

भरती होने के लिये हजारों की संख्या में नित्य आते हैं। लेकिन आप के लेने वाले हजारों में से गिने चुने दो चार लोगों को लेते हैं। आप ने देखा होगा कि जनता के लोग दान भी बहुत देते रहे हैं और आप ने लिया। यह दुर्भाग्य देश का है और शासकों का कि वह उसे स्थिर नहीं रख सके। आप टैक्स लगा कर बैठ गये। टैक्स से ज्यादा तो जनता आप को दान के रूप में दे सकती थी, लेकिन आप ने किसी प्रकार से जनता से सहयोग नहीं किया है ?

मैं कहना चाहूंगा कि आप हमारे भाव को समझें। इस समय भारत की सुरक्षा आप के हाथ में है। अगर आप केवल यह सोचें कि आप कानून पास कर लें, तो कानून तो आप पास कर लेंगे जरूर, लेकिन उस से देश की सुरक्षा हो यह अनिवार्य बात नहीं है।

Mr. Chairman: The discussion on the demands of the Defence Ministry will be resumed tomorrow.

16.03 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

EIGHTEENTH REPORT

Shri Hem Raj (Kangra): Sir, I beg to move:

"That this House agrees with the Eighteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 3rd April, 1963."

Mr. Chairman: The question is:

"That this House agrees with the Eighteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 3rd April, 1963."

The motion was adopted.

MARINE INSURANCE BILL—Contd.

Mr. Chairman: The House shall now take up further consideration of the following motion moved by Shri D. C. Sharma on the 22nd March, 1963:—

"That the Bill to codify the law relating to marine insurance, as passed by Rajya Sabha, be taken into consideration."

Shri Dwarka Das Mantri may continue his speech.

श्री द्वारका दास मंत्री (भीर): सभापति महोदय, मैं मैरीन इंश्योरेंस बिल में जो कमियां रह गई हैं उन का जिक्र कर रहा था। आज कल शिपिंग ट्रांसपोर्ट बढ़ता जा रहा है और जितनी ज्यादा चीजें उस में आती हैं उतनी ही असुरक्षा बढ़ती जा रही है उन के मामले में। ऐसे समय चाहे कारपोरेशन कहिये, इंडिविजुअल कहिये या कम्पनी कहिये, जो कि इंश्योरेंस का काम करने वाली हैं, उन के सम्बन्ध में रजिस्ट्रेशन के कुछ तांत्रिक नियम बनाने की आवश्यकता रहती है। वह जो नियम हैं या जो कायदे कानून हैं वह इस बिल में कहीं भी देखने को नहीं मिलते हैं। व भी इस में सम्मिलित कर दिये जाते तो अधिक अच्छा रहता।

इस के साथ साथ, जैसा कहा गया है, अभी भी कम्पनियां अपने ऊपर इतना बोझ नहीं उठा सकती हैं। इसलिये रिइश्योरेंस सिस्टम बहुत कुछ अमल में आता है। मगर मैं देखता हूं कि इस बिल में रिइश्योरेंस का कहीं उल्लेख नहीं है। यह एक लैकुना रह जायेगा। रिइश्योरेंस के सम्बन्ध में कुछ न कुछ सेवशन इस में रखने आवश्यक हैं। अगर कोई घटनायें घट जायें तो उन के रिइश्योरेंस करने के सम्बन्ध में स्पष्टीकरण न रहने से बहुत कुछ यह बिल असफल रहेगा।

इस में ब्रोकरेज का भी कहीं उल्लेख नहीं है। यह कहा जाता है कि हमारे पास

[श्री द्वारका दास मंत्री]

यह सिस्टम नहीं रहेगा। किन्तु कम्पनियाँ अब भी रिइश्योरेंस करती जा रही हैं और वहाँ पर यह सिस्टम लागू है। वहाँ पर इस पर अमल हो रहा है।

इस लिये अगर हम इस बिल में यह दो चार चीजें अधिक स्पष्ट रूप से रख दें तो कोई हानि नहीं है। भले ही इस से कुछ सेक्यन्स और बढ़ जायेंगे लेकिन लैकुना रह जाने की या जो अस्पष्ट चीजें रह जाने की बात है, वह तो कम से कम दूर हो जायेगी। यह सुझाव देते हुए मैं चाहूँगा कि यह जो बिल है उस को चैप्टरवाइज भी बना दिया जाय, उस का अर्रेंजमेंट चैप्टरवाइज कर दिया जाय और इन संशोधनों के साथ इस बिल को हाउस के सामने रक्खा जाय।

Dr. L. M. Singhvi (Jodhpur): Mr. Chairman, Sir, I am very happy at the fruition of an idea which was born in the mind of a Private Member. For once we have an exceptional circumstance in which a Private Member's Bill is likely to achieve its culmination in its passage in both Houses of Parliament. This is a very happy situation, because by and large, Private Members' Bills and Resolutions have in all parliamentary democracies suffered a rather deplorable fate. For one thing, there is very rarely any quorum when the Private Members Bills or Resolutions are being discussed. Moreover, the Government does not approach these Bills or Resolutions with the kind of earnestness and respect which they deserve. Thirdly, I think that the Members who bestow a great deal of their attention and study on the subject-matter of their Bills or Resolutions do not receive the kind of coverage in the Press as they should.

I am very happy that this Bill, which is the result of the determination and labours of an hon. Member of the Rajya Sabha is today, after this discussion, likely to be passed and

placed on the statute-book of this country. The idea of this Bill is unexceptionable. There is no doubt that we require in this country a Marine Insurance Bill. This enactment will actually fill a gap in the body of legislation in our country.

I feel also that the Select Committee has done an excellent job of the work which was entrusted to it. They have in various ways improved upon the original Bill and have made it more comprehensive and more pointed. In particular, I should like to refer to the changes in the definition clause that had been effected by the Select Committee. I would also like to refer to the introduction of explanation under clause 4, which was done at the Select Committee stage. There are certain other changes which have been affected by the Select Committee in this Bill and there is no doubt that the Bill has gained considerably by the addition of various clauses and amendments introduced at the Select Committee stage.

There is one little matter in this respect which I should like to point out. It has been mentioned under the Select Committees notes on original clause 87:

"As the practice of mutual insurance is not prevalent in India, the Committee feel that the provisions regarding such insurance are not necessary at this stage. The clause has, therefore, been deleted."

The clause was, thus, deleted. I think we have on our statute-book a number of enactments which do not necessarily serve the requirements of what is presently available or relevant in this country. Legislation has often to be forward-looking and in an under-developed country particularly so. In that context, I submit that the deletion does not meet with my endorsement.

I should like to refer in passing to the only minute of dissent appended to this Bill by Mr. Niren Ghosh. Mr. Ghosh has raised fundamental points for the consideration of this House. If I may be permitted to quote from the minute of dissent, he says:

"It would have been proper if the Indian Marine Insurance Bill could have been put on the statute-book only after the nationalisation of the general assurance business."

Now, Sir, this is difficult to comprehend. One wonders why this Marine Insurance Bill should have been held up or should have been detained until such date as the general insurance in this country may be nationalised. I do not even know whether the Government have definitely come to the conclusion that general insurance business in this country ought to be nationalised in the larger public interest. I am not quite aware of the benefits that may accrue from such a move. If this is beneficial to the country, well, this may be attempted. But I do not think that it is appropriate or apposite for anyone to say that the Marine Insurance Bill should have been held up or detained until such date as the general insurance business in this country was nationalized.

Shri Ghosh goes on to say:

"But since the Indian Marine Insurance Bill, 1959, is on the anvil, it would be appropriate if advantage be taken of the occasion to end or restrict foreign exploitation in this important sector of business. This can be done by prescribing marine insurance an exclusive Indian preserve and prohibiting foreign companies from re-insurance altogether."

Apparently, Sir, it would appear to be a very laudable objective which Shri Ghosh appears to be pursuing, but from what little I have been able to ascertain and study, it appears to be a supremely impractical and un-

realistic observation. As a matter of fact, those who know the nature of marine insurance would readily tell us that there are not the resources in this country at this stage for us to make this an exclusively Indian preserve. As a matter of fact, before marine insurance can come into its own, before marine insurance can flourish in this country and can gather a momentum of its own in this country, we would have to build up Indian shipping which is not in a very good way so far. I hope that some of the steps which the Government say they are taking or proposing to take result in the increase and the enhancement of the Indian shipping industry.

In this context, Sir, I should rather like to welcome the move to increase the permissible foreign participation from 25 per cent to 40 per cent. I think it is very easy to raise the bogey of foreign exploitation or economic imperialism of the more advanced countries. It is not very well realised that an increasing measure of foreign participation within certain limits under the watchful eye and over-all regulation of a national government can be very beneficial in the ultimate analysis for building up the economic momentum that we want in this country. I hope that while we are passing the Indian Marine Insurance Bill, to which I wholeheartedly give my support, into an Act, we would pay particular attention to the building up of Indian shipping which, as I said earlier, is not in a very happy state so far. Efforts are afoot already. Indeed the Government deserves to be congratulated for making a move which may actually prove to be decisive, revolutionary and important in the history of Indian shipping. I hope this move will not suffer, as most Government ventures have suffered in the past, by delay, bureaucratic approach and lack of dynamism.

With these words, Sir, I wholeheartedly support the Bill.

Shri B. K. Das (Contai): Mr. Chairman; I also join the previous speakers in welcoming the Bill wholeheartedly. The points that were raised when the Bill was first placed before the House have also been discussed. There is no reason why this Bill should be held up till the question of nationalisation has been disposed of. The other day, while speaking on the Bill, the Deputy Minister of Finance has told us that the Government was considering the matter and it would take its own time before coming to a conclusion whether a step in the matter of nationalisation is called for or not.

When life insurance was nationalised, the Insurance Act that was before us had nothing to do with it. So, I think the question should not trouble us at the present moment and we should go ahead with the Bill. In the matter of foreign reinsurance also, if it is totally prohibited, it would not stand in the way of expansion of shipping. The Shipping Act provides for foreign participation to the extent of 25 per cent. It may be that this percentage is made higher still. The matter is under consideration of Government. If by statute any prohibitory provision is made, I think it will stand in the way of expansion of the shipping industry.

The Bill is overdue and the sooner it becomes an Act the better it will be for the expansion of our shipping industry. It will also facilitate the work that we have been trying to do in the matter of expansion and consolidation of the shipping industry. During the last few years the tonnage of shipping has been improving and we are looking forward to the time when we shall be able to find that we have been able to fulfil the target that we have set before us for the Third Plan. It may be possible for us to go even further. So, from all points of view, I think this Bill should be passed into law as early as possible. The provisions of this Bill

have already undergone the scrutiny of public opinion, the Select Committee and the other House. We also find that the provisions are quite satisfactory, therefore, I feel that this House should accept the Bill, as it is placed before us today. With these words, I welcome the Bill.

Mr. Chairman: Before I call on Shri Sharma to reply to the debate, I want to know whether the Minister would like to say anything, because members would naturally want to know the reaction of Government.

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): I have nothing much to say except that we are very happy that this Bill was passed by the Rajya Sabha, got through the Select Committee and is now here in the Lok Sabha. So far as Government are concerned, we have accepted it in principle and in the Select Committee we went into the whole matter and unanimously the Select Committee decided upon the present Bill. The Select Committee introduced several innovations which are happy and welcome. For example, the definition of "shipping" and various other things has been improved upon. I congratulate the hon. Mover, Shri Bhargava, and also Shri Sharma. They have devoted their time and energy to it. I wish the whole House will accept the Bill.

Shri D. C. Sharma (Gurdaspur): Mr. Chairman, Sir, I thank the hon. Members of the House who have taken part in the discussion. I thank Shri Samanta, particularly, who gave his wholehearted support to this Bill.

I think, Shri Dwarka Das Mantri raised certain points. He wanted that this Bill should be divided into chapters. He also wanted that we should have made some provision for reinsurance. All these things were before the Joint Committee. It went into these questions very thoroughly. After a great deal of discussion and after consultation with the Ministry of Finance, represented by Shri B. R.

Bhagat, the Ministry of Law and so many others, the Bill emerged in its present form. I think, there is no need to divide this Bill into chapters. I do not think, there is any need for making any definite provision so far as re-insurance is concerned.

Dr. Singhvi was very happy that a Private Member's Bill was being accepted by the Government. I think, we all have reason to be happy about it. Every Private Member should be glad that this Bill has not been done away with at the earlier stage. But, as I said on the last occasion, all the credit goes to the Ministry of Finance, represented here by Shri B. R. Bhagat. He was in sympathy with the clauses of this Bill, with the principles underlying this Bill and with the objects of this Bill. He was able to give it his blessings.

Dr. Singhvi was sorry that clause 87 had been deleted. I think, the deletion of the clause was done deliberately. Sometimes the clauses were joined together and an attempt was made that the number of clauses should be reduced. But still the Bill, I think, has about one hundred clauses.

He referred to the minute of dissent. I also referred to it in my opening speech and said that the minute of dissent contained very admirable principles, but those could not be put into effect just now. At the same time, we all welcome the idea that the shipping industry in India should be built up. We all welcome that public participation in it should be had on a greater scale than before. For instance, we have the Jayanti Shipping Company. I think, that is a private sector undertaking. It is doing very good work.

Dr. L. M. Singhvi: It is semi-private

Shri D. C. Sharma: In the same way, I am told, the Government of India is going to welcome foreign participation in shipping to the extent

of 40 per cent. This is what I read in the papers this morning. So, we are trying to build up our shipping industry as fast as we can, not only with the help of our own entrepreneurs, like the directors of the Jayanti Shipping Company, but also with the help of those persons who are trying to help our country in this line. Of course, I think, the Government had been very wise in saying that coastal trade should be reserved for Indian shipping. No foreigner should be allowed to take over our coastal trade. I think, that is a very wise policy.

I find that the progress so far as shipping is concerned is not as much as it should be. We want this tempo of shipbuilding and of building of ports and all those things to be greater than what it is today. Still I find that there are six ports which are doing very good work—Calcutta, Bombay, Madras, Cochin, Vishakapatnam and Kandla. I know also that at these ports the gross tonnage which was registered last year, that is to say, from 1st April 1962 to 31st March, 1963, was 5,45,67,483.

Now, the Government is also giving loans for the development of these various ports. The Government is also trying to develop Vishakapatnam, Kandla, Mangalore and Tuticorin ports. I know how much my hon. friend Mr. Joachim Alva had been interested in the development of Mangalore port. I know how some of my friends have been interested in the development of Tuticorin port. All these ports are now taken in hand, they are being developed. Of course, we are getting some foreign assistance for the development of these ports. We have also taken over Goa now and the Department of Transport has taken over the administrative control of the port of Mormugao. I think this will be another port that will increase the possibilities of our shipping. Of course, I do not want to refer to the minor ports. They are there and there are also, what you may call, intermediate ports. All these give a

[Shri D. C. Sharma]

very hopeful picture of our shipping and things connected with shipping. It is in the light of all this that we should take count of this Bill.

As I said in my opening speech, sea-faring is a very very hazardous thing. It is hazardous not only for sailors but it is also dangerous for those people who sail on the sea. It is also risky for the cargo, for the other things that we try to bring into our country by means of ships. I think this Marine Insurance Bill, when passed into an Act will mitigate the hazards which are consequent upon anything connected with the sea. I think this Bill has come just in time. It is neither too early nor too late. It comes at a psychological moment in the history of the shipping industry in our country. We are taxing a leap forward, quite a big leap forward. Still we are making forward strides along the road of having self-sufficiency so far as ships are concerned, so far as ports are concerned, so far as training of sailors is concerned, so far as all those other things are concerned which are connected with the sea and the ships. Now, this Bill will be able to give the people the idea of the earnestness of our Government in this matter.

16.30 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Before I sit down, I want to thank all those friends who have taken part in this discussion and also those friends who have sat to listen to this discussion and also my good friend Shri B. R. Bhagat. He represents the Finance Ministry which is a very difficult Ministry. But, in this matter, he has shown real understanding, genuine sympathy and a friendly approach. I thank him for all that. I also congratulate Shri M. P. Bhargava who brought the Bill into being. He introduced it in the Rajya Sabha and the Rajya Sabha passed this Bill. I am only the foster-father. This is not my baby.

But, I have adopted this baby. I am very happy that this baby which I have adopted is full of promise, full of life, full of vigour, full of future possibility, and full of hope for all time to come. I am proud to be its father though foster-father.

I commend this Bill to the House. I move.

Mr. Deputy-Speaker: The question is:

"That the Bill to codify the law relating to marine insurance, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We shall now take up clause by clause consideration of the Bill. There are no amendments. I shall put all the clauses together. The question is:

"That Clauses 2 to 92, the Schedule, clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2 to 92, the Schedule, clause 1, the Enacting Formula and the Title were added to the Bill.

Shri D. C. Sharma: I move:

"That the Bill be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill be passed."

Shri Thirumala Rao (Kakinada): Sir, I do not want to take the time of the House much. I want to associate myself with this piece of legislation. Because, historically speaking, this is one of the rare pieces of legislation where the Government have surrendered their right to be the intellectual leaders and brains trust of the whole legislature. They have, I think, in a moment of generosity, surrendered their function and entrusted to the common man, as it is, to the

Select Committee and the Members of the legislature to shape the Bill. Nevertheless, the Minister of Transport and Shipping and the Deputy Minister of Finance have taken keen interest in the proceedings of the Select Committee and I think they have effectively represented the view-point of the Government.

16.33 hrs.

[MR. SPEAKER in the Chair]

This piece of legislation is coming into force as a result of the joint efforts and free exchange of opinion where the Government is not bound by their pre-determined opinions or resolutions.

Marine insurance is a very ticklish subject about which the country has not developed much of its law. Mostly, it has been relying on the previous British laws. As Indian shipping develops on a large scale, this will come more into play because millions of rupees worth of stake in ships or goods or in welfare of the personnel that run the services are involved in this. As we develop in the maritime direction this is a law that has to develop itself on an Indian basis.

With these words, I associate myself with the Bill and support it.

Mr. Speaker: Shri S. C. Samanta wanted to say a few words.

Shri S. C. Samanta (Tamluk): We the Members of both the Houses may rejoice that at least one non-official Bill is going to be passed by both the Houses of Parliament. In sub-clause (2) of clause 1 Government have been given the authority to notify in the Official Gazette, the date from which this Bill will come into force. We hope that no delay will be caused in bringing this Bill into operation.

In my speech I requested Government to favourably look to the non-official Bills, and if there be any defect in those Bills, they should be referred to the Members concerned before

those Bills are taken up in the House. I hope Government will look into it and encourage the non-official Members to help Government in their work.

Mr. Speaker: The question is:

"That the Bill be passed"

The motion was adopted.

Mr. Speaker: The next Bill is in the name of Shri Naval Prabhakar. The hon. Member is not in his seat. Then, there is a Bill standing in the name of Shri P. L. Barupal. He is also absent. We shall now take up the Bill that stands next in the Order Paper.

16.37 hrs.

CONSTITUTION (AMENDMENT)
 BILL

(Insertion of new Article 155A and amendment of Article 167) by Shri Paliwal

Shri Paliwal (Hindaun): Sir, I beg to move:

"That the Bill further to amend the Constitution of India be taken into consideration".

Prior to this, 14 amending Bills have been accepted by Parliament to amend our Constitution, and two official amending Bills are pending before the House. This was in the very nature of things inevitable, because the framers of the Constitution in all their wisdom and foresight could not have at that time visualised all the possible circumstances that might arise afterwards.

Among the 14 amending Bills, that have already been accepted by Parliament, a few of them are of a formal nature, and some of them have been rather important. The two official amending Bills pending before the House also contemplate some very important changes in the Constitution.