

COUNCIL OF STATES

Friday, 1st August 1952

The Council met at a quarter past eight of the clock, MR. CHAIRMAN in the Chair.

RESULT OF ELECTION TO THE ALL INDIA COUNCIL OF TECHNICAL EDUCATION

MR. CHAIRMAN : One announcement is to be made. As there is only one candidate for election to the All India Council of Technical Education, I hereby declare that Shri Osman Sobhani has been duly elected to the said Council.

THE INDIAN PORTS (AMENDMENT) BILL, 1952

THE MINISTER FOR RAILWAYS AND TRANSPORT (SHRI LAL BAHADUR) : Sir, I beg to move :

That the Bill further to amend the Indian Ports Act, 1908, as passed by the House of the People, be taken into consideration.

Sir, the Bill is a non-controvertial measure and therefore I am sure the House will pass it without much discussion. Only two sections of the Indian Ports Act are to be amended, section 14 and section 31. It is provided in section 14 of the Act that if any ship is wrecked, the wreckage may be removed by the port authorities and the expenses of such removal be recovered within six months. This period is rather long. In this Bill we propose to substitute it by two months. I am sure the House will agree that it is quite reasonable.

The other point which we propose to add to this section is in regard to the realisation of the expenses incurred

by the conservator in clearing and disposing of the property of the wreckage of the vessel. The conservator has full powers to dispose of these things but there is no provision to meet the extra expenditure if the proceeds of the vessel fall short of the amount due to the Port. This may sometimes entail a heavy financial loss to the port authorities. It is therefore considered essential to amend section 14 so as to make it obligatory on the owner of the vessel to make good the balance of the expenses to the conservator if the proceeds of the sale of the property recovered are less than the amount recoverable under section 14 of the Act. This is in fact in conformity with the practice in other countries like the United Kingdom and Australia. In section 31 we have proposed an amendment which is essential for the safety of the ship. It is now being provided that no mechanically propelled vessel of less than 200 tons measurement will ply within the port limits without a pilot of the port on the board. This kind of pilotage is compulsory even now in the case of vessels above 200 tons. We now want to include mechanically propelled vessels below 200 tons in the same category, i.e., it will now become essential for those vessels also to have pilots on board within port limits. Of course if the port authorities so desire, they have the discretion to exempt any such ship or vessel from this provision. There is nothing more that I have to say in connection with this amending Bill and I move the Bill,

MR. CHAIRMAN : Motion moved :

That the Bill further to amend the Indian Ports Act, 1908, as passed by the House of the People, be taken into consideration.

SHRI C. G. K. REDDY (Mysore) : I just want a little clarification. I have nothing to say against or for the Bill but in so far as the principles in paragraph 2 of the Statement of Objects and

[Shri C. G. K. Reddy.] Reasons are concerned, it would appear that even the smallest motor-boat or a pleasure boat or a private motor-boat would require the special permission of the conservator before it is allowed to operate in any port. Now, I think, Sir, if restrictions are placed for even below 100 ton vessels, then it would become highly inconvenient for even the smallest motor-boats which pick up passengers, or private motor-boats, to get the express permission of the conservator before they can ply in the port waters. I do not know why this has become necessary because you see so many of such boats plying between the ships and the jetties and in the port itself operated by shipping companies and other private individuals and also for hire.

I should therefore like to know from the hon. Minister what are the reasons for placing such a restriction. I may say that in the operation of small boats it does not require very much skill nor very much knowledge of the channels or depths in any port. If I may say, even an amateur could operate a small boat of about 40 or even 50 tons in any port. As far as I know, in Bombay for instance, these little motor boats, which operate inside the port, take a very small draft say about 1 or 2 feet and in no place in the port you find a depth less than 1 or 2 feet. Therefore I can understand pilotage being essential for boats of higher tonnage which take in bigger draft say 5 or 6 or 7 feet, so that at low tides it may become dangerous for boats to ply in the port. I should like to know from the hon. Minister why such a restriction is placed because I feel that the restriction would vitiate against the normal pleasure or even the hire boats plying in the ports.

SHRI B. RATH (Orissa) : On a point of clarification, I would like to know one thing. A provision has been made in sub-clause (4) that has been newly added towards the end, that the money that is spent should be realised and here two methods are provided for, as it has been laid down here that the conservator may recover the deficiency from such owner in the

manner laid down in sub-section (2) of section 57 for recovery of expenses and damages or in any other manner according as the deficiency does not or does exceed one thousand rupees. I want to know when the deficiency exceeds one thousand rupees, what that 'any other' method or manner is that is envisaged by the clause by which this money will be recovered.

BABU GOPINATH SINGH (Uttar Pradesh)

बाबू गोपीनाथ सिंह (उत्तर प्रदेश) : में भी माननीय मंत्री जी से एक बात का स्पष्टीकरण कराना चाहता हूँ। इस बिल में इस बात की चर्चा है कि जब कोई जहाज़ टूट जाय या डूब जाय तो उसको हटाने में और मलवा को डिस्पोज़ आफ़ (dispose of) करने में जो खर्च होगा वह सरकार ले लेगी। इसके बाद भी सरकार २० फ़ीसदी और लेगी। जब मुनाफ़ा होता है, तब उस समय सरकार अपना खर्च ले ले और यह बात भी जायज़ मालूम होती है कि जो खर्च हुआ, उसके ऊपर २० फ़ीसदी और वसूल कर लिया जाय। लेकिन जब कि घाटा होता है और नौका डूब जाती है, मालिक का नुक़सान होता है, उस हालत में भी २० फ़ीसदी ज़ायद वसूल किया जाय तो यह बात ठीक मालूम नहीं होती है। वैसे ही जहाज़ के मालिक का माल डूब जाता है और वह स्वयं भी डूबता ही है, उस के ऊपर २० फ़ीसदी और ज़्यादा लेकर उसको और भी डूबोया जाय, तो यह बात समझ में नहीं आती।

("For English translation, see Appendix II, Annexure No. 58.)

SHRI RAJAGOPAL N A I D U (Madras) : Mr. Chairman, Sir, I just want to be clear about one point. Under section 14 of the Indian Ports Act, the conservator is empowered to remove or destroy any vessel wrecked, stranded or sunk within port limits, to sell any property recovered from the wreckage by public auction and to make over the sale proceeds to the person entitled to the property after

deducting the reasonable expenses incurred by the conservator and a further sum of twenty per cent, of such expenses. This is quite reasonable in cases where the sale proceeds of the wreckage exceed the expenses incurred by the conservator but in cases where the sale proceeds of the wreckage do not even come up to the level of the expenses incurred by the conservator, is it reasonable on the part of the Government to collect that extra 20 per cent, over and above the expenses. There seems to be no reason behind it. This is the only point that I want to raise.

SHRI ABID ALI (Bombay) : Sir, with regard to the powers for having a pilot for smaller ships, my friend there has raised some doubt. The experience in Bombay also is that many amateurs without any experience of navigation and the position of shallow waters get their boats stuck up. That creates an obstruction for the movement of ships and also considerable inconvenience to the port authorities. Therefore it seems that the Government propose to amend this clause. I would request the Government to kindly instruct the authorities concerned to use this power liberally. They should satisfy themselves that the persons in charge of small ships have the necessary elementary knowledge of navigation and also of the situation of the port. Small ships in charge of such persons need not be compelled to have pilot.

SHRI LAL BAHADUR :

श्री लाल बहादुर : चेररमेंन साहब, जो दो-तीन बातें इस बिल के विषय में यहां पर अभी पूछी गई हैं अगर आपकी इजाजत हो तो मैं उनका जवाब हिन्दी में दे दूँ क्योंकि मैं कभी कभी हिन्दी में भी बोल लिया करता हूँ।

पहिली बात २० फ्रीसदी की कही गई है कि २० फ्रीसदी चार्ज किया जाता है। मैं इसके बारे में यह कहना चाहता हूँ कि यह बात पुराने ऐक्ट में रक्खी गई थी और वही चली आ रही है और उस ओरिजनल (original) ऐक्ट में २० फ्रीसदी की बात रक्खी गई है। हमने

इस बिल में ऐसी कोई बात नहीं की है जोकि पुराने ऐक्ट को बदल दे। पुराने ऐक्ट में जो चीज है उसको हमने इस अमेण्डेड बिल (amended Bill) में नहीं छुआ है, उसमें कोई तबदीली नहीं की है। इसलिये मैं यह उम्मीद करता था कि हाउस के सब मेम्बरान ओरिजनल ऐक्ट के बारे में और जो हम उसमें अमेन्डमेंट (amendment) लाये हैं, उसके बारे में या परिवर्तन करने के बारे में, कोई बहस यहां पर नहीं करेंगे।

दूसरी बात जो २० परसेंट की कही गई है, तो उसके बारे में स्वयं भी नहीं कह सकता कि पुराने ऐक्ट में यह २० परसेंट की बात क्यों रक्खी गई है। लेकिन मैं समझता हूँ कि और बहुत से खर्चे होते हैं, जैसे कि एडमिनिस्ट्रेशन (administration) और दूसरे पोर्ट में जो खर्चे होते हैं, उनको ध्यान में रख कर शायद यह बात रक्खी गई हो। तो मैं ऐसा समझता हूँ कि जो २० परसेंट का चार्ज रक्खा गया है, उसमें तबदीली करने का कोई सवाल नहीं है। चूंकि हम पुराने ऐक्ट में कोई तबदीली करने नहीं जा रहे हैं इसलिये इस समय इसके बारे में यही कहा जा सकता है।

एक माननीय सदस्य ने २० परसेंट के बारे में खास तौर से कहा था कि उनको जब नुकसान होता है तो २० परसेंट न लिया जाय। लेकिन इसके साथ ही साथ यह बात भी सही है कि इन जहाज वालों को काफ़ी आमदनी भी होती है और जब उनको नुकसान होता है, तो उनको नुकसान उठाने के लिये भी तैयार रहना चाहिये। यह बात मुनासिब मालूम नहीं होती है कि उनको हर तरह का फ़ायदा ही दिया जाय।

अभी जो बात श्री रेडी साहब ने उठाई उसका जवाब श्री आश्रिद अली जी ने दिया। हमें खास तौर से कलकत्ते में इस बात की दिक्कत आई। हुगली नदी के बारे में जो दिक्कतें हैं और जिस

[Shri Lal Bahadur]

तरह से उसका छिछला पानी है, उससे हमेशा इस बात का अन्देशा रहता है कि वह अपना रास्ता न बदल दे, जैसा कि वह अक्सर करती रहती है। इसी कारण वहां के पोर्ट कमिश्नर ने इस बारे में हमको लिखा कि इस बात की जरूरत है कि हमें कोई ऐसा प्राविजन (provision) रखना चाहिये, जिससे कि २०० टन से कम के जहाजों को अगर हम रोकना चाहें तो रोक सकें। इस वजह से इस बात की जरूरत हुई कि अगर कलकत्ते में इस तरह की बात को करना है तो मुमकिन है कि और जगहों पर भी इसको लागू करने की जरूरत पड़े। जैसा कि अभी आबिद अली साहब ने कहा कि बम्बई में भी ऐसे मौके आते हैं और मद्रास में भी आते हैं। उस समय अगर ठीक पाइलॉटिंग (piloting) न हो, तो जहाज को नुकसान पहुंचने का अन्देशा होता है। यह तो जहाजों की हिफाजत के स्थाल से और पोर्ट एरिया (port area) के अन्दर आकर जहाजों को सहूलियत और सुविधापूर्वक चलते रहने के स्थाल से और उनको किसी प्रकार का नुकसान न पहुंचे, इस स्थाल से यह बात रक्की गई है। हां, इस बात का अवश्य स्थाल रखा जायेगा कि इजाजत लेने में किसी प्रकार की दिक्कत लोगों को पेश न हो और किसी प्रकार का बिलम्ब भी न हो। साधारणतः मैं समझता हूँ कि पोर्ट कमिश्नर स्वयं भी इस बात का ध्यान अवश्य रखेंगे कि जो २०० टन से कम के जहाज हैं, वे किसी प्रकार की असुविधा तो नहीं पंदा करते। स्वयं जहाजों के मालिक और पोर्ट कमिश्नर दोनों ही विवेक से काम लेंगे और स्वयं ही इस बात का फ़ैसला करेंगे। यह उन दोनों लोगों पर छोड़ दिया गया है कि वह इस तरह का कोई फ़ैसला कर लें जिससे कि कोई कठिनाई न हो।

मुझे इतनी ही बात उन एतराजों के बारे में कहनी है, जो यहां पर अभी उठाये गये थे।

[For English translation, see Appendix II, Annexure No. 59.]

SHRI RAJAGOPAL N A I P U : x May I request the hon. Minister to tell us in English what he had already said in Hindi. Sir, I did not understand even one word of what he said. In this connection, I would request the hon. Minister to be consistent either to speak in English or speak in Hindi. Hon. Minister sometimes speaks in English and sometimes in Hindi. There should be a sort of convention that if an hon. Minister begins to speak in one language, he should continue to speak in that language and not change over to another language as and when he likes.

SOME HON. MEMBERS : No, no.

MR. CHAIRMAN : I will ask the hon. Minister to give in brief the answers he has already given.

SHRI LAL BAHADUR : When I speak in English, those who do not understand English, do not understand what I say.

SHRI C. G. K. REDDY : Everybody understands.

SHRI LAL BAHADUR : The point was raised about the 20 per cent, extra charge that is made. The original section 14(2) of the Indian Ports Act provides for recovery by the conservator of the actual expenses incurred by him in raising the vessel or removing or destroying the wreckage and a further sum of 2.0 per cent, of the amount of such expenses. The new sub-section (4) that is proposed to be added by us says that, if the sale proceeds of the property are not sufficient to meet the expenses and the further sum of 20 per cent, specified, the owner of the vessel wrecked shall be liable to pay the deficiency. I am not quite aware of the reason which led the framers of the original Act to provide for the recovery of this further 20 per cent., but presumably it was intended to compensate the port for the inconvenience caused. It may include also an element of departmental charges. As I said this is the provision in the original Act and we do not propose to amend it.

in this amending Bill. I suggest that I the hon. Members should not seek to I amend the original Act when the Bill does not provide for it.

As regards Mr. Reddy.....

SHRI C. G. K. REDDY : No need to reply in English.

SHRI LAL BAHADUR : He understands Hindi all right.

SHRI B. RATH : How are they going to realize the deficiency when the amount exceeds Rs. 1,000?

SHRI LAL BAHADUR : It can be realized as sometimes fines are realized. There are different procedures. So either in the form of realizations of fine or by civil suit, it can be realized.

SHRI RAJAGOPAL N A I D U : The hon. Minister himself was not able to know why in the principal Act this 20 per cent, is collected over and above the reasonable expenses. Of course it is certainly reasonable to collect if the sale proceeds of the wreckage are much more than the reasonable expenses incurred for removal of the wreckage but the amendment that has been brought forward is that if the sale proceeds do not exceed the value of the expenses, besides reasonable expenses, an extra 20 per cent, of it would also be collected. We will be certainly satisfied with the collection of expenses that are actually incurred. Why should we actually get a profit out of the loss incurred by the owner. We will be reasonable if the sale proceeds exceed the value of the wreckage but we will not be justified to collect 20 per cent. excess if it falls short of the limit.

SHRI LAL BAHADUR : That 20 per cent, is realized in every case and perhaps the hon. Member is aware that all these ships are generally insured, and when there is a wreckage, they recover all the amounts from the insurance companies. So, we need not worry.

SHRI RAJAGOPAL N A I D U : Including the 20 per cent;

SHRI LAL BAHADUR : They get more than that. Therefore, it is quite reasonable.

MR. CHAIRMAN : The question is :

That the Bill further to amend the Indian Ports Act, 1908, as passed by the House of the People, be taken into consideration.

The motion was adopted.

MR. CHAIRMAN : We now proceed to clause by clause consideration of the Bill.

The motion is :

That clause 2 stand part of the Bill.

SHRI RAJAGOPAL N A I D U : Sir, I don't move my amendment.

MR. CHAIRMAN : That means there are no amendments to the clause.

Clauses 2, 3, 1, the Title and the Enacting Formula were added to the Bill..

SHRI LAL BAHADUR : I beg to move :

That the Bill be passed.

SHRI C. G. K. REDDY : Sir, it is very awkward for me to say something and disagree with what the hon. Minister has said and my hon. friend Shri Abid Ali has said. If I may say so, both of them don't know of what they are saying and I don't blame them. In so far as the Hoogli is concerned, I agree that Hoogli is the most treacherous river in the world for piloting and navigation. But even then I should like the hon. Minister to realize that the motor-boats he is thinking of are less than 20 or 30 tons and under the law pilotage is necessary but may be waived. I should like him to understand the implications. Pilotage is very expensive even for 200-tons vessels. It may be good revenue for Government but certainly it would not be possible for the owners of small crafts to pay the pilotage that Government demands from the vessel. It may be that we will, as he said, waive this

[Shri C. G. K. Reddy.]

condition as a rule. If you are going to waive this condition as a rule, I don't know why this measure should have been brought. So far as Shri Abid Ali's contention that they run aground very often in Bombay and it becomes a nuisance to the traffic, I should like him one of these days to take a walk round the docks in Bombay during low tide. He will find that all the *dhow*s and motor-boats have run aground, but as soon as the tide rises, they lift the small craft up. Perhaps he is thinking of the Bombay steam boats of 200 tons. I am talking of small ones for which, by this law, it will be obligatory for the owners to ask pilotage from the port authorities. This would vitiate very much against, at any rate, the interests of the small craft. As Chairman of the Governing Body of the 'Dufferin' when the hon. Minister goes to Bombay next time, he will find that the launch that takes him to Dufferin will be operated by a 14 or 15 year-old boy. Now the minimum age is about 16. He will find a little boy of 16 taking him quite safely from the quay to the ship and back. I am trying to say that it is not necessary to know anything about the channels. The only thing to know to safely navigate a ship is that you must know what the beacons mean, what particular beacons are there and how the channel is marked. That is only needed if a vessel takes in a draft of more than 6 ft. but these boats that we are including in this law are those which take one or two feet of water, such low water you will never find in Bombay or Calcutta. I have seen quite a few harbours where even in the lowest tide you will get more than 1 or 2 feet. It may be less near the jetty or pier. If a small craft runs aground, they just leave it there. All the *dhow*s in Bombay when they are moored in the jetty, they run aground during low tide. As the tide rises, it lifts it up because they are so light. It is all right to say that an exemption will be given but if you are going to give exemption as a rule, why should you have the law at all. As

an alternative I would suggest this. Supposing, apart from the knowledge of the port and the different depths in the port, if you think that reckless driving, as driving on a road by car, would mean loss of life or loss of property, then I would suggest that just as you license drivers on the road, you license the drivers of motor-boats so that they know how to come alongside the jetty or ship and how to steer clear.....

SHRI GOVINDA REDDY (Mysore) :
Are they not now licensed ?

SHRI C. G. K. REDDY : No. I would request the hon. Minister not to have this restriction. I know it is highly inconvenient for him to have the amendment here but that inconvenience would not cost the time of this House or the other House very much. I would earnestly request him that due to the reasons I have put forward, he should make this amendment and if he likes under the Port Rules you can see that such of those who are in charge of small craft are licensed. I should like to enlighten the hon. Minister how these things get done by Government. I can quote several instances. The Chairman of the Calcutta Port Commission suggested it because he found that the reckless driving of small crafts was becoming a nuisance and probably there were one or two accidents. The attitude of most officials and those who know the technical matters is this that if there is one accident in the Hoogli— accidents can happen just as even expert drivers of a car get into accidents—it can happen even with Government pilots. There are so many cases where the pilot has gone and rammed the ship against a jetty or has been responsible for the sinking. But if there are one or two accidents, then immediately the Harbour Master or the Assistant Harbour Master or the Pilot with his, shall I say, superiority complex, tell us that these people know nothing about the port, that the port is a dangerous one and we must see

that only with their assistance these small craft ply. And they make out a good case for the Government to bring in a law like this. Sir, I have explained the implications of this measure. All I can add is that if it is possible for the hon. Minister to take off that amendment, it would be much better. And it would also not cost him much. There is no question of any opposition or support to this Bill. It is a technical matter and I do not think the hon. Minister will find any difficulty in pushing through the amended Bill in the other House. I hope, therefore, that he would accede to my earnest request.

SHRI GOVINDA REDDY : Sir, from what Mr. Reddy said just now it appears to me that craft and boats which ply from the port to the vessels in the sea are not licensed or registered.

SHRI C. G. K. REDDY : They are registered.

SHRI GOVINDA REDDY : I would like the hon. Minister to throw some light on this point.

SHRI ABID ALI (Bombay) :

شری عابد علی ب (بمبئی) : معلوم ہوتا ہے کہ چھانٹک ہوشیاری عقلمندی اور معلومات کا تعلق ہے ہمارے دوست جو اس طرف بہتے ہیں ان کا خیال ہے کہ یہ سب ان ہی کا حق ہے اور ان ہی کی دسٹریبیوٹی (monopoly) ہے۔

SHRI C. G. K. REDDY: No, it is not fair.

SHRI ABID ALI :

شری عابد علی : میں نے جو عرض کیا تھا کہ جس وقت سمنڈر میں پانی کم ہوتا ہے۔ اس وقت کی بات نہیں تھی جیسا کہ میرے دوست نے فرمایا ہے۔ بات تو اس وقت کی میں نے کہی تھی جبکہ سمنڈر میں پانی کافی رہتا ہے اور اس پر بھی امیچرس (amateurs) اور ایڈورنٹیرس امیچرس (adventurous amateurs) بہت کئی دقتیں کھڑی

کر دیتے ہیں۔ پورٹ میں سمنڈر کی تہہ کافی اونچی نیچی رہا کرتی ہے۔ وہاں پر نشانات ہوتے ہوئے بھی امیچرس کو یا ان کو جن کو کہ پورٹ کی پوری واقفیت نہیں رہتی ہے ان کو اس بات کا خیال نہیں رہتا ہے کہ 10 فٹ دور رہنا یا 5 فٹ تک انہیں دور رہنا چاہیئے۔ اسے نیویگٹرس (navigators) سے کافی نقصانات پہنچے ہیں؟ کئی ایکسیڈنٹس (accidents) ہوئے ہیں؟ کئی جہاز توڑے ہیں اور اس سے بچنے کے لئے گورنمنٹ نے یہ چیز پیش کی ہے۔ مجھے اس میں بحث مباحثے کی کوئی دلچسپی نہیں معلوم ہوتی۔

SHRI C. G. K. REDDY : Will the hon. Member tell us where were the accidents in which small craft of 30 and 40 tons were involved ? If he would tell us, that would be more enlightening.

SHRI ABID ALI:

شری عابد علی : جی ہاں۔ وہ معلومات تو ان کو ہونی چاہیئے اور اگر یہ اتنا بھی نہیں جانتے ہیں کہ پورٹ میں پچھلے پانچ سال میں ان معاملات میں کتنے حادثے ہوئے ہیں تو پھر ان کو اس پر بولنے کی دلچسپی ہی نہیں تھی۔ میری عرض یہ ہے کہ اگر ان کی عادت ہی بحث مباحثہ کرنے کی ہے اور ہر چیز کو کانتروورشل بنا دینے کی ہے تو پھر جب ان کا سامنا سدھوے تب ہی اچھا ہو۔

تو جیسا کہ میں نے عرض کیا ہے جہازیں ہو رہے ہیں اور ان کو روکنے کے لیے گورنمنٹ نے یہ اختیار لیا ہے اور میں

[Shri Abid Ali.]

عرض کرتا ہوں کہ ان کو بہتر فراخدلی سے استعمال کیا جائے - جو لوگ جہاز چلاتے ہیں ان کو اگر ضروری معلومات ہوں تو پائلٹ (pilot) کی ضرورت نہ ہونی چاہیئے اور جن کو معلومات نہیں ہیں ان کو پائلٹ لینا ضروری ہو جائے

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[For English translation, see Appendix II, Annexure No. 60.]

SHRI S. C. KARAYALAR (Tra- vancore-Cochin) : Sir, I would like to put just one question to the hon. Minister. He did not tell us in the course of his speech whether there were many cases brought to light in which it was found impossible to recover the excess expenditure over the sale proceeds ? I should like to have some information on this point. He said there is a lacuna in the Act and it has been found impossible to recover the excess expenditure. Is it only a case of rectifying the lacuna, or is it a case in which a number of cases were brought to light in which it was impossible to recover the excess expenditure over and above the sale proceeds ? I should like to have some enlightenment on this point.

SHRI LAL BAHADUR : It is evident from the speech of Mr. Reddy that he knows much more than I do.

AN HON. MEMBER : He said you do not know anything.

SHRI LAL BAHADUR : He has worked on ships perhaps for a long time and therefore he would know much more than myself. I am prepared to concede that point.

One hon. Member here asked me the question whether there is a system of issuing licences. I may tell him that there is no such system. It does not exist either in Calcutta or in Bombay. There is—though I do not

know its details—some system in vogue in Madras. These vessels have not to take out licences and so it becomes all the more necessary to have some control on them. This exemption that we can provide in the rules gives us some control. As I said before, the Calcutta Port authorities and even the technical officers under the Director General of Shipping, are of the opinion that all sea-going vessels, irrespective of tonnage, should be under the control of the pilot of the port while they move up and down the Hoogly river. That recommendation came from the Calcutta Port Trust and they are quite definite about it. It was suggested by our department here that if you are going to provide any such thing for the Calcutta port, it is better that we do it for the other ports also. Therefore we have made this provision. It is, of course, not possible to accept any amendment as Mr. Reddy has suggested because we have passed the Bill, clause by clause and when the House is on the third reading of the Bill no amendment can be moved or accepted. But I can assure Mr. Reddy that we will make such rules as will not cause any inconvenience to small vessels. I cannot say and I am not in a position to say anything more than that. But it will be our concern to see that small vessels are not put to any inconvenience.

As regards the question put by one of the Members as to how many such wreckages had taken place, though I cannot give the details of such wreckages, the danger is always there and so we have brought forward this measure. In fact we have to take precaution in the matter and we have also consulted the Acts of other countries. If the hon. Member so desires, I can read out to him one of the provisions in Australia where they have referred to the sale proceeds also. It runs thus :

" If the money arising from such sale has not been sufficient to defray the charges and expenses aforesaid, the excess thereof, beyond the proceeds of such sales shall be chargeable to the owner of such vessel and if not paid within twenty days

Of course, we have here provide two months time.

"after having been demanded, shall be recovered in a summary way as hereinafter mentioned."

This is from the Australian Navigation Act. So I think it is only desirable that we should have such a provision in this Bill and the lacuna removed. I have nothing more to say.

SHRI C. G. K. REDDY : In the Rules that he proposes to make, can the hon. Minister give us an assurance that he will so draft them that in the j different ports he can introduce Rules for licensing of drivers of small craft and then see that those who have a licence under this Act are exempted from pilotage obligations ?

SHRI LAL BAHADUR : I shall have it examined.

MR. CHAIRMAN : The question is :
That the Bill be passed.

The motion was adopted.

THE CENTRAL TEA BOARD (AMENDMENT) BILL, 1952

THE MINISTER FOR COMMERCE AND
INDUSTRY (SHRI T. T. KRISHNAMACHARI) :
Mr. Chairman, I beg to move :

That the Bill further to amend the Central Tea Board Act, 1949, as passed by the House of the People, be taken into consideration .

Sir, the scope of this amending Bill is limited. It refers only to one provision in the original Act, i.e., section 3, sub-section (3), sub-clause (v) This sub-clause gives power to the Central Government to nominate four representatives on the Central Tea Board. At the present moment, these officers are *persona destgnata* and exigencies of service often prevent them from attending the meeting; of the Board. When such contingencies happen, the Government representation suffers, and, often-times important decisions are taken by the

Board in which Government's point of view is not presented. We have now, by this amendment, sought to i)et over that difficulty by authorising the officials to nominate or depute a substitute. It might be mentioned that these powers should not be given unilaterally to the officials as they might nominate somebody who is not suitable for the purpose. The amendment to section 15, sub-section (2), clause (b) indicates that Government will prescribe the manner in which such substitute may be nominated, which will cover that position.

Sir, the object, as I have said earlier, is strictly limited and I hope the House will have no objection to acceding to this motion.

MR. CHAIRMAN : Motion moved :

That the Bill further to amend the Central Tea Board Act, 1949, as passed by the House of the People, be taken into consideration.

SHRI TAJAMUL HUSAIN (Bihar) :
Sir, I have only one or two suggestions to make regarding the rules that will be made under this Act to enable officials to nominate substitutes. My suggestion to the hon. Minister is that official nominated should not send, as his deputy, someone who happens to be his favourite ; that is suggestion number one. Number two is that he should not send junior official in his place when a senior officer is available. I would further suggest, Sir, that it would be better if his deputy is sent ; the officials who are nominated to the Central Tea Board are Secretaries and high officials and they have always got their deputies. I think it would be better if a Deputy Secretary is sent by him to represent the officer concerned at the Board. *

SHRI S. N. MAJUMDAR (West Bengal) :
Sir, this amendment, it is true, is very restricted in its nature, but I have to say that this amendment is only tinkering with the problem that is present in the tea industry. On a previous occasion, Sir, on the floor of this House, I said all what I had to say. So, I do not propose to repeat those arguments now.