

[30 July, 2003]

RAJYA SABHA

contentious issue. Only through discussion and deliberation, in an amicable manner, this kind of an issue can be dealt with and solved. It will be good to the States and to the country, as a whole. We are living in one country. We are not from different countries. We are all Indians. We are one. So, we must think of the country and nation as a whole. With these words, I conclude.

THE DEPUTY CHAIRMAN: Now, the matter is over... *(Interruptions)*... We will now take up the Merchant Shipping (Amendment) Bill, 2003.

SHRI C. RAMACHANDRAIAH: Madam, one question.

THE DEPUTY CHAIRMAN: Matter is over.

SHRI C. RAMACHANDRAIAH: I want to show a letter... *(Interruptions)*...

AN HON. MEMBER: Madam, matter is not over, matter remains.

THE DEPUTY CHAIRMAN: Yes, the debate is over; the matter remains.. *(Interruptions)*...

SHRI C. RAMACHANDRAIAH: The Minister has- made a statement...*Interruptions*... which I want to bring to your notice.

THE DEPUTY CHAIRMAN: It is over. The Minister has left. You can give it to him in the Lobby. The matter is closed for us.

THE MERCHANT SHIPPING (AMENDMENT) BILL, 2003

THE MINISTER OF SHIPPING (SHRI SHATRUGHAN SINHA): I move :

"That the Bill further to amend the Merchant Shipping Act, 1958, be taken into consideration."

With your permission, I would like to say a few words about the Merchant Shipping (Amendment) Bill, 2003.

India is an active and prominent member of the International Maritime Organisation (IMO), the specialised U.N. body responsible for establishing and enforcing world standards in maritime shipping. We enjoy a high reputation as a leading maritime country and as a major supplier of officers to the world maritime industry.

Apart from the image that India carries as a world class maritime country strictly adhering to international norms and regulations, it also has international obligation to continuously upgrade the quality of its shipping. Laws pertaining to shipping and maritime affairs have global relevance. Our ships have to trade internationally and could be subjected to inspections at foreign ports to check their compliance with IMO Conventions and protocols whose status keeps changing. Similarly, foreign flagships will also be subjected to inspections when they visit Indian ports with a view to protecting our waters from environmental hazards. In order to implement the conventions and protocols to which India has become a party and to be in line with international standards, India is required to incorporate the provisions of these conventions and protocols in our merchant shipping legislation. We have to be dynamic and responsive to both need and time, and the present effort is to incorporate the provisions of the conventions and protocols acceded to by India in the Merchant Shipping Act, 1958. Once the proposed amendments are approved by Parliament, India will be able to keep up with its international obligations.

The International Maritime Organisation adopted in 1973 the International Convention for Prevention of Pollution from Ships, 1973 (MARPOL 1973), which was amended by adoption of Protocol in 1978. The MARPOL 1973 and Protocol of 1978 thereto, together known as MARPOL 73/78 seeks to achieve complete elimination of pollution of the marine environment by oil and other harmful substances and minimization of accidental discharge of such substances by prescribing a package of requirements of design, construction, survey and other certification norms with respect to discharge of sewage and garbage into the sea.

MARPOL 73/78 has six Annexes specifying the technical requirements to be complied by ships for the purpose of safety of life at sea

as well as prevention of pollution from ships. In accordance with Article 14 of the MARPOL 1973 and Article II of its 1978 Protocol, the provisions of Annexes I and II are mandatory for contracting States while implementation of Annexes III, IV and V was optional. India acceded to MARPOL 1973, as modified by its Protocol of 1978 along with Annexes I and II, by depositing the Instrument of Accession with IMO on 24th September, 1986. The instrument of accession deposited by India contained a declaration "that the Government of the Republic of India shall not be bound by the provisions of Annexes III, IV and V of the said Convention." It was decided not to accede to these annexes because by that time, major maritime States had not acceded to these three optional annexes: It was decided to first understand the implications of the provisions contained in these annexes. As a number of countries have since acceded to these annexes, India has also acceded to these three annexes to ensure that Indian ships are not targeted for non-compliance while visiting the ports of such countries. Also, accession to these annexes would enable Indian to take steps as per the convention to prevent pollution in India waters.

-Article 15(2) of the Convention, as amended by the Protocol of 1978, stipulates that the optional annexes shall enter into force internationally, twelve months after the date on which not less than 15 States, the combined merchant fleets of which constitute not less than fifty per cent of gross tonnage of world's merchant ships, have become parties to it. As on 30th November, 2002, the Annexes III, IV and V have been ratified or acceded to by 105, 89 and 110 States respectively. The percentages of combined merchant fleet belonging to these States who have become parties to these optional Annexes are 82.95, 51.14 and 89.26, respectively. Annexure III and Annexure V have come into force internationally on 1.7.1992 and 31.12.1988 respectively. Annexure IV will come into force on 27.9.2003.

The main advantage arising from ratifying these Annexes is that the Indian as well as foreign vessels plying on overseas trade world-wide would automatically follow the universal standards on the subject. Once these Annexes are acceded to, the reception facilities as contained in these Annexes are to be provided by the Ports where vessels call. This will, in turn, help us to develop service facilities in Indian Ports comparable to standards available elsewhere.

[THE VICE CHAIRMAN (SHRI P. PRABHAKAR REDDY) in the Chair]

The system of prevention of pollution (i) by harmful substances carried by sea in packed forms and (ii) by sewage from ships, as well as the Waste and Garbage Management for disposal of garbage from ships in Port, etc. could be made mandatory so as to ensure cleaner waters. Further, ratification of the Annexes under consideration may ensure avoiding any unreasonable application of strict Port State Control on Indian ships elsewhere in the world, thereby boosting the Indian maritime services.

The Government of India has now decided to accede to the optional Annexures as the MARPOL 1973 and its Protocol of 1978 strengthened such anti pollution measures by introducing adequate design and constructional aspects of ships so as to control pollution of the sea by oil escaping into the sea, following marine casualties of tankers. Besides, these two instruments are also intended to control pollution of the sea from:

- (a) harmful substances carried in package forms, freight containers, portable tankers and road or rail tank wagons;
- (b) noxious liquid substances in bulk;
- (c) sewage from ships; and
- (d) garbage from ships.

To implement the provisions of the said Convention and the Protocol, the present Bill contains amendments to 12 sections from section 356A to 356O under part XI A of the Merchant Shipping Act, 1958.

Annexes I to V to MARPOL 73/78 contain many technical details and operational matters which often change with progress made in the sphere of technology, safety and environmental standards. Therefore, it is not desirable to put such details in the body of the Merchant Shipping Act since that would involve changing the Act frequently with the changes in the provisions of the Annexes I to V of MARPOL 73/78. As such, it is proposed to amend sections 356 E and 356 O to confer powers on the Central Government to make rules to prescribe these technical and operational requirements prescribed by the MARPOL 73/78 and its Annexes as amended from time to time.

With the proposed amendments, India will not only be able to meet its international commitments arising out of accession to Annexures III, IV and V to MARPOL 73/78 but also will be at par with the systems and requirements of other advanced maritime nations.

With these words, Sir, I now move the motion that the Merchant Shipping (Amendment) Bill, 2003 for consideration by the House.

The question was proposed.

THE VICE CHAIRMAN (SHRI P. PRABHAKAR REDDY) : Thank you, Mr. Minister. Now, we have seven speakers. Shri Vayalar Ravi.

SHRI YAYALAR RAVI (Kerala): Sir, this Amendment to the Merchant Shipping Act, 1958 is a welcome step. As the Minister has already said, since, we are an active member of the International Maritime Organisation, we are expected to ratify the conventions and the protocols which they have adopted. I am afraid, this may be a little late. As you rightly said, MARPOL 1973 and 1978, have been merged and merit our consideration for the purpose of seeking to achieve a complete elimination of pollution of the marine environment by oil and other harmful substances and minimisation of the accidental discharge of such substances by prescribing a package of requirements of design, construction, survey and certification norms with respect to discharge of sewage and garbage into the sea. So, it is very important because we are a very part of international sea traffic and we are expected to go along with the international conventions. That is why I welcome this.

Sir, I can tell you one thing, because I have had an experience, which I can share with you. In 1984, while I was the Home Minister of Kerala, there was a fire in the Cochin lake.. People said that the Cochin lake was under fire. I could not believe it. On checking up, we found that a tanker was carrying naptha. While cleaning the ship, they had put all the garbage into the lake where the Cochin port was situated. And one fisherman unknowingly put a burning match stick into it and there was fire in which he died. The entire fire-fighting machinery at the Cochin port, the firm and everything had to make a lot of efforts to control the fire and we escaped from a big disaster at Cochin. So, I welcome this move because

of this certification and the strict control over the ships throwing away the garbage and creating this kind of pollution.

Sir, I do not want to speak much about it because I do not want to go into the security aspect. It is good what you have said. But I want to draw your attention to another important point, which is about the people who work in ships; the seamen. They are the people who work in ships and they are also affected due to this. The seamen have a provident fund system which is the only benefit they are getting. The hon. Minister can ask for the files from his department and find out as to what has happened to those Rs. 100 crores of the provident fund. About 330 or 340 applications are pending. They could not pay the money which has been contributed by these seamen as well as the shipping companies of foreign as well as Indian vessels. That money has been completely misappropriated and it is a big scam. Of course, they arrested the Commissioner, but as usual, he is out on bail. For the last one or two years, the CBI inquiry has been going on and nothing has happened. I suggest, the Minister should intervene because there was a meeting of the Provident Fund Board, I think, in October 1992 and they decided to clear these applications by requesting the Reserve Bank of India to release about Rs.10 crores. I think it has not yet been released and, to my knowledge, I am subject to correction, nothing has happened so far. So, I think they are responsible to the Government of India, especially to the Surface Transport Ministry. This Commissioner is appointed by you and he is under your control. Naturally, you are expected to protect the workers and their money. Their money has been looted. In the case of UTI, you have done a good thing. Poor investors have been saved because of the intervention of the Government. In this connection, I appeal to the hon. Minister to look into this matter, which is very important because all the seamen are very frustrated. This is one point, which I wanted to make.

The other point is this. The Bill makes a stipulation about the surveyor's report. The surveyor has to make a survey and then report it to the DG. That is fair enough. Shri Rajnath is sitting here. He has dealt with this subject, I know. Then, clause 356H mentions about the power of the Director-General. He is the man who has to deal with all this. But I have one worry, Sir. There is a lot of corruption. I can cite two or three examples, which I have personally known. I know one case in which a person had got a dredging contract. Actually he was a bidder. And he

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brought a vessel with a foreign flag from abroad. He was not allowed. And you speak of liberalization! You speak of globalisation! To do the work properly, he has brought a better dredger from outside, with a foreign flag. He was not allowed because the DG Office wanted to give it to another bidder. A lot of corruption is going on. I do not know in what way you can check it. But, please give absolute power. The surveyor's report and the certificate by the shipping industry means you are delegating absolute power to him. This is the only man. I have no quarrel on that. The DG has to do it. Unfortunately, it has become a den of corruption. I want you to look into it. I know you will look into it and act upon it.

Another point that I want to make is regarding the employment potential in the shipping industry. In Cochin, there is a training centre, but only a few people, say ten or twenty persons are there. There is a vast scope for employment in the shipping industry. The merchant navy training institutes have been constituted, but, unfortunately, a few people have been selected. It is not giving employment opportunities to young people to work in the shipping industry. I request you to look into it and give training to more and more young people and absorb them in the shipping industry. They can get more and more employment opportunities.

Sir, It is a very important legislation. It is an important amendment. Again, many more amendments may come because of the Conventions and the Protocol, and we have to ratify and adopt them. And this is a part of that. Sir, it is a very important ratification because this is going to save the Cochin Lake from another disaster of fire. With these words, I support the Bill.

श्री अजय मारू (झारखंड) : धन्यवाद, उपसभाध्यक्ष महोदय। यह बिल स्वागत योग्य है। मैं इस बिल को पेश करने के लिए माननीय मंत्री श्री शत्रुघ्न सिन्हा जी को बधाई देना चाहता हूँ। मर्चेण्ट शिपिंग (अमेडमेट) बिल, 2003 यानि वाणिज्य पोत परिवहन (संशोधन) विधेयक, 2003 को पारित करना इसलिए भी आवश्यक हो गया है कि इसमें भारतीय बंदरगाहों पर आने वाले विदेशी जल-पोतों तथा विदेशी बंदरगाहों पर जाने वाले जल-पोतों के निरीक्षण की प्रणाली को समय के अनुरूप बनाया जा सके और भारतीय समुद्र के भीतर पडने वाले समुद्र को प्रदूषण से मुक्त रखा जा सके।

महोदय, भारत अंतर्राष्ट्रीय समुद्र संगठन का एक सक्रिय सदस्य है और इस नाते से विभिन्न अंतर्राष्ट्रीय समझौतों पर इसने समय समय पर हस्ताक्षर किए हैं, लेकिन समय के साथ कई प्रावधानों में फेरबदल करना जरूरी हो जाता है। वर्ष 1973 में अंतर्राष्ट्रीय समुद्र संगठन ने

अंतर्राष्ट्रीय पोत प्रदूषण निवारण अधिनियम अंगीकृत किया था। इसे संक्षेप में मारपोल था मैरीन पोल्यूशन, 1973 नाम से जाना जाता है। इसके पश्चात वर्ष 1978 में भी इसमें कुछ सुधार किए गए थे। अब इन दोनों को एक साथ 'मारपोल, 1973-78' के रूप में जाना जाता है। इनका संबंध समुद्र पर्यावरण को प्रदूषण से मुक्त रखने और जल-पोतो से समुद्र में प्रदूषित पदार्थों को बाहर जाने से रोकने के संदर्भ में हैं। उस वक्त भारत ने समझौते की कुछ धाराओं को स्वीकार नहीं किया था क्योंकि अन्य कई देशों ने भी इन धाराओं को मंजूर नहीं किया था, लेकिन पिछले वर्ष लगभग सभी देशों ने इन धाराओं को मान लिया है और अब अपने हितों की रक्षा के लिए भारत ने भी इन धाराओं को अपनी मंजूरी दी है। इसी हेतु मूल विधेयक में कतिपय संशोधन के आवश्यकता हो गई हैं। इसी उद्देश्य को पूरा करने के लिए यह वाणिज्य पोत परिवहन (संशोधन) विधेयक, 2003 सदन में प्रस्तुत किया गया है। यह संशोधन विधेयक पूरी तरह आज की आवश्यकताओं पर आधारित है और इसे पारित करने में किसी माननीय सदस्य को आपत्ति नहीं होगी। माननीय सदस्यों को यह विदित है कि बड़ी संख्या में भारतीय जल पोत विदेशों में जाते हैं और दूसरे देश नियमों के अधीन हमारे देश के जल पोतों की जांच पड़ताल कर सकते हैं। इसी तरह भारत आने वाले जल पोतों की भी हमारी एजेंसियों द्वारा जांच पड़ताल कर सकते हैं। इन जांच पड़तालों को कायदे – कानूनों के अनुसार होना चाहिए। इस संशोधन विधेयक के पारित होने से हमारी एजेंसियां अपना काम अधिक कुशलता से और सफलता से कर सकेंगी। क्योंकि यह विशुद्ध रूप से एक तकनीकी मामला है, अतः अधिक विस्तार में जाने की मैं आवश्यकता नहीं समझता हूँ। इस विधेयक के पारित होने से न सिर्फ भारत अपने अंतर्राष्ट्रीय वायदों को पूरा कर सकेगा बल्कि विकसित देशों की प्रणाली व आवश्यकताओं के अनुसार भी काम कर सकेगा।

इस संदर्भ में इस बात का उल्लेख किया जाना भी आवश्यक है कि भारत में समुद्री सीमा की लम्बाई 5580 किलोमीटर है और हमारे यहां 12 बड़े तथा 184 छोटे बंदरगाह हैं। अगर भारत के विदेशी व्यापार की यात्रा को लें, तो 90 प्रतिशत विदेशी व्यापार इन्हीं सब बंदरगाहों से होता है और यदि इसे मूल्य के हिसाब से लें तो यह 68 प्रतिशत समुद्री यातायात पर आधारित है। अतः मेरा अनुरोध है कि इस संशोधन विधेयक को सर्वसम्मति से पारित किया जाए।

THE VICE-CHAIRMAN (SHRI P. PRABHAKAR REDDY): Mr. Ajay Maroo, you are not speaking from your seat. Next time, if you want to do so, you have to take the permission of the Chair.

SHRIMATI N.P. DURGA (Andhra Pradesh): Sir, I rise to support the Bill brought by the hon. Minister for Shipping for the consideration of this august House. The aims and objectives of this Bill are laudable. Though the Bill before us is a small one, it aims at maintaining the ecological balance and preventing ships, oil tankers, voyage ships, etc., from polluting our waters. Clause 356B(e) deals with the Convention which covers accidental and operational oil pollution as well as pollution by chemicals, goods in packed form, sewage, garbage and air pollution. But, I would like

to know from the hon. Minister, when we are a party to the International Convention for Prevention of Pollution from Ships adopted by the International Maritime Organisation in 1973, which was amended by adoption of Protocol in 1978, what are the compelling reasons that the Government of India have been facing over these 25 years for bringing this legislation before the Parliament. On the one hand, you are saying that we are an active member of the IMO and, on the other, there is an enormous delay in implementing the Resolutions of IMO and that too when those Resolutions are beneficial to our country. At the same time, sub-clause (h) of the same clause deals with noxious, that is, poisonous liquid substances. But, what about the poisonous gases that emanate from various oil tankers or ships? Why have you exempted the poisonous gases from the purview of clause 356B?

Sir, I welcome the inclusion of clauses 356C and 356D which deal with the issue of pollution prevention certificate. Under these clauses, you are making it mandatory for the Indian oil tankers or other ships to obtain pollution prevention certificate to proceed to sea. I would like to know from the hon. Minister whether it is true that the Maritime Environment Protection Committee of the IMO, of which we are an active member, in its 49th Session held in London on 14th July, 2003, resolved to amend the Oil Tanker Regulations in the MARPOL Convention. If that is true, I would like to know from the hon. Minister the details of the meeting and how it affects our shipping industry. The European Union Transport Council has unanimously agreed on the EU's proposal and banned the aged single-hull tankers from entering into the European waters. This grossly affects the SCL's fleet, since more than 40% of its fleet constitute single-hull ships. The EU has already banned the vessels aged more than 23 years and built before 1982. So, under these circumstances, how is the Ministry going to tackle the challenges that are going to be faced by the Indian shipping industry?

The next point, which I would like to make, is about the tax system in the shipping industry. The industry has been persistently requesting the Government of India for introduction of tonnage tax in place of the existing corporate tax. The corporate tax is standing as an impediment in the growth of our shipping industry and making it difficult to compete with international freight. In January, 2002, the Rakesh Mohan Committee recommended the immediate introduction of tonnage tax system on the profits of the shipping industry. But for the reasons best known to the hon.

Minister, it has not yet been implemented. Then tonnage tax has been introduced by major maritime nations such as Greece, Singapore, UK, Norway, etc., but not India. Moreover, this tonnage tax reduces the burden on ailing ships. It will not have any adverse impact on the revenue of the Government of India. According to a study conducted by TERI, if the tonnage tax is introduced in place of corporate tax, in the next 10 years, India will be able to add Rs. 5,135 cores to its cumulative GDP and Rs. 507.7 crores to its cumulative tax revenue. Hence, I strongly request the hon. Minister to pursue the matter with the Finance Ministry and immediately introduce tonnage tax for the revival of the shipping industry.

Under clause 356 (g), you are appointing a surveyor to ensure that the ships are complied with the provisions of the Bill and to check the validity of international pollution prevention certificate, etc. But you have not specified any qualifications for him. I suggest that the surveyor so appointed should be a technical person, preferably a Marine Engineer, since he has to look into the technical and other aspects specified under subclauses (a) to (e) of this clause.

Then under clause 356 (h) the D.G. is authorized to detain oil tankers and any other ship if they contravene the provisions. But the Bill is silent about the period of detention. The D.G. cannot detain any tanker or a ship beyond a reasonable period of time. It would have adverse ramifications in the maritime nations and thereby would affect our shipping business and also the image of the country. Therefore, I request the hon. Minister to make it specific and the D.G. be mandated to complete all formalities or procedures within a prescribed period and release the ships and tankers in waters or send them back to the country from where they have come.

Sir, these are a few issues which I thought of bringing to the notice of the hon. Minister. I would also request him to reply to my queries which I have raised. Thank you.

SHRI MATILAL SARKAR (Tripura): Mr. Vice-Chairman, Sir, I rise to express my views on the Merchant Shipping (Amendment) Bill, 2003. It is written in the Statement of Objects and Reasons that as an active member of the International Maritime Organisation, India has acceded to a number of International Conventions and Protocols adopted by the IMO. I think it

should not have been done so late. They have given more stress on issuing of certificates. But the question of vigilance has been avoided. They have not given much importance to how pollution occurs and how it can be stopped. I understand that this Bill is in consonance with the international laws which were established as early as in 1954 in UK. What are the objectives of these laws? The objectives are: (a) prevention of willful attempt of pollution in the sea by oil; and (b) prevention from substances coming from offshore industries. But these things are not there in the Bill. Then there is no mention of minimisation of spoilage of oil, prevention of shore generated waste, air pollution and poisonous gases, in the Bill. Sir, oil pollution is of a great concern to us because oil comes from the Middle-East. It comes across the seas. It cannot come by air as it will be very costly. It cannot come by road also. So, oil pollution is a very important thing which needs to be looked into. Sir, our coastal line is a very long line. Some Members say that it is 5,700 kms. of length. I think, it is more than that. It will exceed 6,000 kms. Along the coastal line, there are as many as 50 cities, mostly industrial; small and big cities are there. And, many rivers have terminated into the seas. All these rivers carry huge quantity of untreated sewage and all these industrial cities discharge waste materials into the rivers and into the seas. All these things together pose a threat to our environment. The ecological balances are disturbed by this. Now, all these spoils have not got importance in this Bill.

I would like to point but another important matter. In India, we are having the largest ship-breaking yard which is at Alang near Bhavnagar in Gujarat. What happens there? When the lifetime of the ships exceed 25-30 years, these are sent to Alang by the capitalists or by persons having special interests. There the ships are broken and steel is taken from the body of the ships. About 70 per cent of the replaceable ships of the whole world come here. Substances like polychlorinated biphenyls, zinc, lead, inflammable oil products, explosives, etc. are brought to Alang for breaking these ships, and by this, the pollution is intensified. Now, this aspect has not been considered in this Amendment Bill.

Sir, the Amendment Bill has been brought in line with the international laws and as per the Convention of the IMO. Since we are a member of the IMO, we have to abide by it.. But the thing is that we have to be alert. If our sea-shores are not free from pollution, or, say, if we cannot have them up to the international level, a call may come to India to

sell the shores, and these may go in the hands of the imperialists. This type of occupation may take place because we are in this LPG (liberalisation, privatisation and globalisation) system. In the present situation when everything is being privatised, -- even the Airways are going to be privatised -- I am afraid, we are going into the domain of the imperialists. Hence care should be taken and every effort should be taken to prevent such a thing from happening. With these words, Sir, I conclude. Thank you.

श्री संतोष बागड़ोदिया (राजस्थान) : उपसभाध्यक्ष महोदय, मैं मंत्री जी से एक बहुत सपल सी बात पर जानकारी चाहता हूँ कि जो भी शिप्स हैं, कार्गो शिप्स हैं, इन सारे शिप्स का क्या आपके पास रिकॉर्ड हैं- चाहे बाहर के शिप्स हिन्दुस्तान में आएँ, चाहे लोकल शिप्स हो। जब कोई भी मिसबिहेव करता है, उसकी भी इनफॉर्मेशन आपकी मिनिस्ट्री को होनी चाहिए। आपकी इनफॉर्मेशन के लिए बताना चाहता हूँ कि रिवर प्रिसेस करके एक शिप हैं, कार्गो शिप हैं, जिसका पता ही नहीं है कि वह फॉरेन लाइनर है, कौन लाइनर है, कुछ पता नहीं है। पिछले तीन या चार वर्ष से वह गोआ बीच में स्टक पड़ा हुआ है। उससे environment का प्रॉब्लम हो रहा है और भी बहुत से प्रॉब्लम्स उस शिप के ग्राउंड होने से हो रहे हैं। वह रिवर प्रिसेस गोआ में कैंडोलिम बीच पर लगा हुआ है।

श्री शुभ्रसिन्हा : शिप का नाम क्या है?

श्री संतोष बागड़ोदिया : रिवर प्रिसेस शिप है। आप कृपा करके देखें कि इस शिप को वहाँ से निकाला जाए। उसके बाद यह शिप आपके अधिकार में आ जाएगा। इतना ही मैं आपसे निवेदन करना चाहता हूँ। धन्यवाद। MISS MABEL REBELLO (Madhya Pradesh): Sir, I rise to support this Bill in the interest of the country, as well as, in the interest of our shipping industry.

Coming to the Bill, Sir, I would like to congratulate the Government on its move to make this convention a part of Indian law. It is important that we should bring our shipping industry at par with the international trends. It is equally important to ensure that other maritime nations do not steal a march over us by forcing our vessels to comply with the IMO-mandated laws and conventions when they are in foreign waters, while their own vessels are exempt from these requirements in our waters. This can happen if we do not become signatories to important international treaties and conventions in good time. Other nations impose the obligations inherent in such conventions on us but, because we have not ratified such

conventions and made them a part of our law, we cannot impose the same discipline on foreign-flag-vessels in our territory. Therefore, I congratulate the Government for taking this step.

However, at the same time, Sir, I would like to know how many other IMO conventions and protocols have received international approval and how many of them have been ratified by the requisite number of countries. They are lying in your Ministry and gathering dust. Why is it that we have not ratified these conventions and protocols which have been ratified by the requisite number of countries? If we do not do this, we will be losers. The international community will go ahead and all the time they will impose penalties when our ships go into international waters and foreign ports. Therefore, I would like to know from you how many treaties, protocols and conventions are there which have been approved by the IMO and which have been ratified by the requisite number of countries. Will you please let me know this when you reply?

Sir, India has a vast coastal line and we have a large number of ports, major and minor. Of late, the Indian ports' capacity has increased manifold. Our ports are also containerised. We have privatised some of the ports. We have privatised some berths at our major ports and this has created a large capacity in our ports and, because of that, when ships come to our ports, we can get those ships unloaded very quickly. This is an achievement of our nation. We heard recently that there would be a transshipment hub created at Cochin, because of which the Indian cargo would not have to be transshipped from any foreign port. We can transship all our cargo, both the one coming into India and the one going out of India, at Cochin. Cochin will become a sort of a magnet to attract foreign cargo for transshipment to different destinations. I would like to know from you when will you do this, and when this hub at Cochin will become a reality. Will you please reply to this?

Similarly, while on the subject of shipping, Sir, I am distressed to note that the size of our fleet continues to decline and that no steps are being taken to address this major lacuna. One of the reasons why it is happening is this. My friend, Shrimati Durga said that it is because of our taxation. Taxation in our country is not on tonnage, it is on something else. Because of that, our shipping liners cannot compete with international shipping liners. This is a contentious issue. Mr. Minister, many of your

predecessors had tried to get this thing done, but they have not been able to do it. Because of that, when an Indian buys a ship, instead of getting it registered in India, he sometimes goes to Singapore or some other country for getting it registered. He goes there just to get advantage, financial advantage. After all, these people who are doing business, are not doing it out of love for you, me or somebody else. They are doing it in order to earn money. Therefore, Mr. Minister, I would request you to please try to rationalise the taxation, give encouragement to our shipping industry and see to it that we don't lag behind the countries like Singapore and such other countries which are doing far, far better than us. Some of these countries do not have coastline. Singapore is a city nation. Even they have got a lot of shipping business. They have got transshipment hub for the last so many years. These hubs work round-the-clock. So, we should have that sort of work culture in our country. We should see to it that our shipping industry does well. If our shipping industry does well, certainly, a lot of our people will get employment there. That is what is needed today. Even a semi-skilled person can get employment in the ships and at the ports. Since we have got more capacity at our ports, our shipping industry should be encouraged and we must have a large number of fleet which will benefit our country. Thank you.

THE VICE-CHAIRMAN (SHRI P. PRABHAKAR REDDY): Mr. Perumal, you have got only two minutes.

SHRI C. PERUMAL (Tamil Nadu): Mr. Vice-Chairman, Sir, on behalf of the AIADMK Party, I wish to make some points on the Merchant Shipping (Amendment) Bill, 2003. In this age of environmental concern, it is natural that we keep in step with the international conventions on the elimination of pollution of our marine environment. This amending Bill seeks to provide powers to certain authorities to see that our territorial waters are not polluted. The new clause 356G, sub-clause (1) and (2) provide for appointing a Surveyor who would go on board oil tanker to check the compliance of the provisions of the law. I wonder whether it would be proper to handover such responsibility to a single person. Again, such official has to work jointly with the Navy or the Coast Guard for proceeding against a tanker. I do not know whether such joint operations would be smooth because there could be clash in ascertaining authority. I would request the hon. Minister to clarify this point.

Sir, our Government is always very quick to bring forward a legislation to honour international commitments. Such steps are sometimes detrimental to national interest because other nations, particularly the developed nations, do not honour such commitments. So, I would like to know from the hon. Minister as to how many nations are yet to enact laws on the basis of MARPOL 73/78. I say this because the single-hulled vessels known as 'floating dustbins' are the most polluting tankers. More than 52 per cent of tankers today are single hulled and they have been permitted to operate till 2015 under international regulations. Many developed nations allow only double-hulled vessels. Entry of single-hulled vessels is banned by several countries. It is developing nations like India that have to take these precautions against these sea-polluters.

We are facing another serious problem. The Arabian Sea is the major route for the supply of oil from the Gulf to the rest of the world. Many sea lanes run within the striking distance from our territorial waters. Therefore, we have to take some preventive action in order to protect our sea. I request the hon. Minister to look into this issue.

Sir, while appreciating the Government for being environmentally conscious, I wish to caution this Government on an important issue. The Sri Lankan Government has been proposing to construct a road bridge between India and Sri Lanka. The hon. Chief Minister of Tamil Nadu and our respected leader, Dr. Puratchi Thalaivi has already stated that such a bridge will not be in the national interest of our country. Terrorist and undesirable elements will find it easy to reach the mainland of India, particularly Tamil Nadu. That will also affect the movement of ships. So, I appeal to the hon. Minister to advise the Government not to accept such proposal for road bridge.

Our hon. Chief Minister has been appealing to the Centre repeatedly to execute the Sethusamudram project without further delay. This also comes under his Ministry. The techno-economic feasibility study carried out by the Shipping Corporation of India has established the viability of the project. It is said that in the long run, the Sethusamudram canal would become an alternative shipping route to vessels travelling from Gulf region to the South East Asia. I request the hon. Minister to expedite the execution of this project that has been pending for over a hundred years.

Finally, I wish to put on record that the Government of India should erase the idea of construction of a road bridge between India and Sri Lanka as proposed by Sri Lanka, because, as said by the hon. Chief Minister of Tamil Nadu, the security of India will be endangered. The Coimbatore Chapter of the Indian Chamber of Commerce and Industry has said that such a road bridge will result in a permanent handicap to the exporters of South India. I request the hon. Member to prevail upon the Planning Commission to abandon this idea of road bridge and not to proceed any further. With these words I conclude. I support this Bill. Thank you Sir.

THE VICE-CHAIRMAN (SHRI P. PRABHAKAR REDDY): Hon. Members, it is almost five o'clock. There are two more speakers to participate in this Bill followed by reply by the hon. Minister. We have two items on the agenda, that is, the Railways Amendment Bill and the Statement by the hon. Minister, Shri Rajnath Singh regarding the price policy for the Khariff season. I want to take the sense of the House.

SHRI C.P. THIRUNAVUKKARASU (Pondicherry) : Sir, we can complete the Bill today and the Statement of the hon. Minister. The other matters can be taken up tomorrow.

THE VICE-CHAIRMAN (SHRI P. PRABHAKAR REDDY) : Okay, we shall do like that.

SHRI C.P. THIRUNAVUKKARASU : Thank you, Mr. Vice-Chairman, Sir, I will be very brief. I welcome this Bill which would help maintain good environment. The Bill is brought in to save our people, birds and the fish in the sea. Though it is as per the Convention of 1978, this Bill is being brought in after a lapse of 25 years. Though late, it is a welcome step and I want to congratulate the hon. Minister for having brought this Bill, at least, by this time, after taking into consideration the world environment and other factors.

I would like to speak on two points. One is on Section 356G, which says, "A surveyor or any person authorised in this behalf may go, at any reasonable time, on board..." The same provision is found even before the Amendment, to the effect "A surveyor or any person authorised to inspect the vehicle..." We have no objection to that, it is correct. The difficulty is: originally, on receipt of a report from the Surveyor, the Government of any

5.00 P.M.

country, which has ratified the Convention, was entitled to take steps. Now, an amendment has been made to give that power to the Director-General. If he is satisfied that some provisions under the Convention have been contravened, he can take action. I would like to know the reasons for taking away this particular provision from the Government and handing over it to the Director-General, an individual.

My submission is, as already pointed out by my other friends, the qualification of the Director-General has not been prescribed under the Act so far. I don't know whether the rules may prescribe that. As far as these works are concerned, a lot of money is involved in it, a lot of persons are involved, a lot of national interest is involved. But the particular work of seizing the vessel and imposing a fine and detaining the vessel for a long time should not be entrusted to any single individual. On the other hand, there should be a group of people who should be entrusted with this work. So, the Director-General should be a person of good calibre who is aware of the shipping navigation proceedings. It may kindly be prescribed as it is. Under clause 356, enormous powers have been to the Surveyor, as it is. The Surveyor can go and inspect ships at any point of time. Whatever he says that shall be admissible as an evidence. All the facts that he is mentioning shall be admissible as an evidence as it is. So, along with him, another person has to be there. Along with the Surveyor some other competent person should be allowed to go and inspect. Single man's evidence alone should not be taken into consideration. We should not come to a conclusion that Surveyor's evidence is only admissible.

Regarding 356 (h) and 356 (i), I would like to say that they are almost similar. The powers of the Government and the powers of the Surveyor are similar. The powers given in clause 356 (g) and (i) are overlapping each other. Why is this power again being given to the Government? Why is this power not being given to the Director-General? I would request that these points may please be clarified.

SHRI SHANKAR ROY CHOWDHURY (West Bengal): Mr. Vice-Chairman, Sir, I thank you for giving me this opportunity to speak on this Bill. Sir, I welcome this Bill. I just wish to seek a few clarifications and make a few comments. Firstly, the Bill provides against the threat of

pollution released by ballast water, noxious liquid and other harmful substances. I would just be a little happier if the Government could examine the possibility of specifying in this list the oil ballast water, noxious liquid, hazardous waste, nuclear waste, etc. because these are now in regular transit. They also include carriage uranium, ore nuclear waste and so many other things. I think it would be a little more comfortable if these are also introduced specifically in this paragraph, though I am aware that harmful substances can be stretched to include this. Secondly, clause 356(c), sub-para 4, regarding the valid international pollution certificate issued in respect of oil tankers or ships other than the Indian ships by the Government of the country to which it belongs, I would say that this is very good in theory. But the fact of the matter is that a large number of merchant ships are registered under what is known as 'flags of convenience'. Now, a ship registered in Singapore or at Hong Kong has got some credible organisation to back it up. But there are a large number of ships which also come to Indian ports which are registered in very little known places like Liberia, Nicaragua, Panama, etc. About the credibility of such certificates, one will have to devise some method because there has been an alarming increase in the number of merchant ships which are sinking or being sunk off the Indian coast. And the latest of this, I think, is the ship, which sank in the middle of Hoogly and blocked the entire channel. So, while this is in accordance with the International Maritime Conventions, we have to accept what a foreign country says, but in our own interest, we have to see that these international pollution prevention certificates of sea-worthiness issued by other countries, small countries which make a profession by attracting shipping for being registered with minimum regulation, the credibility of these certificates has got to be ascertained. A point about the single hull tankers and double hull tankers has been made. We are a developing nation. I think, perforce, we have to allow, since more than 60 per cent of the world's oil travel in single hull tankers. But, these are prone to damage. They are prone to leaking and a large portion of the oil leaks, which are now occurring on our own coasts, are from single hull tankers.

Lastly, this is, of course, outside the purview of this Bill. I do not think that the hon. Minister can do much about it. But, I wish to express my concern that this Bill, naturally, does not apply to any war ships or other ships owned by the Government of India. But, today, especially in the Arabian Sea and in the other oceans surrounding India, increasing number

of nuclear power vessels are traversing, accidents are occurring and there are cases of nuclear power vehicles sinking and permanently polluting the oceans. I do agree that this is not a subject of this Bill, or, indeed, for the Ministry to deal with. But, nevertheless, the Government of India, in the interest of prevention of marine pollution by nuclear wastes, must give a thought to it. Thank you.

SHRI SHATRUGHAN SINHA : Mr. Vice-Chairman, Sir, I am very grateful to the hon. Members who have participated in the debate. In fact, first of all, I express my gratitude to the hon. Members for supporting this Bill. At the same time, I would like to clarify some of the queries put forward by some of my esteemed colleagues. I may be excused if I don't go name-wise or point-wise. But, I will take up some of the important issues. Sir, actually, most of the things, which have been raised here, are not directly connected with the Bill. But I have taken note of some of the issues raised by my senior colleague, Mr. Vayalar Ravi, who is an expert on this subject. He has talked about the seamen provident fund. I would like to assure him that I am very serious about this matter. I have taken up this matter with the authorities concerned. I am looking into it very seriously.

SHRI VAYALAR RAVI: Thank you.

SHRI SHATRUGHAN SINHA: About corruption in the office of the Director General of Shipping, I know that करप्शन तो होता है, करप्शन तो है, फिर भी हम कोशिश करते हैं रोकने के लिए। पर इसका यह मतलब तो नहीं है कि हम जो करना चाहते हैं, नहीं करे। We, at least, try our best to reduce it. We are also concerned about imparting more training to our seamen हालांकि यह आउटसाइड दि परव्यू आफ दि बिल है। जहां तक श्रीमती दुर्गा का सवाल है, इन्होंने बहुत सारे सवाल कर दिए एक साथ। मैं जितना अक्लमंद दिखता हूँ उतना हूँ नहीं शायद। इन्होंने बहुत सारे सवाल किए, लेकिन अच्छे-अच्छे सवाल किए। मैं पहले आभारी हूँ कि इन्होंने बिल को सपोर्ट किया है।...(व्यवधान)...

कुमारी मैबल रिबेलो : हमको भूल गए। हमको भूल ही गए।

श्री शत्रुघ्न सिन्हा : आपके पास आ रहा हूँ मैं। आपके ट्रांसशिपमेन्ट की बात करूंगा। हालांकि वह इस बिल से जुड़ा हुआ मामला नहीं है, लेकिन मैं उस पर बात करूंगा। श्रीमती दुर्गा ने कहा CPFT about banning by the E.U on the single hull ships. I would like to inform the hon. Member that the E.U. has imposed entry of single hull tankers into European ports w.e.f. 1st July, 2003. There are eight single hull

oil tankers with the SCI. Out of which, two are working as storage ships while six are operating between Indian and the Persian Gulf. And, as such, there is no effect on the Indian shipping industry, आपने एक बात और उठाई थी। मैं बहुत ज्यादा वक्त नहीं लूंगा। चूंकि आपने सपोर्ट किया है, इसलिए बहुत ज्यादा डिटेल् में जाने की जरूरत नहीं है। मैं आपसे आज्ञा लेकर कुछ थोड़े से प्वाइंट्स टच कर लेता हूं। एक बात इन्होंने उठाई थी। regarding a point that no qualification has been provided in the Bill for the Surveyors. I would like to point out that Surveyors are appointed by the Government, as per relevant requirements and rules, which prescribe proper qualification.

Then, so far as the period of detention of ships by the DG is concerned, I would like to say that ships are detained till the deficiency noticed is removed, so that the ships comply with the laid down standards. Adequate guidelines exist in the Convention to avoid undue delay to ships.

एक बात आपने और अच्छी कही थी टनेज टैक्स के मामले में। जैसा कि मैं वॉयालर रवि को आपके माध्यम से कह रहा था कि मैंने इस मामले को बहुत जोर-शोर से उठाया है और हमने इसके लिए काफी मूव किया है। इसके लिए हमने फाइनेंस मिनिस्ट्री से बात की है, मुलाकात की है और मैं थोड़ी इन्फॉर्मेशन देना चाहूंगा कि इसके लिए ऑलरेडी एक कमेटी का गठन हो चुका है।

The Government is considering modality for introduction of tonnage tax for the shipping industry. A Committee, comprising of six members, two members each from the Ministry of Shipping, from the CBDT has been constituted. The Indian National Ship Owners Association has been informed to finalise the modalities of the proposed fiscal regime, and to structure the required legislation. The Committee has already met thrice to discuss it and to give a final shape to the draft legislation on introduction of tonnage tax. I have personally taken up the matter with the Finance Minister, who is looking into the facts. मैं इसको कफ़ी जोर शोर से कर रहा हूँ और मुझे इसकी चिंता है

महोदय, संतोष जी, चले गए। उन्होंने किसी शिप का जिक्र करते हुए कहा था कि वह गोवा में करीब 3 साल से अटका हुआ है। उसका नाम River Princess हैं। मैं आपके माध्यम से हाऊस को सूचित करना चाहूंगा कि गोवा टूरिज्म डिपार्टमेंट उस मामले को देख रहा है। वह मामला हमारे परव्यू में नहीं है। गोवा टूरिज्म डिपार्टमेंट उस मामले को देख रहा है। लेकिन अगर जरूरत पड़ेगी तो हम पीछे नहीं हटेंगे और उस पर जरूर ऐक्शन लेंगे।

उन्होंने कहा कि What is the total number of conventions; and out of these, how many of them have been acceded to by India? Sir, there are

about 44 instruments of the IMO, out of which India has acceded to 28 instruments, including conventions, protocols and operative agreements.

मैं नाम आगे-पीछे होने के लिए माफी चाहता हूँ। मैं बहुत देर के बाद लिखा-पढ़ी का काम कर रहा था। इसलिए मैं उसमें खोया हुआ था। पेरुमल जी ने सेतु समुद्रम का जिक्र किया है। सेतु समुद्रम पर भी हमारी निगाह लगी हुई है। “नीरी” को उसकी रिपोर्ट देनी है और “नीरी” अगस्त के अंत तक उसकी रिपोर्ट दे रहा है। मैं जानता हूँ कि उसमें 400 nautical miles का फायदा होगा और 36 घंटे का फायदा होगा। हमारे जहाजों को जो घूमकर जाना पड़ता है, वह खत्म हो जाएगा और यह नेशनल इंटरस्ट के लिए बहुत अच्छा है। हम इंतजार कर रहे हैं और हमें कहा गया है कि 31 अगस्त तक हेतु समुद्रम की प्रोजेक्ट रिपोर्ट आ जाएगी। उसके बाद हम उसमें आगे बढ़ेंगे। सेतु समुद्रम पर लोग बहुत चिंता करते हैं और मुझसे कई बार पूछते हैं।

Environmental impact assessment and techno-economic studies for this project have already been assigned to the NEERI, Nagpur. The report is expected by the end of August. उसके बाद हम इस पर जरूर आगे बढ़ेंगे।

DR. V. MAITREYAN (Tamil Nadu) : The hon. Prime Minister had given an assurance on this in 1998, in Chennai.

SHRI SHATRUGHAN SINHA: That is why, Dr. Sahib, because the Prime Minister had given an assurance, you all are concerned, and, so, we are. That is why we are waiting for the project report. It will hopefully come by 31st August. After that we will move forward, मिसेज रिबेलों ने कहा था। कि ...**(व्यवधान)**...

कुछ माननीय सदस्य : मिस रिबेलो।

MISS MABEL REBELLO : Don't change my status.

श्री शत्रुघ्न सिन्हा : मैं सरेआम क्षमा चाहता हूँ। कुमारी मैबल रिबेलों जी ने ट्रांशिपमेंट हब कोचीन की बात कही थी। ...**(व्यवधान)**...

कुमारी मैबल रिबेलों : यह तो लास्ट पाइंट था। इससे पहले भी कई पाइंट्स रोज किये थे।

श्री शत्रुघ्न सिन्हा : सारे पाइंट्स आज ही कर लेंगी, कुछ आगे के लिए भी रहने दीजिए। ...**(व्यवधान)**... मैं इतने प्यार से बात करता हूँ, फिर भी आप डांटती रहती हैं। ...**(व्यवधान)**... कोचीन पोर्ट ट्रस्ट ने बिड इन्वाइट किया हुआ है। उसके लिए दो फर्मों को शोर्ट लेस्ट किया है। Financial bids are likely to be received in September, 2003, and

then a decision will be taken in this matter यह जल्दी होगा । प्राइम मिनिस्टर ने एश्योर किया है इसलिए हम उसके लिए काफी फिकरमंद और चिंतामंद हैं।

SHRI VAYALAR RAVI: That is called Vallarpadam project.

SHRI SHATRUGHAN SINHA: Yes, yes श्री शंकर राय चौधरी साहब ने कहा है, whether the hazardous substances or other substances, as mentioned in the proposed legislation does include radio-active waste. Yes, it does include. Thank you very much. जहां तक बाकी बातें हैं, उनके बारे में आपने खुद ही कहा है कि ये परव्यु के बाहर हैं इसलिए मैं भी कुछ नहीं कह पाऊंगा । Thank you very much. I think, I have covered almost all the points.

SHRI MATILAL SARKAR: Sir, what about ship breaking yards?

श्री शत्रुघ्न सिन्हा : शिप ब्रेकिंग यार्ड का इस बिल से कोई ताल्लुक नहीं है। हम इसकी बात बाद में कर लेगे । हम लोग बाद में मिलते रहेंगे ।

THE VICE-CHAIRMAN (SHRI P. PRABHAKAR REDDY): Now please conclude.

SHRI SHATRUGHAN SINHA: Sir, I commend to the House that the Bill be passed.

THE VICE-CHAIRMAN (SHRI P. PRABHAKAR REDDY) : The question is:

"That the Bill further to amend the Merchant Shipping Act. 1958, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI P. PRABHAKAR REDDY): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 6 were added to the Bill.

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

[30 July, 2003]

RAJYA SABHA

SHRI SHATRUGHAN SINHA: Madam, I move :

That the Bill be passed.

The question was put and the motion was adopted.

SHRI VAYALAR RAVI: Shipping is healthy for the economy.

SHRI SHATRUGHAN SINHA: You are wonderful, Sir. I really thank all of you. Thank you very much.

THE VICE-CHAIRMAN (SHRI P. PRABHAKAR REDDY) : Now, Shri Rajnath Singh, hon. Minister for Agriculture, to make a statement regarding Price Policy for Kharif Crops of 2003-2004 season.

STATEMENT BY MINISTER

Price Policy for Kharif Crops of 2003-2004 Season.

THE MINISTER OF AGRICULTURE (SHRI RAJNATH SINGH): Sir, the Government has fixed the Minimum Support Prices (MSPs) for Fair Average Quality (FAQ) of Kharif Crops of 2003-2004 season. The MSP of paddy common and paddy Grade-A has been raised by Rs. 20 each as compared to the previous year and fixed at Rs. 550 and Rs. 580 per quintal respectively.

The MSPs of Jowar, Bajra, Maize and Ragi have been raised by Rs. 20 each and fixed at Rs. 505 per quintal as against Rs. 485 per quintal fixed for the previous year.

The MSP of Arhar (Tur) has been raised to Rs. 1360 per quintal as against Rs. 1320 per quintal for the previous year, thus marking an increase of Rs. 40 per quintal. Similarly, the MSPs of Moong and Urad have been raised by Rs. 40 per quintal as compared to the previous year. The Minimum Support Price of groundnut-in-shell has been fixed at Rs. 1400 per quintal marking an increase of Rs.-45-per Quintal as compared to the last year. Similarly, the MSPs of soyabean (yellow) and soyabean (black) have