that time, is the shipping interest controlled by one or two companies, and they saw to it that the comfort and safety rules did not mean too much of expenditure for the particular shipping interests.

Now, Sir, regarding grain cargoes, I find that there is a certain difference between the original section and the section that is now before us, and in my opinion the section that is to be amended perhaps is even more comprehensive and better than what it is at the present moment. Section 225 says :

"No cargo of which more than one-third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts or nutkernels (hereinafter referred to as grain-cargo) shall be carried on board any British or foreign ship unless the same be contained in bags, sacks or barrels, or secure from shifting by boards or bulkheads or otherwise."

There are two specific things that are incumbent on the master of a ship to do before he ventures to take grain cargoes. The amended section says.

"Where grain is loaded on board any Indian ship or is loaded within any port in India on board any ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting."

This is rather a wide clause. It may be interrupted in any manner that the Master pleases. If the same thing had been put in here and if it had been laid down that the grain should

be so secured in the holds by means of bulkheads or other means that the grain does not shift, then it becomes more specific. This wide instruction to the Master of the vessel will only enable him to dodge it as much as possible and which will never be detected until the grain actually shifts and the stability of the ship is affected and the ship capsizes or some other accident occurs. No survey also can be carried out unless the surveyors at the ports are also charged with the additional responsibility of staying in the ships when the grain is being loaded to see that adequate precautions are being taken. Obviously, there is a practical impossibility of charging the surveyors with that responsibility and that is why the Bill does not contemplate it. In fact, I should have given an amendment, but unfortunately I did not have the time to go through such an extensive Bill. I would only say that I did not expect that it would come up today. I would only invite attention.....

SHRI O. V. ALAGESAN: You had a long notice.

SHRI C. G. K. REDDY: There were more important items of business and there has not been enough time to devote to this. However, I plead my lack of interest in this Bill. I would request the Government to evolve some other method to see that this section is really meant for seeing to it that the shifting of grain does not cause any accident or mishap.

There is another provision in clause 10 where it is said:

"Provided that this sub-section shall not....."

This proviso occurs in other clauses also.

"Provided that this sub-section shall not have effect if the ship would not have entered any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer, if any, could have prevented or forestalled."

[Shri C. G. K. Reddy.]

This means that, if a ship which is not registered in India and which does not carry on trade with India is forced into one of our ports because of bad weather or other causes that the master of the ship did not foresee, we will be exempting that ship from the operation of this section. Since this proviso occurs also in other sections and the same exemption will be given, I want to know the intention of this proviso, whether the power of the Government to make rules is restricted by some international agreement or international law, because even if the ship is not intended to be put to port in our country, if on account of bad weather it is forced into *one* of our ports and if it is not carrying out the precautions that are mentioned in this section, does it mean that a risk is not involved? These precautions are meant to see that risks are reduced to the minimum. Does this mean that there is no prospect of danger within the port itself? As the ship comes into port, there may be collisions • and the ship might capsize, in which case you will be endangering life and traffic. I want to know why this proviso is there. Is it because of some international law or is it because there are certain international agreements?

12 NOON.

Regarding clause 17, I want to have clarification only on one clause there and that is about the stability information. It is said in sub-clause (1):

"There shall be carried on board every Indian ship whose keel is laid after the commencement of the Indian Merchant Shipping (Amendment) Act, 1953, such information in writing about the ship's stability as is necessary for the guidance of the master in loading and ballasting the ship."

That is after the 1st May 1953. Only then will it be incumbent on the master to carry on board the ship information as to the stability of the ship. I want to have some clarification as to

how it has been made incumbent only after this date. If it is after, it would mean that only such of the ships as whose keels are going to be laid in the Vizag Shipyard after to day, will come under the operation of this clause and that no other ship is obliged to carry any information about the stability of the ship. Does it mean that the safety of the ships and of the passengers, cargoes and other things which you carry on these ships .....

SHRI O. V. ALAGESAN: What is the section please?

SHRI C. G. K. REDDY: Clause 17, in that section (245AA) it is said, "whose keel is laid after the commencement of the Indian Shipping Act, 1953". This means that such of our ships whose keels were laid before this date which are owned by our shipping companies and which will carry passengers will be exempt from this clause. This means that the masters of such ships are not obliged to carry such information. I do not see why an exception should be made in the case of the large amount of existing tonnage of Indian shipping. I would like to have some clarification on this.

Then, there are certain new obligations that are being put on the shipping companies with regard to direction-finding equipment and radio-telephony. It is a good thing that we are doing this, but I want to know one thing from the hon. Minister, especially in view of the fact that in answer to a question some time ago he gave us the information that the supply of Radio Officers is very limited and that this had led to certain shipping companies engaging foreign personnel and in fact the shipping companies justified their action saying that they are not in a position to get our own men to man their ships. If we make it obligatory for more ships to carry Radio-telephony equipment and also direction finding equipment which needs qualified officers to be carried on board the ships, how do you intend to see that you get adequate supply of such personnel on



board these ships. Already as I have pointed out, with the existing provision, the tonnage of ships which are obliged to carry such personnel is somewhat higher than what is intended to be after the passing of this Bill. You will find there is no adequate supply and the hon. Minister is also aware that although we have training establishments for executive personnel, engineering personnel and other personnel we don't have any training establishments which will ensure supply of radio officers or officers ■trained to carry out the duties of this class. If there is no difference, as I think there is no difference, between ordinary radio trained personnel and those who will be employed by the ships, then there is no case whatever for the hon. Minister to say on another occasion justifying the existence of British Officers on Indian ships that there is not an adequate supply of Indian personnel but if he thinks that there is difference between the two, then how does he intend to implement this section without ensuring the adequate supply of all those persons.

There is another provision also in the same clause 28 or Section 245. There again the provision is there that:

"It shall not apply to a ship that would not be within any such port but for stress of weather etc."

There again I want information as to why such exemptions have been made. Lastly, I should again like to impress on the Ministry the necessity of bringing in a comprehensive Bill which will probably be as long as the Act itself in view of the fact that ■every section will have to be amended, or to bring in a new Bill which will completely change the language, intention and also, shall I say, the 'grace' of the Act itself as soon as possible. I have also tried to draw his particular attention to certain "things which I, as an Indian, don't like viz. that I should be obliged, before serving on my own ship, from my

own ports, to sign Articles of Agreement which are derogatory to my prestige as an Indian citizen and which are completely out of the picture so far as the conditions today are existing.

SHRI S. N. MAZUMDAR: (West Bengal): Mr. Deputy Chairman. I would have thanked my hon. friend the Minister for bringing in this amending Bill if he had shown equal promptness to introduce amendments incorporating the other provisions of the International Convention regarding the conditions of service and safety of the seamen. The Seattle Convention has been referred to by the previous speaker and I am also of the opinion that that should be done. Government surely have received many representations from the Indian Seamen particularly those serving in foreign ships. They receive the worst treatment as regards their conditions of service, hours of work, medical relief, payment during the period of involuntary employment etc. and those serving particularly in the British and American ships suffer the worst. Letters from these seamen have also been published in the newspapers as to how they suffer. Then I particularly speak of some seamen who are not strictly speaking Indian nationals because they happen to belong to Pakistan but their place of work is here at the ports of India and they are now suffering due to the introduction of the system of Transit Visas. My hon. friend has received representations in this matter also. I am also of the opinion that a new Bill incorporating all the Conventions regarding the WPIfare and service of Indian Seamen and also to see that they are not discriminated against in the foreign ships, should be brought forward.

Coming to the Bill itself, while I was going through the wording of the several clauses, it reminded me of those days when under the British rule the Indian Shipping interests were strangled by the British vested

[Shri S. N. Mazumdar.] interests. Those words still continue. Not only those words but the facts also still continue though in a somewhat modified form. The Indian shipping is predominated by the British interests. The other day during a statement made here I quoted figures substantiating my statement. "The Indian Shipping" of February 1953 gives the views of the Indian Ship Owners expressing very clearly how they have been discriminated against even now. In the meetings of the International Chambers of Shipping and also in the meetings of the Sea Transport Committee, several questions had arisen. There was a reference about flag discrimination in the other House when this Bill was being discussed. Flag discrimination actually meant one thing that the ships of a particular nationality should not be victimized and should not be discriminated against as regards Port facilities, Berthing" facilities etc. but it is the British interests who, in these international conferences, are distorting the meaning of the words 'flag discrimination'. They are trying to bring in the interpretation that if any Government—in this case the Government of India—takes some steps to help the Indian Shipping, then that means discrimination. This point of view was strongly contested by the representatives of Indian Ship Owners. I am not in love with the Indian Ship Magnates. Now in this matter they are having conflict with the British interests and so they are protesting. But in other matters they are collaborating with these same British interests. In other matters they are not very fair in their treatment towards the small shippers and the seamen.

SHRI C. G. K. REDDY: In fact they are worse.

SHRI S. N. MAZUMDAR: Yes. But since here our national interest is involved I am mentioning this. The British interests behaved in such a manner—I shall only quote a few lines from this book—in that Session

of the Sea Transport Committee of the International Chamber of Commerce that this interpretation of flag discrimination was contested and the British representative had to agree to that but immediately after the meeting was over, the British representative made some remarks which were quite contrary and so this paper had to remark that:

"Such a threat is unbecoming of the representative of a great maritime nation like the U.K. particularly when it is remembered that it was the British vested interests that strangled Indian shipping during British rule in India."

Sir, I expect my hon. friend the Minister, while replying to this debate, to throw some light on this matter and let us know what steps they are going to take against the misinterpretation of the term, o\* 'flag discrimination' and against discrimination against Indian shipping.

Before I conclude, I again repeat with all emphasis that the question of Indian Seamen should be taken up without a moment's delay.

THE DEPUTY MINISTER FOR:  
RAILWAYS AND TRANSPORT (SHRI:  
O. V. ALAGESAN) : Sir, I am grateful to the hon. Members who took part in the debate and threw so much light on the provisions of this amending Bill. I shall refer to the points as briefly as possible and try to explain the position. The first speaker referred to the time-limit now fixed in the amending Bill. Clause 31 prescribes the time-limit. It is two years with regard to the Safety Equipment Certificate, and one year with regard to Safety Radio-telegraphy Certificate or Safety Radio-telephony Certificate or an Exemption Certificate and that gives time\* for the present. Ship owners to adjust and provide these new appliances. The point was raised with reference to coastal ships that they should also have the same appliances because safety of life is equally important on-coastal trade as well. We are in

agreement with this but the Convention itself refers only to ships engaged on International voyages.

SHRI C. G. K. REDDY: After the amending Bill is passed, does not the reading of the clauses of the original Act show no discrimination whatever between coastal ships and foreign ships. I am aware that the Convention applies only to ships on foreign lines.

SHRI O. V. ALAGESAN: The Convention applies only to ships on inter-rational voyages—"voyages from a port in a country to which the convention applies to a port outside that country and *vice versa*." And the amending provisions that are sought to be introduced propose to give effect to the requirements of the Convention and as such they do not apply to the coastal ships.

SHRI C. G. K. REDDY: Why not?

SHRI RAJENDRA PRATAP SINHA: Is it not essential in the national interests to insist on the ships engaged in the coastal traffic to conform to the provisions of the Convention with regard to the safety appliances?

SHRI O. V. ALAGESAN: I would request the hon. Members to wait a little, I am actually coming to that point. Government is equally anxious in this matter and the power that we have taken is beyond the requirements for imposing the regulations and other articles of the Convention. Even now, though the old Convention did not refer to the coastal ships, we have taken power under the rules to see that wherever required, coastal ships are provided with the safety and life-saving appliances. The present Convention now for the first time introduces life-saving appliances on cargo ships. Even before that, even when the old Convention was there, they took care to see that these coastal ships were required to carry these life-saving appliances, and the standard imposed on the coastal ships has been a little

more than what the Convention envisaged. We propose to do the same now.

Another point made was reference to ships plying between Calcutta and Chittagong or from a port in Travancore-Cochin to Colombo. Though these voyages may be strictly said to be international voyages they are so short and the rigors of the Convention need not be applied to these ships. That point was made by the hon. Member. Those countries like Pakistan, Ceylon, Burma etc. are all signatories to the old Simla Rules and these will come under the voyages that are undertaken by ships that carry unberthed passengers. With regard to the Simla Rules also, Mr. Reddy raised the point that the requirements are not enough, that they should be tightened up still further. In fact the Deck Passenger Committee also was of the same opinion. They of course, have suggested that lower standards were enough for these ships—for the ships engaged in carrying these unberthed passengers. They say:

"Unlike certain other waters, the seas adjoining the Simla Rule\*, countries are calm for the major part of the year, and the clear atmosphere of the tropics provides ample visibility. Most of the time the traffic in these areas is not congested and the chances of collision are negligible. In view of the lesser risks a lower standard of safety precautions became possible."

SHRI C. G. K. REDDY: Does the opinion of the Government coincide with all those recommendations?

SHRI O. V. ALAGESAN: I would like to request my hon. friend to be a little more patient. He will kindly not go on interrupting me. I was coming to the other point. Why are you in such a great hurry? The same Committee has said:

"Taking all aspects of the matter into consideration, we are of the opinion that the scale of life-saving

[Shri O. V. Alagesan.] appliances on unberthed passenger ships should be increased and that where it is not possible to provide life-boats for all persons on board, buoyant apparatus should be provided not only to make up the deficiency but also to provide an adequate margin."

These are the various recommendations of the Committee and these recommendations will be taken into consideration when we convene a conference again of the various countries interested in this subject of unberthed passenger traffic and we shall try to give effect to the recommendations of the Deck Passeneer Committee and they will provide a little more precaution in those ships that are engaged in this unberthed passenger traffic.

The hon. Member also raised the question about the percentage of equipment that is manufactured in India. This is a general question and though WP are anxious to see that all the equipment that we want are manufactured in this country, as the House knows, it takes time and until such time as we are in a position to make all the equipment here, we have to import them and there is no way out of it.

Now I will deal with some of the points raised by Mr. Reddy and also by the last speaker. Reference was made to the Seattle Convention. Some provisions of that Convention have been given effect to and when we bring forward the more comprehensive Bill, we shall try to incorporate as many of the provisions of the Seattle Convention as possible. That is all I can say at this stage. I shall not be able to tell the House to what extent we will be able to go in this regard.

The question of the Act containing references to British Acts and the Act therefore looking ugly, that it lacked grace, was raised by Mr. Reddy. Of course, there cannot be two opinions

on that. The legal position is anomalous and we would like to bring forward a more comprehensive Bill. These are like the battle marks that are left on the battle field when the battle is won. We are also aware that we still have some of the statues in the streets in every city. They mean nothing now. They had some significance, but now they are absolutely as dead as anything possible can be. But though they mean nothing, still they mean something. Similarly we also would like to bring forward a more comprehensive Bill. But you know, Sir, how congested legislative work in both Houses of Parliament is. Even for getting this Bill passed we have had to wait for several months. It was introduced in the last session and though it is not going to take more than one hour to be disposed of, we had to wait for months before getting it passed. The comprehensive Bill will be a very bulky document and even when ready, I do not know how long it will take us to get it passed. So that time factor is there. Otherwise we are already examining the draft that has been submitted by the Law Ministry and the provisions of the new Bill are under examination and I can tell the House that we would like to bring forward a more comprehensive measure, devoid of all these undesirable words or features, as soon as possible. My hon. friend referred to the agreement forms etc. Even now these forms have been revised to some extent. This matter can be looked into and the anomalies or undesirable features and entries that are still there may be removed. Then, Sir, the question of Radio Officers has been raised. As far as Government are aware, there is no dearth of these Radio Officers.

SHRI C. G. K. REDDY: Then, the hon. Minister must correct his statement previously justifying the India Steam Ship Company employing British Officers.

SHRI O. V. ALAGESAN: My friend is obsessed with some idea, Sir.

SHRI C. G. K. REDDY: I am not obsessed.

SHRI O. V. ALAGESAN: There was a little scene that day also, I remember but the India Steam Ship Company at present are not employing Indian personnel and that is due to the fact that they are having an agreement with Marconis.....

SHRI C. G. K. REDDY: Why?

SHRI O. V. ALAGESAN: ..... and Marconis are not agreeable to employ Indian personnel.

THE MINISTER FOR RAILWAYS AND TRANSPORT (SHRI LAL BAHADUR): It is an old agreement.

SHRI O. V. ALAGESAN: We are doing everything to persuade Marconis to take Indian personnel and I think we shall be successful but, as far as the strength of the Radio Officers is concerned. I don't think there is any dearth.

Then, Sir, reference was made to some of the provisions in the Act with regard to the carriage of grain etc. In fact the present provision does not give us enough powers to regulate the carriage of grain; under the amended clause we shall be able to take more powers. We get rule making powers and we shall be able to regulate it even more satisfactorily than is the case at present.

Then, Sir, my friend the last speaker referred to Flag Discrimination. As I said in the other House, this is rather a ticklish question. This is being constantly looked into and Government is making every effort to see that our ships get enough cargo to carry. Sir, some of the countries with very powerful merchant fleets are interested in propagating this theory of flag discrimination. In fact, flag discrimination has been taken up by the other countries to prevent under developed countries coming to the aid of their merchant shipping. The representatives of Indian shipping have been

consistently fighting; they want this flag discrimination to be more definitely defined so that it may not bring within its scope the aid that Government would like to give as far as our country is concerned and this it being pursued. This will be pursued even at a meeting that is going to be held this month at Geneva by the representative of Indian Shipping. Sir, Government is certainly interested in this and, the figures in our possession go to show that after all Indian shipping has not been faring badly. They have had sufficient cargo and their cargo also is increasing. But, you must realise, Sir, that this getting cargo is a thing which the individual companies themselves have to look to but, as far as Government is concerned we are trying to help them to get and we are also giving Government cargo, that is foodgrains that are imported into this country, the locomotives and other railway stock that we are impairing. These are being given as much as possible to Indian shipping and we are trying to help. What we should see is that this theory of flag discrimination does not come in our way of trying to develop our merchant fleet.

Sir, I think I have covered most of the points that have been raised.

SHRI C. G. K. REDDY: There is only one left out. Would the hon. Minister explain why there is a proviso about a ship putting into Port due to distress? Is there any international law or agreement? The other point that I raised was about stability information. Is it possible for him to elucidate these?

SHRI O. V. ALAGESAN: Sir, he raised. I think, if I remember correctly, two points, one is with reference to stability information.....

SHRI C. G. K. REDDY: Stability information is one and proviso "that this subsection shall not have effect if the ship would not have entered any such port....." is another I think if it is governed by international law.

SHRI O. V. ALAGESAN: I shall not be able to say off-hand but I shall be

[Shri O. V. Alagesan.] able to look into the particular provision.

As far as the stability information is concerned, the International Convention itself says that it should apply only to new ships because this stability information is to be given when a ship is newly constructed and it may not be possible to enforce this with reference to old ships. Even the Convention envisages such information to be supplied only with regard to new ships.

Then, Shri Reddy said something about ship coming in distress. The proviso is "Provided that this subsection shall not have effect if the ship would not have entered any such port but for stress of weather or any other circumstances that neither the master nor the owner nor the charterer, if any, could have prevented or fore-stalled." If the ship is not definitely coming into our port then certainly we do not have powers to enforce provisions against it. It may be that the ship may be intended to go to some other port in which case it would not be our business to enforce these restrictions and I think that is the reason for this proviso.

Sir, I commend the motion.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to enable effect to be given to an International Convention for the Safety of life at Sea, signed in London on the tenth day of June, nineteen hundred and forty-eight, to amend the provisions of the Indian Merchant Shipping Act, 1923, relating to life-saving appliances, wireless and radio navigational aids and to other matters affected by the said Convention, as passed by the House of the People be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause

consideration. There are no amendments of which notice has been received.

Clause 2 to 31, clause 1, the Title and the Enacting Formula were added to the Bill.

SHRI O. V. ALAGESAN: Sir, I move:

"That the Bill be passed."

MR. DEPUTY CHAIRMAN: The question is.

"That the Bill be passed."

The motion was adopted.

### **THE SALARIES AND ALLOWANCES OF OFFICERS OF PARLIAMENT BILL, 1953**

THE MINISTER FOR COMMERCE AND INDUSTRY (SHRI T. T. KRISHNAMA-CHARI): Mr. Deputy Chairman, may I have your permission to move this on behalf of my colleague, the Law Minister.

MR. DEPUTY CHAIRMAN: Yes.

SHRI T. T. KRISHNAMACHARI: Sir, I move:

"That the Bill to provide for the salaries and allowances of certain officers of Parliament, as passed by the House of the People, be taken into consideration."

[SHRI B. C. GHOSE, (The Vice-Chairman) in the Chair.]

I do not think, Sir, that this Bill, requires any elaborate explanation from Government. Clause 3 of this Bill, the hon. Members will please note, reduces the salary that has been drawn by the Chairman of the Council of States and the Vice President of India and the Speaker of the House of the People from Rs. 3,000 to Rs. 2,250. In fact, Sir, these two