

SHRIMATI MALINI BHATTACHARAYA (Jadavpur): Sir, I tell you why it is so urgent. Two persons who were taken into custody are untraceable.... (Interruptions).

MR. DEPUTY SPEAKER: My question is are we justified in raising the issues as and when they come to our knowledge? After all, there is a specific provision for this. I know you made an attempt to raise it during the Zero Hour. But Zero Hour virtually is stretched out of our control.

SHRI BASUDEB ACHARIA: But we cannot wait for the Zero Hour, Sir, because two youths were arrested along with this tribal youth.... (Interruptions).

MR. DEPUTY SPEAKER: We are raising it only because measures have to be taken immediately..... (Interruptions).

SHRI BASUDEB ACHARIA: Steps have to be taken to find out their whereabouts. That is why we want to raise this matter, Sir, ... (Interruptions).

MR. DEPUTY SPEAKER: Now we are going to the next item - Statutory Resolution to be moved by Shri Girdhari Lal Bhargava.

14.33 hrs

STATUTORY RESOLUTION RE: DISAPPROVAL OF THE MULTIMODAL TRANSPORTATION OF GOODS ORDINANCE;

AND

MULTIMODAL TRANSPORTATION OF GOODS BILL AS PASSED BY RAJYA SABHA

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Sir, I beg to move: "That this House disapproves of the Multimodal Transportation of Goods Ordinance, 1993 [Ordinance No. 6 of 1993 as promulgated by President on the 2nd January, 1993. (Interruptions)

SHRI BHOGENDRA JHA (Madhubani): Mr. Deputy Speaker, Sir, I am on a point of order. I would like to urge upon Shri Bhargava that if we begin with disapproval and end with approval that amount to mockery and violation of rules of procedure of the House.... (Interruptions) We must abide by the rules of the House. The same thing happened yesterday also and today also it is being repeated. We supported and they opposed... (Interruptions)

SHRI GIRDHARI LAL BHARGAVA: I need not answer to your objection. This Ordinance has been brought in the form of Bill. Hon. Minister, it is there in it that .

[English]

Transportation of goods from one country to another

[Translation]

Which emans there would be transportation of goods from one country to another.

[English]

using more than one mode of transport and more than one carrier.

[Translation]

All this has been mentioned in the Bill and a reference has also been made to container . Decision would be taken on application within a period of one year. An individual whose turnover is less than fifteen lakhs is not eligible to apply. Many other conditions have been imposed. Special provisions have been made for dangerous goods. Under single transport document all modes of transports will be covered. This matter has been pending for the last twelve to thirteen years. In 19809 when the United Nations held a convention this matter was taken up for discussion. Shri Kha just now referred to it. I would like to submit to him that it would have been better if the Government had brought it in the form of a Bill. There was no need for promulgation of the Ordinance.

That is why I opposed the Ordinance, because the Government keeps promulgating various Ordinances again and again and is replying largely on this measure. This is not far. I have no objection to the Bill, I am supporting the Bill but I am against the Ordinance.

Our Indian companies are not financially sound. Whereas the multinational companies, are financially sound and also competent. Once they enter into the field, it is quite possible that they may dominate. It such thing happens in our neighbouring countries like Nepal and Pakistan, what would be the consequences? Therefore, what action Government propose to take in this regard. What would be the mode of transport kindly inform. Multi-national Companies should not be allowed to dominate our transport companies. Our companies should be in a position to compete with them. I hope the Government would take this point into consideration. It should be our endeavour that indigenous companies should not suffer a set back on account of the advent of multi-national companies.

To have effective multimodal system our internal transport system has to be strengthened first. We hope the Government will take the transporters into confidence and discuss the proposal with them and will take their suggestion into consideration. As regards the safety of items to be transported, the Government has fixed the responsibility either on port or on ware housing corporation and not even on Railways or Air-lines. Normally when vegetable or sweets are transported and hone items do not reach the destination outside the country, it will come to the notice of that if items are sent to other winties, it will be bad name to the country. Therefore, to ensure that the booked items reach their destination, Government should fix the responsibility either on transporters or on ware-housing Corporation or on Air-lines or Railways or ports and not on the consignee. If inside the country any items like packets of sweets or kangans etc. do not reach their destination one can trace it and to some extent it is tolerable. But if the items

do not reach outside India it would spoil our image and will bring had name to the country.

So far as the question of dangerous goods is concerned, it has been the topic of discussion these days because a few days back one scooter was recovered from Bombay which had bombs concealed in it so we have to remain very alert. Pakistan is said to be involved in these bomb explosions—first in Bombay then in Calcutta and now it is the turn of Delhi. Johri Bazar of Jaipur may be the next target. Therefore my submission is that we must be extra-cautious with regard to such dangerous materials. Mr Deputy Speaker, Sir, lastly I would submit that a working group should be constituted repeal the existing law. I urge the Government to take the transports into confidence before framing rules in this regard so as to avoid the over-dominance of bureaucracy and irregularities in respect of issuing the licences.

A rich person, who has turnover of rupees fifteen lakh can only apply, on the other hand, what would be the fate of a young, educated and trained man who wants to work? It would only amount to providing relief to the persons who are already wealthy. We would consider as to how we could help a young army personnel belonging to a medium class family who has just taken retirement from the services.

Mr Deputy Speaker, Sir, although this Ordinance has been opposed, yet my party welcome this Bill and I would like the hon. Minister to include the points I have mentioned in the proposed Bill. I am thankful to you for giving me an opportunity to speak.

[English]

MR DEPUTY-SPEAKER: Motion moved:

"That this House disapproves of the Multimodal Transportation of Goods Ordinance, 1993 (Ordinance No. 6 of 1993) promulgated by the

President on the 2nd January, 1993."

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): Sir, with your permission, I would like to say a few words while moving the Multimodal Transportation of Goods Bill, 1993, as passed by the Rajya Sabha for consideration and passing of the same. The Bill seeks to replace the Multimodal Transportation of Goods Ordinance, 1993 (No.6 of 1993) promulgated by the President on 2nd January, 1993.

In the developed countries, containerisation has resulted in Multimodal Transport of Goods, under a single transport document, covering all modes of transport from the exporters' premises to the consignee's place. Such Multimodal Transportation of Goods under one single document has a number of advantages like reduction in the overall transportation cost, reduction in delays, smoother and quicker movement of cargo and improvement in the quality of service. In the context of growth of containerised trade in India, the need for introduction of a similar system in India has been felt. The Multimodal Transportation of Goods requires a legal regime to govern on a uniform basis the liabilities and responsibilities of a Multimodal Transport Operator, who can provide services to the shippers engaged in international trade. The Government of India had, therefore, set up a Working Group to recommend a law on Multimodal Transportation of Goods. This group formulated proposals for the said legislation mostly based on the internationally accepted rules of the International Chamber of Commerce. The Working Group had also recommended suitable amendments to the Indian Carriage of Goods by Sea Act, 1925, Sale of Goods Act, 1930 and the Carriers Act, 1865. These amendments are necessary to bring the provisions of these Acts in harmony with the proposed provisions of the Multimodal Transportation of Goods legislation. In the context of various measures taken by the Government of India to liberalised controls, simplify procedures and facilitate smooth

flow of international trade and promotion of exports, it become necessary to immediately regulate Multimodal Transportation of Goods by issue of an Ordinance. The Multimodal Transportation of Goods Ordinance, 1992 was accordingly promulgated on 16th October, 1992. The Multimodal Transportation of Goods Bill, 1992 for replacing the aforesaid Ordinance was introduced in Rajya Sabha on 30th November, 1992. This was passed by Rajya Sabha on 22nd December, 1992, and laid on the Table of the Lok Sabha on 23rd December, 1992. However, the Bill could not be taken up for consideration and passing in Lok Sabha during the Winter Session of 1992 due to paucity of time. According to Article 123 (2) (a) of the Constitution of India, an Ordinance shall cease to operate at the expiry of six weeks from the reassembly of Parliament. The Ordinance would, therefore, have been effective up to 4.1.1993. Since the process of Multimodal Transportation of Goods had set in and the registration of Multimodal Transport Operators under the said Ordinance had also started, it was necessary to continue the process. Therefore, the Government decided to re-promulgate the Ordinance. The Multimodal Transportation of Goods Ordinance, 1993 (No.6 of 1993) was accordingly promulgated on 2nd January, 1993. It also become necessary to withdraw the pending Bill of 1992 which was to replace the Ordinance, 1992. It was, therefore, decided to withdraw the pending Bill from the Lok Sabha and introduce a new Bill in the current Session of the Parliament. The Multimodal Transportation of Goods Bill, 1992 which was pending in Lok Sabha has accordingly been withdrawn. The Multimodal Transportation of Goods Bill, 1993 seeks to replace the Ordinance of 1993. This Bill has been passed by the Rajya Sabha on 17.3.93.

In the circumstances, I now move the motion:

"That the Bill to provide for the regulation of the multimodal transportation of goods, from any place in India to a place outside India, on the basis of a multimodal transport

contract and formatters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide for the regulation of the multimodal transportation of goods, from any place in India to a place outside India, on the basis of a multimodal transport contract and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

MR. DEPUTY-SPEAKER: Mr. Minister, if you want to explain anything more, you can do it.

SHRI JAGDISH TYTLER: Most of the questions which the hon. Member has raised have been covered under this.

MR. DEPUTY-SPEAKER: Shri Girdhari Lal Bhargava, you can speak. The Minister has replied to all of your questions.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Deputy Speaker, Sir, I am not satisfied with the reply of the hon. Minister. The hon. Minister has just read out what has been provided in this Bill and not replied to my questions. When the hon. Minister gives me satisfactory reply. I would withdraw my resolution.

[English]

SHRI BOLLA BULLI RAMAIAH (Eluru): Mr. Deputy-Speaker, Sir, this is a very important Bill which will improve and encourage the international transport system. The hon. Minister has just now explain about container business. Internationally today, the article which leaves from the factory will be received at the other end without any damage by the container

system. The container system requires multi-type of transportation either by road, by rail or by sea. This is a sort of a single operation where the transport cost and the delivery of the goods is very important. The hon. Minister has just now mentioned that this multimodal transportation system has a number of advantages like reduction in cost and quick delivery of goods. If it is to be satisfactory, some responsible procedure should be adopted. This is where the international rules have applied. So, the Government of India has now come out with this Bill. They can simplify the procedure. The agents and the other people can made one single document and the transaction will be simpler and easier and the cost will also be reduced substantially. This is a sort of a system which will be very useful in the interanational transport trade. In other countries,, it has been in vogue for a very long time. But now, it is time for us to do it as the industrial production and the agricultural production is going on increasing and the transportation has to be improved not only within the country but also we have to go outside the country. Therefore, this multi modal international transportation cost escalation should be cut down and the procedure should be regulated. This sort of an international procedure which has been adopted by this Bill is very encouraging and we should all support it because the business from this country has also to improved. In order to improve this, this is very essential.

In view of this, I strongly support it and I support the Bill. Thank you very much.

[Translation]

SHRI GIRDHARI LAL BHARGAVA: Mr. Deputy Speaker, Sir, I only mean that if the hon. Minister gives reply to all my points, I can decide whether I should withdraw my Resolution or not.

[English]

SHRI JAGDISH TYTLER: I would like to answer your points. This will cover both the hon. Members.

[Sh. Jagdish Tytler]

First, it must be made very clear that this would provide facilities to exporters to shift their goods under a single transport document covering all modes of surface transport from the exporter's home to the importer's shop which, at present, is not being done.

The hon. Member, Mr. Bhargava, has put two questions that any company with a turnover of less than RS. 500 lakhs cannot apply and why was it so, and also that the measure has been ending for twelve years. The limit of Rs. 50 lakhs is very low for turnover specially of companies which are exporting. The exporters were only in touch with one company. Today, what he has to do is, firstly, he has to get his goods from the exporter from the manufacturing place. He books it to his head office. From head office, he goes to the broker. The broker goes to the railways. The railways go to the shipper. The shipper goes by sea to the importer's port. From importer's port, again it is picked up by the broker and then again to the importer. Then, it goes to the retailer. There have been many many experiences. Many shipments have been lost. Nobody takes the responsibility for such shipments. This Bill has been pending for the last 12 years as was rightly said.

Under the international law, many companies in the international field have gone for the multimodal system. India has not done it. Because of this, it has been unnecessarily delayed.

Under this, a single agency will have its liaison with a foreign company so that once you book the goods with one single company it will be responsible for picking up the goods from the exporter right to the doorsteps of the importer. That is one of the big advantages that are going to be there. You will save time. You will save money. You will save hundreds of documents in the way. There will be the responsibility for insurance of the goods.

Another point raised was will Indian

companies be able to match the multimodal companies? why not, Sir? Indian companies will have to be in liaison with the multinationals. Why multinational companies? It will be a company which has even ordinary imports also. I would like to inform the hon. Members that since the ordinance was issued, we have received about 100 applications from the Indian companies out of which 7 Indian companies have already got the licence to apply under the multimodal system. There are about 43 applications from Indian companies which are still pending. Also, 57 foreign companies will have a liaison with the Indian companies. It is not necessary that these companies will not be using the services of the small companies. They cannot work in India until and unless they use the services of the small companies. In that way, I do not think, any big company is going to take over the business of the Indian company. The report shows that rather the Indian companies are very happy. The exporters are very happy that their goods will reach in time intact and somebody will be responsible. I feel that the Indian companies have a very strong base. Even the cooperation of the small companies will also be taken. Otherwise, I do not think the big companies can work.

You had also made a point: why not make the railways, the airlines, the warehousing companies also responsible? The responsibility of these will always be there. This does not mean that once these companies come over that the responsibilities of the railways and of the airlines will be over. They will still be responsible under their own relevant acts and rules which are there.

I would say that it will be more convenient for the exporters to settle their claims through one company. Supposing an exporter loses his goods in a foreign country. He, firstly, has to sue a broker. Then, he has to sue the railways. Then, he has to sue the shipping line. Then, he has to go and catch hold of another person. We have got some of the examples. For years together, goods worth crores of rupees have been lying unclaimed at certain ports because nobody is taking the responsibility. It would help the

exporter and also help the country in a big way in getting the exportes in time and quickly at a lesser cost.

[Translation]

SHRI NITISH KUMAR (Barh): Mr. Deputy Speaker, Sir, keeping in view the bad condition of roads the Government has introduced a Bill to provide facilities to exporters to shift their goods under a single transport document covering all modes of surface transport, and I am not opposing this Bill because this is being done all over the world, rather it is essential in the modern times. Thus it is good that it is being done here in our country too. However, as the hon. Minister remarked that goods will reach in time, how it will be possible? The roads in our country are in very bad shape. Is the Government taking this factor into consideration? As compared to the roads with three or four lanes in other countries of the world, we do not have even two lane roads. If at all we have they are not in a goods shape. Does the hon. Minister propose to broaden the roads and improve their condition to bring them to the International standard?

[English]

SHRI JAGDISH TYTLER: I am glad that this honourable Member has mentioned about the condition of the roads. We are trying our level best. That is why in the last session we brought forward a Bill where we can ask the private people to build and operate and they can charge the toll. Rather I have been fighting for this all the time. I think, all the Members are also worried. Not enough money has been given to us in the budget with which I can go in for the roads. But we are opening up the roads to the private companies. I hope with the response which we have got, in future I think, a time would come. What you say is necessary that until and unless we improve the condition of the roads, a better service cannot be given in

time. I agree with you.

[Translation]

SHRI LAXMI NARAIN MANI TRIPATHI (Kesarganj): Sir, the roads are being continuously damaged due to heavily loaded vehicles moving on these roads. Keeping this fact in view whether the Government propose to impose some restrictions and take concrete measures so that the trucks do not carry load beyond their capacity. Does it propose to take any action in this regard?

[English]

SHRI JAGDISH TYTLER: Mr. Deputy Speaker, Sir, I think, we are diverting from the actual issues which have been raised. Mr. Nitish Kumar raised a very relevant point. Your point is also very relevant.

We are also thinking of bringing in the multi-axle chassis on the roads so that less damage is done to the roads. (Interruptions)

MR. DEPUTY SPEAKER: The Minister has replied. He has exhausted the doubts that you were having in your minds. Now, Mr. Girdhari Lal Bhargava.

[Translation]

SHRI GIRDHARI LAL BHARGAVA: Mr. Deputy Speaker, Sir, so far as the hon. Minister's submission that it would facilitate the system is concerned there is no doubt that they would get this facility under a single document. The hon. Minister in his reply has clarified most of the points I had raised. The hon. Minister may please review the situation and reduce the limit of Rs. 15 lakh so that small traders may also be covered by it.

Sir, my second submission is that the Government should also ensure that the officers do not have their upper hand unnecessarily. Other countries of the world are also in the competition and I would appeal to the hon. Minister that India should not lag behind. He deserves to be appreciated for whatever he has done. At the same time

proper attention should be paid to broaden the roads as pointed out by the hon. Member Shri Nitish Kumar.

Sir, my third point is that police assistance booths should be set up at various places on roads, besides PCO facility should be provided and an ambulance be made available which may be utilized at the time of emergency. I would also like to submit that vehicles moving on roads are overturned frequently and they remain there for days together. Therefore, a crane should be kept ready to clear the way and restore traffic if such a situation arises. Otherwise there would be delay in every activity.

15. 00 hrs.

I always come from Jaipur to Delhi via Rewari. On the way, there are speed breakers at many places and toll tax has to be paid at several places. I would like the hon. Minister to take all these factors into consideration. Since I am satisfied with the reply the hon. Minister has given I withdraw my Resolution and welcome the Bill. I am confident that all these points would be kept in view and arrangements would be made for the goods to be carried on the basis of new permit system. Therefore I, on behalf of myself and my party welcome it and withdraw my resolution.....(Interruptions)

I withdraw my resolution for disapproval of the promulgation of the ordinance and welcome the Bill. I am confident that the hon. Minister would take these points into consideration.

With these words I seek the permission of the House to withdraw my Resolution.

[English]

MR. DEPUTY SPEAKER: Has the hon. Member leave of the House to withdraw his Resolution?

Resolution was by leave, withdrawn

MR. DEPUTY SPEAKER: The question is:

"That the Bill to provide for the regulation of the multimodal transportation of goods, from any place in India, to a place outside India, on the basis of a multimodal transport contract and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

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

MR. DEPUTY SPEAKER: The question is:

"That Clauses 2 to 32 stand part of the Bill."

The motion was adopted.

Clauses 2 to 32 were added to the Bill.

MR. DEPUTY SPEAKER: The question to:

"That the schedule, Clause 1, the enacting Formula and the long Title stand part of the Bill."

The motion was adopted.

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

SHRI JAGDISH TYTLER: There is one particular point which the hon. Member had mentioned, that is, whether we would bring the turnover to less than Rs. 50 lakhs. I can assure you that we will consider that

I move:

"That the Bill be passed."

their intention was to get it passed without discussion.

MR. DEPUTY SPEAKER: The question is:

[English]

"That the Bill be passed."

The motion was adopted.

THE MINISTER OF WATER RESOURCES AND MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Sir, it has been decided that this Bill be passed without discussion. This was brought before the Business Advisory Committee by the hon. Speaker. Several hon. Members from various Parties represent the Business Advisory Committee. The Business Advisory Committee recommended to the House that this Bill should be passed without discussion. The Report of the Business Advisory Committee was presented to the House and it was accepted by the House. So, this is the decision of the House that this Bill be passed without discussion. It is not my decision or the decision of the hon. Speaker. Nor is it the decision of anybody else. Shri Nitish Kumar is a party to this decision because he is a Member of the Business Advisory Committee. He cannot question the decision of the Business Advisory Committee.

15.04 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL OF THE FOREIGN EXCHANGE REGULATION (AMENDMENT) ORDINANCE AND FOREIGN EXCHANGE REGULATION (AMENDMENT) BILL

[English]

MR. DEPUTY SPEAKER: Now, we will take up the Statutory Resolution to be moved by Shri D. Venkateswara Rao.

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

"That this house disapproves of the Foreign Exchange Regulation (Amendment) Ordinance, 1993 (Ordinance No.9 of 1993) promulgated by the President on the 8th January, 1993."

[Translation]

[Translation]

Mr. Deputy Speaker, Sir, there are many reasons behind bringing the resolution regarding disapproval of the Foreign Exchange Regulation (Amendment) Ordinance promulgated by the Government. First of all there was no urgency which warranted the promulgation of this Ordinance. If there is no amendment to the FERA, there could not have been any loss to the country. We had not gone back to the centuries nor could have heaven fallen. But I do not know why this Ordinance was brought. They have brought this Ordinance because slowly and slowly they have lost faith in the Parliament. Many Ordinances were brought in between and they wanted to get them passed without discussion. It will have farreaching effect on the country. They wanted that sort of bills.

SHRI NITISH KUMAR: I was not a part of that decision. I was not the member of the Business Advisory Committee. When the report of the Business Advisory Committee was presented to the House, some hon. Members had raised objections on it and asked for discussion on the FERA. The Hon. Speaker agreed to it, This is the only reason that a discussion on FERA. The Hon. Speaker agreed to it. This is the only reason that a discussion on FERA is taking place today. I am at a loss to know as to how long the hon. Minister of Parliamentary Affairs will be on probation. It appears that there is lack of coordination since there are 5 Ministers of Parliamentary Affairs. One or the other always remains present. May be, you had gone to the other House at that time. You should have asked about it from Shri Mukul Vasnik or Shri Kumaramangalam who were present here. There should be some sort of