

17.19 hrs.

Title: Discussion on the suppression of unlawful acts against safety of Maritime Navigation and Fixed Platforms on Continental Shelf Bill, 2002. (Bill passed)

THE MINISTER OF SHIPPING (SHRI VED PRAKASH GOYAL): I beg to move:

"That the Bill to give effect to the International Maritime Organisation Convention for Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration. "

I will make a few points for your consideration. The proposed legislation is based on the International Maritime Organisation (IMO) Convention on Suppression of Unlawful Acts Against Safety of Maritime Navigation, 1988 and International Maritime Organisation Protocol for the Suppression of Unlawful Acts Against Safety of Fixed Platforms located on the Continental Shelf, 1988, which are further based on the Charter of the United Nations, concerning the maintenance of international peace and security and the promotion of friendly relations and cooperation among States.

The Convention and the Protocol were adopted in the backdrop of deep concern of the international community after the world wide escalation of terrorism in all forms, which endanger people at large and it often takes a heavy toll of human lives even in large groups. A lot of property is also lost and the society gets divided. It was considered that the unlawful acts also jeopardise the safety of life and property at sea, affect the maritime services adversely, and undermine the public confidence in the safety of maritime navigation.

If States of the world are adequately equipped with legislative power to deal with such situations, definitely, the cause of global peace and security would be strengthened. The proposed enactment therefore, has been considered necessary so as to enable the Government to implement the provisions of the said Convention and Protocol. Also, in the changed scenario of marine safety at the global level, it is essential to have a legislation so as to ensure safer navigation in the whole of India including the limit of the territorial waters that is 12 nautical miles from the nearest economic zone that is 200 nautical miles from the nearest point of appropriate base line or any other maritime zone of India within the meaning of Section 2 of the Territorial Waters, -- I am not going into the technical details -- Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976.

The unlawful acts or offences punishable under the proposed Act have been dealt with in Chapter II, Section 3 of the draft Bill. To illustrate, some of the unlawful acts referred to in the Section are: acts of violence against a person on board a fixed platform or a ship, destruction of or damaging a fixed platform or a ship, seizure of a ship or a fixed platform, placing a device or a substance which is likely to destroy a fixed platform or a ship, -- the fixed platforms become very important now because of our oil exploration activity -- destroying or damaging maritime navigational facilities or communicating false information etc.

As of now there is no law to address these unlawful acts. The Bill is divided into three Chapters and 14 Sections. I shall briefly touch on the Sections. In fact, I will not read them. I would only say them in one line which has been given in the contents. Sections 1 and 2 are the Title and the Definition. Section 3 talks of the offences against persons, ships, fixed platforms, cargo of a ship, and navigational facilities to which legislation shall be applicable and it indicates penalties thereto.

So, penalties also have been indicated. Section 4 empowers the Central Government to confer powers of investigation. The next Section empowers the respective State Governments to specify, in consultation with the Chief Justice of their High Court, a Court of Session to be designated which should be headed by the designated courts. The next Section specifies the offences - you cannot generalise them; you have to specify them - that can be tried by the designated courts. The next Section provides that the provision of the Code of Criminal Procedure 1973 shall apply to the proceedings of a designated court. The next Section contains provisions for bail while Section 9 has the provision for extradition. Nowadays for culprits around the world, extradition has assumed very great importance. The Section empowers the Central Government to notify to the contracting parties the convention. The next Section confers to the Central Government powers to create certain ships to be registered in conventional States. The next Section says now the previous sanction of the Central Government would be necessary for prosecution under this Act. Without the sanction of the Central Government, you cannot prosecute anybody. The next Section provides presumptions as to offences while Section 14 provides protection for action taken in good time.

At the end, I would like to say that with the enactment of the proposed legislation, India will not only be at par with many advanced maritime countries but also will enjoy a pre-eminent position. Also, the Government machinery will be better equipped to deal with the unlawful acts against the safety of maritime navigation and ensure speedy and efficient trial of such cases. The need is increasing and therefore the law is very essential.

With these words, I commend the Bill for the consideration of the House.

MR. CHAIRMAN : Motion moved:

"That the Bill to give effect to the International Maritime Organisation Convention for Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

कुंवर अखिलेश सिंह (महाराजगंज, उ.प्र.) : सभापति महोदय, श्री देवेन्द्र प्रसाद यादव जी के साथ जो घटना घटित हुई है, उसके संबंध में माननीय गृह मंत्री जी ने वक्तव्य देना था। हमारा आपसे आग्रह है कि हमें यह बताया जाये कि गृह मंत्री जी का वक्तव्य किस वक्त होगा क्योंकि सदन समाप्त होने में सिर्फ आधा घंटा बचा है। **ॐ!** (व्यवधान)

MR. CHAIRMAN: I will convey your feelings to the hon. Speaker.

कुंवर अखिलेश सिंह : सभापति जी, मेरा आपसे विनम्रतापूर्वक आग्रह है कि यहां गृह राज्य मंत्री जी बैठे हुए हैं। वे ही हमें बता दें कि माननीय गृह मंत्री जी कितने बजे अपना वक्तव्य देंगे। **ॐ!** (व्यवधान) आप हमें समय बता दीजिए। **ॐ!** (व्यवधान)

गृह मंत्रालय में राज्य मंत्री (श्री सीएच. विद्यासागर राव) : बिल पास होने के बाद माननीय मंत्री जी आकर वक्तव्य देंगे। **ॐ!** (व्यवधान)

सभापति महोदय : अखिलेश सिंह जी, जिस विधेयक पर हम चर्चा कर रहे हैं, इसके पास होने के तत्काल बाद मंत्री जी आकर अपना वक्तव्य देंगे। आपने जो कुछ कहा है,

...(व्यवधान)

कुंवर अखिलेश सिंह : सभापति महोदय, चेयर से निर्देश दिया गया था। **ॐ!** (व्यवधान) सदन उठने से पहले गृह मंत्री जी वक्तव्य दें। **ॐ!** (व्यवधान)

सभापति महोदय : मेरी बात पूरी होने दीजिए।

...(व्यवधान)

SHRI MOINUL HASSAN (MURSHIDABAD): We are just reminding you what the Deputy Prime Minister had said in the morning.

MR. CHAIRMAN: I was present in the House at that time.

कुंवर अखिलेश सिंह : सभापति महोदय, सदन समाप्त होने में सिर्फ आधा घंटा बचा है। गृह मंत्री जी आकर वक्तव्य दें। **ॐ!** (व्यवधान)

सभापति महोदय : मैं आपकी भावना से माननीय अध्यक्ष महोदय को अवगत करा रहा हूँ।

...(व्यवधान)

कुंवर अखिलेश सिंह : सभापति महोदय, गृह मंत्री जी सदन में नहीं हैं। (व्यवधान)

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): He will be coming and making the statement.

SHRI RAMESH CHENNITHALA (MAVELIKARA): Sir, I rise to support the Bill which has been introduced by the hon. Minister for Shipping, Shri Ved Prakash Goyal.

The escalation of violence is a great concern to humanity as a whole. In recent times, different forms of terrorism is on the increase and a war is already waged against terrorism by all countries. The whole world is joining in this endeavour. This piece of legislation is to enact a law to prevent terrorism at sea. In the changing situation in the globe, marine global safety is very important. And such a legislation is necessary to ensure safer navigation in the whole of India including the limits of territorial waters, the continental shelf and Exclusive Economic Zone or any other maritime zone. This law is to prevent acts of terrorism at sea that threaten the security of passengers, the crew and the safety of the ships.

Sir, as rightly pointed out by the hon. Minister, this Bill has been drafted on the lines of Anti-hijacking Act, 1982 and Suppression of Unlawful Acts against the Safety of Civil Aviation Act of 1982. The provisions of the draft has also been modified to suit the requirements of Maritime Organisation conventions. So, to fulfil the international obligations, this Bill has been brought to this august House. The proposed enactment has been considered necessary to enable the Government for implementing the IMO Convention and Protocol. Definitely, by passing this kind of a law, India will join the select list of advanced countries which have acceded to the Convention and have enacted necessary legislation. After passing this law, India will definitely get that kind of a recognition and Government of India will also get enough teeth to check this kind of unlawful incidents in our sea.

Sir, in recent years, we have seen a steady rise in the number of serious incidents of piracy and armed robbery in the ships. Marine safety is a matter of serious concern the world over. In 1997, there had been 229 attacks and 51 deaths have taken place due to this. Definitely, this poses increasing danger to the world shipping and international trade. Definite statistics are not available because when these incidents are taking place in the sea, some of them are not reported properly. Due to non-reporting of such incidents, clear statistics is not available. But there is a clear increase in the attacks since 1994. There had been 110 incidents in the South East and Far-East which we find when we go through the statistics. There has been 22 incidents in South America, 31 incidents in the Indian Ocean, 29 incidents in West Africa, eight in East Africa and six in the Mediterranean Sea. Indonesia is the area where we can see that more and more of this kind of incidents are taking place. This is termed as a high risk area and majority of attacks occurred in international waters while more often ships are in anchor or in the berth.

Four main types of attacks are taking place. One is armed robbery or otherwise targeted for money or for equipment of ships, etc. and second one is permanent hijacking of ships. This could be seen more in the Far-East region and the third one is the hijacking of ships for steel and cargo.

Fourth is possible State involvement in hijacking. Among these four, the last two types of incidents, that is hijacking the ship for steel and cargo and possible State involvement, are increasing. These two types of incidents are taking place the world over. The cooperation among the States is crucial for tackling the piracy effectively. Proper investigation is necessary. People who are involved in these kinds of activities should be booked and brought before the law. They should be punished properly. Then only we can reduce these kinds of incidents. Even after enacting these kinds of laws, we have seen in our experience that such kinds of incidents are increasing. No doubt, this is a welcome step. This is going to enhance India's prestige in the international community and it will give more strength to our international trade and our navigational activities. At the same time, it should be implemented properly. Otherwise, these increasing terrorist activities the world over will affect the navigational activities more seriously. If we look at the statistics, in fact, through these navigational activities, the international trade should have gone up. But because of terrorist activities and escalation in the field of navigational piracy, the international trade is affected very adversely. So, in order to promote international trade through our navigational activities, I think, that this law has to be enforced properly and it has to be enforced fairly.

Administration of this Act, on the judiciary part, such as setting up of designated courts to try offences under this Act, will be done by the respective State Governments with the concurrence of the Chief Justice of the respective High Courts. It should be properly monitored by the Centre also. Of course, we are living in an age where we are

giving more powers to the States and other organs of the State. But this has to be monitored properly. We have seen that even after the Constitutional Amendment regarding *Panchayati Raj*, there are States which have not implemented the *Panchayati Raj* system even now. Mere passing of legislation is not going to help us. Proper implementation of legislation is the most important aspect of this.

I would like to inform the hon. Minister, through you, Mr. Chairman, Sir, that if he implements it properly, our international trade will increase and our navigational activities will increase. India has got enough potential in this area. We have got vast sea shore and we have got shipping industry. Of course, now, it has deteriorated.

The hon. Minister, stated on the other day that special attention has been given to this sector. A separate Ministry has been set up. More and more financial support will be given to this sector. They are all tall promises. I take them in a right sense. I wish him success in his endeavours. It is a fact that this sector has been neglected. But in the coming days, it has got enough scope. There is tremendous potential. India can develop through these activities like anything. The Central Government has shown more interest in this sector. I welcome the steps taken by the hon. Minister.

The other day he promised us that Vallapadam Container is going to be started. Yesterday, I think, the senior officers had visited the Vallapadam Container Terminal area. The Government of Kerala is very pleased about that. We the Members of Parliament from Kerala are happy with the efforts of the hon. Minister. I think by taking concrete steps and by constant endeavours of the Ministry, I think, these activities can be improved and piracy can be checked. Proper navigational activities can be ensured.

I once again welcome this piece of legislation and congratulate the hon. Minister for having brought this Bill before this august House.

SHRI ANADI SAHU (BERHAMPUR, ORISSA): Mr. Chairman, Sir, I stand here to support the Bill albeit grudgingly because we have a plethora of legislations relating to shipping and navigation. Right in 1872 the Bombay Port Act was framed. After that, we have made a lot of enactments regarding shipping and navigation.

Whenever we attend a Convention or go to an international sphere, we come back and start another legislation. Recently, we have passed the Maritime Shipping (Amendment) Act which takes into consideration the Protocol which we signed in Rome in 1992. The Protocol that was signed in 1988 is being followed by the Maritime Safety Bill etc. What I want to say is that it would have been proper if a Shipping and Navigation Act, taking into consideration all the aspects of shipping navigation, the damage and other aspects could have been enacted.

I would invite your attention to the Indian Penal Code where there are a number of provisions regarding damage to buoys, navigational marks and all other things. You would kindly appreciate that if anybody takes by force a portion of land or some property of Government of India also, it amounts to waging of a war under Section 121 of the Indian Penal Code. Now, we are taking into consideration only those provisions. This is nothing new. The only thing is that we are enacting a provision whereby we ensure that we ratify a Protocol which we signed. I have my own reservations on these things.

You would kindly appreciate that a few years back, we had started an enactment of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act of 1976. The hon. Minister was speaking about the continental shelf and all those things. Would it not have been possible to include all these things in this Act itself by way of an amendment to that Act itself instead of bringing another enactment? I would say that there is a Latin proverb *Summum Jus, Summa Injuria* It says that if there are too many legislations, they will cause too much of injury to persons. A person would not know when his pocket would be picked by way of fines. A person would not know when his house would be confiscated because of a plethora of legislations. A person would not know when his liberty will be jeopardised by way of so many legislations. So, what I want to say is that it is a good piece of legislation which has been brought forward. But it could have been dovetailed into the other legislations which we have in force.

So far as the maritime safety is concerned, it is a fact that nowadays, abductions, terrorist activities and many other factors are taking place either in the continental shelf or in the territorial waters or even in the high seas. So, it requires a lot of vigilance on the part of the Government of that area. You would appreciate that our coastal-line in the Andaman and Nicobar Islands is about 150 km. from Indonesia. As you know, Indonesia has been infiltrated by the Al Qaeda people or other terrorists.

Shri Ramesh Chennithala was mentioning about the Malacca Straits in South East Asia where 110 cases have taken place. Many of them have taken place in the Malacca Straits. In the Malacca Straits, they have formed a Union of Singapore, Malaysia and Indonesia to combat terrorism, abduction and gun-running. I would suggest that the Government of India also should enter into an agreement with those three countries so that we do not have any difficulty in the Bay of Bengal. Bangladesh has become almost a terrorist State.

A lot of persons belonging to *Al Qaida* are getting into that country and creating trouble. Of course, the activities of LTTE are going down now and so, we are not having any difficulties on that side. But the Bay of Bengal will be a problem area for us in the coming 10 or 20 years. So, when we enact this kind of a law, we have to take into consideration many other factors and see that we have a proper enactment and proper enforcement of the enactment to prevent any type of damage to our properties, to our ships, vessels and all other sea crafts.

Sir, I have got one doubt. I would like to draw the attention of the hon. Minister to Clause 4 of this Bill where this Bill is likely to give power to the Coast Guards for investigation, arrest and prosecution. I would beg to differ on this matter. Now, Section 4 of the Coast Guards Act indicates that it is an Armed Force of the Union. An Armed Force of the Union is not supposed to investigate cases and prosecute unless they pertain to court martial or matters relating to the discipline of the force. Here, under Clause 4 of this Bill, it is proposed to confer powers of investigation on the Coast Guards and other Central Government officers. I would suggest that investigation is a tricky affair and it requires professionalism. While enacting the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, the Government had given certain powers to the Coast Guards so far as the safety of the coastal area is concerned because Section 4 of the Coast Guards Act provides for safety and protection of artificial islands etc. So, in the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act itself, the Government had given powers to the Coast Guards to seize properties, to arrest persons, but hand them over to the State itself so that investigation could be done by the police of the area concerned which has been going on in a proper manner. So, I would suggest that there should be a second thinking in giving powers to the Coast Guards.

Sir, there is a flaw in this Bill and that flaw is that there is no rule making power under this Bill. This is a new area we are getting into. So, if there is a necessity to amend certain provisions of this Act and if there is no rule making power, the Government will have to come before Parliament every now and then. So, there must be a provision for rule making power in this Bill itself.

The Government has given power to the Designated Court where there is no committal proceeding. Here, in this Bill, deterrent is there, bail restrictions are there, punishments are quite high and many other aspects have been taken into consideration. For speedy trial, the Government has made a Designated Court where there is no committal proceeding. When there is no committal proceeding, I do not think it is proper for complaint cases going to the Designated Court and securing a deterrent punishment.

Therefore, I would request that all these aspects should be taken into consideration so as to ensure that, at a later stage, we do not get a nullifying effect in a court of law.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Mr. Chairman, Sir, I support the Bill. My support is limited to certain aspects of the Bill. As pointed out earlier, if this is an attempt to prevent terrorism committed in the high seas, I think, this statute would not be of much help. We have our own bitter experience. We enacted the Prevention of Terrorism Act (POTA) and ultimately it led to the detention of our friend and colleague Shri Vaiko, who is languishing in Vellore Central Jail.

That was how we implemented that Act. That is there.

Here also, we are speaking about terrorism being committed in the high seas. If that be the case, this Bill will not be of much help. What is the reason? Now, I would draw the attention of the hon. Minister to Section 12:

"No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government."

So, if anybody is to be arrested and produced before a Magistrate, he must seek sanction of the Central Government. Only with the previous sanction, the officer could arrest a person because prosecution commences from the moment he is arrested and a complaint is lodged before the designated court. The prosecution commences from that date onwards. How can a Coast Guard officer, having the status of a gazetted officer's rank, arrest a person and take action?

If you want to prevent terrorism in the proper sense, you give power to the officer concerned. He must not seek the previous sanction of the Central Government. As per Section 12, he will have to seek the sanction. It will take some time. When an act of terrorism is committed in the high seas, action will have to be taken immediately. If that be the case, he will have to seek the previous sanction of the Central Government with its headquarters at New Delhi. The offence is committed far away, that is, near Mumbai Port, Cochin Port or Kolkata Port. The person taking action will have to take sanction from the authorities located at New Delhi. How could it be prevented? How can a prompt action be taken? How can he be taken into custody without getting the sanction?

If no previous sanction is there, the entire prosecution will be thrown out by the court. It is a condition preceded.

When the case comes up before the court, the court will look into the matter whether the prosecution has been launched with the previous sanction of the Government. Due to the promptness of the officer, if he has arrested and produced him, then allow him this power 'without previous sanction'. The moment that matter is raised by the defence lawyer, the entire proceedings will be thrown out by the court for want of previous sanction. Is this the way that you are going to prevent terrorism committed in the high seas?

I simply ask you: "How can you prevent terrorism committed by seeking previous sanction of the Central Government?" So, you do one thing. You empower the person. If you want to prevent acts of terrorism in the high seas, you must be doubly cautious while giving more powers to the person who is to do it.

MR. CHAIRMAN : Please conclude.

SHRI VARKALA RADHAKRISHNAN : Secondly, this Act is partly connected with our extradition proceedings. We all have very bitter experience in extradition proceedings. The Malaysian Court threw out our application for extradition of Quattrochchi in the case. So, our extradition proceedings always fail.

In the UAE, we are failing because our proceedings are lacking in bonafides. That is what they say. The Malaysian Court also found that the Indian authorities have not produced enough evidence to extradite a person. So, this Act is also connected with extradition. There is a reference to the Extradition Act of 1962. It is because we do not substantiate our cases, we fail in many attempts of extradition. This Act also is closely connected with extradition proceedings. You have to take abundant caution. It is also a matter of extradition proceedings. The Act will not be of much help to the Government.

Moreover, the Court having powers of a Session's Judge is definitely a designated court. In the appointment of a Session's Judge, the State Government is empowered. That is the provision in the Code of Civil Procedure.

MR. CHAIRMAN: Now, Sardar Simranjit Singh Mann.

SHRI VARKALA RADHAKRISHNAN : Sir, what can I do? When I speak, you always intervene. So, I am stopping.

MR. CHAIRMAN: No; not like this.

...(Interruptions)

MR. CHAIRMAN: I am saying: Please conclude.

SHRI VARKALA RADHAKRISHNAN : Sir, I am saying that I will conclude after pointing out all these legal lacunae in the Bill.

I would suggest that unless and until we take abundant caution in extradition proceedings, we would not succeed in our attempt. Our main attempt is to prevent terrorism being committed in the high seas.

Moreover, in the main provision there are certain difficulties. As you know, Section 8 deals with the main provision and it readsâ€.

MR. CHAIRMAN : Please cooperate and conclude now.

SHRI VARKALA RADHAKRISHNAN : Sir, I find it very difficult because the interference comes in the way of my ideas straightway. So, I humbly request you not to disturb me for some more time so that I can conclude my speech quickly.

There are limitations endorsed on the main application and for that purpose we are following the principles embodied in the Criminal Procedure Code.

MR. CHAIRMAN: Shri Radhakrishnan, the hon. Home Minister is going to make his statement and we have to pass the Bill before that. So, please cooperate. I am requesting you.

SHRI VARKALA RADHAKRISHNAN : Sir, I accept your request and conclude by saying that this Bill will create difficulties in the future until and unless we make some amendments in this. I would also suggest that when a Bill is introduced, it would be better if the rules also are submitted along with the Bill because the rules come after a long

time and we do not get the time to look into the rules.

I would like to request the Government that whenever a Bill is drafted, the rules should also be drafted along with it and submitted along with the Bill so that there will be clear discussion on the pros and cons that occur in the future may be prevented. In that case it will be very welcome.

17.58 hrs. (Mr. Speaker in the Chair)

With these observations, I support the Bill and I again request the Government to make necessary amendments so that we all agree in preventing terrorism, specially, committed in the high seas. Moreover, law on territorial jurisdiction of India should be perfect, precise and it should be final. With these words, I conclude my speech.

SARDAR SIMRANJIT SINGH MANN (SANGRUR): Mr. Speaker Sir, thank you very much for giving me the time to speak on this very important Bill.

Article 51 of the Constitution clearly lays down the policies that the State Government has to follow vis-à-vis international law. According to the international law, this legislation has been drafted by the United Nations, which the hon. Minister of Shipping has diligently followed. But there are certain doubts in my mind about this legislation as regards the security to maritime and merchant shipping.

श्री रामजीलाल सुमन (फिरोजाबाद) : अध्यक्ष महोदय, छः बज गए हैं, माननीय गृह मंत्री जी का बयान होना था और यह सबसे महत्वपूर्ण है।¹ (व्यवधान)

अध्यक्ष महोदय : यह ज्यादा समय नहीं लेंगे, अभी इनका भाषण पूरा हो जाएगा। उसके बाद मंत्री जी उत्तर देंगे और फिर गृह मंत्री जी बयान देंगे।

SARDAR SIMRANJIT SINGH MANN : This Bill does not lay down how the State will provide security to any merchant shipping company, which requires any security by the security guards or by the Naval Coastal Guards and the Navy.

18.00 hrs.

I want to know whether the Indian Navy or the Coastal Guards will give escorts in the difficult passages through the Malacca Strait where there is sea piracy and in the other valuable shipping lanes where our shipping interests are being carried out.

We have talked about terrorism, but my question is this. Will the Coastal Guard give security on board to the merchant ships, which ask for it, or will they be unarmed? There is no provision in this Bill to provide for naval security, coast guard security and on board security.

Then I wish to state that since this Government is looking into article 51 of the Constitution which lays down certain obligations on the State to recognise international treaties, I must point out the following treaties/conventions;

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide.
2. 1951 Convention relating to the Status of Refugees.
3. 1954 Convention relating to Status of Stateless persons.
4. 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples.
5. 1965 International Convention on the Elimination of All Forms of Racial Discrimination.
6. 1966 Optional Protocol to the International Covenant on Civil and Political Rights.
7. 1967 Protocol Relating to the Status of Refugees.

It is because there are still 30,000 Sikh Stateless refugees in Kashmir since 1947.

8. 1972 Treaty on the Limitation of Anti Ballistic Missile System.
9. 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage.

If this Convention had been followed, neither the Harminder Saheb, the Golden Temple would not have been reduced to rubble nor the Babri Masjid in 1992.

10. 1984 Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment.
11. 1984 Safeguard and guaranteeing protection of the Rights of those facing the death penalty.
12. 1995 Treaty on the Non-Proliferation of Nuclear Weapons.
13. 1996 Comprehensive Nuclear Test Ban Treaty.
14. 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of anti-Personnel Mines and their Destruction (the Ottawa Convention on the abolition of landmines), and
15. 2001 Rome Statute, by virtue of which the International Criminal Court has been set up at The Hague.

I think if these international treaties are also enacted by the Indian Government, the Indian State will become more humane. It will become a modern, liberal democracy and a secular society.

The Minister of Shipping is passing this Bill. Punjab is a land-locked State. We have no school for maritime training. So we ask that in the State of Punjab a maritime school for training of our children for merchant shipping should also be set up.

SHRI VED PRAKASH GOYAL: Sir, I will be grateful to the highly knowledgeable colleagues who have made their points on this Bill.

As you have seen, it is a very important Bill to bring us in line with the requirements of security, as the whole world has realised in the face of today's terrorism.

Some points have been made about terrorism by Shri Chennithala. I have also said in the beginning that it is also a very great concern of India, in fact more than of any other country in the world. Certain incidents have been reported by him in South-East Asia. We are very conscious and are very happy that we are very far from that condition. We are nowhere near Indonesia and countries like that in this matter. We are far better in terms of naval security. Similarly, on incidents of hijacking and co-operation with other countries, we have very active co-operation with Malaysia, Singapore and even Indonesia. We are regularly in touch with them on whatever is happening. We exchange views and information with them.

There is a request to enforce the law properly. It is obviously the intention when we come in line with the international Convention that we intend to follow it in every detail. That is why the setting up of designated courts at the State level has been provided so that justice is not delayed.

Incidentally, he has also mentioned about Vallarpadam, which has been mentioned by every hon. Member who has talked on maritime safety. I am happy that he has appreciated the activities of the present Government. I would like to add here that the IMO and other regional bodies are monitoring terrorism. India is an active participant in these bodies for a long time. So, we have always remained a part of this monitoring mechanism.

Shri Anadi Sahu, while supporting the Bill, has grudgingly mentioned certain other facts relating to ports. In addition to that, he takes us a step further and says that although a law is in place, it would not have been adequate just to amend it. That is why – and to give importance and teeth to the law – this legislation is being proposed. He has mentioned about Bangladesh, Malaysia, etc., who are going through terrorism.

The powers of the Coast Guard are specified in that they are not left loose. As you know the legislation for maritime shipping is very comprehensive on that subject. A Committee is studying the re-writing of the MS Act, which was mentioned by one of the hon. gentlemen here. It is a very old, 1972 Act. A lot of provisions of that Act have become redundant and many new changes are coming in. This Committee's Report is expected in about six months' time.

Shri Anadi Sahu has made certain observations again about Indonesia etc., which I have also mentioned earlier. The powers given to the Coast Guard are enough. We cannot add or subtract anything at this stage.

It is well known that investigation is a specialised function. That is why the investigation and more than that the prosecution is to be done only by the designated court. So, no action can be taken, which the designated court cannot take up but certain actions have to be taken immediately, especially in case of terrorism. Therefore, certain powers are given to them, which they can exercise, but they have to produce them in the designated courts. As I said, instant action is necessary, as you would appreciate.

The rules are always made afterwards as the conditions arise and they are generally not a part of the Bill.
...(Interruptions)

श्री राजो सिंह (बेगूसराय) : हम बिल पास कराने के लिए तैयार हैं, आप लम्बा भाण क्यों दे रहे हैं।

श्री वेद प्रकाश गोयल : मेरे पास इसमें कुछ एड करने के लिए नया नहीं है। मान साहब ने बहुत से पुराने इन्सटांसेज दिये हैं और लिस्ट बताई है। लेकिन वे उससे कंसर्न्ड नहीं हैं। लेकिन उनका यह सुझाव मान्य है कि उत्तर भारत में जहां समुद्र नहीं है, वहां ट्रेनिंग इंस्टीट्यूट्स बनाये जाएं। हम सब जगह इंस्टीट्यूट्स बना रहे हैं और उसमें पंजाब भी शामिल होगा। हम बहुत से इंस्टीट्यूट्स बना रहे हैं।

MR. SPEAKER: Mr. Minister, it seems that they are very anxious to pass this important Bill.

...(Interruptions)

श्री वेद प्रकाश गोयल : और कुछ एड करने के लायक नहीं रहा है। The learned friends have said many things. I propose to the hon. Members that the Bill be passed. Thank you.

MR. SPEAKER: The question is :

"That the Bill to give effect to the International Maritime Organisation Convention for Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. SPEAKER: The House will now take up Clause by Clause consideration of the Bill.

The question is :

"That Clauses 2 to 14 stand part of the Bill."

The motion was adopted.

Clauses 2 to 14 were added to the Bill.

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

SHRI VED PRAKASH GOYAL: Sir, I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is :

"That the Bill be passed."

The motion was adopted.
