

or after the 1st day of April in any financial year by or on behalf on a manufacturer from one or more factories in the case of first clearances of the said goods upto an aggregate value not exceeding rupees twenty lakhs from the whole of the duty of excise leviable thereon. [Placed in Library See No. LT-1306/85]

- (4) G.S.R. 627 (E) published in Gazette of India dated the 1st August, 1985 together with an explanatory memorandum regarding exemption to goods falling under Item No. 68 of the First Schedule to the Central Excises and Salt Act, 1944 and manufactured in a mine from the whole of the duty of excise leviable thereon. [Placed in Library, See No. LT-1306/85]

12.14 hrs.

ESTIMATES COMMITTEE

[English]

Second Report

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar) : Sir, I beg to present the Second Report (Hindi and English versions) of the Estimates Committee on Action Taken by Government on the recommendations contained in the Eightieth Report of the Committee (7th Lok Sabha) on the Ministry of Home Affairs—Administration of Union Territory of Delhi—Part I—Law & order.

12.15 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

[English]

Reported Missing of Two Privately-Owned Cargo Ships in the Bay of Bengal

SHRI RAMSWAROOP RAM (Gaya) : Sir, I call the attention of the Minister of

Shipping and Transport to the following matter of urgent public importance and request that he may make a statement thereon :—

“The reported missing for a long time of two privately-owned Indian Cargo Ships in the Bay of Bengal with a number of crewmen aboard and the action taken by the Government in regard thereto.”

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI Z.R. ANSARI) : Two vessels m.v. ‘Nitya Nanak’ and m.v. ‘Nitya Ram’ belonging to Maini Shipping Company, Bombay have been without radio contact since the 21st of June, 1985 and are presumed missing at sea.

M.V. ‘Nitya Nanak’ was commanded by Capt. K.D. Puri, Senior Master and had a crew of 23 persons. The vessel sailed from Kandla on 5.6.1985 for Calcutta with a cargo of 3440 tonnes of salt. After touching Colombo for supplies and repairs to its communication equipment and the radar, the vessel left Colombo on 18/19 June, 1985 for Calcutta. On 20th June in the afternoon the Master sent a message to his owners stating that fresh holes had developed in No. 1 hold and water was gushing in. On 21st June at about 0830 hours the vessel radioed to the owners that there was some ingress of water into one of the holds and the Captain had decided to make for Madras. The position of the vessel at this point of time was about 90 nautical miles east north-east of Trincomalee. No further message was received from the ship thereafter. The vessel did not reach Madras and on 26th June, 1985 the owners through their agents informed the Principal Officer, Mercantile Marine Department, Madras, about the disappearance of the ship. On further inquiry it was noted that the Master had also sent a message on 12th June also stating that there were two leaks below water level.

M.V. ‘Nitya Ram’ left Calcutta on 17.6.1985 for Tuticorin with 5182 tons of coal. The vessel was commanded by Capt. Sharma and had a crew of 21 persons.

[Shri Z. R. Ansari]

At about 1000 hrs. on 18.6.1985 this vessel reported by radio message to owners that there was some ingress of water into one of its holds. However, at about 0920 hrs. on 21st June the Master informed the owners that he had been able to cope up with the ingress of water and was proceeding to Tuticorin. The expected date of arrival at Tuticorin was 25th June, 1985, but when this vessel also did not reach on 27th June, the agents informed the Principal Officer, Mercantile Marine Department, Madras, on 28th June, 1985.

Searches and rescue operations were put into operation from the 27th June 1985 onwards and ships of the Coast Guard and Indian Navy steamed on the track which these two vessels would have taken. In addition, ships in the vicinity were requested to keep a sharp look out for these ships or for any life boats, etc. As the above searches did not yield any result, the Naval aircrafts were also pressed into service and an extensive area of a radius of 200 nautical miles around the area from where the ships were reported missing was searched but no trace nor any wreckage was found upto 6th July when the aerial search was suspended.

The Director General of Shipping alerted the Ports of the East Coast and the Andaman & Nicobar Islands to keep a look-out for any sign of debris from these two ships. Our missions in Bangladesh, Maldives, Sri Lanka and Singapore were also requested to approach the local authorities for information on these two vessels.

The Director General of Shipping after declaring the two vessels as presumed missing at sea ordered a statutory enquiry under Section 360 of Merchant Shipping Act, on 15.7.1985 and as provided under the said Act has moved the Chief Metropolitan Magistrate, Bombay, to conduct an enquiry into the casualty. The primary objective of this statutory enquiry is to throw light on the cause of the casualty and to consider steps to prevent such casualties in future.

Perusal of certain documents obtained during the course of investigations by the Director General of Shipping, specially

those relating to the radio messages exchanged between the m.v. Nitya Nanak and the owners of the vessel through the Madras Coastal Radio Station of P&T working on the maritime bands, revealed that in spite of three radio messages about leaking ship and water entering the holds, a reply message was sent by the owner of the vessel on 22.6.85, through postal radio to the Master that he was relying on him to make it to Calcutta direct. This message from owners could not be transmitted as ship had lost radio contact. The owners of the vessel were aware of the fact that fresh holes had developed in the vessel and the difficult condition that m.v. Nitya Nanak was placed in. The action of the owners in directing the ship to proceed to Calcutta showed callousness and criminal negligence. Besides that, at this stage it was incumbent on the owners to inform the authorities under Section 358 of the Merchant Shipping Act of the difficult position the ship was in. The delay in intimation to the statutory authorities in charge of safety of life at sea for 5 days caused the delay in commencing search and rescue operations immediately after the disaster.

Further enquiry revealed that the owners were aware of the defective main transmitter when the vessel was in Colombo. The same could not be repaired due to lack of spare parts. This aspect also was not reported to the authorities.

Government are of the view that the owners had not exercised due care in the matter. Accordingly, Director General of Shipping has lodged an FIR with the Central Bureau of Investigation to investigate the criminal negligence of the owners.

The International Maritians Bureau, London had also been approached to carry out investigations to determine if there is a prima facie case of fraud in the matter. That agency are however of the view that in as much as both the casualties involve the disappearance of the entire crew and no other information has surfaced, no useful purpose will be served by commercial investigations at this stage. However, the IMB has agreed to keep the Government of India informed of developments in this case which they may come across.

In view of the casualties suffered by the two ships of Maini Shipping Company at the same time, the remaining three ships and three inland barges of this owner have been brought into Port and are under investigation to ensure that they are maintained in a sea-worthy state.

I fully share with the members of this House and the relations of the crew, their grief, anxiety and anguish regarding the whereabouts of the crew members of these two vessels.

SHRI SHANTARAM NAIK (Panaji) : There should be discussion under Rule 193. In the case of Kanishka all sorts of discussions were held. Here the question is also of missing of two big ships.

MR. SPEAKER : You cannot ask any question. I cannot go against the rules. Not allowed. Please sit down. Take your seat.

(Interruptions)**

SHRI S. JAIPAL REDDY (Mahbubnagar) : May I know whether it is a fact that the company which owned the ship has been paid insurance ?

MR. SPEAKER : You cannot ask a question. I will ask on your behalf. Don't worry. This is a serious question. What action have you taken ? Has the case been registered ? It is a criminal negligence. Is there any hanky-panky about paying the compensation and all that ? That should also be looked into properly and those people should also be brought to book. It is highly agitating the mind of the people. It is a question of life. How can they be allowed to be so callous ?

[Translation]

SHRI RAMSWAROOP RAM (Gaya) : Mr. Speaker, Sir, I congratulate you also for taking up this matter very seriously. It does not relate to sinking of two ships, i.e., "Nitya Nanak" and "Nitya Ram" only. The owner company—Many Shipping Co.—has sunk five ships.

MR. SPEAKER : So, it is an old story !

SHRI RAMSWAROOP RAM : It is an old story.

MR. SPEAKER : It has been done habitually and deliberately.

SHRI RAMSWAROOP RAM : Mr. Speaker. Sir, we feel that the owner of this Company should be arrested immediately and thereafter an inquiry should be conducted. They sunk the "Nitya Angad" which was carrying rotten onions to Dubai. They sunk "Nitya Arjun". They also, sunk the third ship 'Nitya Amar' near Cochin coast and after this they have now sunk 'Nitya Nanak' and Nitya Ram'.

MR. SPEAKER : All the ships have disappeared and they are still running the Company and are still free.

[English]

Are they still out and free ?

THE MINISTER OF STATE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI Z.R. ANSARI) : It is not a fact, Sir.

MR. SPEAKER : I see.

MR. CHANDRA PRATAP NARAIN SINGH (Padrauna) : What is not a fact ? How does the Minister say it is not a fact ?

[Translation]

SHRI RAMSWAROOP RAM : According to an unofficial information received by me, this company has sunk 5 ships and Government have formally informed the House that they are taking such and such action. Through the hon. Speaker, I would like to urge you to understand the seriousness of the matter. Many Shipping Company should have been banned earlier. In your reply you have stated that when water was entering "Nitya Nanak", an intimation to this effect was given by the

[Shri Ram Swaroop Ram]

Captain but the Company did not take any action. There is a big mystery behind all this. Merely filing the F.I.R. will not serve the purpose. I do not want to go into the statement made by the D.G., Shipping Transport. You should understand the seriousness of the matter. What is the power working in Manny Shipping Company that is drowning the men and sinking the property of the country and no action is being taken against it? I would like to say that it is not a Shipping Company but a company which kills men and destroys property. You should pay attention towards it.

I would like to draw your attention towards one thing more. I would like to know the name of the officer who issued the fitness certificate on the day when the ship sailed into the ocean and this accident occurred. You have made no mention about it. No mention about the date of receipt of fitness certificate has been made in your reply. I feel that you are not very keen about this question. You have given just a formal reply and you are saying all these things in the House in a formal way. You have admitted in your speech that negligence was there. Due to whose negligence it had taken place; was it due to the negligence on the part of the crew or of the officers who issue fitness certificate?

You have made no mention in your reply about the action proposed to be taken by you against those officers. If there were certain defects in both these ships then at least you should have told that these ships were not fit for operation. You have not told whether anybody has issued fitness certificate or not and if fitness certificate was issued, who was the issuing authority?

Thirdly, three ships namely (1) Nitya Angad, (2) Nitya Arjun and (3) Nitya Amar were sunk earlier also. I would like to know whether Government have some information about the mystery behind their sinking; whether your department is aware of it or not; whether an inquiry was conducted in this regard? If so, the facts that came to the notice of Government? I would like to know whether

Government had taken any action against the company on the basis of these facts?

I agree that you have filed F.I.R. and an enquiry was conducted by C.B.I. It is a question of humanity. It is a national issue. You should see to it that there are people in our country running Shipping Companies—the people in whose eyes life of a man has no value. I would like to say that such people should be tied with a rope around their waist and paraded on the roads of Bombay. (*Interruptions*) If you do not take such action against these traitors, and put them behind the bars, I shall term it Government's impotency. Three similar accidents took place earlier also. It is the fifth accident. You have not taken any action so far. In normal course. You have filed F.I.R. with a Bombay Magistrate. How many days will it take to conduct an enquiry? What is your department doing? Your D.G. says that he has sent the message but no action has been taken even after 11 days. It is very sad thing.

Sir, I do not want to make some special speech in this regard. You have made the hon. Minister conscious of the whole thing. After this there remains nothing for us to say. But I would like to know whether you will arrest the people of this company and send them to jail and whether compensation will be given to the families of those 44 crew members of these ships who have been drowned?

MR. SPEAKER : You say whether you would arrest them. Why do you not ask why these people have not so far been arrested? They are still out and free.

SHRI RAMSWAROOP RAM : This is what I have to ask. I would like to ask 3 questions. You are feeling much disturbed

MR. SPEAKER : He will not feel disturbed. He will give reply. Now you conclude and let him speak.

SHRI RAMSWAROOP RAM : Do you propose to put the owners of the three ships sunk earlier and the owners of these two ships behind bars? What compensation has been given by you to the families

of crew members who lost their lives? Thirdly, what steps are proposed to be taken by you to prevent such accidents in future?

MR. SPEAKER : In your statement you have mentioned many things—

[English]

“The action of the owners in directing the ship to proceed to Calcutta showed callousness and criminal negligence. Besides that, at this stage it was incumbent on the owners to inform the authorities under Section 358 of the Merchant Shipping Act of the different position the ship was in. The delay in intimation to the statutory authorities in charges of safety of life at sea for 5 days caused the delay in commencing search and rescue operations immediately after the disaster.”

This is a clear case of murder It is a calculated and pre-meditated attempt, which is something which we should not overlook. Take action in the matter.

SHRI S. JAIPAL REDDY : It is a massacre ; 44 people were there.

MR. SPEAKER : That is what it is. Horrifying !

[Translation]

SHRI Z.R. ANSARI : Sir, the facts available with me and the steps taken by government in regard to the matter under discussion have been mentioned in the statement. Nothing has been concealed. (Interruptions)

So far as seriousness of the matter is concerned, I have stated in my statement that there is no doubt that it is a very serious matter—a very sad one. The families of crew members are very much worried. We all have sympathy with them.

There are two or three questions. I may tell the hon. Member that there is a lit lack of information with him. The three ships referred to have not been sunk. One

of them is in Chiitagong. It has been detained there and the crew told that the ship could not sail further until the certificate of its worthiness is there. All of them are in dilapidated condition. One of them has been grounded in Gujarat. None of these ships has totally disappeared. It is not that there whereabouts are not known at all. The ships which are in view have been detained at the ports and an enquiry is being made to ascertain their sea worthiness. Are their certificates wrong? We are conducting an inquiry in regard to those certificates also. D.C., Shipping will conduct the inquiry. Certificates are issued by two agencies. Certain certificates are issued by D. C., Shipping. There are 4 certificates. Two of them are issued by the Director General, Shipping and two certificates

MR. SPEAKER : Ansari Sahib, suppose all these things have been done. Certificates also

SHRI Z.R. ANSARI : Sir I feel no point will remain unanswered after I complete my reply. It will certainly take time. Two certificates are issued by classification societies which are international societies. Classification Societies have made lapses; they have issued wrong certificates. We are making an inquiry into this issue. Unless all the documents are not gone into, the things will not become clear. After the study of the documents it has come to the notice that certificate issued by the Certification Society is valid for a period of 5 years, but the owner of the ship is required to get the ship inspected after every 24 months to ascertain its sea worthiness. This owner did not get its dry docking completed for 36 months i.e., 3 years whereas the stipulated period was 2 years. Besides, if dry docking was not done after two years, he should have sent a report to this effect. D.C., Shipping can give permission for it after conducting the requisite inquiry. But this classification Society itself extended its period without estimating the D.C., Shipping. It has also come to light. We are ascertaining more thing about the conduct of this Classification society as to where and what type of mistakes it has committed. If anybody is found at fault anywhere, he can be black-listed.

[Shri Z.R. Ansari]

Sir, I would like to submit to you and to all the hon. Members that I am equally concerned with this matter and I would like to give you an assurance (*Interruptions*) ... We shall get the matter thoroughly enquired and the persons found guilty will not be spared at any cost. We shall not spare anybody found guilty whether he may be our officer or owner of the company or the Classification Society.

The hon. Member has given certain suggestions that the persons should be tied with a rope—it is clear that he has used these words under emotional stress. Secondly, I am not an Emperor who may guide action after getting the person tied with rope... (*Interruptions*)

SHRI RAMSWAROOP RAM : When you say that the entire fault is of that company...

(*Interruptions*)

SHRI Z.R. ANSARI : This country is administered by laws and rules..... (*Interruptions*)

SHRI RAMSWARUP RAM : It should have not been despatched at all because if a poor man was involved in it, he would have been behind the bars long ago. Now-a-days poor man is put behind the bars under Section 107 and no action is being taken against the criminals responsible for causing death to 44 persons...

(*Interruptions*)

MR. SPEAKER : Such big lawyers are sitting here also..... (*Interruptions*)

SHRI RAM SWAROOP RAM : D.G., should also be prosecuted. Cases against others also who are responsible for this should be instituted.

[*English*]

MR. SPEAKER : Please sit down. You are losing your own case. You are fighting against yourself. Why don't you sit and listen now ?

[*Translation*]

SHRI Z.R. ANSARI : I was saying that it was the duty of our Ministry. As soon as those facts came to our notice and we came to know about it from the radio message and the documents—apparently, it takes sometime to scrutinize them, there is a set procedure for that, we are also required to get the opinion of the Law Ministry as to whether a case can be entrusted to C.B.I. for inquiry during the course of Magisterial Inquiry after the Statutory Inquiry is over. We obtained clearance from the Law Ministry and moved the Home Ministry immediately thereafter. When the Home Ministry gave us the clearance and when we came to know that the case should be handed over to the C.B.I., We handed over the case without delaying it even for a day to the C.B.I. which is the biggest investigating machinery in the country. A F.I.R. was filed with them. Now, maintenance of Law and order is not the responsibility of the Ministry of Shipping and Transport and in that case we shall, certainly, have to seek the assistance of the Law and order machinery which has been set up by this august House, by our hon. Members, and that machinery is Home Ministry, Police Force and the C.B.I. These are the three different organs. But, we referred the case to them without any delay without being prejudiced. We share your anxiety and that of the families of the crew Members who have disappeared mysteriously, whose whereabouts are not known as if they have disappeared into the Space or vanished into the womb of the earth. We are also equally worried about them, we are also much pained and I would like to assure you that we shall not spare any effort on our part and nobody will be spared in this connection.

MR. SPEAKER : Please take your seat ... I have read your para 8, which says—

[*English*]

“ Further enquiry revealed that the owners were aware of the defective main transmitter when the Vessel was in Colombo. The same could not be repaired due

to lack of spare parts. This aspect also was not reported to the authorities.

Government are of the view that the owners had not exercised due care in the matter. Accordingly Director General of Shipping has lodged an FIR with the Central Bureau of Investigation to investigate the criminal negligence of the owners."

[*Translation*]

In spite of all these things, if they are roaming free, have you asked from the Home Ministry or the Law Ministry why they were roaming free like that. This is an important aspect which has not been replied to by you . . .

[*English*]

You should ask the Home Ministry, if the Home Ministry is not cooperating. You must understand the fact that this should be tackled with a firm hand, with a clear mind and you should have a very clear concept about it.

SHRI Z.R. ANSARI : Sir as far as this Ministry of Shipping and Transport is concerned, let me have my say, that it is both clear in its mind and firm also. The facts which I have given in my statement indicate that whenever those things come to light, Ministry of Shipping and Transport have lost no time in taking all those legal steps which ought to have been taken ; and it moved the Home Ministry and it filed an FIR with CBI to investigate into the criminal aspect of this whole episode. Now, Sir, I earnestly hope that CBI and Home Ministry will certainly expedite the matter and bring to book those persons who are culprits. Actually about the portion which you Sir, have read, these are the lapses which have been there.

MR. SPEAKER : Lapses have led to that. Talk to him and get his cooperation.

SHRI Z.R. ANSARI : Sir, he is already here. he is my senior colleague.

It is with his assistance that we can proceed against such people.

SHRI KAMAL NATH (Chhindwara) : Mr. Speaker, Sir, we are grateful for the interest you are showing in this matter and the importance you are attaching to it. The month of June was a tragic one for us. We had the tragedy of Air India, and we had the tragedy of two ships disappearing. In this case, there are two ships belonging to the same company; to the same owners which disappeared at the same time ; no debris are found, no material was found, nothing is found. This *prima facie* appears to be suspicious. I do not think you need CBI; or you need any wisdom or any expertise to realise it. Here were two ships, one sailing out on the 5th June and the other sailing out on the 17th June. The last radio contact of *Nitya Nanak* was on the 21st June. Then, upto the 26th June, there was no radio contact. Nobody knew anything about it. So, for five days, nothing happened about this ship. Then we come to *Nitya Ram*. The *Nitya Ram* lost radio contact on the 21st June and the ship did not reach its destination till the 27th June. So, in one case for five days, and in the other case for six days, there was no radio contact. These radio messages are not sent privately ; they are sent through Government agencies. They are sent through the transmitting Department of the Government, whichever Ministry it may be. We are concerned with the Government. We are not concerned with the Ministries. It is true the ministries are administratively responsible for it. But saying that this Ministry or that Department is responsible—I do not think is the answer to this problem today. So, Sir, these two ships for 5 days were without radio contact ; nobody knew that was happening ; and now, when we have the Minister's statement, all the blame is on the owners. Blaming the owner is only one part of it. It is important that we focus on their responsibilities and on what the Govt should have done, what is the due care and the due safety measures they should have been taken. We also have the Director-General of Shipping, a huge Department ; it is not one man ; we have the Mercantile Marine

[Shri Kamal Nath]

Department. These are huge Departments having massive building. These people are supposed to do something. What are they doing? For five days, the ship disappeared. There was silence over it. I personally tried to enquire in the first week of July about what was happening to the ship. When I did not get the answer, I wrote to the Prime Minister. He immediately replied back, saying that he has taken up this matter with the Ministry of Shipping and Transport. To me it appears that only then anything started moving. Only then the Director-General of Shipping or the Mercantile Marine Department acted on this. So, just saying that we have the Mercantile Marine Department, the Director General of Shipping and that certificates are to be issued, etc. is not enough. They are good for record, and for filling up files. In reality and in practice, we have to be pragmatic and sincere about it. I don't think this is the kind of response which should come right now.

To me, it appears that this is not only negligence on the part of owners. There appears to be some collusion, because when for five days no radio contact is there, the Director-General of Shipping keeps quiet; the Mercantile Marine Department says: "We do not know anything". Is this not collusion? This is not merely a case of dereliction of duty. This is not merely a case of neglect. This appears to be a case of collusion. Has the Minister applied himself to this? Has the Government looked into this, viz. that may be, there was some Collusion between some officers in any of these departments, and the owners? We all know that the Director-General of Shipping lays down some minimum standards, minimum equipment which is required to be carried in these ships. Was this minimum standard followed? Government is not there just to lay down things. Government is there to enforce them. Was this enforced? Were these minimum standards, minimum equipment which a ship has to carry with it, enforced? What is the machinery to enforce it doing? You are the user-Department. Huge outlays are made. Huge Budget grants are given. For what? If two

ships disappear, and we do not know anything about it, this appears to me to be a very strange situation.

There must also be regulations—I am sure there is — like planes which have to remain in constant touch with the Control Tower—that ships also have to remain in touch, as far as I know; once a day. Once a day, they have to remain in touch with the radio contact. When for five days there was no radio contact did anybody act on it. Somebody should have acted. It is not a question just of 2 or 3 days; it was for five days, and in another case for six days, there was no radio contact. So, this rule under which once every day a ship has to be in touch on the radio, was not followed. Then, you did not need the owners to tell you that the ship has disappeared. The department concerned knew that the ship had disappeared, and the department concerned knew that there was no radio contact.

The Minister said something about the certificate of sea-worthiness. There are four certificates of sea-worthiness. There is the Safety Construction Certificate, the Safety Equipment Certificate, the Load Line certificate, and a Radio Telegraphy certificate. Two of them are issued by the society, i.e. by Bureau of Veritas, and two by the Director-General of Shipping. About these two which have been issued by the Director-General of Shipping—why were they issued? Just saying that the other two were issued and renewed automatically, does not mean anything. It only means that these certificates are useless. There is no use getting them. They were automatically extended. The Minister said they were somehow or the other automatically extended. What does this 'automatically extended' mean? That means there is no agency with us; or, if we have an agency, that agency is not doing its job, to see that a ship must be on the seas only if it has got a proper certificate. So, these are the questions which are bothering us.

When there is such a serious matter, referring it to CBI is one part of it.

There will be an enquiry. You do not know what will happen. In this case, the search not only did not yield any bodies or debris,—and there was no semblance of an accident. There was no oil. Normally, whenever a ship sinks, the oil floats up. There is no semblance of an accident. or any clue. There is nothing. What has happened to these ships? Have they really sunk? Did they actually sail out? These so-called messages which have been exchanged, we may be just concocted. So, do we need to go into this, when we know so much already? The CBI is there as an agency to investigate; —but what is there to investigate? It is possible that the owners who have not been arrested, may be hindering investigation.

In a case when there is negligence and just 1 or 2 people die, the person concerned is immediately arrested. In this case, forget the arrest, and being bailed out; there has not even been any effort to arrest him. No effort has been made to arrest him. This can be a normal police case, because criminal negligence is covered under the Indian Penal Code. You do not require all these fancy Shipping laws, these maritime laws this London Board, and whatever they are. You go to them . . .

SHRI INDRAJIT GUPTA (Basirhat) : Is he absconding?

SHRI KAMAL NATH : I do not know. The Minister will reply.

When all these things are there, I would like to know from the hon. Minister very specifically, that when for five days in one case and six days in the other case, when there was no radio contact, what did they do? Who was responsible for this? Somebody must have known other than the owner that there was no radio contact. Has that person been arrested? Has he been held accountable? What did the Director-General of Shipping do when these ships were sailing merrily without a proper certificate? It took only 1½ months to act on this and this is very unfortunate and tragic. When the Air India Plane cra-

shed, the relations knew that the kith and kin, had died; they knew that there was no survivor. But, in this case, some of the families had met me and they do not know what has happened. They do not know whether the ship is missing or lost. Sometimes the Govt says, that the ship was lost; sometimes they say that the ship is missing; sometimes they say that it is presumed to be missing. This is more jargon. I do not know the legal connotation. I would be grateful if the hon. Minister would elaborate on this and answer the couple of questions which I have raised.

SHRI Z. R. ANSARI : As far as that question of delay is concerned, the present system which is followed is this. There are three types of messages. (1) Ordinary message; (2) 3X message, and (3) SOS message. Whenever any SOS message or 3X message is transmitted through radio, it is the duty of the person who receives it in the Posts & Telegraphs Department to automatically send this message to the concerned department whosoever is responsible for that. In this case, had these messages, any one of them, been of these two types, 3X or SOS, it was the duty of the person who had received that message to automatically send that message to the Director-General, Shipping and to Mercantile Marine Department. But all these messages from the Master, dated 12 and 28, 21 June, 1985 all these messages were ordinary messages. This was a communication between the master of the ship and the owner of the ship. Actually, in the case of the lapse in these ordinary messages, it is not incumbent on the person who receives those messages to transmit those messages to the Director-General, Shipping or Mercantile Marine Department. It is an ordinary communication between the master of the ship and the owner of the ship. If the lapse can be anywhere it is on the part of the master of the ship who ought to have marked on the message 3X or SOS or the responsibility was that of the owner, and that is what I have stated in my statement, that there is a responsibility, according to the Mercantile Shipping Act that the owner irrespective of the fact that he received a message, whether it is SOS message or

[Shri Z.R. Ansari]

3X message, whenever he receives any message in which he finds that the master has communicated to him that the ship is in difficult situation, it is incumbent on him to send that message to the Director-General, Shipping and Mercantile Marine Department; that is what I have mentioned in my statement that it is unfortunate that inspite of the fact that there was communication after communication from the master of the ship to the owner, he not only not transmitted those messages to the concerned authority, but when the Master on 21st June sent a message to the owner of the ship saying that the ship was in distress, water was gushing in, "It is in a difficult situation and therefore, we are making it for Madras, which is the nearest Indian port.", the owner sends a radio message to the Master of the ship that he must make it for Calcutta port. This is one point which has been picked up after going through the radio messages, which indicates that there is something fishy on the part of the owner.

Hon. Member, Shri Kamal Nath is quite correct that there is a delay of five to six days. But, delay in what? By whom? Delay by the owner, in this case, to inform the appropriate authorities to take action and to make a search. That is what I have said in my statement. Had these messages been communicated to the proper authorities on time the search would have taken place five or six days earlier. We had no information; neither the Mercantile Marine Department nor the DG Shipping. So, that is the aspect which is being thoroughly looked into and this is an issue which just indicates the criminal behaviour of the owner of the ship and that is why we have lodged the FIR with the CBI which is the proper investigating authority in this case.

Now, the hon. Member has just suggested that the ships should also, like our aeroplanes, be in direct contact with the shore. Nowhere in the world that system is prevailing because of many reasons. It is only through the radio message that one can know what the position of the ship is. At noon time every day most of the ships send a message, because at that time the longitude and the

latitude can be known easily, and from that the position of the ship can be established. The Master of the ship sends a radio message to the owner and not to the Mercantile Marine Department or the DG Shipping. It is only for the information of the owner that it is sent to inform him where the ship is actually located.

Now, because of many reasons it is difficult to ask the ships to send messages to the DG Shipping. I can very well understand the hon. Member's point. It is a very good suggestion if that is possible to be implemented. But due to many reasons it is very difficult to keep constantly in touch with the ports.

SHRI KAMAL NATH : There is an International Rescue and Research Convention which India has not ratified. India has not taken action to ratify it.

SHRI Z.R. ANSARI : I am coming to that.

Shri Kamal Nath has referred to the Convention going to ratify it:

The planes are directly in touch with some radar permanently. when they leave the radar area of one ground control station they automatically come in the radar area of another station. But in the case of ships it is not possible because of the curvature of the earth. It is not possible to permanently put them on radar when the ships are on the high seas. So, as far as this aspect is concerned, it is being looked into, to see what further steps have to be taken to ensure the safety of the ships and the crew members. We are going to ratify that convention that is in the process and whatever other steps we have to take, and what are the possible steps which can be taken to ensure the security of our ships, they will all be taken in this regard.

One point, about the certificates. There is a statutory provision for issuing the certificates. The hon. Member is very well informed that four certificates have to be issued, two by the DG Shipping and two by the Classification Society. It is a normal practice the world over

that those certificates are issued by the societies.

As far as safety construction certificate is concerned, I have explained the position by answering the supplementaries put by another hon. Member. Apparently there seems to be some misconduct on the part of the classification society because there is a statutory provision that two years after the certificates are issued, the ships must be drydocked and proper inspection made. But in this case, dry-docking was not done for three years. If due to any reason it is not possible to dry-dock after two years, the period has to be extended. It is the Director-General, Shipping, who can extend the period and not the society. But in this case, without taking the permission, the society just extended the period.

As far as the question of radio telegraphy is concerned, the radio telegraphy certificate was issued by the DG shipping. In one case it was valid upto October, 1985 and another case upto August, 85. This itself shows that the certificate was issued with due care and caution. But these machineries can become defective at any time. Only a few months before the expiry of the date, the radio telegraphy system was perfectly in order. It developed trouble in Colombo in its voyage. One main transmitter had gone out of order and it could not be repaired because some spares were not available. In this case the master of the ship and the owner should have intimated this fact to the DG Shipping which they have not done.

As far as certificates issued by the DG Shipping are concerned, there is nothing hanky panky.

13.00 hrs.

As far as the certificate issued by the classification society is concerned, that aspect is being looked into. And if after the inquiry it is found that they have taken a wrong decision, we shall certainly take all necessary steps which can be taken against the classification society.

13.00 hrs.

The Lok Sabha then adjourned for Lunch till Fourteen of the clock.

The Lok Sabha re-assembled after Lunch at five minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER *in the chair.*]

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

[*English*]

Reported missing of two privately owned Cargo ships in the Bay of Bengal—Contd.

MR. DEPUTY SPEAKER ; Now, Mr. Saifuddin Chowdhary may speak.

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Mr. Deputy-Speaker, Sir, my preceding speaker, hon. Member Mr. Kamal Nath, would have done better if he had not revealed that the Prime Minister had written to him that action would be taken, and after that, the Ministry had started moving. If this is the rate at which the Department of Shipping is moving, and if that is the result of the Prime Minister's intervention, then I am sorry for that Government which is supposed to work faster.

The owner of the ship about whose criminal lapses the Minister in his Statement has also admitted and about which the hon. Speaker in his own reason had intervened and brought more seriousness on the subject, I am thankful to him. The way the whole thing stood out I strongly feel that there was a quiet conspiracy to suppress the whole thing. Had it not come in the press and had there been no insistence by the Members of Parliament, then this issue of disappearance of two ships would have never taken such a kind of debate as this in this House. Now, the lapse by the company owner has been properly pointed out. But as the hon. Speaker wanted to know, the same question also remains as to why they are still

[Shri Saifuddin Chaudhary]

not taken to task. Even that could be done pending inquiry. They delayed by 5 or 6 days to inform the DG. Even after that, six more days have been taken to institute a kind of search on this matter. Now, altogether 11 days have elapsed for which partly the owner is responsible and partly the Government is equally responsible. This Shipping Company, Maini, are not only responsible for their illicit business, they have committed fraud with the insurance company, but also their carelessness with the people who were crew members and Captain is known to us. And it has been revealed, as has been admitted by the Minister himself, that in the past in Porbander when they diverted another ship, that got grounded and they claimed insurance. On this particular aspect of disappearance of two ships, many theories are being advanced, one theory being the sinking of the ships. Much has been told about this. There are some other theories also that it could have been hijacked by the Tamil Tigers. I do not know about it, it is for the Government to tell us as to whether they are in the know of things or not, and we have to go into all the aspects of the problem. I read yesterday in *The Patriot* some kind of a hypothetical write-up that there could be one Bermuda Triangle Type in the Bay of Bengal, in that region, due to which the ships disappeared.

PROF. MADHU DANDAVATE (Rajapur) : It is a patriotic interpretation!

SHRI G.G. SWELL (Shillong) : I think the high pirates have taken the ship.

SHRI SAIFUDDIN CHOWDHARY : Who did it, that is for the Government to tell us. But so many things are brought up to confuse the whole matter. Now, about sinking theory, the Captain sent a message to the owner; that was not properly taken care of. All this we understand, but we do not understand whether this was due to delay or not.

Why after so many days of enquiry, not a single trace of any part of the ship is found, if it has sunk? We are reading these things in the newspapers. We have

been told that had it been sunk, then some wrecks could have been found floating on the water.

Now, the other theory is that it has been sold out. Then, the question comes, what happens to the crew. In that case we have all been agitated so far and the thing that led us to take up the cause is the human aspect. What happened to the crew, i.e. 44 fortuneless people who had been in the ship? What will happen to their families?

There are instances in the early 80s that almost 44 ships were being sold out in this manner in the Indian Ocean and other seas. But at that time, the crew members escaped miraculously. Now, in this case, we do not know anything about them and when we do not get to know any information about the crew members, then are we to believe that the owners of the ship behave so cruelly that the crew members' lives are also put to danger? All these aspects are to be gone into.

Now, the Minister has said about the seaworthiness certificate. That certificate is being given to them, to save the ships in the sea. Now the doubt that has arisen in our mind is, without a kind of collusion between some authorities concerned in the Government and this private company, this kind of negligence and this kind of lapse cannot take place. It is beyond our reasoning. Now, you have said that our authorities can give seaworthiness certificate out of whom D.G. is one. You have said about the classification society. What is this classification society? It is a Government organisation? Is it a private agency? I do not know. Is obtaining a certificate from a particular organisation enough for the owner to sail the ship in the sea or they have to obtain certificates from the four organisations? We do not know. Here, we suspect collusion and the Minister has to take up the issue and tell us what is the truth behind this.

Much delay has taken place. Now the Government had given to the judicial magistrate for enquiry after one month. When so much hue and cry was raised inside and outside the Houses, we were

told that the CBI had been entrusted with the enquiry of the criminal aspect. Will that enquiry cover this aspect of collusion with the authorities also? I do not know. If that is not done, then another particular kind of enquiry has to be instituted.

I do not want to take much time of the House. I want to come to the last point. These shipping companies who are private companies are not behaving properly. They are behaving in an inhuman manner which has been said by many people and the glaring example is the Maini companies. They are still at large. That is really surprising. Now, the point is, these companies say, they are running in loss. They say, there is trade recession and they may not run their companies. In this case, when the Government is having a bigger organisation, Shipping Corporation of India, will they consider to take over this company and run it in a proper manner and take over the whole shipping operation that is now running in our country?

I want the hon. Minister to reply to all those aspects and not to evade any of the questions that I have made.

THE MINISTER OF STATE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SARI Z.R. ANSARI): I think that no fresh point has been made and whatever facts I have narrated in my statement and in my earlier reply to the earlier questions, if you permit me, I may just repeat the same thing... [Interruptions]

The theory of collusion of the officers of the Shipping and Transport Ministry with the owner is absurd and nothing more absurd can be said about it. It cannot be substantiated from by the facts which are before us.

The responsibility is fixed. Either some information is given by the Master of the ship through a radio message and the message is automatically given to the DG Shipping or even the Mercantile Marine Department or it is an ordinary message to the

owner. This was the responsibility of the owner to inform DG Shipping and Mercantile Marine Department.

I have said in my own statement that it was because of the delay in passing on that information to those authorities which ought to have been done by the owners. Such operations could not take place earlier and there was a delay of 5 or 6 days. I have said in my own statement. The theory of collusion which is a new theory which has been propounded by the hon. Member is quite baseless and there is not an iota of truth in it.

Whatever steps should have been taken by the Ministry of Shipping and Transport under the law have been taken by them.

A statutory enquiry has been set up. Now the question arises why there is this delay in filing FIR with the CBI. Everybody knows that when a magisterial enquiry is on and if we want to investigate it through some official machinery, then we have to take the view of the Ministry of Law whether we can, in spite of the magisterial enquiry, proceed under that provision and then, of course, it is for the Home Ministry to assist in this matter because the CBI is not concerned with the Ministry of Shipping. All steps have been taken. Now the question is we have filed a FIR; we have to come to the conclusion that there is a doubt in the behaviour of certain persons. Till now nothing has materialised. Now the messages indicate that there is something fishy.

SHRI G.G. SWELL : Doubts have been raised.

SHRI Z.R. ANSARI : There is something fishy about the behaviour of the owners. That is what I said in my statement itself. After seeing those messages, we took immediate steps to approach the CBI and lodge FIR and the CBI enquiry is on.

SHRI G.G. SWELL : Have they been eaten by the fish?

SHRI Z.R. ANSARI : I do not know. It may be eaten by anybody. It is one of

[Shri Z.R. Ansari]

the theories out of all those theories which every day is coming in the press. It is also one of the theories that it has been caten up. All these theories are only a creation of the mind of persons without any proof, including the theory that Tamilians have just hijacked the ship. This is also from the Ceylon Radio on the basis of some report in the Indian press; they have said that this is the report that the Tamilians have hijacked. So, Sir, all these theories; all these write-ups, are coming in the press. The CBI is the proper agency to inquiry into all these facts and also to inquire into the conduct of this owner. How can we say anything about that now? This hijacking probability is perhaps not there because in every hijacking case the normal behaviour of the hijackers is that, whenever they hijack any plane or ship or anything like that, they normally boast about it because they want to create a sort of terror, the intention of creating terror is there: normally that is there. Some paper has said and Radio Ceylon has broadcast that this is also one of the theories. But there is nothing positive and it is not proper for me to say anything now. The only thing is that a suspicion has been created in the minds of the administration, in the minds of the Ministry of Shipping & Transport, that the behaviour of the owner was suspicious and there seems to be something fishy. Therefore, we took that action.

To the other questions, I think I have replied.

[Translation]

SHRI INDRAJIT GUPTA (Basirhat) :
It is all right. Please sit down now.

[English]

SHRI Z.R. ANSARI : I cannot disobey my senior colleague, a senior Member of this House, Shri Indrajit Gupta, and, therefore, I sit down.

MR. DEPUTY-SPEAKER : I do not think in all cases you obey Mr. Indrajit Gupta.

SHRI Z.R. ANSARI : I do not think there is any new question to be replied.

SHRIMATI JAYANTI PATNAIK (Cuttack) : Mr. Deputy-Speaker, Sir, the sudden disappearance of the two cargo ships, m.v. 'Nitya Nanak' and m.v. 'Nitya Ram', is unprecedented in the history of Indian Marine Merchant Department. Not only the two ships were missing, but the 44 precious lives were also not traced out. We have had the sad incident of Kanishka, but in that case it was very well known that the passengers who travelled by Kanishka had lost their lives. Here in this case, until today, it is not known whether those 44 lives have been lost or they are still alive. The statement of the hon. Minister does not say what the Government's assessment is of what has happened.

According to the shipping sources, there have been 30 major accidents in the sea involving Indian merchant vessels. I would like to know from the hon. Minister whether there has been any such case of missing ships where the wreckage of the ships were not found or the persons aboard were not found. I am told that, of the 30 major accidents that happened in the past, the case of Kairali bears comparison with the present mystery because that ship too disappeared in the Atlantic Ocean in 1979. In the case of Kairali—I do not know whether it is true or not—the cause of accident could be attributed to a cyclonic storm and the possibility was that the wreckage of the ship would have been thrown far-off in the sea. I do not know what actually had happened. But at least that incident should have thrown some light to be careful about further occurrence of such cases. In the present case, these two ships disappeared in the Bay of Bengal when the weather was very fine for sea-travel. The area where the ships are said to have disappeared is one of the busiest sea lines through which ships of various companies or various nations are passing almost everyday.

I would like to know first of all whether the Government have taken enough precautions, after the Kairali incidence to prevent and rescue and also to take the

required action regard to non-traceable ships.

Now, Sir, the Hon'ble Minister has stated that the delay in intimation to the authority caused the delay in taking action. Sir, I would like to know how the Department does not come into the picture from the very beginning, i.e., when the ships are in the water. Is there no arrangement to keep trace of ships in water? Why didn't they take notice of it and didn't find what had happened? Why did they wait for the owner to send the message?

Now, Sir, the owner was aware of the defective transmitter when the vessel was in Colombo. That would not be repaired because of lack of spare parts as the Minister has replied. This was also not reported to the authorities. Really, it was surprising as to how this vessel was allowed to go with this defect. What were the authorities doing and supposed to do in this case? Whether the authorities are supposed to see after the incidence has occurred, or is there any arrangement for the authorities to know that something is going on, some defect is being found out and something should be done? I would like to ask the Minister as he has now stated about the seaworthiness of the ships, whether periodical check-ups are being conducted by the authorities. I would like to know specifically whether the Merchant Marine Department is fully equipped to check up or not. Is there any understaffing? Do the Department have enough qualified surveyors? Because lack of all these things will lead to corruption. So Sir, whether these machinery is enough or not, such incidence should not have occurred.

Sir, the Minister, in his statement stated that the owner has got three other ships and those three ships have been brought to the port to test their seaworthiness. What has been found out actually? Do these three ships have seaworthiness? If defects are found in these three ships, whether the Government will take it for granted that the missing two ships were also defective? On this ground can the Government exercise any control and punish the owner? Sir, these ships are

not found out and, of course, the Minister has said that the enquiry is going on. I would like to know specifically from the Hon'ble Minister whether the Government has taken any action to see that the ships do not enter into any other country. We have got so many apprehensions because these ships may come in some other form, in some other name and there will be a fraud. I would like to know whether any action has been taken. Of course, as the Minister has said, the enquiry will see to it.

Lastly I would like to know whether a thorough enquiry will highlight the loopholes in the existing marine practice. Sir, this is very much desirable in relation to get the information quickly, action taken quickly and necessary precaution ensured. Sir, I don't know whether the losses which have become very old are updated or not. If so, to what extent they have been updated. We should not give up the inquiry. The Minister should make a definite statement as to the reasons of the missing ships and steps taken. With these words I end my speech and express my concern at the missing ships and the loss of forty-four human lives.

SHRI Z.R. ANSARI : Sir, I do not want to take the time of this House by repeating the same reply. So, I will not reply to those questions which have been asked and replied earlier.

There is one question which has been raised and it is about the incidence of missing ships. During the last five years, there were eighteen such incidents world-over. So, this is not something very new.

AN HON. MEMBER : What about the number of lives lost in these incidents.

SHRI Z.R. ANSARI : I have got the details and will let you know. In one ship about 44 crew members and no trace. In another ship 33 crew members and no trace. In yet another ship 35 crew members and no trace. Likewise the members are 32, 26, 24, 28, 23, etc.

(Interruptions)

[Shri Z.R. Ansari]

So, the world over during the last five years there were eighteen such cases and out of these eighteen cases only in four cases in August 1980 some debris were found but no crew member or any other thing. In one ship some debris were found. In another a ship life-boat drifted ashore. (*Interruptions*) In the rest of the fourteen ships during these five years the world over there was no trace of any crew or anything. This is the position. Even then that does not mean that we should not thoroughly inquire into all these things. I have already said that there can be many probabilities and possibilities. One such possibility is the criminal negligence of the owner of the ship or some fraud or something else.

SHRI G.G. SWELL: Have you heard of Tsunami? Tsunami may be responsible for the disappearance of these things.

SHRI Z.R. ANSARI: What is Tsunami?

SHRI G.G. SWELL: Tsunami is the under-water earthquake.

SHRI Z.R. ANSARI: Sir, the hon. Member is just giving story after story and probabilities after probabilities. There are thousands of probabilities. I think if the hon. member sends me a copy of those probabilities I will pass them on to the investigating authorities, which is looking into it and also to the C.B.I. They will be better persons to investigate into this matter.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram): Sir, I have read the statement of the Minister and I have also got a copy of the same. There is nothing new in the statement than what we have read in the magazines or journals and what the newspapers have already reported. Well, he took great pain to explain what measures have been taken, security steps have been initiated to see that this kind of thing does not happen in future. Fine, well and good. But You must know that what concerns me and the entire House is the fate of these two ships and the crew who were sailing in these two ships. The hon. Minister has tried to dwell on a premise that this kind of a

thing has been happening all over the world. So it is fine. We will have an enquiry; it has happened earlier also and happened here also and it may happen later also and since it is global phenomena. One of the previous Prime Ministers had said that corruption is a global phenomena. Are We going to accept this kind of thing because it is a global phenomena or it is an inter-tenestial phenomena or whatever it is? Then, he brought out a theory of a plane being hijacked because he said that normally when a plane is hijacked, it creates a sensation and they make known about it all over the world. Yes, when there is a political purpose, some motive behind it. When the motive itself is for a monetary gains, why should the whole world know about it. You must also be knowing that there are several cases.

SHRI Z.R. ANSARI: It is called piracy.

PROF. MADHU DANAVATE: In Parliament, it is called defection.

SHRI V. KISHORE CHANDRA S. DEO: But the *modus operandi* is the same,

So, the hon. Minister should also be aware of the fact that earlier there have been cases where ships have been taken and sold as junks in Singapore and Taiwan. They have a flourishing business in this. Apart from that, they claim insurance money. This one aspect cannot be completely ruled out. Hon'ble Minister said that there can be no collusion in the Ministry or in any Department because they got the information late and acted on that late, etc. But before that happened seaworthy certificates should not have been given to them. They did not deserve to get that certificate. Who is responsible for this? Before the seaworthy certificates are issued, the authorities are supposed to know the condition of the ships. Can we not suspect them for having colluded with the owners of the ships and the concerned people whoever may be they are! I want to know from the hon. Minister whether there were any life boats in the slips or not. The two ships had started sailing from two different places and apparently

they disappeared. We understand that they have disappeared in the same place, in normal weather conditions. There have been cases where ships had to negotiate 70 ft. high waves and rough weather in the sea. But here the report says that the waves were 6 or 7 feet high that they did not run into bad weather and therefore, they could not have collided with each other, etc. I do not know. I have read about the Bermuda triangle, of course. But this is an attempt to create a Maini triangle. That is what the whole thing looks like today.

Sir, what happened to the crew members? Did they also sink along with the ships? There is a kind of possibility of the crew having been pirated along with the ship to some nearby ports where they have attempted to sell the ship and claim insurance. Have you asked the Insurance Company not to grant insurance premium before an inquiry was a report in today's newspaper that some insurance company in Britain has already accepted the claim of Rs. 30 or Rs. 35 lakhs. I do not know the correct position of this. Have you or have you not unformation the Insurance company that nothing should be given to the owners of these ships until the enquiry is completed. Now, Sir, in this Episode there is a *prima facie* evidence to show that there was some hanky-panky there was something fishy.

I do not know what the fishy tale is, all about but definitely there is something more than what appears on the face of it. You say that you referred the matter to the Law Ministry and then to the Home Ministry. The Minister himself is aware how the Cabinet functions. It is a collective responsibility. You cannot palm off the responsibility to one Ministry or the other. You are member of the Cabinet; you are not a Minister of Shipping on your own individual right. The Home Minister is also here. He can tell us, why they did not prosecute the owner of the ship after the disappearance of the ship and till today we have had no news what happened to the lives of 44 crew members. Their families have been wondering, whether they are going to return at all or not. After the ship was lost, it took five

days for the owners of the ship to report to the authorities at Madras. Normally, I am told, the ships do not keep contact with the Director General, Shipping; they keep contact with the ports. I would like to know whether you have facilities at ports for keeping such contacts with the ships or not. If you have, whether the ports nearby were in contact with the ships or not. The very fact that it took five days for the matter of disappearance to be reported to the authorities at Madras and that too was done by a letter through a peon, and the families of the crews members were not informed at all, all this points to some kind of a clandestine dealing. In such an event, the first thing that should have been done was to prosecute the owners of the ship as well as those connected with the issue of certificates etc. Even if you did not have the powers, what about your colleagues in the other Ministreis? What have the law Minister and the Home Minister have to say? The Home Minister is here. Let him clarify if you are not competent to do so.

Secondly, the certificates are given not by the Director General, Shipping but by Surveyors. Have you got sufficient number of Surveyors to do the surveys? How was the certificate given even though the ship did not go to the dry dock, which is required as per rules? The ship had not gone to the dry dock for 3 years. Was any action taken against the owners?

I would like the Minister not to stand up and say that he had replied to all the points and would not like to repeat. I have asked some specific questions.

You said there was no 3-X message or any SOS message; it was an ordinary message. This itself adds more suspicion to the mystry. If there was an SOS or 3-X message, you could have understood that the ship was in danger. Without such message, how could the ship disappear in the sea? You say that the owner of the ship asked the Captain to go to Calcutta despite the holes in the vessel. What does it all mean? What do you understand from it?

Precisely, I want to know, why the

[Shri V. Kishore Chandra S. Deo]

Home Ministry has not launched any prosecution against these people. Secondly, were there life boats and other facilities which other normal ships ought to have before they go on sail on this ship? Thirdly, what action has been taken against the authorities, who issued the certificate without the ship having gone to the dry-dock? Fourthly, have you informed the insurance company for holding payment of the claims till the enquiry is over? Fifthly, have you contacted other countries like Sri Lanka, Singapore, Indonesia etc., to find out about the fate of the missing crew members? If so, have you heard anything from them about the presence of crew members there?

What about the Classification Society, which issues certificate? Have you taken up this question with them? What are their replies with respect to the queries that you have made?

I want specific replies from the hon. Minister with regard to these questions.

As far as the security in future is concerned, this House can always discuss it later on, and the Ministry after this incident will be prudent enough to see that such mistakes are not repeated; and take suitable measures.

But at present, we are mainly seized of this particular incident, the circumstances under which it took place and the fate of the crew members. I would like the hon. Minister to give categorical replies to the questions that I have asked.

SHRI Z.R. ANSARI : Sir, I have a very difficult task to perform. When any inquiry is on a—magisterial enquiry as well the investigation by the CBI it is very difficult for any responsible person to say as to what are the causes, what is his view about the incident and what actually happened. The Government is not aware of the fact as to what has actually happened, whether it is a hijacking or whether it is a sinking. . .

SHRI V. KISHORE CHANDRA S. DEO: Without even apprehending the people

whom you suspect, how will you know? CBI would inquire later. Before that, you could have apprehended or prosecuted and cross-examined them.

SHRI Z.R. ANSARI : I am coming to that. As far as that aspect is concerned, it is not possible for me when the inquiry and investigation is going on, to believe or disbelieve any of the theories which have been propounded in the Press or in the House. As far as the CBI Inquiry is concerned, I do agree that it is a matter of joint responsibility. It was because of this fact, as soon as this Ministry approached the law Ministry and the Home Ministry, they extended their assistance and their machinery, the CBI, was ordered to look into this matter for proper investigation. As far as prosecution is concerned prosecution is a later stage. Now, at this stage, nobody knows what the reality is, what actually has happened and Sir, the very basis of the question what actually happened is under investigation. Prosecution is a later stage and it will come after investigation of the matter. If the CBI comes to any conclusion that this is the theory and this is what actually happened, then only prosecution can take place. The CBI inquiry, like any other police inquiry, I hope will take all the steps that are necessary to bring out the truth, to know the truth and then to proceed against those persons who have done some wrong in this matter.

Now comes the question of certification I have told earlier that there are four certificates which are issued. Two of the certificates are issued by the Director General of Shipping and two certificates are issued by the Classification Society. There are many classification societies which are internationally well-recognised and they issue certificates as regards the safety—construction and load line. Every ship is registered with some classification society. In this particular case, the classification society was Bureau Veritas.

SHRI G.G. SWELL : Norsk Veritas?

SHRI Z.R. ANSARI : Bureau Veritas.

SHRI G.G. SWELL : I was an ambassador and I know that Norsk Veritas is a very competent certifying society.

SHRI Z.R. ANSARI : Sir, in my notes, it is given as Bureau veritas. I do not challenge the knowledge of the hon. Member. It may not be only veritas, but it is the competent society.

PROF. MADHU DANDAVATE : Here there is a diplomatic interpretation.

MR. DEPUTY SPEAKER : This is the Minister's diplomacy.

SHRI Z.R. ANSARI : This is the classification society which has issued a certificate in this case. I have already said that from the records, it was found out that there was some over-doing. Certain action has been taken beyond its authority, by this classification society, by allowing that particular ship by extending the time of dry docking without intimating the Director-General, Shipping or Mercantile Marine Department.

SHRI V. KISHORE CHANDRA S. DEO : Is there any foreign hand involved in it ?

SHRI Z. R. ANSARI : How many people, theory should I rebut or affirmatively say that. . . . (*Interruptions*)

SHRI Z.R. ANSARI : Sir, anything is possible. I am not here to rebut the hon. Member. Anything is possible.

PROF. MADHU DANDAVATE : Including Opposition.

SHRI Z.R. ANSARI As far as I am concerned I do not know actually what has happened. . . . (*Interruptions*)

PROF. MADHU DANDAVATE : Already you know that there is no hand of Treasury Benches in this.

SHRI Z.R. ANSARI : At least on this point we are certain, that the Treasury Benches, members of this side are not involved. If at all there is involvement, it may be from that side. Sir, I have al-

ready said that as far as this society is concerned, there seems to be some over-acting, acting beyond its jurisdiction, beyond its power without intimating the D.G., Shipping, they have extended the period of dry dock.

Now, Sir, the other question, which my hon. friend has raised I should say that I have already replied to. . . . (*Interruptions*)

SHRI S. JAIPAL REDDY : You will inform the Insurance Companies.

SHRI Z.R. ANSARI : The Insurance Companies insured ships and this is something between the Insurance Companies and the owners. But normally, these Insurance Companies do not so readily give the grants which means without knowing the actual facts. . . . (*Interruptions*)

Today, a news item is there, rather the statement of the owner of the ship that the compensation has been paid by the Insurance Companies. I cannot put much reliance on the statement of that owner, but that much I can say knowing the fact that nothing has been established and knowing the fact that this matter has been discussed in the other House and in the press also. I shall take up the matter with the Insurance Company and the Finance Ministry.

SHRI V. KISHORE CHANDRA S. DEO : Have you contacted any other countries regarding the fate of the crew members ?

SHRI Z.R. ANSARI : We have alerted all the neighbouring ports, i.e. Singapore, Sri Lanka, Bangladesh and Maldives all countries in the area nearby. The statement is regarding crew insurance. The crew insurance is altogether a different thing. The other is insurance for the ships. The money for which the ships are insured, will go into the pocket of the owner. But the money for crew insurance will go to the next of kin of the members of the crew who have been lost.

The statement is regarding crew insurance, and not about ship insurance But I am ascertaining what are the facts:

[Shri Z.R. Ansari]

and I hope that if the insurance company has not paid the insurance amount to the owner for the ships, they will not take hasty action, without properly looking into, and without finding out what are the relevant facts.

I think I have done my job, and hope that the hon. Members will be satisfied with this. As far as anxiety and concern are concerned; I am also a human being; I am also as much concerned and as much anxious as the hon. Members are.

Thank you.

ESSENTIAL SERVICES MAINTENANCE (AMENDMENT) BILL*

[English]

MR. DEPUTY SPEAKER : We will now take up item 9. Shri S.B. Chavan.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND COMPANY AFFAIRS AND IN THE MINISTRY OF HOME AFFAIRS (SHRI ARIF MOHAMMAD KHAN) : I beg to move for leave to introduce a Bill to amend the Essential Services Maintenance Act, 1981.

MR. DEPUTY SPEAKER : Motion moved :

"That leave be granted to introduce a Bill to amend the Essential Services Maintenance Act, 1981."

SHRI INDRAJIT GUPTA (Basirhat) : Though it is not normal to oppose a Bill at the introduction stage, this is such a vital matter that many of us on this side feel that it should be opposed. This Bill was enacted in 1981, and was subsequently given Presidential assent on the 23rd September. This Act, as it stand at present, lays down in clear terms that its operation will be only for four years.

There is no provision in the Act itself that it can go on being extended, without reference to Parliament or by Presidential action. Now, we suddenly see in the newspapers that the Cabinet has decided a few days ago that they would like to extend the operation of this Act for four years. when the Bill has come now, we see that it is to be extended for five years. It means that it is more or less a part of the 7th five-year Plan. The Planning Minister is also here. Many things are planned for the 7th Plan, and this appears to be one of them.

When this Essential Services Maintenance Act was first put on the Statute Book, I think they will remember that there was vehement opposition to it from the people against whom it was aimed, viz. the working class and trade union movement. We are talking about 21st Century, for modernizing industry and introducing new ideas, new technology and new approaches to take the country forward. But the point is whether we can do these things along with a piece of legislation which is utterly retrograde not in the light of the 21st Century, but which smacks of some earlier period. It is a thoroughly anti-labour, repressive piece of legislation, which is thoroughly autocratic in all its aspects. It is a draconian piece of legislation, whose purpose is to impose a blanket ban on strikes. Not only that; even Go-Slow is being treated as equivalent to a strike.

15.00 hrs.

It means if there is a thing like this hanging over the heads of the workers at all times, any time any strike action they resort to even after giving due notice, after going through negotiations, after going through conciliation, after going through the process of negotiation, at any stage, this Act can be invoked in order to illegalise and ban that strike; it means that the collective bargaining, the whole spirit of collective bargaining, of negotiations between the employers and the employees, of trying to reach through negotiations some agreement, is all being vitiated and prejudiced from the very

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