

Vikrant has been the nation's pride and her name is synonymous with India's naval aviation. In fact, she has trained and groomed a whole generation of India's naval aviators in the post-independence era.

After giving a war winning performance in the 1971 war, considered by many as one of the fourteen most important wars in the history of warfare, Vikrant will now end up in the ship-breaker's yard.

A glorious symbol of India's naval superiority will be unceremoniously destroyed and sold off as junk.

Two of India's celebrated warships INS Delhi and INS Mysore have already been destroyed after their decommissioning. The same fate lies in store for INS Vikrant if speedy steps of save her are not taken.

No Indian can ever forget Vikrant and she has been loved by the young and the old alike. In today's times, when we rarely agree on any particular issue, Vikrant is a true symbol which every Indian loves and will wholeheartedly agree should not be destroyed. Vikrant can indeed be preserved as a symbol of patriotism and nationalism

I urge upon the Government to consider the proposal keeping in mind the opinion of the populace and the benefit of the country at large and preserve Vikrant as a symbol of patriotism and nationalism

14.42 hrs.

[Mr. DEPUTY-SPEAKER *in the Chair*]

STATUTORY RESOLUTION RE: DISAPPROVAL OF  
PORT LAWS (AMENDMENT) ORDINANCE

AND

\*PORT LAWS (AMENDMENT) BILL

SHRI NITISH KUMAR (Barh) : I beg to move .

"That this House disapproves of the Port Laws (Amendment) Ordinance, 1997 (No.1 of 1997) promulgated by the President on January 9, 1997."

[*Translation*]

Mr Deputy Speaker, Sir, this Government has brought many ordinances in place of Bills. During this inter-session

many ordinances have been promulgated. There is one similarity between these ordinances. Everytime the pretext is that as the Parliament was not in session and the President was satisfied that there was urgent need to bring about an ordinance, that is why it was promulgated. Except this nothing has been said. What was the need of bringing an ordinance here ? This ordinance was promulgated on 9th January. What action has been taken by the Government in this regard so far. Heavens would not have fallen if this was not done. In a parliamentary democracy it is the right of Parliament to frame laws but this Government is trying to deny us that right and laws are being thrust upon us through back door.

The experiment of Standing Committees is in the fourth year. It has been provided in the Rules that the Chairman of Rajya Sabha and the Speaker of Lok Sabha can refer any bill to these Standing Committees. They can discuss at length on these bills and then submit their report to the Parliament. It is in this backdrop that Parliament discusses these bills. If it is not possible to refer all the Bills to the Standing Committees, the Speaker and the Chairman of the Rajya Sabha have a right to selectively refer some of the Bills of the Standing Committees. The Government has a tendency to bypass the Parliament and deny the Standing Committees of its rights. The Government has not be able to satisfy the Members of the Rajya Sabha as to why an ordinance was brought in regard to this Bill. Now this Bill is being discussed in this House. There has been not much discussion over this Bill in the Rajya Sabha. I do not want to comment on that. One hour has been allocated for discussing this Bill in this House. The situation today is that we are opening up our ports and privatising them. Any individual can invest in them. If this happens what will happen to national security. I do not want to quote from the reply that the hon. Minister has given in the Rajya Sabha because the time at my disposal is short. The hon. Minister has said that Rs. 750 crore would be invested by private parties. This is the only achievement. Investment has not come so far but he has got a commitment to this effect. I would like to ask that though the ordinance was promulgated on 9th January but what happened to the setting up of the authority. I fail to understand why there was such a hurry for issuing this ordinance. It would have been proper if this Bill would have been referred to the Standing committee which would have discussed in detail all the aspects and it could have been discussed here in this Budget Session. Today we are not able to discuss it in all its aspects. Besides issuing ordinances for such matters is not goods. By doing so assault is made on the

[Shri Nitish Kumar]

Parliamentary democracy. I would like to quote from the Objects and Reasons where in projection have been made:

[English]

"The creation of additional port capacity of this order at the current cost would require an investment of over Rs. 40,000 crore. Projections made by the Ministry of Surface Transport indicate that not more than Rs. 10,000 to Rs. 12,000 would be available from Plan funds and the internal resources of the ports for investment in port development and the balance would have to come from the private sector or the capital market."

[Translation]

From where will the Private Sector invest. In most of the Private sector companies, the money does not belong to the owner. Even the Captains of Industry like Tatas have only 5 per cent share in the total capital which is invested in their companies. The rest of the capital either belongs to the banks or the shareholders and the financial institutions. In spite of this the hon. Minister has made a claim that private investment to the tune of Rs. 750 crore would be made in these ports. This investment has not yet been made, only a commitment has been made. It has been stated that the private parties would invest in container terminals. But where from will they invest such a huge amount. The hon. Minister is eulogising the private sector, because we are in dire need of funds for investment. By the year 2006 we need about Rs. 40,000 crores whereas we can make plan provision of only Rs. 10-12 thousand crores.

Mr. Deputy Speaker, Sir, the 11 major ports in the country have earned a profit of Rs. 692 crores during 1993-94 and Rs. 788 crores during 1994-95. If we take into account that the private sector invests only 5 per cent and the rest of the money comes from banks, financial institutions and shareholders then the savings and the mobilization of funds from internal resources during 1993-94 would come to Rs. 13840 crores. With such a huge amount the Port Trust could have invested on its own. During 1994-95, the Port Trust could have invested Rs. 15707 crores whereas the hon. Minister is happy with the mere investment of Rs. 750 crores by the Private Sector. This Bill would open the doors to all which may not be good.

Sir, recently Shri Maran was replying regarding privatisation. In reply to a question as to what will happen

to the national security if the doors are opened to all, he said that we are living in satellite age, and this does not make much of a difference. Incidentally he is sitting here. Ports are very important from the point of view of national security. This Government is least bothered about these things. The policies are being changed drastically. All these parties whether it is DMK or TDP have been constituents of the National Front earlier. Janata Dal, National Front, Left Front have been the banners under which politics has all along been played. In the case of Kandla Port, when Kargill was being entrusted with port responsibility, some area was being given to the company for making salt, an agitation was launched against it on two issues - permission for making salt and handing over a part of the port to the company Maran Sahel was staging a sit in National Front was not till then, he was put of the National Front, a campaign Committee was formed under the Chairmanship of Shri V.P. Singh, Ex-Prime Minister. The guide philosopher of the United Front may have restricted himself to his home. These people have created such a situation that such a great man is sitting at his home with his fingers crossed, he must certainly be getting perturbed in his mind while considering their present state . . . (Interruptions) he specialises in painting and writes poetry. See, on the other hand what these people have done they are busy reducing the policies to shreds while saying with proud that they will continue to carry on with the policies of the congress . . . (Interruptions)

MR. DEPUTY SPEAKER : It is related to the Bill ?

SHRI NITISH KUMAR : Of course, the policy of privatisation going on right now. What else it can bear relation with . . . (Interruptions)

MR. DEPUTY SPEAKER : O.K.

SHRI NITISH KUMAR : When will they pay attention to it, if not now ? The security of the country is being torn as under, it is related to this Bill itself. The port has been opened to the whole outside world, anybody free to come and invest . . . (Interruptions). I am referring to the leaders. The campaign committee held its meeting on 7 June, 1993 under the Chairmanship the country's Ex-Prime Minister. This is the paper of the Janata Dal. At that time we too were in the Janata dal. I have all these papers that is why I am quoting from them. It was decided to launch an agitation again. What emerged from the Kanda Port Trust affair. It was also decided that in the case there is no change in the decision, then Shri V.P. Singh will go there on 28 June to launch Satyagraha then how this decision has been taken. Srikant must have gone to hide his face

he knows that he cannot face anybody on this. Therefore, he will move out leaving it to others on his side to face the music. What about their policies then and where would they like to lead this country to? They are not at all worried about the country's security. They are inviting the private sector, the multinationals to set up ports and justify it on the ground that at our ports there is always inordinate delay in handling when new machines are installed at ports, the work which now takes seven days in handling will be finished within just seven eight hours. Have they ever been concerned about the labourers? Mahatma Gandhi said that in this country there is vast man power but little capital and we would adopt policies which require more man power and lesser investment. On the contrary, the policies being adopted now are such as require more investment, with no concern whatsoever for this vast man power. Even then what are they upto? This Government rests on two things. For one thing there is the slogan of liberalisation under which doors are to be opened for all and sundry. We would like to have their answers on what type of money is coming in as a result of that and all other questions related therewith.

What about the investment of Rs. 750 crore. How much out of that investment is likely to take place. As for internal savings, the port trust has its own internal resources, add to it the market borrowings, bank loans, loans taken from financial institutions, the money likely to be available from shareholders if issue of shares is allowed. Why do not they run all the bodies on the basis of internal resources plus 5 per cent. But they won't do so. Whatever money they have will not be put to goods use by them. They would rather prefer to open the doors for the foreigners inviting them to come over and earn money.

What do they have abroad? They will constitute an authority. Earlier the Port Trust was a Board to be replaced now by the authority which will determine the freight structure etc. and other things. That means the Government has determined firmly because I have been carefully going through all the bills that were brought forward almost daily. The retiring bureaucrats are the ones who are really going to benefit by it because all the Bills provide that Chairman of the authority will be one who have been a Secretary or has throughout had the facilities equal to these of the Secretary's rank or have been equal to a Secretary as per status. We have seen this provision in all the Bills which were introduced during this session. Through this provision the top ranking bureaucrats have sought to ensure for themselves employment for the next five ten years and to make it into law. The trend still continues. They want that

some of them may get employment under multinational companies and they will get it done by influencing the policies and creating psychological fear in the Government. I know that those in the Government, if they have really made their rise from the grassroots or may have had even a little bit of touch with the people or if the people belonging to their areas may have been associated with the movement for independence must be deeply aware and must have heard of 'Swavlamban' self-dependence and Swadeshi indigenous. They must also be aware that the coming of East India Company to India was followed by British imperialism and these multinational companies will certainly be followed by American imperialism.

They must have been hearing all such things while they were still active politically at the grassroot level. But on their reaching here to the seats of power and handling their respective departments, they cannot help being influenced by the multinational's lobby and the bureaucrats makes them do all that he wants to. This is the political situation of the country. They have to face the electorate again. But the bureaucrat has nothing to worry at all because he has made their future safe. While in Government service they lead the multinationals and later on get jobs in them. That is to say they ensure to get employment even after their retirement and it is the Government which introduced Bills for their sake providing for everything they seek. Therefore, Mr. Deputy Speaker, I am not satisfied with this Bill from any angle.

MR. DEPUTY SPEAKER : Please be brief, you have also to make room for the right of reply.

SHRI NITISH KUMAR : What is need for the right of reply. In any case the right of reply is nothing but a mockery after 6 o'clock. Private Members' Day (i.e. today) also tends to become a mockery.

MR. DEPUTY SPEAKER : BAC has allotted one hour only.

SHRI NITISH KUMAR : BAC is okay, but what is the modus operandi of the Government? The Parliament has nowhere been obstructed. The Parliament marked for 9,10 or even 12 days at a stretch. But what does this mean, what is the hurry. The Government errs by bringing ordinance and says that there will be constitutional crisis. Therefore, I, for one, would request the House that after the Private Members' Business it should rise for the day. Now the Government intends to introduce the Aqua-culture Bill which has been circulated today. There is something wrong and unjust in the Bill regarding which the court has

pronounced judgement. The Government has the option to approach the Court again for review and place all the facts before it.

MR. DEPUTY SPEAKER : Right now please speak on the present Bill only.

SHRI NITISH KUMAR : Mr. Deputy Speaker, Please let me ventilate the grievance. The Government could go to court. They will try to rush through the Bills in the House. Whether sanction of the House will be sought to circumvent the court's verdict or the Parliament will make a party to the whole mess by issuing ordinance. I fail to understand why the Parliament is getting into the mess. I know that whether it is the BAC or the leaders' meetings, all tend to get fascinated by the illusion created by the Government and with this methodology work the Government does not deserve any support at all.

**15.00 hrs.**

I am not talking of political support. I am talking of Parliamentary business. In parliament the Government should not be helped in any way for such type of acts on its part. This Government would issue ordinance and ask us to sit beyond 6 o'clock to pass the Bill. I strongly object to it.

Mr. Deputy Speaker, bowing to your wishes I would like to conclude but before that I want to express my anguish that this Bill is meaningless and quite unnecessary which will lead the country to slavery. When we spoke about the Kandla Port the move of the Government regarding that was meeting with opposition even from the Navy. Did the Government care to ascertain opinion? What would become the national security under such circumstances? Where the investment would come from, has not been clarified at all. The Government has create an atmosphere in favour of investment but how would it come? We have capital, we have resources but we are not making use of them. The investments will not come and the Government will raise funds from the people. Whether they do not resort to raising funds in this way? Port trust is incapable of doing that. It can be modernised. Right now everything is going on. Our Ports are not running into losses. They are making profit. The policy of the Government is to invest their profits elsewhere and then dispense with them. This is improper. This Bill will strike at the national interests and jeopardise the country's security.

Through the ordinance it has been designed in the House and prevent discussion by the Standing Committee

Therefore, keeping all these points in view I would to place the motion for disapproval of this ordinance and would emphasis and make an appeal to the Government to have at least some regard for the national spirit, they still have a little bit of in them. They are quite unmindful what will it happen tomorrow. The coming generation will curse them. They should be mindful of the coming generation. The Governments will come and go. The policies once framed come to stay for a long time to come and gain ground. The coming generation is unduly made to pay for it. The Government should not go by such empty and superficial things. The Government should themselves see what can be done and what are the possibilities? The Government is overlooking everything without searching for the possibilities and without doing any home work. This decision is wrong and contrary to national interests in my opinion. The Government will not be able to get such type of investment. The Multinational companies will make profits here and take the money of this country to their country. Multinational giants have their eyes set on this objective and their annual turnover is even bigger than our Budget. Under the circumstances, we should be aware of the impending danger. They should foresee the danger.

There is a talk outside that court cases and enquiries are going on regarding the deals that have been made for changing political ideas. What do the Government want? They want that the multinational companies may arrive and in order to get a foothold here may spread out their net in such a way as to make our politics dirty and enslave our country. If a little bit of pride for the country is still there, we would request them not to bring forward such Bills here. They should search for other avenues to invite investment. They should not lead the country astray. With these words, while supporting the Motion given by me, I oppose this Bill and the ordinance.

[English]

THE MINISTER OF SURFACE TRANSPORT (SHRI T.G. VENKATRAMAN) : Sir, I bet to move

"That the bill further to amend the Indian Ports Act 1908 and the Major Port Trusts Act, 1963, as passed by Rajya Sabha, be taken into consideration."

With your permission I would like to say a few words while moving the Port Laws (Amendment) Bill, 1997 for consideration and approval.

There are eleven major ports in the country, six on West Coast and five on East Coast which are administered by the Port Trusts the control of the Central Government

Over 90 per cent of India's sea borne trade moves through the eleven major ports. The traffic being handled at the major ports has been increasing steadily over the years.

On a conservative estimate of cumulative growth of nine per cent per annum in terms of traffic, our ports would need to be capable of handling a traffic of approximately 850 MTs by 2012. This would call for 300 to 400 additional berths to handle the cargo of different kinds. The creation of additional port capacity of this order at the current costs, would require an investment of over Rs. 40,000 crores. Our projections indicate that not more than Rs. 10,000 to Rs. 12,000 crores would be available from plan funds and the internal resources of the ports for investment in ports development and the balance would have to come from the private sector or the capital market.

We have laid down guidelines for private sector participation in the major ports. We have decided that the questions pertaining to fixation and revision of tariff, be decided by an independent Regulatory Authority with a view to introduce a measure of confidence among, particularly, private providers of port facilities in respect of charges to be collected. The main purpose of this Bill is to enable the constitution of such an Authority. The functions of the Tariff Authority for Major Ports would be to fix the rates chargeable at the major ports in respect of various port charges and also to revise the rates as and when becomes necessary due to increase in cost of labour, operational cost, inflation, etc., under the provisions of the Indian Ports Act, 1908 as well as the Major Port Trusts Act, 1963. The Authority shall fix the charges both in respect of cargo related charges and vessel related charges to be collected both by the Port Trust Boards and private providers of any specific facility/service.

The Authority would be a body corporate by the name Tariff Authority for Major Ports having perpetual succession and common seal with power under the provisions of the Major Port Trusts Act, 1963 and it would consist of a Chairperson and two Members to be appointed by the Central Government. The Authority would have the powers to issue directions on policies and to supersede the Authority, if considered necessary in public interest and by notification in the official gazette.

Charges to be paid at major ports by the owners/agents of various vessels at major ports are regulated under the Indian Ports Act, 1908 and the powers to fix and revise the rates are vested in the Central Government. In order to vest these powers in the proposed Tariff Authority for Major Ports, amendments to sections 33, 34

and 35 of the Indian Ports Act in the main and other consequential amendments are being proposed.

Similarly, under the Major Ports Trusts Act, 1963, each Port Trust Board is required to frame the scale of rates for services performed by the Board or by any other person or for use of property belonging to the Board. The scale of rates and statement of condition are required to be approved by the Central Government and after approval, the Port Trust Boards publish the approved rates in the official gazette of the State concerned. To give this power to the proposed Tariff Authority for Major Ports, amendments to the sections 48, 49, 50, 51 and 52 of the Major Port Trusts Act, 1963 and other consequential changes are being proposed.

The Bill has been passed by the Rajya Sabha on 18th March, 1997 and is now in this House for consideration.

MR. DEPUTY-SPEAKER : Motions moved .

"That this House disapproves of the Port Laws (Amendment) Ordinance, 1997 (No 1 of 1997) promulgated by the President on January 9, 1997."

"That the Bill further to amend the Indian Ports Act, 1908 and the Major Port Trusts Act, 1963, as passed by Rajya Sabha, be taken into consideration."

[Translation]

PROF. RASA SINGH RAWAT (Ajmer) : Mr. Deputy Speaker, Sir, earlier Speaker, Shri Nitish Kumar has brought this Statutory Resolution regarding disapproval of Port Laws (Amendment) Ordinance. I support Shri Nitish Kumar because this Government consisting of 14 different political parties, has promulgated 14 ordinances in the inter session period between winter session and the Budget session. The hon. Minister has himself given the details that it was decided by the Cabinet on 10.10.1996 that the Port Laws (Amendment) Bill 1997 should be brought about further to amend the Indian Port Act, 1908 and the Major Port Trust Act, 1963 with a view to constitute an Authority. When this decision was taken in October, the Government could have brought a Bill in winter session. But that was not done and later on an ordinance was issued.

We have a democratic system in our country and if this Government believes in that system then why it is violating democratic process and taking recourse of ordinances. I would like to know whether the Government has constituted an Authority after issuing this ordinance ? Why the constitution of this Authority is being delayed ? I condemn the attitude of the Government to take recourse

[Prof. Rasa Singh Rawat]

of ordinances and I hope that in future it would not do so.

Our country has been blessed by the nature. It is surrounded by ocean from three sides. We have a long coastal line where we have major parts – six on western coast i.e. Kandla, Mumbai, Marmagoa, Jawahar Lal Nehru, port, New Manglore and Kochin, and five on Eastern coast i.e. Calcutta Haldiya, Paradeep, Vishakhapatnam, Madras and Tutikorin. In addition to these ports there are 144 small ports of State Government. The Government need resources for the development of these ports. The Port trust look after all the arrangements of these ports including tariff etc. It is necessary to have an Authority for attracting private investments and determining tariff. That is why I welcome the provision made in the Bill for an Independent Tariff Authority. When we have Telecom Regulatory Authority, Environment Authority and we are also going to have an Authority for Insurance, then we must have an Independent Tariff Authority because under economic liberalisation there will be private investment along with the Government investment. Therefore, it is necessary to have an Authority to determine the Tariff, loading-unloading charges, payments to posters, adhering to Government rules and maintaining coordination between the Government Port Trust and private investors. From that point of view I welcome this Bill.

Sir, one more thing I would like to say that as of today 90 per cent import and export of our country is being done through these ports but they are in dilapidated condition. Under an agreement we have given Ganga water share to Bangladesh as a result of which water level in Haldiya is decreasing and silt is increasing at its mouth in Calcutta. It has made this port unuseful and the Government has to spend a huge amount on desilting. Now shortage of water would further deteriorate its condition. Similar is the condition of Kandla, Madras and Mumbai ports which are in dilapidated condition as compared to other ports of the world. Therefore, I would like to say that the Government is going to constitute an Authority and it is also inviting private investors which would definitely increase the resources. The Government has already received an assurance from private investors to get an investment of Rs.700 crore. The Government is aware of the fact that the capacity of our ports would substantially reduce after 2000 AD therefore, to develop the ports, according to our needs, the Government is inviting the private investors and

that is why it needs an Authority. I would request the Government to pay more attention towards improving the condition of our ports. The Government has to pay attention towards the clearing of docks, speedy loading and unloading of cargo, desilting, welfare of workers and other officials working there. As has also been pointed out by Shri Nitish Kumar ji that the question of national security is also involved in it. So I would like to know that when the Government is inviting foreign investment, will it maintain its own ship or not? At present IAS officers are the Chairman of Port Trust. The Government should clarify whether the private investors would work under them and whether they would be responsible for the work assigned to them or not.

I would conclude after saying one more point. Kandla is main port of North India and it covers Gujarat, Rajasthan, Punjab and Haryana states.

This port was developed with a specific purpose but even then there is shortage of economic resources. I have seen that port. Many development works have been carried out there but many more have yet to be done. Our major ports should have all the infrastructure as are available with the ports of developed countries. Sir, the previous Government announced a new port policy but it proved to be very vague from the attitude of the Government as well as of the investors. This vagueness costs much to the importers and exporters. As per a World Bank study, carrying of a container at a port in India costs 500 to 525 dollars where as in other countries including Pakistan, Arab countries or Indonesia it costs 300 to 350 dollars per box. It shows that the facility of carrying container at ports is not as good as it should be and as a result of which sometimes we have to pay more freight charges. In this way the country is deprived of the more profit and more income.

One more drawback is there. In our country loading and unloading of the cargo takes from 15 to 45 days where as in other countries of the world it is done just in 6 hours. Many of my friends must have visited Mumbai port. At Mumbai, you can find so many ships waiting in the ocean for entering into the port for unloading. They remain waiting for 3-4 days in the ocean. You can imagine how much demurrage or freight charge we would have to pay on the imported goods. Therefore, there is need to provide more facilities at our ports because 95 per cent of our import and export is done through these ports. The Government should make proper arrangement to provide more facilities at our ports.

The Bill is not clear. It has been mentioned that an

Independent Tariff Authority would be constituted for major ports with a purpose.

[English]

"To provide fair Tariff Structure at the major ports for private sector investors, major port trusts and the port users

[Translation]

Three things have been mentioned in it that to provide fair tariff structure at ports for private sector investors, major port trusts port users, traders etc. an Independent Authority would be constituted. But where it would have its office? There is no clear provision in the Bill whether its office would be at Mumbai, Madras or Calcutta. I think it should be made clear by the Government as to where office of the Authority would be set up

SHRI NITISH KUMAR : Its office would be at New York.

PROF. RASA SINGH RAWAT : Would it be located out side the country ?

SHRI NITISH KUMAR : You are appreciating and support those who are selling the country. It is surprising that you are giving slogan of Swadeshi on the one hand and supporting them on the other.

MR. DEPUTY-SPEAKER : Shri Nitish ji, why are using such harsh words.

PROF. RASA SINGH RAWAT : Mr. Deputy-Speaker, Sir, under economic liberalisation policy the capital is being diverted from Jawahar Rozgar Yojana and Industrialisation sector to other sectors. I think from that point of view it is good.

Mr. Deputy Speaker, Sir, secondly I would like to say that when this ordinance was issued by the Government then why it has not yet constituted the Authority. Therefore, I would like to say that this Authority should be constituted as early as possible and it should be decided as to where its office would be located. Sir, it is a technical matter therefore, persons having knowledge of ships, navigation, oceanography, import export business should be appointed its Chairman and Members so that they may protect the interests of workers, businessmen, ships and shipcrews. Our national interests are above all and they should be protected with these words I oppose the practice of issuing ordinances but I welcome the constitution of an independent Authority which would monitor the working of private investors and port trust Board, determine the tariff structure and would protect the national interests. With

these words I conclude and thank you for giving me an opportunity to speak.

[English]

SHRI ANADI CHARAN SAHU (Cuttack) : Mr. Deputy-Speaker, Sir, with due humility, I may point out that the United Front Government has a penchant for promulgating Ordinance. Within the last seven months, 14 Ordinances have been promulgated and this is one of them. To add insult to injury, a Bill has been introduced and it is going at a galloping speed. A horse gallops when there is an emergency, otherwise it trots or canters.

In this particular Bill, the type of galloping is reprehensible in the sense that there is no urgency as to why the horse should be galloping so fast.

I would like to say, Mr. Deputy-Speaker, Sir, a Diarchy is being introduced in this Bill. Kindly go back to 1920 when there was a Constitution of Diarchy in this country and the Diarchy did not last long. The Amendment, I may say, definitely will not be in the best interest of the ports of India. I, as a Chairman-cum-Managing Director of the Orissa State Commercial Transport Corporation had first-hand knowledge about the working of the Paradip port and I was the CIF agent of the Orissa State during a particular period. I know that are the difficulties that a port faces.

The persons who have brought in this enactment, I would like to say without casting any aspersion, did not have any idea as to what is a catamaran and a flat and as to what is a quay and what is a wharf. All these matters which have been indicated in this Bill would not go a very long way, as a result of which we would face difficulty.

Mr. Deputy-Speaker, Sir, let us go back to 1908 when the Port act was enacted replacing certain regulations of 1855 and 1875. In the Port act of 1908, the major indicator was to consolidate the enactments relating to port and port charges. It was very brief. And Section 6 of that act is quite relevant. The summary of the Section 6 is, the power to make port rules for regulating the time of leaving or entering the berths, stations, anchorings, regulating the vessels, fastening, fixing rates for moorings, buoys, etc.

Kindly look at this particular sentence itself. How has it been written there in the law books ? Whenever you are thinking of regulating tariff, you must think of regulating the movement of the fixtures that will be there in the port. I will not go into the details because it will take a lot of time.

[Shri Anadi Charan Sahu]

What I intend to tell the House is that whenever an enactment is thought of, the history of enactments which had been earlier there should be thought of. When we thought of enacting this amendment, we should have taken into consideration the first Act that came into being, that is the Port Act of 1908 and in amending that Act itself they have taken into consideration Section 36 where an appointment is made of an Authority. There is the question of appointing an Authority.

In Section 47 of the Major Ports Act, there is a provision of constituting an authority. Kindly go through that. That is the difference between appointing and constituting. The law makers should be able to find out what is the difference between the two. Now I would not go into the details of the Ports Act. But kindly go through the Major Ports Act 1963. The objective also is very precise. The objective is to make provisions for constitution of Port Authorities for major ports and to vest administration, control and management on them. There should be one authority. As I said earlier, they have taken into consideration Diarchy – two authorities. One will be a Board and the other will be an Authority.

In this connection, I invite the attention of the hon. Members to *Arthashastra* of Kautilya. In Book II of *Arthashastra*, Kautilya, the Machiavelli of India had always thought of dividing the people. He had two types of people in the ports. One was the Controller of Shipping and the other was Controller or Commissioner of Ports. You can go through the Book. I will not go into the details. He had one person called Controller of Shipping. The other person was Commissioner of Ports.

The Commissioner of Ports was to levy rates and the Controller of Shipping was to take into account all the fixtures and the destitute ships that were coming into the port, etc. So there was some sort of a diarchy. I do not know in those days, say about 2,300 years back or 2,400 years back, we might be having four or five ports in India and people used to move in a very leisurely way. I do not know, whether that type of diarchy will ever be possible, at present, in India.

SHRI P.C. CHACKO (Mukundapuram) : Who is Kautilya now ?

SHRI ANADI CHARAN SAHU : I cannot say that. May be the United Front Government, for the matter.

What I would like to point out are the difficulties that

he persons who use the ports will face if this amendment comes into being. First of all, let us think of the provision which has been the explanatory note itself shows that it will be for private sector participation. If you are thinking of private sector participation, in the amendment itself the hon. Minister should have indicated what type of structures the private parties will set up in the ports and what type of tariff this Authority will impose for use of those private party properties by Government.

The hon. Minister has indicated in this Port Act 'only for use of Government properties'. If I have some knowledge about ports or some knowledge in the legal profession also, I could make out what it intends to say and I could not find any mention of use of private buoys, wharfs or quays by Government people or some other people. I would like to know what would be the authority of this Tariff Authority in relation to the tariff to be imposed by the private party.

Now, take for example, any port for that matter. Government has lots of quays, wharfs, moorings, piers and all those things. Say, if hundred rupees or thousand rupees or a lakh of rupees is the tariff fixed by this Authority then what about equally higher number of things, equally efficient ? Say, if conveyers or say, fork lifts or any type of taking up from the holds of the ships may be imported by the private party then what would be the rate for those equipment and machinery ? That has to be indicated in this Act itself.

Otherwise, it would be very difficult to have two types of working, one by the Government and one by the private companies. I do not go against privatisation. It is absolutely necessary but there should be certain rules, certain regulations and certain guidelines to be followed. Otherwise, it would not be possible to implement this amendment at this stage. My humble submission now is, kindly go through some of the provisions which you have indicated in this amendment.

[Translation]

MR. DEPUTY-SPEAKER : MR. Anadi Charan Sahu if you want to say something more, you can speak in the next session because this is the time for private members' business.

[English]

SHRI ANADI CHARAN SAHU : But I would like to point out some of the defects.



MR. DEPUTY-SPEAKER : You can speak in the next Session.

SHRI NITISH KUMAR (Barh) : Thank you, Sir, you have said that he will speak in the next Session. That means this Bill will be carried over to the next Session.

[Translation]

MR. DEPUTY-SPEAKER : If the House has taken any such decision we can sit even after 6.00 P.M.

[English]

SHRI RAM NAIK : It is quite unfortunate that the Parliamentary Affairs Minister is not here. The Government is very careless about their business but it has been agreed that we will work after 6.00 p.m. only because there is another important Bill in addition to this Ordinance. Otherwise the Government and the fishermen will be in trouble. The Aquaculture Authority Bill is there. It has been decided that, if necessary, we will work after 6 p.m.

[Translation]

MR. DEPUTY-SPEAKER : That is why, I said that we can sit even after 6 p.m.

[English]

SHRI RAM NAIK : When you said, 'next Session', I was a little confused.

[Translation]

MR. DEPUTY-SPEAKER : It was also mentioned that we can sit even after 6.00 p.m. whatever decision was taken at least I was not informed of that.

SHRI NITISH KUMAR (Barh) : Mr. Deputy Speaker, Sir, you remain strict to your point. Don't deviate from your point. Now there is no justification in the sitting of the House after 6.00 p.m. (Interruptions)

[English]

SHRI RAM NAIK : This shows the total callous attitude of the Government

MR. DEPUTY-SPEAKER : At least, I have not been informed

SHRI RAM NAIK : The Parliamentary Affairs Minister should be here. The Government should say something about it.

[Translation]

SHRI NITISH KUMAR : Mr. Deputy-Speaker, Sir, I have objection. House is above Business Advisory committee. This House is above all. What is justification in sitting after 6.00 P.M. today . . . (Interruptions)

[English]

SHRI P.R. DASMUNSI : His speech is not finished. It is not the next Session. It is after the recess. After the recess, on the same business, he will be on his legs and nobody else.

SHRI SURESH PRABHU : Yes, of course. That is true.

MR. DEPUTY-SPEAKER : That is what I said. But still, I have said, even after 6 o'clock, you can sit and pass this Bill.

[Translation]

SHRI NITISH KUMAR : Mr. Speaker, Sir, don't deviate from your decision. This Chair has much importance

[English]

Next session means next inter-session.

[Translation]

When you have asked him to bring this bill in the next session, he should follow the decision. It is the decision of the Chair. Now it will be introduced in the next session.

MR. DEPUTY-SPEAKER : I have put forth both the options. Now it is to be decided by the House.

SHRI NITISH KUMAR : They take the House for a ride. This Government does not have any system to function. Today is the day fixed for private member business and today itself is the last day. So what is the justification to hold sitting even after 6.00 p.m. ?

MR. DEPUTY-SPEAKER : I am sorry to say that I am unaware of the decision taken by the House . . . (Interruptions)

SHRI SURESH PRABHU : Mr. Deputy-Speaker, sir, it is a very serious matter. We have already made a request to the Government and called on even the Prime Minister before the start of the session regarding aqua-culture. Today aqua-culture farmers are facing very critical situation. . . . (Interruptions)

[Shri Suresh Prabhu]

MR. DEPUTY SPEAKER : Alrigh, Let us see how it is to be taken up but now the discussion on private members business has started.

SHRI SURESH PRABHU : The Hon'ble Members who can get it passed, are not present in the House  
... (Interruptions)

SHRI NITISH KUMAR : Mr. Deputy-Speaker, Sir, if you allow the House after 6 P.M. I will stage a walk out in protest.

MR. DEPUTY SPEAKER : Shri Surendra Yadav.

SHRI NITISH KUMAR : If the House is to sit even after 6.00 P.M., I shall not withdraw my motion. I have heard the speech of the BJP members and their speech also. If is to be negated, people will negate it but I don't agree with the decision.

SHRI KASHIRAM RANA : There will be close after March 31, therefore, this bill is to passed today itself  
... (Interruptions)

[English]

SHRI RAM NAIK : This is about the Aquaculture Authority Bill which is very important.

MR. DEPUTY-SPEAKER : Yes, The Minister wants to say something.

SHRI T.G. VENKATRAMAN : I want to submit one thing. I have nothing to say against the discussion by the hon. Members. But there is one difficulty. I am ready to cooperate with you at any time. I am submitting that by 4th April, this Ordinance will lapse. Therefore, let them have a discussion. I am ready to be here.

SHRI NITISH KUMAR : Who told you to promulgate this Ordinance ? What was the urgency to promulgate this Ordinance ? You have done nothing.

SHRI T.G. VENKATRAMAN : Please hear me.

SHRI P.R. DASMUNSI : I would like to make it one thing very clear. The Minister and the Government know the business and for the last few days, how we have been trying to accommodate the business. We sat till 10.00 p.m.

SHRI NITISH KUMAR : We sat the whole night.

SHRI P.S. DASMUNSI : We always talk of Parliamentary decorum and everything. Sometimes, we feel

it convenient to our Party purposes. That is not fair.

If an item in the List of Business is that urgent which is required to be passed today even after six O'clock, why should the Minister feel that something would happen to the Bill if the Bill is not passed ? That is not fair. What I am trying to say is – please let me conclude – if the Deputy-Speaker allows the Private Members' Legislative Business to be taken up, it must be taken up without encroaching upon the rights of the private Members. After discussing the Private Members' Business, if it is the opinion of the House to extend the time to finish the Government Bills to get legitimacy to the Ordinance to be completed, fair enough. We are prepared to cooperate here and it is not that we kill it. But the Minister must come with a specific proposal and desire and the House will consider. It is not that we are uncertain. We can sit even after six o'clock.

SHRI T.G. VENKATARAMAN : I never said that. Yesterday in my statement I mentioned it.

MR. DEPUTY-SPEAKER : Where is the Minister of Parliamentary Affairs ?

SHRI T. G. VENKATARAMAN : I have an objection for the discussion by the Members. But I have pointed out the difficulty. I am ready to sit even after six O'clock, at the time they want to for discussing the Bill. I am ready here.

SHRI SURESH PRABHU : We are not against the enlarging of the Governemnt Business. The point is that a proper notice should be given. Such an important Bill should not have been made to wait till the last day and it should have been brought much earlier, in advance. We could have discussed it. ... (Interruptions) We have to inform our Members.

SHRI RAM NAIK : Pelase call the Minister of Parliamentary Affairs, ask him what the Government wants. Otherwise, once the Members go even the Government will not be in a position to muster the required quorum. So, let the Minister of Parliamentary Affairs come and say what the Government wants to do. We are ready to cooperate.

The Aquaculture Authority Bill is very very important. It must be passed. But we do not allow the Government to do it this way.

[Translation]

MR. DEPUTY-SPEAKER : By the time the Parliame

tary Affairs Minister comes we may take up private Members business.

[English]

We will get it clarified. Shri Surendra Yadav.

[Translation]

SHRI NITISH KUMAR : Mr. Deputy-Speaker, Sir, I think that the Government is not serious towards the House and they want to transact this business in this way after 6.00 p.m. We Vehemently oppose it. If the House sits after 6.00 p.m., I shall absent my self in protest.

15.38 hrs.

MOTION RE: SEVENTH REPORT OF THE  
COMMITTEE ON PRIVATE MEMBERS' BILLS  
AND RESOLUTIONS

[English]

SHRI SURENDRA YADAV (Khalilabad) : I beg to move :

"That this House do agree with the Seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 19th March, 1997."

MR. DEPUTY-SPEAKER : The question is :

"That this House do agree with the Seventh Report of the Committee on Private Members' Bills and Resolution presented to the House on the 19th March, 1997

*The motion was adopted*

15.39 hrs.

\*THE MOTHERS LINEAGE BILL

[Translation]

SHRIMATI SUMITRA MAHAJAN (Indore) : Mr. Deputy-Speaker, Sir, I beg to move for leave to introduce a Bill to provide for the right to trace one's lineage from the side of one's mother.

[English]

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the right to trace one's lineage from the side of one's mother."

*The motion was adopted*

SHRIMATI SUMITRA MAHAJAN : I introduce the Bill.

15.39½ hrs.

[English]

\*PROVISION OF COMMUNICATION FACILITIES  
IN EVERY VILLAGE BILL

DR. T. SUBBARAMI REDDY (Visakhapatnam) : I beg to move for leave to introduce a Bill to provide for the facilities of telephone and post and telegraph office in all the village of the country.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the facilities of telephone and post and telegraph office in all the village of the country."

*The motion was adopted.*

DR. T. SUBBARAMI REDDY : I introduce the Bill.

15.39¾ hrs.

\*YOUTH WELFARE BILL

[English]

DR. T. SUBBARAMI REDDY (Viskhapatnam) : I beg to move for leave to introduce a Bill to provide for a comprehensive policy for the development of the youth in the country.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for a comprehensive policy for the development of the youth in the country."

*The motion was adopted*