

[श्रीमति संयोगिता राणे]

यह खदान मालिक बहुत कम मुआजवा देते हैं।

मैं केन्द्र सरकार से अनुरोध करती हूँ कि जल और हवा के प्रदूषण को रोकना चाहिए। जल प्रदूषण रोकने के लिए तुरन्त प्रभावशाली कदम उठाए जायें।

इस विषय में शीघ्र कार्यवाही नहीं की गई तो इन खदानों के आसपास रहने वाली आबादी में और आने वाली पीढ़ी में कई रोग फैल जायेंगे। वहां की प्राकृतिक सुषमा धीरे धीरे लुप्त हो रही है। इसलिए मेरा केन्द्र सरकार से अनुरोध है कि गोवा की माइन्स का शीघ्र ही राष्ट्रीकरण किया जाना चाहिए।

श्री हरीश कुमार गंगवार (पीलीभीत): उपाध्यक्ष जी, आप जानते हैं कि नियम 377 में बहुत महत्वपूर्ण विषयों को हम लीग उठाते हैं। और परम्परा यह रही है कि उस पर जो कार्यवाही की जाती है सम्बन्धित मंत्री उसका बहुत जल्दी जवाब दिया करते हैं। लेकिन पिछले 2 साल से 6,6 महीने तक कोई जवाब नहीं आता, या बिल्कुल नहीं आता। इसलिए स्पेशल मेंशन व्यर्थ हो जाता है। मैं पार्लियामेंटरी मिनिस्टर से कहना चाहता हूँ कि इस पर अवश्य कार्यवाही हो और जल्दी हुआ करे ताकि उत्तर आ जाया करे।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): We have been referring all these to the concerned Ministries and have been impressing upon them and persuading them that the replies should be sent as early as possible. This matter was raised at an earlier occasion also. We are taking all possible steps in this respect.

SHRI RAMAVATAR SHASTRI: But nobody is paying any heed to your advice.

MR DEPUTY-SPEAKER: The purpose is being served.

SHRI RAMAVATAR SHASTRI: Only if they reply, then the purpose is served.

12.40 hrs

MAJOR PORT TRUSTS (AMENDMENT) BILL

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI VEERENDRA PATIL): I beg to move:

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

With your permission, Sir, I would like to say a few words while moving the Major Port Trusts (Amendment) Bill for consideration.

The Major Port Trusts Act, 1963 (38 of 1963) makes provision for the constitution of port authorities for the ten major ports in India and to vest the administration, control and management of those ports in such authorities.

Proposals have been received from various port trusts from time to time for amending the Act so as to remove some difficulties in its application. During the administration of the Act, the Ministry itself has felt the need to amend certain sections either for overcoming some difficulties faced in connection with the application of the Act or to bring it in conformity with the present-day conditions etc.

The definition of Word 'Pier' does not include transhippers. It is proposed to enlarge the definition of 'Pier' to include them so as to enable the port to regulate the working of transhippers under various provisions of the Act. It is also proposed to define the term 'transhipper' in the Act.

The Act permits appointment of one Deputy Chairman as a Trustee on a port trust board. The proposed amendment gives power to the Central Government to appoint one or more Deputy Chairman as Trustees on a port trust board. This power will be exercised only in case of a port which has one Chairman but more than one port under its administrative control.

Provision is being made in the Act for the appointment of a person to act as

Chairman or Deputy Chairman of the Port Trust when the post falls vacant due to the reasons not provided in the Act till a regular incumbent of the post is appointed.

The existing Act does not permit appointment of persons who are not Trustees as members of the Committees. Sometimes, there is need for appointing non-trustees having special knowledge of the subject as members of the special committees, etc. The proposed amendment will take care of this difficulty. It is also proposed to empower the Central Government to pay more fees and allowances to such persons than admissible to Trustees.

In order to obviate the need for frequent amendments in the Act after every pay revision, it is proposed to empower the Central Government to fix the maximum of the pay scale of the posts which can be created by the Board or beyond which appointments are required to be made by Central Government by notification from time to time. It is also proposed to allow Port Trusts to appoint a pilot who is already authorised by the Central Government to pilot vessels in another port.

Since service rules for Government servants permit the Government to levy the penalty of compulsory retirement on Government servants, it is proposed to provide in the Act, a similar provision empowering the Government and the Port Trusts to frame regulations for compulsory retirement of its employees.

At present Chairman alone is empowered to execute contracts on behalf of the port trust board. It is now proposed to authorise the Chairman to delegate this power to other officers not below the rank of a Head of a Department. This would enable the Chairman to attend to other more important jobs.

The maximum penalty or fine for various contraventions of the provisions of the Act were laid down in 1963. These penalties have virtually become ineffectual as a deterrent in the present context when there has been a considerable increase in the general level of prices and costs of

vessels. Accordingly, it is proposed to increase these penalties by ten times.

At present port trusts cannot recover higher rates of rent than fixed under the Act, if obtained through tenders or auctions. It is proposed to empower the port trust board to lease the land or property by auction or by tendering at a rate not below that what has been prescribed in the Scale of Rates. This will enable the ports to get the market rent of its properties leased out to others.

Existing powers of the Port Trusts about the taking of temporary loans or overdrafts or write off of irrecoverable losses without prior approval of the Central Government were fixed in 1963. This has become unrealistic due to inflation. To obviate frequent amendment of the Act, it is proposed to empower the Central Government to fix the limit from time to time.

On the recommendations of the Committee on Subordinate Legislation, it is proposed to amend the Act to provide that the Central Government will lay all regulations made under the Act on the Table of both Houses of Parliament.

The Bill was introduced in Rajya Sabha and has been considered and passed by that Sabha.

In the circumstances, I now move the motion that the Bill further to amend the above mentioned sections of the Major Port Trusts Act, 1963, as already passed by the Rajya Sabha, be taken into consideration.

MR. DEPUTY SPEAKER: Motion moved:

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

श्री मोहम्मद इस्माइल (बैरकपुर) :
उपाध्यक्ष महोदय, मैं मेजर पोर्ट ट्रस्ट्स
(एमेंडमेंट) बिल का विरोध करता हूँ।
पोर्ट ट्रस्ट्स के काम करने का जो सिस्टम था

[श्री मोहम्मद इस्माइल]

तक चला आ रहा है, इस बिल के द्वारा उसको बदला जा रहा है। अब एक या एक से ज्यादा डिप्टी चेयरमैन नियुक्त किये जा रहे हैं। सरकार किसी भी व्यक्ति को एक्टिंग चेयरमैन और डिप्टी चेयरमैन नियुक्त कर सकती है। इस परिवर्तन के रिपरकेशन बहुत दूर तक होंगे। इन अधिकारियों को एलज के इम्प्लीमेंटेशन, सर्विस कन्डीशन और कम्पलसरी रिटायरमेंट वगैरह की पावर दी जा रही है। मैं एप्रिहेंड करता हूँ कि इससे आरिजिनल एक्ट में बनाए गए सिस्टम में डिसरप्शन पैदा हो जायेगा।

तीन चार बरस पहले शिपिंग बोर्ड द्वारा बनाई एक कमेटी ने मर्चेंट शिपिंग एक्ट में सीमेन के बारे में एमेंडमेंट करने की रीकमेंडेशन की थी। मैं उस भी कमेटी का मेम्बर था। स्टीफन साहब उसके चेयरमैन थे और उन्होंने उस पर दस्तखत किये। लेकिन सरकार ने उनमें से एक भी एमेंडमेंट लाने की कोशिश नहीं की है। आज सीमेन की हालत इतनी बुरी है कि उसे ब्यान नहीं किया जा सकता।

जहां तक ट्रेड यूनियन्ज का सम्बन्ध है, मिनिस्ट्री सारी यूनियन्ज की स्ट्रेंथ की ठीक तरह से वैरिफिकेशन नहीं करती। अफसर जिस यूनियन को चाहें, उससे बातचीत करते हैं। दूसरी यूनियनों के साथ कोई कोआपरेशन नहीं किया जाता। अगर इस हालत में सुधार न किया गया, तो शिपिंग इंडस्ट्री के लिए परिणाम अच्छा नहीं होगा।

जहां तक जहाजों के पोर्ट्स में डीटेन होने का ताल्लुक है, बम्बई में जहाजों के खड़ा होने के लिए बर्थ नहीं हैं। वहां पर जहाज दो दो महीने तक हैल्ड अप रहते हैं। कलकत्ता में जेटी है, सब व्यवस्था है, लेकिन वहां पर जहाजों को ले जाने की कोशिश नहीं की जाती। आज तक इसका कारण नहीं मालूम हो सका है।

मैं मेम्बर भी था, मैंने बहुत कोशिश की जानने की, लेकिन यह मामला इतना गभीर है कि इसको समझना मुश्किल है। मिनिस्टर साहब की समझ में भी नहीं आ रहा है।

इसी तरह से जो हल्दिया पोर्ट हैं वहां भी एक बहुत खतरनाक चीज होने वाली है। वहां पर एजिटेशन हो रहा है और स्टेट गवर्नमेंट ने भी कहा है, कलकत्ता ओल्डेस्ट पोर्ट है, अग्रेजों के जमाने से है, सभी चीजें वहां पर हैं, गोदाम हैं, कारखाने हैं और रेपेयरिंग शाप्स भी हैं लेकिन उसको आज ऐसा बना दिया गया है कि वह खत्म होने की हालत में है। आप कलकत्ते को हल्दिया पोर्ट के साथ जोड़ना चाहते हैं। आप कलकत्ते को कलकत्ते की तरह से चलाइये और हल्दिया को हल्दिया की तरह से चलाइये। लेकिन स्टेट गवर्नमेंट और यूनियन्स की कोई बात नहीं सुनी गई है। ऐसा लगता है कि किसी डिप्टी को हल्दिया पोर्ट भेज दिया जायेगा। इस बिल के पास होने के बाद यह चीज होने वाली है।

दूसरी बात यह है कि वर्कर्स का कोई कोआपरेशन नहीं लिया जायेगा। स्पेशलिस्ट्स को रखा जायेगा, दूसरे लोगों को रखा जायेगा लेकिन वर्कर्स का कोआपरेशन नहीं लिया जायेगा। क्या बोर्ड में स्पेशलिस्ट्स को बिठा कर या दो चार डिप्टियों को, वहां रखकर उत्पादन बढ़ा सकते हैं? एलेक्शन में जो डिफ्रीट हो जायेंगे उनको हलिंग पार्टी कह देगी कि चेयरमैन की जगह पर चले जाओ। शिपिंग कारपोरेशन में भी यही सब कुछ हो रहा है। जो भी चीफ मिनिस्टर नहीं रहेगा उसको सेंट्रल गवर्नमेंट चेयरमैन बनाकर भेज देगी। यह रास्ता इस बिल से खुल जायेगा। हालांकि मंत्री जी अपने जवाब में यही कहेंगे कि ऐसा नहीं होगा लेकिन होना यही है।

दूसरी तरफ जो वर्कर्स हैं उनका कोई कोआपरेशन नहीं लिया जायेगा। यहां

कैपिटल के पेपर में निकला है कि कलकत्ता के चेयरमैन ने इस बात को कहा है कि वर्कर्स के कोआपरेशन के बाद वहां पर इतना इम्प्रूवमेंट हो सका है और इतना ट्रैफिक बढ़ा है। जो चेयरमैन होंगे वे खाली प्लान बना देंगे लेकिन उसको इम्प्लीमेंट कौन करेगा? वर्कर्स ही करेंगे। लेकिन इसमें वर्कर्स के पार्टिसिपेशन की कोई बात नहीं कही गई है। इसके अलावा पोर्ट ट्रस्ट के चेयरमैन के जो दोस्त होते हैं उन्हीं को रखा जायेगा और उन्हीं से यूनियन बनवा लेते हैं। इस तरह की चीजें चल रही हैं जिससे कि बाम्बे में अक्सर गड़बड़ी होती रहती है। दो तीन यूनियनों बन गई हैं, एक को माना जाता है, दूसरों को नहीं माना जाता है। मैं मंत्री महोदय के कहने पर एक दिन वहां डेपूटेशन में गया था। वह बहुत सीधे आदमी हैं। मैं भी वहां पीछे बैठा हुआ था। उन के अफसर आ कर कहते हैं—कान में कहते हैं—कि यह रिकगनाइज्ड यूनियन नहीं है। वहां एक मोटे से अफसर थे जिन्होंने कान में कहा कि यह रिकगनाइज्ड यूनियन नहीं है। आप देखिये—यह ओल्डिस्ट यूनियन है, सब से पहले की बनी हुई है, लेकिन वहां पर नई यूनियन बना कर उस को रिकगनाइज्ड कर लिया है। इस तरह की धांधली वहां चल रही है।

आप जो अमेण्डमेंट कर रहे हैं इस में क्या है? उन की पावर्स को बढ़ाने की कोशिश हो रही है, ज्यादा से ज्यादा इख्तियार उन को दिये जा रहे हैं लेकिन वर्कर्स के कोआपरेशन का इस बिल में कोई जिक्र नहीं है। जाहिर बात है—अगर वर्कर्स विरोध करेंगे तो आप उन को चार्जशीट दिलवायेंगे, सस्पेण्ड करेंगे, पुलिस को बुलवा कर गोलियां चलवायेंगे—लेकिन नतीजा क्या निकलेगा? आप चाहे जितनी पावर्स दे दीजिये, जब तक

वर्कर्स का कोआपरेशन नहीं होगा काम नहीं चलेगा।

MR. DEPUTY-SPEAKER: You can conclude now. You may take two or three minutes more.

SHRI MOHAMMED ISMAIL: How many minutes?

MR. DEPUTY-SPEAKER: Your time is over. You can conclude by 1 o'clock.

SHRI MOHAMMED ISMAIL: How many minutes you have allotted to me?

MR. DEPUTY-SPEAKER: Only 11 minutes, but you have taken more. You can conclude by 1 o'clock.

श्री मोहम्मद इस्माइल : पिलफरेज का जहां तक ताल्लुक है—चोरियां होती हैं जिन को पकड़ने में आप कामयाब नहीं होते हैं। आप देखिये—हाजी मस्तान कैसे कामयाब हुआ? इस लिये कि पोर्ट ट्रस्ट के जितने मुलाजिम थे वह उन को कन्ट्रोल करता था। उस के जहाज साफ चले जाते थे, स्पीड बोर्ड साफ निकल जाती थी जिन में माल स्मगल होता था। इतना होने पर भी कोई पकड़ा नहीं जाता है।

13.01 hrs.

इस बिल में वर्कर्स का कोआपरेशन लेने का कोई जिक्र नहीं है। सिर्फ इतना कहा गया है कि फलां-फलां पावर्स उन को दी जा रही है। इतनी पावर्स देने का नतीजा यह होगा कि वे अफसर जो चाहेंगे करेंगे। "सैया भये कोतवाल, अब डर काहे को।" जो पावर्स आप दे रहे हैं उस के नतीजे आप भी देखेंगे और हम भी देखेंगे। मेरा कहना यह है कि आप को वर्कर्स के कोआपरेशन के लिये जरूर कुछ करना चाहिये।

[श्री मोहम्मद इस्माइल]

आज तमाम पोर्ट्स पर वर्कर्स का एक्सप्लेटेशन हो रहा है। अभी पैरादीप के सदस्य बोलेंगे वह आप को बतलायेंगे कि वहां क्या सिस्टम है। डाक-लेबर-बोर्ड बना हुआ है, लेकिन वहां आधे लोग प्राइवेट कम्पनियों में हैं जिन का बहुत ज्यादा एक्सप्लेटेशन होता है। आज तक कोई यूनीफार्म पालिसी नहीं बनाई गई है। वर्कर्स की यह डिमांड रही है कि स्टेबेडोर सिस्टम को हटा कर गवर्नमेंट के अन्डर इस को कर देना चाहिए। इतने दिनों से यह मांग होती आ रही है। लेकिन आज तक यह नहीं हुआ है। एक लेबर बोर्ड बना दिया है लेकिन कोई यूनीफार्म पालिसी नहीं है। कन्डक्ट रूल्स गवर्नमेंट की तरह होने चाहिए क्योंकि जो बोर्ड आप ने बनाया है, वह अपना कानून बनाएगा, वह अपने रूल्स बनाएगा। इसलिए मेरा कहना यह है कि एक यूनीफार्म पालिसी होनी चाहिए।

अब मैं मिकेनाइजेशन के बारे में कुछ कहना चाहता हूं। आप ने कन्टेनर सर्विस चालू कर दी है। . . .

13.01 hrs.

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

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

[MR. DEPUTY-SPEAKER in the Chair]

MAJOR PORT TRUSTS (AMENDMENT) BILL—Contd.

MR. DEPUTY-SPEAKER: Shri Mohammed ismail to continue.

श्री मोहम्मद इस्माइल : मैं आपका धन्यवाद करता हूं कि मुझे अपने आखिरी

प्वाइंट को खत्म करने का मौका आपने दिया है। जो मैकेनाइजेशन हो रहा है उस के बारे में मैं कुछ कहना चाहता हूं। जो एमेंडमेंट्स लाए गए हैं इन से वर्कर्स पर काम का बोझा और ज्यादा पड़ेगा। आपने मैकेनाइजेशन को पालिसी के तौर पर अपना लिया है। इससे हजारों वर्कर बेकार हो चुके हैं और भी हो जायेंगे। कलकत्ता में जहां 22000 आदमी काम किया करते थे आज 6—7 हजार ही काम कर रहे हैं। यह मैकेनाइजेशन का नतीजा हो रहा है। बड़े जोरों से इस पालिसी को आपने चला रखा है। अफसरों की तादाद भी आप बढ़ाते जा रहे हैं। डिप्टी चेयरमैन बढ़ाने की व्यवस्था भी आप कर रहे हैं। बेकारी मुल्क में पहले ही जोरों से व्याप्त है। यह एक स्ट्रेटेजिक इंडस्ट्री है। इन में मैकेनाइजेशन जोरों से करने का मतलब होगा बेकारों की पलटने तैयार करते जाना। मैकेनाइजेशन—इंट्रोड्यूस करो और लोगों को बाहर निकालो, यह जो आपकी पालिसी है बड़ी गलत है। यह आपके ही खिलाफ जाएगी, हमारे खिलाफ नहीं। ऐसा करके आप अपने दुश्मनों को अपने करीब बुला रहे हैं। आसानी से वर्कर इस चीज को मानने के लिए तैयार नहीं होंगे। आपकी पालिसी है प्रोडक्शन बढ़ाओ। आप वर्कर्स का इस काम में कोओपरेशन मांगते हैं। लेकिन वर्कर्स का भी मैनेजमेंट में पार्टिसिपेशन हो, इस चीज को आप देखते नहीं हैं। उनका नाम तक नहीं लिया कि वह जिन्दा हैं या मरे हैं। पोर्ट में डिप्टी चेयरमैन स्पेशलिस्ट की जरूरत है, और जितने डिप्टी चेयरमैन यहां से भेज दिये जाते हैं सब को प्रोवाइड किया जाता है। और सब वर्कर्स के ऊपर जितने कानून हैं, कम्पलसरी रिटायरमेंट वगैरह का, यह सब कानून लगाये गये हैं और वह सब उनको बर्दाश्त करना पड़ेगा।

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar): Mr. Deputy-Speaker, Sir, I take this opportunity to speak a few words about the difficulties which the major ports are facing.

I am happy that the hon Minister has brought forward this amending Bill which is for a limited purpose. The Major Port Trust Act, 1963 provides for the power to the Port Trusts and control the major ports. Some amendments have been sought in view of the experiences gained in the working of the major port trusts in the last few years. It should be admitted that it is no use bringing forward a piece-meal amending Bill because, if we analyse the working of the major port trusts, we will find that the administrative system is very much out-dated, such as what we plan and how we plan, and the way the Planning Commission of this country expects them to handle more cargo, more traffic, some complicated problems arise in these ports.

I would appeal to the hon. Minister as we are aware, he is sincerely trying to see that the working of the port trusts improves. He must apply his mind to bring in some kind of a comprehensive amending Bill so that we can at least have a full-fledged and a very efficient system in these major ports trusts. I would like to bring to this notice the assessments the Planning Commission has made about the working of the major port trusts. You will find that the Planning Commission always fixes the target in consultation with the different ministries. For example, the targets fixed for 1981-82 were that the major ports would handle about 99 million tonnes. When the Planning Commission fixes these targets, investments to be made are also indicated. It was expected that a traffic of 99 million tonnes of cargo was to be handled by the major port trusts. When the Planning Commission analysed it, they found that the traffic handled by them was only 85 million tonnes in 1981-82. When we want to invest more and more, we want to create more and more capacities. We want to develop this country by investing more and more. If we do not utilise the capacities provided for but if we want to have more and more invest-

ments, naturally, what happens is this. We would go in for more loans from the foreign countries, thereby we would over-capitalise the transport system itself. This does not help the growth of a sound national economy. I hope these points will be taken into consideration by the Minister.

One redeeming feature is this. I found between September 1981 and now, while the major ports handled 56 million tonnes of cargo in 1981, in the same period, in the previous year, they had handled only 51 million tonnes of cargo. No doubt it is an improvement. I would like to refer to section 25 of the Act which has been amended. This is relating to the powers of the Chairman of the Board to grant leave or to suspend or remove the employees. This power is being enlarged to cover compulsory retirement of an employee also.

As regards compulsory retirement, we have seen some statements recently made by one of our Members, Shri Surendra Mohanty from Rajya Sabha. Mr. Patil knows that in Paradeep Port Trust he has appointed one Chairman. Sir, I am not habituated to taking the name of the person. He has appointed a Chairman who was working in the Cooperative Department in Orissa Government. His acts of omission and commission were such that the Orissa Government wanted to be saved from such an officer. And in order to save themselves from such an officer they thought that the best place to send him is Paradeep port.

MR. DEPUTY-SPEAKER: The Port is very near to the Ocean.

SHRI CHINTAMANI PANIGRAHI: I would appeal to the Minister on this point. In such major ports, when you post the Chairman, at least you must look to the antecedents of that man, how he works, whether he will be able to make improvement in the port and all that. Here, what happened was this: The very first act of this Chairman was to sack and dismiss an INTUC employee. One cannot understand the mechanics of the amendment of

[Shri Chintamani Panigrahi]

Section 25 in view of such happenings. You are giving power under this section to such people who do not judiciously exercise such power; who act with vengeance. But that will not help us in maintaining industrial peace. And if this type of thing continues I hope every INTUC employee, one after another, will be dismissed and suspended. I don't know what will happen at this rate. I request the hon. Minister to see that kind of suspension without charge-sheet should not be restored to. If such a thing happens how will it help the trade union movement? How will it help industrial peace? I appeal to the Minister to consider whether by giving more power to the Chairman under this section, can you establish industrial peace. You know that in Paradeep port every day some labour unrest or other is there and agitation is going on. How can you improve the industrial climate in Paradeep port unless the workers are satisfied and taken into confidence? I request the Minister to look into all these things. There should be judicious application of this section on the part of the concerned officers.

Now, the Paradeep Port Trust's accumulated loss was Rs. 36 crores. The stockpile of accumulation of iron ore is 1 million tonnes. Major vessels and ships are not coming to Paradeep port because they say that Paradeep has less draught. But everybody knows that Paradeep is the deepest port in this country having a draught of 60 feet. This draught can be maintained by constant dredging but the dredger there is lying idle for years and so no dredging is being done regularly. So, some immediate action should be taken immediately to improve the draught of Paradeep port.

The hon. Minister visited the port some time back. I am very happy to know that after his visit the stock pile of iron ore which was 15 million tonnes has come down to 8 to 9 million tonnes. Because of the stockpiling of iron ore at Paradeep port private mine owners are not lifting iron ore from the mines and as a result 5,000 tribal people have been retrenched

because of the stockpiling of ore. There is this big stockpile and it cannot be lifted. The needs to be looked into.

Regarding cargo handling at the port, I know that the Centre is itself very anxious that there should be a kind of unified cargo handling system agency at all major ports. I hope that the Central Government and the Minister are serious about this. Recently there was a conference of Port Trusts Chairman. In that conference they opposed the idea of unified cargo handling agency. Private people handle cargo in different ports and they want to maintain that for other considerations. This unified system will not be helpful for them. So, the Chairmen of the Port Trusts objected to the Central Government's idea of having unified cargo handling system. I hope the Government would persuade this and see that there is a unified cargo handling agency at all major ports.

This amending Bill has been brought forward to have Deputy Chairman as Trustee on a port trust board, in case of a port which has one Chairman but more than one port under its administrative control. It is good, because the cargo handling capacity at the various ports is increasing and more administrative problems are there. It is, therefore, to have Deputy Chairman in addition to the Chairman. But I would like to make one appeal to the hon. Minister. The Chairman has got so much power, and you are going to appoint more people also, but how is it that the expenditure in such major ports as Bombay, Calcutta, Haldia, Paradip etc. has been slow and the targets fixed for expenditure could not be reached. It must be explained to the country, why the amount which is being allotted is not being spent. That needs to be looked into.

Further, we had suggested and the Central Government was very kind to agree to have an oil terminal at Paradip. We do not know whether this is being implemented or not. Even the ore handling mechanised plant is not functioning pro-

perly. Today its capacity is 8000 tonnes a day, it should, in fact, be 20,000 tonnes a day, otherwise you cannot handle the cargo quickly and efficiently.

Then, in answer to one of my questions recently, I was told that the fourth reclaimer for ore-handling would soon be commissioned at Paradip. I do not know whether it has since been done.

I fully agree with the Central Government that all the ports in India should be modernised. In European countries, some of the ports handle 250 million tonnes of cargo, but there is no congestion, but here for months together, the cargo remains uncleared. Of course, the situation is getting improved at Bombay. When you have brought forward this amending Bill, why should you not bring forward an amendment to penalise the users who do not lift the cargo in spite of repeated requests of the Port authorities. Demurrage goes on adding, and in fact, earning of demurrage is no solution to the problem; it leads to the overall loss to the economy of our country. This needs to be taken note of.

The handling capacity at the various ports is expected to increase by 30 million tonnes with the completion of additional berths. It is good. But what do we find today? Half of the cargo lies uncleared for months together at the major ports, and about 60 per cent of that belongs to the public sector undertakings. Is there no coordination between the Ministry of Transport and Shipping and the Ministry of Iron and Steel. There is a Coordination Committee to coordinate the affairs of all the Ministries in order to see that the targets fixed in the various fields are achieved. But why is there this state of affairs in the ports? Who is responsible for 60 per cent of the cargo remaining uncleared at the ports?

These are some of the major problems, which the Government should have considered when they are seized of this matter.

I would like to make an appeal to the hon. Minister with regard to Paradip port. In fact, this port is languishing. It

has heavy investment; all the infrastructure is there. If you make a study of the major ports, you will find that while at some ports, so much stockpile of goods is there, the others are just languishing. I would suggest that we should have an overall national policy for all the ports, so that there is proper distribution of cargo. I would suggest that this kind of system should be developed for all the ports. The hon. Minister who is very sincere I hope, would try to further improve the working at the ports and apply his mind to these questions.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Mr. Deputy-Speaker, Sir, I rise to support the Bill which has been brought by the hon. Minister. But while doing so, I would like to make certain suggestions and ask for certain clarifications because I feel that the Bill that is presented, will be very difficult to implement and the object of this Bill will not be achieved.

Sir, I entirely agree with my learned colleague Shri Panigrahi, who said that instead of bringing in a piecemeal legislation, a time has come when a comprehensive legislation is a must. I will not repeat what my other friends have said but I would restrict myself to the amendments that have been suggested in this particular Bill.

To start with I find in Clause 5 it is suggested that a new Clause 1(a) should be added in order to include a person who is not a trustee to be a member of the committee to be constituted under Section 17. It seems that the rationale behind this amendment is that Section 17 as it stands does not permit any other person who is not a trustee to be included in the Committee. But I find that there are two or three things which are either lost sight of or have not been properly attended to. In the Statement of Objects it is mentioned that this is suggested because, I quote:

"Provision is being made for the appointment of a person who is not a trustee to be a member of the Committee of a Board."

[Shri Bapusaheb Parulekar]

This is for enabling specialists to be included in such committees. Unfortunately, if we read Section 1(a) to be amended, this word 'specialist' is not included. I quote:

"Notwithstanding anything contained in sub-section 1 or any other provision of the Act, the Board may appoint a person who is not a trustee to be a member of the committee constituted under the section and a person, who is so appointed, shall, for the purpose of discharge of his functions as such a member be deemed to be a trustee."

So, your intention is that a specialist should come, but you do not give a directive through the Legislation to the Board to appoint a specialist. So, the board is free to appoint anyone who is not a specialist unless the matter goes to the court of law and the judges are asked to decide it. I repeat that although the reasoning mentions that what was intended was the inclusion of specialist, but the necessary direction is not given. I would, therefore, request the Hon. Minister to remove this anomaly either by including the word 'specialist', or not to do this for certain reasons to which I will come shortly.

Sir, I do not know what exactly does the Government mean by specialist. Specialist for what? Specialist in politics? This authorises the Board to appoint a Member of Parliament, a Member of Legislature who has absolutely not seen the seas, who has not seen any ship. That authority is given to the Board under this particular Clause. I, therefore, request the Hon. Minister to consider whether this would or would not happen, because we have to restrict certain rights which are being given to the Board by using the word 'specialist' and that too by making a definition of the word 'specialist'.

The second thing, to which I would like to invite the attention of the Hon. Minister is that it is not necessary to incorporate this clause, because Section 3 of the Act itself mentions as to who should be the persons, who should be included in the board of trustees. It mentions in sub-clause three of Section 7.

"Such persons having such other interests as in the opinion of the Central Government ought to be represented on the Board."

This gives full discretion to the Government to appoint even a specialist contemplated by that particular amendment.

SHRI VEERENDRA PATIL: That will only be on the Board, not on the Committee.

SHRI BAPUSAHEB PARULEKAR: That is true. I am coming to that. But that power is given. You can appoint a trustee on the board, who is a specialist. So, if a specialist contemplated under this amendment though not mentioned in the Section could be appointed initially as a trustee under Section 7, why are you giving this power or authority to the Board to appoint a person who is a specialist. It is not mentioned in the section itself and the word 'specialist' you are not defining. Then I would like to invite your attention to clause 1(a). I would invite the attention of the hon. Minister to the last sentence. "He becomes a trustee; he shall be deemed to be a trustee." So, you are giving the right to the Board to appoint a trustee through this particular procedure; because the right of appointment of a trustee is the exclusive right of the Government of India under section 3. Now this right you are delegating to the Board. I would respectfully submit that this would not be proper; this would be against the mandatory provision of section 3. In order to make myself clear, I may say that section 3 mentions that power to appoint trustees vests in the Government; no other person except government can appoint any trustee. Now the Board appoint members of a particular community; and the specialist who is to be appointed as a member of the Board of the committee shall be deemed to be a trustee. That means without the knowledge, without the consent of the Central Government, you are authorising the Board to appoint a trustee. This is an anomaly and I would submit that this anomaly has to be cleared. That would be my first objection.

I would request the hon. Minister to make certain clarifications on this.

It is mentioned in clause 6 that special fee has to be given to such expert who has not been defined. This amounts to discrimination. You do not mention the specialist; you call him a trustee. But you authorise the Board to give him additional fee. I would respectfully submit to the hon. Minister to consider whether this would violate the provisions of Article 14, because he happens to be a trustee. My only anxiety is that let this provision not be challenged in a court of law. When such laws are made or challenged in a court of law because of some defect in drafting, in the legislation, the courts strike down the provisions; and then we blame the courts. We say, we legislate in the interest of the poor, but the courts are the impediments. Therefore, I would request the hon. Minister to consider as to whether these defects are there; if these defects are there, they need improvement; and whether in doing so, we should hustle up and get this Bill passed without giving a thought to it.

Another aspect regarding the amendment which he is trying to introduce through clause 4 is this. By clause 4, the government intends to have one more section 14A. I would quote only a part of it. It says, "The Central Government may, pending the consideration of the question as to who may be appointed as the Chairman or the Deputy Chairman of the Board under section 3 or section 4, appoint a person to be the acting Chairman." I do not understand the wisdom of this section 14A along with section 14, because section 14 does not refer to the appointment under section 3 or section 4. Section 14 refers to the absence of the Chairman or the Deputy Chairman due to illness or infirmity. So, section 14 speaks of absence due to illness, due to infirmity or some other thing, but in 14A you include an additional sub-section to section 14 for the appointment under section 3 or 4 with the initial appointment. I can well understand if both Chairman and the Vice-Chairman unfortunately fall ill you have to make certain arrangement. Then 14A could come there, but under section 14A, as you mentioned, a Board under section 3 or

section 4 is to be appointed. Now the Board cannot be completed under section 3 or section 4 unless you appoint a Chairman of the Board. How can a Board be established without a Chairman or a Deputy Chairman so that section 14A comes into play? I hope, I have made myself clear. Section 3 speaks of the board that it shall include the Chairman, Deputy Chairman and the following persons. You are contemplating a case of formation of a board without a Chairman and Deputy Chairman. So, you will be appointing other trustees but you will be appointing Chairman and Deputy Chairman on an *ad hoc* and temporary basis only. In my respectful submission, this is totally illegal. I would, therefore, request you to remove accordingly section 3 and 4 and say in any contingency that may arise in Section 14. When Chairman or Deputy Chairman may not be available, then alone section 14A can come into play. That would again be an anomaly. I request the Minister to consider this aspect.

This particular Bill gives an authority to have more than one Deputy Chairman. That is clause 3. I can very well appreciate the reasoning which you have given in clause 2 of your Statement of objects, which mentions:

"Power is being taken to have more than one Deputy Chairman for a Board. Such a provision is particularly necessary in cases where a major port is formed by combining two or more ports."

I entirely agree. But you have not mentioned in the main amendment that one or more Deputy Chairman would be appointed in cases of such ports. You are giving an authority to all ports. If your intention is to have more than one Deputy Chairman for the ports which are formed out of the two, then this should be made clear, because this intention of yours is not reflected in the amendment which you have brought here.

SHRI VEERENDRA PATIL: This is an enabling provision. Everything need not be mentioned in it.

SHRI BAPUSAHEB PARULEKAR: That is true. But under this amendment, the Central Government gets a power to appoint more than one Deputy Chairman for those ports also which are not formed out of the two. If that is not your intention, that should be made clear.

The powers given to the Chairman have been enlarged. By this particular amendment, compulsory retirement of a particular employee can be done by the Chairman or the particular authority. I have the strongest objection to this. If a person is to be reduced in rank or to be dismissed or removed from service, then there is a provision of Article 311 of the Constitution which comes into play. He has the right to challenge that particular order. But if a person is asked to be compulsorily retired, then he does not get the benefit or advantage of Article 111 of going to a court of law. Therefore, this power is likely to be misused by the authority concerned. If the Chairman or the authority comes to the conclusion that he does not want to particular person and at the same time, he does not want him to go to the court and get a fair judgment, then instead of reducing him in rank or dismissing or removing him from service, he can be compulsorily retired. I do not know whether it is true or not but I believe that it is a kind of camouflaging the real intention. This is a great suffering to the employee. Why do you want this? If you can dismiss or remove a person from service or reduce him in rank, why do you want this particular power to be given to the Chairman? I feel that this has been done in order to deprive an employee of the right to go to the court. In my respectful submission, this is a very important constitutional right, mandatory right given to an employee. And you are taking it off by this particular provision. Therefore, as far as this particular provision is concerned, I oppose this though I support the other provisions.

They are thinking of amending section 49. I have nothing more to say about it. But as far as section 49 is concerned, I want to invite the attention of the hon. Minister to one fact, though it cannot be actually a part of the amendment. Clause 49 mentions to what use the land of the

Port Trust can be given, and on what basis it can be leased out. It says:

“Every Board shall, from time to time also frame a scale of rates on payment of which, and a statement of conditions under which, any property belonging to, or in the possession or occupation of, the Board, or any place within the limits of the port or the port approaches may be used for the purposes specified hereunder:—

* * * *

(d) any other use of any land, building, works, vessels or appliances belonging to or provided by the Board.”

Mr. Minister, this is being misused. I will mention here an instance from my port, Ratnagiri. There is a vast land there. That is being given for the purpose of the use of communal gatherings. I do not know whether it is covered by it. As far as Ratnagiri is concerned, a gathering of 75,000 people from the entire State of Maharashtra is to take place there for for which they have no land and your Port Trust officer—if the report in the press is correct—has given that land for use for three or four days or for a week. Is it under (d)?

SHRI VEERENDRA PATIL: The hon. Member is aware that Ratnagiri is not under control. It is a minor port which is under the administrative control of the State Government.

SHRI BAPUSAHEB PARULEKAR: I have only quoted this instance. With this provision that can be done in areas of major ports. I do not say it is governed by it. Just try to appreciate me. They may say that ‘clause 49(d) permits us’. Then what will happen? A community or B community or C community, wherever communal gatherings are to take place, they can utilise this. Therefore, as Shri Panigrahi said, we have to give a look to the entire Act as many years have passed now since 1963 and therefore, I request you to make a comprehensive legislation.

With these remarks I support the Bill and I request the hon. Minister to clarify my misunderstandings, if any, and if there are any suggestions which you find fruitful, I am sure the hon. Minister will consider. Thank you.

SHRI DAULAT SINHJI JADEJA (Jamnagar): Mr. Deputy-Speaker, Sir, I rise to support the Bill introduced by hon. Minister for Shipping and Transport. While doing so, I would like to take this opportunity to congratulate the hon. Minister on the performance of the ports after he took over as the Minister. The congestion has disappeared from all the major ports which is a very welcome sign. The waiting period for getting a berth before a few months, used to be as many as 45 days at Bombay Port, which is today almost nil. This has all happened because of the interest which the hon. Minister, the Ministry of Shipping and the Port authorities have taken jointly. Presently the position is so comfortable that the ships can get a berth as soon as they call at any of the major ports in India. During 1981-82 the cargo handled at all the major ports put together has gone up appreciably. It is a matter of great pride for all us that during 1981-82 the ports handled more than 87,000 tonnes of traffic. It is for the first time that the major ports have crossed the 85 million mark. There has been an increase of 7 per cent in the traffic over the corresponding figures of the previous year. Almost all the major ports have shown an increase, leaving aside Paradeep Port, in handling traffic during 1981-82, and I am sure that the suggestions given by the hon. Member from Orissa be considered and Paradeep would also come in line with others. I feel that after the present amendment Bill is passed by Parliament, the ports will be able to work in a more efficient manner. It is because with the delegation of more powers to the Port trust Boards and the Chairmen, decision-making will get equal importance. Sir, I welcome this decision of the Government which was long overdue and I am confident that with this Bill and further such Bills coming in, the activities at the various major ports and on our

coastline will be on the increase and will meet the demands of the country.

Sir, I would like to take the opportunity of also mentioning that at these major ports, the number of mandays lost is minimised.

In 1980-81 the mandays lost were 3.27 lakhs. Whereas in 1981-82 it is only 1.83 lakhs.

It is another welcome sign and it is more important today for our port handling.

A settlement has been arrived at between the Government and the Federation of Ports and Dock Workers over the revision of wages. It is effective for a period of four years from 1-1-1980 to 31-12-1983.

It has been noticed that if there is any delay at our Ports, it has been mainly due to infrastructural facilities that have not been provided or due to the non-cooperation from labour.

The steps which have been taken by the Port Trusts are welcome and we only hope that the infrastructural facilities will also be increased so that the Port handling will be more efficient.

While talking of the major Port Trusts, I would like to mention a particular Port and that is the Port of Kandla. The Port of Kandla is also known as the off-shore Kandla. Now the off shore Kandla Project has virtually nothing to do with Kandla Port. But, with this amendment in the Bill, the Vice-Chairman would be able to look after the affairs at Vadinar which is otherwise known as off-shore Kandla Project and unless such provisions are made, such natural deep harbours that exist on our coast, will never be able to serve this purpose for the development that is required.

Vadinar is a Port which has the deepest of natural harbours on the West Coast. It has a harbour which also has the hinterland that is required for the development of any major Port.

It has a railway line which is only 20 KM away.

The State Government has also assured the Centre that if Vadinar is to be deve-

[Shri Daulat Sinhji Jadeja]

loped as a major Port Trust, the State Government will bear the expenses of the railways.

Here is a place which is not only a natural harbour but it has a harbour where you do not require any dredging. Whereas in Kandla you spend over Rs. 2 crores only in dredging every year.

I can still claim that it is the best natural harbour on the West Coast. It does not require any dredging because there is no silting. All that we have today is an oil terminal from where we are pumping oil through to Koyali and now to Mathura.

I would only request the Hon. Minister to give a more serious thought in developing this Port of Vadinar which to me and according to the experts, is one of the best natural ports that we have and to develop this, we require greater patronage from the Centre.

This year 17 new berths have been sanctioned for the whole country. All of us and this House in particular, should congratulate the Ministry for this because out of 17 berths, 14 berths are already in the construction stage. It is a welcome sign and an encouragement for the development of our shipping.

While concluding and supporting the Bill, I would only request the Hon. Minister to give a more serious thought to the all round problems faced by the shipping industry.

Indian shipping has been reviewed in the early 50s. After that, there has been no review regarding the port facilities, the infrastructure, the shipping tonnage, the reservation of routes and all other matters connected with shipping.

My only request is, as I have already written to the Hon. Minister, that a time has come and people in the Shipping industry are demanding for this, that a Review Committee is urgently required, and the Committee should be a very High Powered Committee and should present its report at the earliest so that we

can develop our shipping and shipping industry.

SHRI K. A. RAJAN (Trichur): Mr. Deputy-Speaker, Sir, this Amendment Bill has been brought with a limited purpose. The main amendments which are highlighted in this enactment are amendment to section 3, amendment to section 17 and amendment to section 25.

We have got now as it is ten major Port Trusts, and three new major Port Trusts, namely, Mangalore, Tuticorin and Paradeep have also been set up.

By amendment to section 3, power is being sought to be taken to have more than one Deputy Chairman for a Board. I do not know whether this is only in the context of the exigency of the situation in Mangalore and Tuticorin where the old ports have to be merged with the new ones. In Tuticorin as well as in Mangalore, there was an old port functioning, and new ports have been constituted and have been brought under major Port Trusts. Whether the amendment regarding appointment of Deputy Chairman has in the light of the particular situation of merger of the old ports with the new ones, whether that is the limited purpose or it has the wider implication of having more Deputy Chairman in other major Port Trusts which are already there, is not clear from the amendment as it stands now; whether it will give room for appointment of one or more Deputy Chairmen in other major Port Trusts also, that has to be made clear.

As it is, the major Port are constituted by nominating the various interests connected with import and export of cargo. The Central Government nominates the shippers' interests as well as the labour interests.

The amendment which is sought to be made to section 17 reads:

"Notwithstanding anything contained in sub-section (1) or any other provision of this Act, the Board may appoint

a person who is not a Trustee to be a member of any committee constituted under that sub-section and a person so appointed shall, for the purpose of the discharge of his functions as such member be deemed to be a Trustee".

It is not clear whether it is in the case of a committee already under the Board. As it is, according to the parent Act, you cannot nominate for the Board any one other than those interests which are specified in the parent Act. If it is only in the case of a committee functioning under the Board, a sub-committee or a special committee, if that is the intention, than the question comes whether it is going to be confined to experts alone. Unless you specify that it has to be 'specialists', there is every possibility of some sort of interests creeping into all these bodies; even political interference may be there. There is an ambiguity in this provision. It may perhaps be needed in certain special cases to go into certain aspects of import or export or something connected with the working of the port. But unless you specify 'specialists' or 'experts', there is every room for misuse as the clause stands now; it may be used for certain other purposes by vested interests.

I strongly oppose the amendment to section 25 which speaks of 'reduction in rank' and 'compulsory retirement'. As has been stated by the Members who spoke before me, it is giving wide powers. It is giving a freehand, to the authorities to retire a worker compulsorily. That will take away the right of the worker. I, therefore, strongly oppose this amendment which has been brought in this Bill.

Apart from these, I would like to highlight certain points regarding the new policy that is being adopted regarding cargo-handling system.

If I remember correct, Chakravarthy Committee was constituted earlier to go into the whole problem of cargo-handling. There were certain suggestions and certain proposals put up by the Committee for streamlining the whole cargo-

handling system. As you know about the whole operation, the import-export operation as it is, in the ships it is governed by the Dock Workers Regulation of Employment Act and the Dock Labour Boards are functioning as agencies doing the whole job and looking into every aspect in all the working of the port. But, still, unfortunately there is an anachronism in the whole thing. That is while the job is being done and while the agency is the Dock Labour Board, even from the disbursement of the wages and everything and even for all practical purposes of running the show, still we find that for labour contracts we are having the stevedores. They are sitting tight at their homes and getting commission and they have no responsibility and they have no risk and nothing of that sort. Why are you still having these stevedores, these private contractors in the system where the whole thing is being run by another agency? The only thing is that they have to pay some levy and they have no responsibility as it is and they are a parasite on the whole import-export system and it has to be done away with. That is the main thing demanded from the workers' side for the past so many years. Another aspect which I would like to bring to your notice is the agency which you envisage. It has been reported in the Press that you are not going to constitute Dock Labour Boards in Tuticorin, Mangalore and Paradip ports. In their absence, what is the agency which you envisage in these ports—I want to know. Then, if you are going to bring about drastic changes in the cargo-handling system, is it not fair and just that you should first discuss it with the representative federations? Why is the Dock Labour Board not being constituted in these three ports? What is the intention the Government in regard to handling of the cargo? What are the methods going to be adopted because there is a demand from the workers of these three ports that under the Dock Workers Regulation of Employment Act the Dock Labour Boards are not being constituted and then they are left to the mercy of the private contractors who are doing all sorts of mischief even though direction and other

[Shri K. A. Rajan]

things of the Government are there—that they should pay according to the agreement and all those things. Unfortunately they are not set up in Tuticorin as also in Mangalore. There the contract system is very much in existence to the detriment of the workers.

Another point I would like to highlight is that a new innovation is coming in the export-import system. Containers are becoming a fact of life which you have to face because the international shipping pattern is undergoing a change and also the roll on and roll off process is also coming in very much in the import-export business. But now the Government is thinking of and it is already working on dry ports—where the containers are being stuffed and emptied and all the customs check up and everything is done in the dry ports and the containers are being taken to the port and then to the ship. So the wet port is going to be a deserted thing. What will be the overall impact of this containerisation policy on the employment potential? How is it going to affect the workload? How is it going to affect the specialisation in the job by this new method of import-export experiment which you are doing? I think it is better that you discuss all this with the concerned federations—how this containerisation is going to affect the employment potential and when it comes, how is the benefit going to be shared among the workers, consumers and the industry, etc. These are the questions which have to be discussed and settled in a fair way. Otherwise, the workers are very panicky about the new methods that the employment potential and employment opportunities are going to be reduced.

One surprising thing which I see is that these container depots—I do not know why they are not under the Ministry of Transport; they are under the Ministry of Railways. Why should it be under the Ministry of Railways? As it is a part and parcel of the whole export and import operation and it is all connected with the overall shipping industry, I cannot understand the reason or the rhyme why it

should be under the Ministry of Railways. Thereby what is going to happen to those workers who are part and parcel of the import-export operation? Thereby they are going to be denied wages due to them according to the agreement as well as according to the terms and conditions which the other port workers are enjoying in other ports. So, it is not only a question of containerisation but it is a question of overall employment and the conditions of service of workers. Sir, this must be within the control of Ministry of Transport and it should not be taken out of their control and put on the Ministry of Railways.

15 hrs.

Another thing is about the congestion in ports. Congestion is everywhere in various ports. Unfortunately, in our country, in certain major ports, ships are waiting for the berths and in certain other ports, berths are waiting for the ships. This is because of lack of a central monitoring system. If possible, the cargo ships should be diverted from one port to another in the overall interests of the country. The congestion is very much more in Bombay. It has been reported in the press that congestion problem is there. There should be a Central monitoring system to see that the ships are diverted for the easy loading and unloading of cargo in the interests of both consumers and the people.

Regarding theft and pilferages in the port, a report appeared in the press two weeks back—in *Times of India* paper. a tanker was stolen from the port of Bombay. It was reported in the press. I do not know whether Government of India has gone deep into the matter and what steps have been taken by them. The whole port area is a free raid by all the private contractors; in contravention the unsocial elements do all the mischief. Unless it is tightened up—unless the whole machinery is tightened up—the pilferage etc. will go on in all the ports. In all big ports like Calcutta and Bombay, this has become a regular thing and this is being reported in all the ports. A certain machinery has to be found to plug the loophole and to see that the pilferage is

not done. This should be put an end to in the interest of the trade also. One important thing is still pending and it is yet to be decided. We had an agreement—a long-term agreement—and the dock labour working under the Dock Labour Board is covered by the agreement. In the light of the agreement a certain settlement has to be arrived at regarding piece rate revision. But the management of the Dock Labour Board is not coming before the negotiating table unless the workers agree to the revision of the datum. So, the piece rate revision could not be discussed with the Management. This was not the understanding as per the agreement. Besides, the piece rate system varies from dock to dock—in Bengal they have a different system; in Cochin, they have a different system. Taking all the peculiarities of each port, the piece rate system should have been revised. Upto March or so, we could not make much progress. That was because of a directive that has been given namely unless the datum revision takes place, they cannot discuss the piece rate revision. This is contrary to the accepted terms of the agreement or norms and principles and so this particular aspect has to be taken into consideration. A large chunk of the workers are now being denied the wages which the other sections in the port are having. This is because of delay and obstruction that is caused by the directives issued by Dock Labour Administration.

With these words, I conclude.

SHRI K. T. KOSALRAM (Tiruchendur): Mr. Deputy-Speaker, Sir, while supporting this Bill, I wanted to say a few words. Of course, this Major Port Trusts Amending Bill deals with the appointment of Vice-Chairman.

I would suggest that it is not advisable to have both the Chairman and the Vice-Chairman from IAS cadre. But it is not advisable. The Chairman can be as IAS man; but the Vice-Chairman should not be an IAS man...

MR. DEPUTY-SPEAKER: You mean, Deputy-Chairman.

SHRI K. T. KOSALRAM: Yes, Sir. What I wish to say is this: We always need practical people in the particular job, industry of commercial concern, as these are highly specialised fields; the Deputy Chairman must be an experienced man. He must be a man promoted to that post from that part itself. My hon. friend Mr. Virendra Patil is an experienced administrator and he knows how to do it. I leave it to him. Madras port is a major port. In Madras port every day we are seeing quarrels between the employees of the vessels and the private agents. Every day we find that this is a common occurrence. Why? It is because of this reason. You have given to a private agency of the SCI this entire monopoly. You have steamer agency, stevedoring, victualling, ship-repairing and so on. I am not bothered about any individual or any particular company. Sir, our Government under the leadership of Smt. Indira Gandhi is committed to socialism. Here we find that all the contracts by a public sector organisation the set are being given to a particular company or a particular individual. So, every day these ugly scenes are coming up. Mr. Virendra Patil is a democrat. He is a democratic minded man. He has got democratic ideas. I know him for so many years as Chief Minister, as PW Minister. Parliament and Assemblies are supreme bodies. He may say something in the Consultative Committee, but here, Parliament is a sovereign body. You cannot deny the fact that Parliament's Committee on Public Undertakings is a supreme body. It has reported yesterday about one important aspect. They have said that this individual contract system should go. It should be ended forthwith. This report has been submitted yesterday to this August House. They have categorically said that we should not allow this kind of thing in the port. You have got this monopoly system from 1973 onwards. There is no tender. Somebody is exploiting all these thing. Do you know what happens? That particular man or that particular company is mentioning very big names. If you go to Tamil

[Shri K. T. Kosalram]

Nadu you will see that he will mention the top most man's name. When he comes to Delhi he will always be escorted by the Police. If you go to Tamil Nadu you will see that he will be escorted by the police guards. (Interruptions) My friend Panditji knows it very well. He offered this to my friend Mr. Virendra Patil saying, "I am prepared to take up that contract system and I will give you 15 per cent more..."

DR. VASANT KUMAR PANDIT
(Rajgarh): 20 per cent more...

SHRI K. T. KOSALRAM: Yes, 20 per cent more than what you have given to the other contractor. I will give that to you.

DR. VASANT KUMAR PANDIT:
Still I am repeating that offer.

SHRI K. T. KOSALRAM: Still he is repeating that offer. You cannot say anything against this august body's report. This report was submitted yesterday.

MR. DEPUTY-SPEAKER: The report has been submitted only yesterday. You must give time for its consideration by the Government.

SHRI K. T. KOSALRAM: I am just mentioning this to my friend, the hon. Minister, Mr. Patil. Here is the report. Here is the mandate from the Parliament. So you cannot go against the mandate. I know that you are a very good administrator, a clean administrator. But in the S.C.I. the officers are hiding the facts even for small things. Whatever the malpractice or whatever the charges any Member makes, they will find some way or the other to circumvent them. That is how they are functioning. I know that Mr. Patil is a very good administrator and I would ask him not to tolerate this kind of corrupt officials. This kind of corrupt officials should not be tolerated at all. This is my humble request to the hon. Minister.

Sir, the Sethusamudram Project is complementary to the Tuticorin Harbour. I know that you have sympathies for that project. You have appointed a Technical Committee and that Committee is looking into this. Yesterday, the Estimates Committee also submitted a Report on this to the Parliament. They have strongly recommended for completing this project. Some officials might say that we are short of funds and other things. But we should not bother about the financial position. We have to see the feasibility side of it. That is the only question. They cannot talk like that. I appeal to the officials not to bring the financial difficulty to whittle down the proposal. When the feasibility report was submitted the cost then worked out was about Rs. 35 crore. Now, it costs about Rs. 120 crore. If you go on delaying the project, it will go up to Rs. 200 crore. Now the prices of fuel have gone up. It is still going up. You can start the work. If the work is completed very soon, then we can avoid the circuitous route of about 600 miles.

The Defence Minister is also very much interested in this project. You have appointed a Defence man to work on this Technical Committee and he is here and they are going to give a report on this... I hope Mr. Patil will take favourable decision very soon so that the Sethsamudram project could be taken up immediately.

Then, Sir, I talked to the hon. Minister about the Andaman and Nicobar Islands. I said that Port Blair in Andaman and Nicobar Islands should be declared as a major port. Nobody is paying any response to this question. If you ask the S.C.I. people as to what has happened in regard to declaring this port as a major port, they would simply say that the Administrative Ministry is to take a decision in this matter. On the other hand, if you ask the Administrative people, they will say that this matter is within the purview of the S.C.I. So, nobody will take any responsibility. Who are the sufferers? The public are the sufferers. Unless you declare the port in Andaman & Nicobar Islands as a major

port, you cannot improve the Islands. Not only that. If you do so, you can exploit the natural resources of the Islands fully. So, I would earnestly request the hon. Minister kindly to declare Port Blair in Andaman Islands as a major port.

Sir, the hon. Minister, Mr. R. V. Swaminathan, knows the Chinnamattam Fisheries harbour project has been sanctioned. Of course, a project for Cuddalore has also been sanctioned. This, I know. In this particular case, I met the Finance Minister during the Janata regime, the subsequent Finance Ministers and also the Prime Minister. The Centre has kindly given Rs. 2.5 crores for this, and the State Government is also going to give another 2.5 crores of rupees. All put together, there would be Rs. 5 crores. My friend, Shri Swaminathan, has written to me that the Ministry of Transport and Shipping is not prepared to undertake the construction. I do not know why. There is a major harbour at Tuticorin near Chinamuttam. Everything is there; engineering staff is there. If you request the State Government to proceed with this work, it will lead to delay and I do not know what will happen. But I am not here to criticise the State Government. As I said, your staff is there and they are willing to undertake this work and complete it within no time. Buildings and various things are needed for such projects, but in this case staff quarters would not be required. If you entrust it to the Tuticorin harbour, this will be completed within a year.

According to the fisheries Department, we can catch fish worth ten crores of rupees every year. You are a vegetarian and you do not know about fish; I know about prawns. It is one of the fish which we are exporting every year worth crores of rupees.

MR. DEPUTY-SPEAKER: Fish is a vegetarian diet; Rajaji has said that.

SHRI K. T. KOSALRAM: I stand corrected in that case.

We have been exporting the prawn variety of fish to Japan, Australia and

America. We are earning crores of rupees by exporting this. As I said, at Chinamuttam we can earn by catching fish about Rs. 10 crores per year. Then Parangipeti and Cuddalore are also there; these are small fishery ports. I would request you to kindly develop all these ports. You have got enormous resources, and staff. You can take up these projects and complete within a year.

श्री हरीश कुमार गंगवार (पीलीभीत):
उपाध्यक्ष महोदय, मेजर पोर्ट ट्रस्ट एक्ट, 1963, दस बड़े बन्दरगाह, जो हिन्दुस्तान में हैं, उन के प्रशासन, नियंत्रण और प्रबन्ध के लिए प्रावधान करता है।

जहां तक इस संशोधन विधेयक का प्रश्न है और जहां तक उस में डिप्टी चेयरमैन एपाइन्ट करने की बात है या उन को पावर डलीगेट करने की बात है या पेनेल्टी बढ़ाने की बात है, दस गुना करने की बात है, क्योंकि मंहगाई बढ़ गई है और लागत में भारी वृद्धि हो रही है, इसलिए मैं इस को बेजा नहीं समझता और ठीक समझता हूं। जहां तक इन दो बातों का प्रश्न है, नियुक्तियों का और पेनेल्टी को बढ़ाने का, मैं जो इस बिल का मंशा है, इस का उद्देश्य है, उस को ठीक समझता हूं और उस से एग्री करता हूं और इस बिल को सपोर्ट करता हूं।

श्रीमन् जब भी इस प्रकार के पद सजित किये जाते हैं और सरकार अपने हाथों में उन का सृजन लेती है तो यही डर बना रहता है कि कहीं ऐसा तो नहीं है कि चुनाव में बुरी तरह से हारे हुए लोगों को इन पदों पर नियुक्त कर दिया जाएगा। जो व्यक्ति योग्य नहीं हैं जैसा कि अभी एक सज्जन ने यह कहा कि कोओप्रेटिव डिपार्टमेंट के एक आदमी उसमें बना दिये गये, उनको इन पदों पर नहीं रखा जाना चाहिए। अपोइंटमेंट की पावर की बात है, चाहे पदों के सृजन की बात है, वह भली प्रकार से कानून के अन्दर, विधेयक के अन्दर पारिभाषित, डिफाइन कर दी जानी चाहिए।

[श्री हरीश कुमार गंगवार]

स्पेसलिस्ट्स कौन है, उनकी योग्यता क्या होनी चाहिए, यह भी उसमें रखा जाना चाहिए। कोई भी पद राजनीतिक रूप से नहीं भरा जाना चाहिए, किसी राजनीतिक व्यक्ति को उसमें पद नहीं दिया जाएगा यह भी इस में आना चाहिए, जिससे कि इन नियमों पर कोई शक नहीं कर सके।

होता यह है कि ओब्लाइज करने के लिए, अयोग्य व्यक्ति को, किसी राजनीतिक व्यक्ति को जो कि जनता द्वारा तस्त कर दिया गया है, अपोइंटमेंट दे दी जाती है।

श्रीमान् जो बन्दरगाहों के क्षेत्र में बड़ी बड़ी चोरियां होती हैं, उनकी ओर मंत्री जी का ध्यान दिलाना चाहता हूं। ऐसा लगता है कि ये चोरियां, हमारे घरों में जो चोरियां होती हैं, शायद सारे हिन्दुस्तान की चोरियों को भी मिला लिया जाए तो भी बन्दरगाहों पर होने वाली चोरियां बहुत मंहगी होती हैं। इन चोरियों में इतने ज्यादा धन की हानि होती है जितनी कि किसी और चोरी में नहीं होती होगी। वहां रैकैट और गिरोह बने हुए हैं जो कि ये चोरियां करते हैं। असामाजिक तत्व भी उसमें शामिल हैं, बन्दरगाह के कर्मचारी भी शामिल हैं और पुलिस भी शामिल है। इन सब के षडयंत्र से ये चोरियां होती हैं और व्यापक पैमाने पर होती हैं। हिन्दुस्तान के बन्दरगाहों पर इन पर कंट्रोल नहीं हो पा रहा है।

वहां चोरियां ही नहीं होतीं, बल्कि वहां ये लोग स्मगलिंग भी कराते हैं। आप कहते हैं कि इस बम्बई पोर्ट पर 16 करोड़ रुपये का मुनाफा हुआ है। मैं कहता हूं कि अगर वहां चोरियां और स्मगलिंग को चेक कर लिया जाए तो वहां 50 करोड़ रुपये से कम का लाभ हमें नहीं होगा।

श्रीमान् पिछले अखबार में पढ़ा था, और भी कई माननीय सदस्यों ने पढ़ा होगा कि बम्बई बन्दरगाह पर पूरे का पूरा कंटेनर चोरी कर लिया गया। अब कंटेनर कैसे चोरी हो सकता है। पता चला है कि बहुत कीमती केमिकल यंत्र थे। चाहे वे औषधियां बनाने के हों या दवाइयां बनाने के हों। पूरे का पूरा कंटेनर चोरी हो गया। अगर दुर्भाग्य से चोरी करने वालों के पास क्रेन या कोई दूसरे उपकरण होते हों वे पूरा जहाज ही उठा कर ले जाते और गवर्नमेंट को पता ही नहीं लगता।

मैं समझता हूं कि मंत्री जी बहुत सक्षम व्यक्ति हैं। बहुत से लोगों का इन पर विश्वास है। बड़े हिम्मत के आदमी हैं, नहीं तो इन्दिरा गांधी के खिलाफ कैसे लड़े होते। मैं चाहता हूं कि मंत्री जी इस तरफ ध्यान दें और यह देखें कि ये चोरियां न हों। इन से बहुत नुकसान होता है। चोरी के सम्बन्ध में बार बार यह बात कह दी जाती है, चाहे ज्ञानी जैल सिंह हों, चाहे और कोई मंत्री हों और अभी हमारे पाटिल साहब भी कहेंगे कि हम स्ट्रॉंग ऐक्शन लेंगे। खाली कह देते हैं कि स्ट्रॉंग ऐक्शन लेंगे लेकिन वह होता है वीक ऐक्शन।

AN HON. MEMBER: 'Strong' means weak.

MR. DEPUTY-SPEAKER: He wants extra strong.

श्री हरीश कुमार गंगवार : इस सम्बन्ध में लोगों से बातचीत हुई है और सब का ख्याल यही है कि पोर्ट के कर्मचारी, पुलिस और असामाजिक तत्व वहां न मिले हों तो ये चोरियां नहीं हो सकतीं।

मैं यह भी जानना चाहता हूं कि बोर्ड के प्रशासनिक सुधार के लिए भी आप कुछ व्यवस्था कर रहे हैं, क्या आपने संसार के बोर्डों के प्रशासनिक ढांचों का, संगठनों का कोई

तुलनात्मक अध्ययन किया है और किया है तो क्या आप उससे इस सदन को अवगत कराने की कृपा करेंगे? क्या यह सच नहीं है कि हम अब भी प्रशासनिक ढांचे के मामले में दुनिया के बोर्डों के ढांचों के मुकाबले में पच्चीस साल पीछे हैं? अगर आपने इसकी स्टडी नहीं कराई है तो क्या इसकी तुलनात्मक स्टडी कराने के लिए आप जल्दी ही कोई पग उठाएंगे, कोई कमेटी बनाएंगे जो सुधारों की सिफारिश कर सके और जिन्हें आप लागू कर सकें।

कम्पलसरी रिटायरमेंट की पावर आप इसमें ले रहे हैं, संशोधनों के द्वारा ले रहे हैं जिसका हम सब लोग विरोध करते हैं। आप ऐसे लोगों को अदालत में जाने नहीं देना चाहते हैं। किसी को भी आप अपनी इच्छा से रिटायर कर दें, वह बेचारा कोर्ट में नहीं जा सकता है। प्रजातंत्र में और खासतौर से इस बात को मानते हुए कि श्रम की महत्ता है, श्रम के वगैर कोई काम नहीं हो सकता—दो हजार रुपया आप इकट्ठा कर लें और महीने भर गिनते रहें, वह दो हजार से ज्यादा एक भी नहीं हो सकता है—श्रम ही उसको बढ़ाता है, आप ने कोई प्रावधान इस बात का किया है कि श्रमिकों को अधिक से अधिक सहयोग इसके एडमिनिस्ट्रेटिव ढांचे में लिया जाए, उनको अधिक से अधिक अधिकार दिए जाएं इसके मैनेजमेंट में। उनको ससपैड करने का, उनको रिमूव करने का, हर प्रकार से उनको हैरास करने का और यहां तक कि रिटायर करने की बात भी आपने एमेंडमेंट्स के जरिये कर दी है, लेकिन श्रमिकों का अधिक सहयोग मैनेजमेंट में हो, इसके लिए भी आपने कोई प्राविजन करने की कृपा की है और नहीं की है तो उसे आप कब तक करने जा रहे हैं ताकि श्रमिकों का हित हो सके।

इन्हीं शब्दों के साथ मैं इस बिल का जैसे मैंने पहले कहा है, समर्थन करता हूँ।

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI VEERENDRA PATIL): Mr. Deputy Speaker, Sir, in all, seven hon. Members have participated in the discussion on this Bill amending the Major Port Trusts Act. I am very happy that almost all the Members who had participated in the discussion, have supported the Bill. Some Members expressed their doubts and apprehensions.

Shri Mohamed Ismail went to the extent of saying that this Bill is meant only to impose more workload on the workers working in the ports and is against the workers. I do not know what made him to gain such an impression. This is a very simple and routine Bill and the amendments that have been suggested in this Bill, some of them were suggested by the Chairman of the different Port Trusts and also from our Ministry, when they found it difficult while applying or making this Act applicable. Therefore, this is not the Bill meant either for harassing the employees or the workers in the ports. On the other hand, this Bill is meant for efficient functioning of the Ports and they are very simple and routine amendments.

When this Bill was discussed last time in the Upper House, almost all the members without exception supported this Bill. Here also almost all the members have supported it and I am really grateful to them. One hon. member wanted to know why government is taking power to appoint more than one Deputy Chairman. In my introductory remarks, I have made it very clear. I will repeat them. I have said, "So far as the appointment of the Deputy Chairman are concerned, there are certain cases where we have to appoint more than one Deputy Chairman." But today, as it is, there is no provision in the Act to appoint more than one Deputy Chairman. The lacuna is there; the deficiency is there. So, that is why in order to remove that deficiency, in order to overcome that lacuna, I have said in my introductory remarks that so far as the power of appointing the Deputy Chairman is concerned, this power will be exercised only in case of a port which has one Chairman but more than one port under its administrative control. I will

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to further elucidate this point. Hon. members are aware that Haldia Port is under the administrative control of Calcutta. Of course, there is a controversy; there is a discussion and there is a proposal also to de-link it from Calcutta and make it a separate and independent port. For that purpose, a committee is appointed to go into this question about the economic viability and feasibility of de-linking Haldia from Calcutta Port or to continue the *status quo*. The committee has also submitted a report; it is under consideration. We have not taken a decision. But the present position is that for these two ports—Haldia Port and Calcutta Port—there is only one Chairman and there is only one Deputy Chairman because under the existing Act, we cannot appoint more than one Deputy Chairman. Only in such cases,—I have made it clear that in case of a port which has one Chairman but more than one port under its administrative control—we want to have power to appoint more than one Chairman.

So it is only for that purpose that this power is being taken by the Government and not with any ulterior motive.

The hon. Member Mr. Ismail—he is not here; he spoke and went away—wanted to know about the seamen. I know that he represents one seamen's union FUSI. He comes to me very often. But unfortunately, that is not a recognised union. In our country, there are two unions. One is NUSI in Bombay and another one with the same name in Calcutta. These are the only two recognised unions according to the membership verified by the labour Ministry. So, according to the results that we have received from the Labour Ministry, we have recognised these two unions. The case of Mr. Ismail is that FUSI is having more following and support than NUSI. According to him, NUSI does not represent seamen and therefore, FUSI should be recognised. But there is a procedure for recognising a particular union. After every two years, the membership has to be verified again by the Labour Ministry.

After verification they give results and then we recognise the union. That is the established practice. I have made it clear to him. I have written to the Chief Minister also that this is the procedure. I have already written to the labour Ministry to get the membership of different unions verified and let us know which union has got more following so that I may recognise that union. But the verification work is going on. Unless the verification work is completed and the results are made available to us, how is it possible for me to de-recognise that union, which was recognised earlier, and recognise a union about whose strength, following and support I have no idea. They are not only demanding recognition of that union but unfortunately, they are holding up our ships and bringing a bad name to Calcutta Port. I am sorry, he is not here, otherwise I would have made an appeal to him because many ship-owners are afraid of going to Calcutta Port. They say that if they go to the Calcutta Port, they do not know when their ship is going to come out of Calcutta Port. I wrote to the Chief Minister and also told the Member to wait for the verification results. If his organisation has got the real strength, I have no hesitation in recognising his union.

I think, Mr. Rajan mentioned about workers' participation. So far as ports are concerned, workers cooperation is very much there. I do not know about the other undertakings. According to the Major Port Trusts Act, two representatives of the unions are given representation on the Board of Trustees and they are trustees. He can find out that in every major port, labour representatives are the trustees. Who are these trustees? It is again

based on the strength. There are certain ports where CITU is represented. There are certain other where AITUC is represented, in certain others INTUC is represented and HMS is also represented on certain ports. But in all the ports I can say without any fear of contradiction, that representation is given to labour unions on the Board of Trustees and they are trustees. Therefore, we are getting full cooperation of the labour working at the port.

Some hon. Members mentioned about pilferage. About pilferage I must say that it is there to some extent in Bombay Port. But it is not there in other ports. When I say that it is not there in other ports, I do not mean to say that there is no pilferage at all, but it is negligible, may be 10,000, 15,000, 20,000, 50,000, one lakh, one-and-a-half lakhs or two lakhs or something like that. But it is only in Bombay port that it is to some extent on a higher side. I have agreed also. Previously also, on several occasions where there were questions, while replying to those questions also I admitted this, but even then compared to the value of the traffic handled by the Bombay Port, pilferage is not even .01 per cent. It is hardly .01 percent. We want to eliminate completely even that pilferage. Unfortunately in respect of Bombay port, some of the Members also visited the Bombay Port, it is just in the heart of Bombay city. On all sides there are structures and private buildings and there is so much of congestion there. When I say congestion, I mean to say that a lot of packages are there, goods are there, they are all thrown there, they are not properly stocked there because there is no space available there. That is why there is so much of confusion. Therefore, there is pilferage to some extent. But we want to see that that pilferage is also eliminated. I have already made an announcement in the other House that we have decided in principle to induct Central Industrial Security Force. In fact, that was the decision taken by the Bombay Port Trust earlier, but unfortunately what happened is that whenever any port or any public undertaking wants to induct the Central Industrial Security Force the condition that is put by them is that they should

be provided with accommodation. Sir, about the accommodation problem, hon. Members, particularly Mr. Parulekar, are very much aware of that problem, it is very very acute in Bombay and it is very difficult to find accommodation. Therefore, although the Bombay Port wanted to induct the CISF, they could not induct CISF because they could find accommodation. Fortunately recently we have been able to prevail upon the Defence Ministry to give some area which they had got in Port area, they had realised about two-and-a-half acres, and the other day I was in Bombay, I discussed it with the Port authorities and I told them that whatever area they are in possession of now, that area should be made use of immediately by putting up barracks and within 6 to 8 months they must see that barracks are constructed, at least 700 to 800 CISF people are brought to Bombay Port and the security of the Port would be handed over to the CISF. There are other steps also which have been taken I have got a lengthy list. I do not want to read that list, but I will say that we are very much concerned about pilferage that is going on in Bombay, we are doing our best and the Port authorities are taking all necessary steps to see that instructions are issued to eliminate it totally and at least pilferage is brought down to the minimum.

About compulsory retirement, Mr. Parulekar, Mr. Rajan and also other Members took exception to this as to why this compulsory retirement power is given to the Chairman. Sir, they agreed that Chairman has got the powers. He has got the powers to dismiss, he has got the powers to demote, he has got the powers to withhold promotion and he has got the powers to suspend any officer working in the Port. But today under the Act he has no powers to retire an officer compulsorily. Those powers are being enjoyed by the Government. Government has got the powers. Government can retire any officer compulsorily. After all, that is a public sector undertakings. Port is also our own organisation. Therefore, we thought that—it is a minor punishment compared to dismissal, suspension, demotion, withholding promotion and other

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punishments—compulsory retirement is a very very light punishment. This was not provided. Therefore, it has been provided. Not that the Chairman wants to misuse the power. There is no question of mis-using any powers at all.

Shri Chintamani Panigrahi was mentioning about the Chairman of Paradeep Port. According to him, it appears that the Chairman is not impartial. I do not know what grouse he has against the Chairman. I had been to Paradeep Port. I have met that officer and I had an occasion to discuss with that officer and that officer belongs to Orissa cadre and I must say as Minister in-charge that he is one of our finest officers and a very good and efficient officer. I do not know why some of our friends are having any grouse against that officer. I do not know anything about that. But recently some incidents have been brought to my notice.

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar): Have you checked up from the Orissa Government? He was on the Orissa cadre. Have you checked up his services with the Orissa Government?

SHRI VEERENDRA PATIL: Our policy is that, as far as possible, whenever we want to appoint any officer, as Chairman of a particular Port, we consult the State Government concerned and we want to appoint only the Officer of that State as Chairman of that Port because Paradeep Port is in Orissa and we do not want an officer to come from some other State to be the Chairman of that Port. We want only Orissa Officer to be there. When we appoint Orissa Officer, naturally we look into his Confidential Rolls. We find out his antecedents, and whether he has got outstanding ability, capacity, performance and all that and also into confidence and we consult and seek the concurrence of the State Government before appointing. Without the concurrence and without the consent of the State Government, we do not appoint him. That is why, he is one of our good officers and if there are any com-

plaints against him, I am prepared to go into that. I am prepared to ask one of our officers to go to Paradeep to enquire into the complaints. But before enquiring into the complaints, simply because there are complaints, I do not think it is fair to condemn any officer because that officer is not in a position to defend himself in this House.

That is why, I say, that he is one of our good officers.

SHRI BAPUSAHEB PARULEKAR: We would like to know whether any qualifications are prescribed because an IAS Officer who has practically spent all his life in Cooperative Sector knows nothing about shipping or about ports. Whether you appoint such persons as Managers. Whether that is correct. That is the point which, according to me, is more important.

SHRI VEERENDRA PATIL: I tell you that we have got ten ports. Out of 10 Ports, the Chairmen of nine Ports are all IAS Officers and it is only in one Port, one Engineer has been appointed as Chairman.

Shri Bapusaheb Parulekar says that before appointing any IAS Officer, you must find out whether he has got any past experience of operating a Port. How is it possible to have that? So far as Mr. Rao is concerned, I must mention that before he went back to Orissa cadre,— he is from Orissa cadre, he was on deputation here in the Government of India and he was working in our Ministry of Shipping and Transport for five years before he went as Chairman of the Paradeep Port. He has certain knowledge and certain background. There are certain officers who may not be having background. But you know, an IAS Officer, being intelligent, he does not take much time. It may take six months. Within six months, they can pick up the work.

SHRI CHINTAMANI PANIGRAHI: On a point of information. He was in the Cooperation Department in the State Government, and the cooperatives could not function effectively under him. The cooperative organisations were completely against him. It is because of that, I have

raised. Should he go to the Paradeep Port? Has the Minister inquired into it?

SHRI VEERENDRA PATIL: I do not know what he was in Orissa Government. But after he came from the Orissa Government, he was in the Ministry of Transport & Shipping for five years. From here he went back as Chairman of Paradeep Port. I do not know about his record there. As I said just now, we do not appoint anybody without going into his record, without going into his confidential records. Suppose his confidential records in the State were bad; we would not have at all appointed him as Chairman of Paradeep Port. Simply because his CRs are good, outstanding, and he is a good officer, he has been appointed as Chairman of Paradeep Port. Even now I want to assure the hon. Member, Shri Chintamani Panigrahi, that, if there are any complaints, if there are any incidents, I am prepared to inquire into those, I am prepared to send one of our very responsible officers to inquire into the matter, and if he is found to be at fault, then whatever action is necessary to be taken against him, I will not hesitate to take that.

SHRI BAPUSAHEB PARULEKAR: Persons from Navy, either retired or high-ranking officers, will be better qualified to hold these posts than IAS officers.

SHRI VEERENDRA PATIL: For ports?

SHRI BAPUSAHEB PARULEKAR: So far as shipping is concerned. You have in Calcutta a person retired from Navy.

SHRI VEERENDRA PATIL: If you say for shipping company, it is all right. The Vice Chairman-cum-Managing Director of our Shipping Corporation of India is one of our Navy officers. I remember, Adm. Nanda was there; Adm. Krishnadev was also there. Other Navy officers were also working in the Shipping Corporation of India. But I do not know whether they will fit in as Chairman of Port.

About ore traffic in Paradeep Port, as Mr. Panigrahi knows, the ore traffic has gone down. There is one berth which

is mechanized for ore-handling. As he knows, certain improvements are being made—reclaimers and tipplers. We are investing more and more, and the capacity is to handle three million tonnes of iron ore every year. But the port is not handling three million tonnes; it is handling only 1.6 or 1.7 million tonnes. We are not responsible for that. We have created the facilities. We are prepared to handle ore. But if ships are not being nominated, if ships are not coming, then what is to be done? It is for them to nominate the ship. After I came back from Paradeep, I had a detailed discussion with the Chairman, MMTC. I told him, "We have invested so much of money, we have created the facilities; why not nominate ship, why not ensure that more and more ore is exported from Paradeep Port?" But they say that the Japanese are not interested in shipping iron ore in smaller ships; they want to nominate a bigger ship because, they say, it is economical to carry iron ore in a bigger ship than in a smaller ship. And bigger ships cannot come because of draft restrictions. That is why although the capacity is there, only 50 per cent of it is utilised; it is not utilised to the full extent. These are the difficulties. We have been constantly in touch with the MMTC and we are trying to prevail upon them, telling them, "If not three million tonnes, at least please try to see that you reach two million tonnes". We hope to achieve some results after much persuasion with the MMTC.

Then about the clearance of cargo. I think Mr. Rajan mentioned about that. That problem is there—only in the Bombay port. In Bombay port the demurrage is very heavy. Recently the port authorities have further increased the demurrage charges by 50 per cent, 100 per cent, still, the consignees do not clear the cargo at all. They are using the Bombay port as a godown, as a warehouse. What to do? We can wait for 2 months—according to the Rules...

MR. DEPUTY-SPEAKER: The demurrage charges may be less than the rent.

SHRI VEERENDRA PATIL: Sir, the demurrage charges are heavy.

MR. DEPUTY-SPEAKER: I say they may be less than the rent outside.

SHRI VEERENDRA PATIL: Whatever may be the rent, they do not find sites at all to store them in Bombay. The rule says that we can keep the cargo only for two months and after two months we can auction them and we are auctioning them and we are taking all necessary steps. Therefore, one thing is that we are charging heavy demurrage and after the expiry of the two months period we are auctioning the goods and all possible steps are also being taken...

SHRI BAPUSAHEB PARULEKAR: Why not expedite the Nheva Sheva project?

SHRI VEERENDRA PATIL: I am happy Mr. Parulekar asked me about the Nheva Sheva project. So far as this project is concerned, the detailed project report is ready. We have received the detailed project report and now the detailed engineering and tender papers have to be prepared and that work is going on. We are going before the PIB for approval and we are getting the approval also from the PIB very shortly and if all these formalities are completed according to the schedule we have drawn up, it would be possible for us to invite global tenders during the first quarter of 1983 and it is possible for us to commence the work also during 1983. That is the position so far as the Nheva Sheva project is concerned.

MR. Jadeja mentioned about the Vadinar port. I was there and he was also there with me. It is no doubt the best port and it is today only an off-shore oil terminal. We have got a proposal and that proposal is to build up a berth in the last year of the Sixth Five Year Plan. I do not want to say anything now because it is too early for me to say anything now. But I would like to say this that Vadinar is an ideal port for developing it as a major port and we shall try our best to see that this port is further developed because this is the only deepest port today in our country.

About Sethusamudram Mr. Kosalram mentioned. He wanted to know about it. He knows that before I assumed office and before I took charge of this Ministry, it was almost abandoned. But on his insistence I agreed and I appointed an expert committee....

SHRI K. T. KOSALRAM: The entire Tamilnadu is grateful to you.

SHRI VEERENDRA PATIL: That expert committee is going into this matter and I think in another 2-3 months we expect to get a report from the committee and after getting the report, whatever action is necessary we will see that action is taken because before knowing what the report is going to be...

SHRI K. T. KOSALRAM: In 1964 the Cabinet has sanctioned it. The feasibility report as also the viability report has been given. On the strength of the report the Cabinet has sanctioned the project. Unfortunately it has not been taken up. You are too gracious to take it up now....

16.00 hrs.

SHRI VEERENDRA PATIL: That is what I say—all that chapter was closed. When that chapter was closed, I have now re-opened that chapter. I have appointed a committee.

I have appointed a Committee and that is going into the matter. There are experts working on that committee. The State Government has also appointed a small committee to collect certain data and this data as Mr Kosalram has suggested, is being made use of by us. After that, the Committee will submit a report. In the light of their report, whatever action is necessary, I am prepared to take the necessary action.

About Andaman and Nicobar islands, we should not forget because they are very far away from the main land. That is why we are very particular, the Government of India is very particular. Even our Prime Minister is very particular to see that all proper facilities are provided

to the people living in these islands. Their problem is not that their port should be developed as a major port but their problem is that there must be a regular passenger-cum-cargo service from maintained to these islands. There were some difficulties. There was one vessel M. V. Andaman, a very old one. We wanted that it should be replaced by a new one. There was some difficulty. In spite of our best efforts, the Shipping Corporation of India could not find a new vessel.

Recently, one M. V. Akbar has been given to the Andaman Administration and that M. V. Akbar is an air-conditioned ship. It is in a fairly good condition. That ship is now sailing from Port Blair to Calcutta. It is a very good ship and the people are very happy. I want to assure the House and the people of Andaman islands that whatever may be the losses or our difficulties, we shall see that all possible efforts are made to provide the facilities to the people living in these islands.

Mr Rajan and some other Members have something lurking in their minds namely that we are thinking of appointing some specialists who are not trustees on the Committee. After all, specialists are specialists. There are so many categories of specialists and they are not appointed as long-term trustees. They are appointed as trustees only for a temporary period. I want to assure the hon. Member that our objective is not to rehabilitate anybody who is defeated in an election; nor can I say that any favour is shown to a particular person belonging to a particular party. I want to tell you on with all sincerity at my command that only specialists, who have got specialist knowledge, are required for the port purposes. Only such specialists will be appointed and no one else. I can assure this to the hon. Members. Mr. Parulekar is not here. He has raised certain points about specialists. I have already said about the additional fee. They are paid Rs. 100 or 120 as additional fee. If we want to appoint specialists with Rs. 120 as additional fee, no specialist is prepared to serve on the committee. We have taken a provision to give more fees to such

people who have got specialist knowledge. That is why we have this provision. Mr. Rajan was asking about Tuticorin port. It is an old port which is under our administrative control—it is not a new port. Mangalore port is still with the State Government. They have not yet handed over that port to us. Therefore, there is no question of appointing a Chairman for the old port, and another Chairman for the new port. It is not like that. If there are two ports, then the question of appointing a Deputy Chairman or more than one Deputy Chairman will arise. These are the points about which hon. Members wanted to know.

There are other points also which have been mentioned but since the time is short—I have already taken much of the time of the House—I do not want to deal with all the points that have been made out.

If any point is left out, to that extent, I will see that reply is sent to the members. Before I conclude, I must express my grateful thanks to all the Members who have participated in this debate and supported this Bill.

SHRI K. T. KOSALRAM: What about Chinnamuttam Fishing Harbour?

MR. DEPUTY-SPEAKER: He has already replied to all the points. If you want, you may please send a letter to him. I will now put the consideration motion to the vote of the House. The question is:

“That the Bill further to amend the Major Port Trusts Act, 1963 as passed by Rajya Sabha, be taken into consideration.”

The motion was adopted.

MR. DEPUTY-SPEAKER: We now take up clause by clause consideration. There are no amendments to clauses 2 to 20. I shall put them to vote; The question is:

“That clauses 2 to 20 stand part of the Bill.”

The motion was adopted.

[Mr. Deputy Speaker]

Clause 2 to 20 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.

MR DEPUTY-SPEAKER: Now, the hon. Minister to move 'That the Bill be passed'.

THE MINISTER OF SHIPPING AND TRANSPORT SHRI VEERENDRA PATIL: I beg to move:

"That the Bill be passed."

MR DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

16.08 hrs.

WILD LIFE (PROTECTION) AMENDMENT BILL

MR DEPUTY-SPEAKER: Now we take up the next item.

Shri R. V. Swaminathan to move on behalf of Rao Birendra Singh.

THE MINISTER OF STATE IN THE MINISTRIES OF AGRICULTURE AND RURAL DEVELOPMENT (SHRI R. V. SWAMINATHAN): Sir, I beg to move

"That the Bill to amend the Wild Life (Protection) Act, 1972, be taken into consideration."

MR DEPUTY-SPEAKER: You may please speak on the Bill.

SHRI R. V. SWAMINATHAN: The Wild Life (Protection) Act 1972 (53 of 1972) provides for the protection of wild animals and birds and for matters connected therewith or ancillary thereto.

Under the present scheme of the aforesaid Act, wild animals specified in Schedule I of the Act cannot be hunted by any person except as provided in Sections 11 and 12 for specific purposes.

There is no provision at present for permitting capture and translocation of wild animals for scientific management which may for instance be necessary in the case of elephants, for their population management or for introduction in alternative, suitable habitat of endangered species like the Great Indian Rhinoceros and the Asiatic Lion.

To achieve this purpose, it is necessary to suitably amend section 12 of the said Act with the stipulation that in the case of any wild animal specified in Schedule I, the prior approval of the Central Government, and in the case of other wild animals, the prior approval of the State Government, would be necessary.

Section 44 of the Act relates to grant of licences for carrying on business, in trophy and animal articles and the time within which applications for such licences may be made has been specified in sub-section (3) of this section as 15 days from the commencement of the principal Act.

As a result, no one can now apply for licences for carrying on business in trophy and animal articles. As such, persons who get in possession of trophy and animal articles, are constrained to carry on business with respect thereto, in a clandestine manner. It is therefore proposed to omit the time-limit of 15 days provided in sub-section (3) of section 41.

16.09 hrs.

(SHRI CHINTAMANI PANIGRAHI *in the Chair*).

At the same time it is also proposed to spell out expressly the more important guidelines, which should be followed, in granting licences under the section and confer power on the Central Government to specify by rules other guidelines.

The Bill seeks to achieve the above objects.

MR. CHAIRMAN: Motion moved:

"That the Bill to amend the wild life (protection) Act, 1972, be taken into consideration."