

Shri Bada: No, Sir.

Shri Priya Gupta: No, Sir.

Mr. Deputy-Speaker: Then, I will put it to the vote of the House.

The question is:

"That the Bill further to amend the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 be taken into consideration."

Some Hon. Members: Aye.

Several Hon. Members: No.

Mr. Deputy-Speaker: The 'Noes' have it; the 'Ayes' have it. The motion is negatived.

The motion was negatived.

Shri Bada: 'Ayes' have it.

Shri Priya Gupta: 'Ayes' have it.

Shri Onkar Lal Berwa: 'Ayes' have it.

Shri Kachhavalya: Ayes have it.

Mr. Deputy-Speaker: After I announced it the second time, you raise the point. You challenge it after it is negatived. You should have been more careful.

श्री श्रीकार लाल बेरवा : यहां तो कोरम भी पूरा नहीं है, इस को पास करने के लिये कोरम तो होना चाहिये ।

श्री प्रिय गुप्त : यह बहुत इम्पार्टेंट चीज है, इस को पास करने के लिये कोरम जरूर होना चाहिये ।

श्री बड़े : उपाध्यक्ष महोदय, कोरम जरूर होना चाहिये ।

Mr. Deputy-Speaker: There is quorum. (Interruptions).

Order, order. You are too late. You must have been more alert. You should have challenged the quorum much earlier when I put it to the vote of the House. (Interruptions) Order, order.

We now go to the next Bill.

17.30 hrs.

MARINE INSURANCE BILL

Shri D. C. Sharma: (Gurdaspur): Mr. Deputy-Speaker, Sir, I beg to move:

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

I think I have not come forward with any new Motion with which the House is not already familiar. This Bill has been before the House already. It was introduced at first in 1959 in the Rajya Sabha. It was then circulated for eliciting public opinion. Twenty-one opinions were received and most of the opinions were in favour of the Bill. Then, it was moved that this Bill be referred to a Joint Select Committee. That motion was accepted. First of all, it was accepted in the Rajya Sabha and then it came to this House. This House also gave its quota of Members. The Members of the Rajya Sabha joined hands with these Members and the Joint Committee was formed. The Joint Committee held six meetings. That Committee was presided over by Shri Ramakrishna Rao, who, I must say, did his work very very ably. The Joint Committee report is a majority report with only one Minute of dissent. At the Joint Committee level, 77 amendments were incorporated in the Bill. I would go so far as to say that the Committee was unanimous, because, the Minute of dissent has nothing to do with the provisions of the Bill. There is no doubt about the fact that it raises points of fundamental importance. It wants that foreign companies should not be allowed to re-insure the business of marine insurance. It is a point worth consideration. Patriotism would, of course, say that this thing should not be done. Our own history in the past should show that we should accept this minute of dissent. Be-

cause, we have already nationalised life insurance and I hope we are on the way to nationalise general insurance one day. But, in spite of what sentiment says, practical considerations are against this Minute of Dissent. Because, it is a very very expensive business. It is a very risky business. Even those countries which have sea-faring traditions extending over hundreds of years, have made use of this principle of re-insurance. I am told that the U.K. companies get themselves re-insured and so on. Therefore this re-insurance is a normal commercial practice in the world of marine insurance. I would, therefore, think that the time has not yet come when India can do away with this kind of re-insurance which is done with foreign countries.

The Bill as it has come from the Joint Committee is by and large the same. Only some of the points have been clarified. There are certain definitions which are of clarificatory importance. Some grammatical mistakes, if I may say so, have been corrected. The language of the Bill has been made more legal. Some drafting changes have been made. The body and the spirit of the Bill remain mostly un-changed. For instance if you look at the Bill as it has come out of the Joint Committee and compare it with what it was before it went to that committee, you will find that in the Enacting Formula we have changed the words 'Tenth Year' to 'Fourteenth Year', which was necessary. We have also put all the definitions in one place. This makes for more economy and it also makes for easy reference. We have also defined some of the terms more exactly and more explicitly, as for instance, the term 'contract'. We have also made the term 'ship' more comprehensive in its scope. It can now cover boats also. Then we have also provided that the ships which are driven by power should be included in the definition of the word 'ship'. Formerly, only those ships

were included in this definition, which were driven by steam.

Then, there are other clauses where a few changes have been made. We had formerly two schedules, but now we have reduced two schedules to one schedule. Therefore, the Bill as revised makes for more compactness. In clause 32, therefore, a verbal change was made.

In the English law, which was the model of this law as it was presented before the two Houses at first, there was a clause referring to brokers. But, fortunately, there are no brokers in India, and I hope that there shall not be any brokers in India in the days to come. After all, we cannot borrow all the institutions from the West, and we cannot adopt especially those institutions which have not proved to be very satisfactory even there. So, the clause about brokers has been dropped.

Clauses 89, 90, 91, 92 and 93 have been made more comprehensive and some provision has been made even for those ships which do not go to the sea but which do what may be called inland navigation.

In all the Bill consists of 92 clauses. So, it can be seen how comprehensively the Bill has been drawn up. Now that this Bill has been unanimously recommended by the Joint Committee, I am sure that this House will accord to it its unanimous approval. I also do not think that there are any amendments to the clauses given by any Members so far as this Bill is concerned. The simple reason is that this is a very technical Bill; moreover it shows that the Members of this House like the Members of the other House were convinced that the Joint Committee would present to both the Houses a Bill which I can say is by far and large a fool-proof Bill. Judged by the conditions in which our shipping industry is at present, I think it is fool-proof. I do not say that it is going to be the last or final word on the subject. I think as our

[Shri D. C. Sharma]

resources increase, as our shipping industry develops, as our major and minor ports develop, as our shipyards prosper and multiply and as the gross registered tonnage in my country goes up, as all these things happen, there will be need to revise this Bill. But that revision will come at that stage. So far as the principles of insurance are concerned, I do not think there will be any change needed. Of course, there may come a day when we nationalise insurance of all kinds in the country. Of course, I want that day to come as early as possible. But wishing is one thing and fulfilment of those wishes is a different thing. When that happens, I think we may have to draft this Bill in a different way. But so long as we have not even nationalised general insurance, so long as marine insurance involves risks which are greater than the risks in general or life insurance, I think this kind of insurance has got to be tackled in a way suggested in the Bill.

Before I sit down, I would say one or two words about the sponsor of this Bill, Shri M. P. Bhargava. The history of private members' resolutions and Bills is a history which is like a grim tragedy. Every private Member, when he brings forward his Bill or resolution, starts with the highest hopes. He is like a Hamlet full of youth, full of promise of life and full of vision about what is to happen. But as time passes, he finds that his Bill or resolution is going to come to nothing. He finds that it is going to be a kind of wreckage. In the history of sea navigation, we have very few wreckages. In the history of aviation, we have very few collapses of aeroplanes. But in the history of private Members' Bills or resolutions, the number of tragedies is much greater than the number of fulfilments. It is because there has never been a happy marriage between the Ministry concerned and the proposer of a Bill. The two do not come together. The Ministry goes in one way and the proposer in another.

Kipling said: 'The East is East and the West is West, the twain shall never meet'. This applies more or less to these private Members' Bills and resolutions. Of course, sometimes the east meets the west. I think this is an example of that.

Shrimati Savitri Nigam (Banda): It is very rare.

Shri D. C. Sharma (Gurdaspur): She knows what I am saying. It is rarely that the east and west come near.

But here I think the Mover of this Bill in the Rajya Sabha was born under a very lucky star. He moved this Bill under very auspicious circumstances, and I think most of his luck came from Shri B. R. Bhagat, who was the Minister in charge of this Bill.

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): Thank you.

Shri D. C. Sharma: Shri Bhagat is not always as generous as he has been in the case of this Bill, but I pay my humble tribute to him for accepting this Bill, and I know what pains he took over this Bill when it came before the Joint Committee. It was a case of happy collaboration between the Mover, the Members of the Joint Committee and the Minister. I wish all such Bills have the same fate as this, but then everybody is not Shri M. P. Bhargava and every Minister is not like Shri Bhagat. Therefore, the Bills do not have that good luck which this Bill has.

I would like that this Bill should be viewed against the background of our developing shipping industry and our inland waterways. Of course, I am not very proud of our shipping industry and our inland waterways. We are just making a very humble beginning; all the same, we are making some kind of headway in this.

For instance, the length of our navigable waterways is over 5,000

miles. We are now realising the importance of the Ganga, the Brahmaputra and their tributaries, the Godavari, Krishna and their canals, the canals of Kerala, the Buckingham Canal in Madras and Andhra States, the west coast canals and the Mahanadi canals in Orissa. We are aware of the navigational potentialities of these rivers and I am sure that we are making some use of them. I think when the Rajasthan Canal is built, we will attempt to make it also navigable, and I am sure that that will also be one of the great achievements of free India.

The inland waterways are there, and we are having so many schemes for making them as constructive as possible. The craft, the boats and the mechanically propelled vessels used in these inland waterways also require some kind of insurance, and I hope we shall be able to do something for them also.

Then, our shipping has been progressing. In 1950-51 we had 2·17 lakh GRT of shipping for our coastal trade, and 1·47 lakh GRT for our overseas trade, making a total of 3·91 lakh GRT. I am sorry I do not have the figures for 1961-62 and 1962-63 with me, but in 1960-61 we had 9·05 lakh GRT. I think that is a good progress.

At the same time, we have the National Shipping Board which will look after the interests of shipping. We have the Shipping Corporation of India which, I am sure, is going to increase its scope of work and also its importance. I am sure that the second shipyard which is going to be built in Cochin will give a fillip to our country so far as navigation is concerned. I am also happy to find that we are doing very well so far as our ports are concerned. We have major ports are concerned. We have new major ports also like Haldia, which is a very favourite subject with the hon. Member sitting to my right. We are also expanding some of these ports. We are also having minor ports. We are increasing their num-

ber. So, I want the House to look at this Bill in the light of the navigational possibilities of our country which are going up every day. As you know, ships mean a lot of money. As you know, navigation is a very expensive business. As you know, minor vassels, minor craft and minor boats are very, very expensive. But I think that India, which has such a long line of coast and which can be as vulnerable to its enemies by sea as it is by land or by air, has to step up its activities in this line.

Life becomes worth living; life loses its sense of insecurity and the sense of uncertainty; life's burdens get lightened; life's problems grow smaller and smaller when we think that life insurance is there. Life insurance is one of the biggest forms of social security which the modern age has devised, and on account of it the hazards of life and the hazards of death have been very much reduced. What is life insurance for a human being, is marine insurance for the shipping industry and for our ships. If a human being has got himself insured, so much the better. For instance, whenever I am going out of India, I am asked to take an insurance policy. I take it and I board the aeroplane with the least amount of trepidation. If the aeroplane crashes, that does not matter. I will die, but my people would not be put to any trouble. They will of course feel sorry that I am dead, but the money will be there to get them going. So, these hazards of life get minimised on account of life insurance. Similarly, the people who sail on the ships and who go about on the sea, the people who carry the cargo and the passengers from one country to another, the people who face the fury of the waves, the sailors who sail only with fortitude in their hearts and with skill in their hands—all these require something which can give them some kind of assurance. Also, these people who build these ships need some kind of prop, some kind of financial prop, in order that their ventures are conducted with the utmost sense of security. Therefore, this

[Shri D. C. Sharma]

Marine Insurance Bill comes into the picture.

I know India is doing many good things. For instance, I know free India has done something for every class of persons. Of course, it might not have done as much as those classes of persons want—the working journalists, teachers, doctors, workers, all along the line. But it has done something for them. It has ameliorated their lot. I admit that we have not done as much as they want us to do. Similarly this kind of legislation is necessary to give to the people the idea of a world where the sea does not have its terrors. This Marine Insurance Bill will give all those persons who are connected in any way with the shipping industry a feeling of relief and a feeling of security.

I feel proud that we are having a Bill of our own on the subject. Formerly, our Bill was modelled on the British Act. In fact, we had no Bill of our own on the subject. We were only trying to get our knowledge from the Act which was there in the U.K. Now we are having our own Bill. I am sure when this Bill becomes an Act, we will also have other things which have to go along with this.

With these words, I commend this Bill to the acceptance of the House. Once more I congratulate Mr. Bhargava for the good work that he has done, Mr. Ramakrishna Rao who presided over the Joint Committee and conducted the meetings so well and Mr. B. R. Bhagat for treating this Bill with the utmost sympathy and consideration and utmost generosity. I hope that would be the pattern of behaviour of Ministers all along the line.

Sir, I move.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to codify the law relating to marine insurance,

as passed by Rajya Sabha, be taken into consideration."

Shri S. C. Samanta (Tamluk): Mr. Deputy-Speaker, Sir, we are glad that at least one non-official Bill which has been passed by Rajya Sabha has come before the House for our acceptance. I have no doubt the House will whole-heartedly support this Bill and it will turn into an Act very soon.

As is the fate of non-official Bills, it was introduced on 20th February, 1959, i.e. more than 3 years ago, in the Rajya Sabha. It was circulated for eliciting public opinion and at that time Government began to think that the subject which a non-official Member has taken up was worth considering. The Government referred the subject to the Law Commission. The Law Commission in the meantime sent a Bill to the Government. But as the Bill was already in the possession of the House by a non-official Member, it was taken into consideration and it was referred to a Joint Committee. In the Joint Committee, every member accepted it, excepting one Member, Shri Niren Ghosh, who added a minute of dissent. That dissent is not applicable to this, because unless general insurance is nationalised, this question does not arise. So we may claim that unanimously this report was submitted to the House. Sir, to this Bill, which was discussed long ago, the Government has given its consent, and the Minister is sitting here to give the consent of the Government and accept it. We are glad. But, Sir, we all would have been more glad if we would have found here the Minister for Communications and Transport, because though we are discussing mainly about insurance, it is more about navy and shipping. Marine insurance means insurance on the shipping industry.

I would request the Government to see that non-official Bills and Resolutions that are brought to this House

are in this way favourably considered and encouragement given to the Members of both the Houses. Non-official Bills and Resolutions are rarely accepted. During my 15 years of legislative life here, I had the good fortune to have one non-official Bill accepted by Government, and according to one resolution a committee was set up—I mean the Homoeopathic Enquiry Committee—and the homoeopathic system of medicine has been accepted by Government.

Sir, we, the Members of this august House, are the representatives of the general masses, and our feelings are expressed through resolutions and Bills. This is the only opportunity which we get to do something. Where the Government cannot find the utility of something, we as Members find them and if we bring them to the notice of the Government, they should encourage us. The Government has so much work to do. Different Ministries have different works. They are over-worked. But if we from our labour find out something which is lacking, Government should come forward and accept it.

Sir, this is an occasion where we are rejoicing because the labour of my hon. friend Shri M. P. Bhargava has been accepted by all the Members of the two Houses and by Government. We find out so many things. There might be some laws, because we are not acquainted with all the paraphernalia of Bills and Resolutions. I had a mind to put one thing in the form of a resolution. It was not accepted because it may come in the form of a Bill. However, that can be done afterwards. But here I am thankful to the Government that they have come forward to accept this Bill which non-official Members did not forget to bring up before Parliament. Government should have brought this Bill long ago. After 1947 there was ample time. In 1959, one non-official member of Rajya Sabha found out that there is some lacuna and that the marine insurance of India was

governed by an English Act. Up to that time, even now, we were acting according to the British Act, though Parliament came into force in 1950. Government should have looked into it. This time Government could not avoid this Bill simply because this Bill was formerly drawn in line with the enactment which was supplied to Government by the Law Commission.

So, as non-official members, we must be careful to draft our Bills in such a way. At the same time, I would request Government to come forward with suggestions in the beginning so that they can be incorporated and the Bill might become acceptable. Now what happens is that the Bill is introduced, it is discussed, almost the whole House is ready to accept it by their speeches and then Government come forward with their objections because there is some lacuna. Why should the hon. Member not be informed of the lacuna in advance so that he will rectify them before introducing the Bill and the Bill will come in a perfect condition before the House? Then Government can feel proud that its burden has been lessened by a non-official member. Anyhow, we are glad in this case that this Bill has come before us with practically no dissent, as it was unanimously accepted by the other House. I would request this House also to accept it unanimously.

श्री द्वारका दास शंभरी (बीर): जपाध्यक्ष महोदय, इस बिल के सम्बन्ध में जो भी आवश्यकता रही है उस को श्री शर्मा ने बड़े अच्छे ढंग से यहाँ रक्खा। इन बारह वर्षों में हमारी शिपिंग और इम्पोर्ट व एक्सपोर्ट बहुत बढ़ गई है। ऐसी स्थिति में जो इस सम्बन्ध में हमारे पास कोई कानून नहीं था यह बड़ा भारी लैक्युना कानूनन रह गया था। अन्य क्षेत्रों में तो कानूनों का कोडिफिकेशन बहुत अच्छे ढंग से हो चुका है। यह जो क्षेत्र बाकी रह गया था उस के सम्बन्ध में कोडिफिकेशन करने के लिये हम आगे था रहे हैं।

[श्री द्वारका दास मंत्री]

18 hrs.

इस में कोई शक नहीं कि यह एक नानआफिशियल बिल के रूप में आया है। इस कारण से भी इसे हमारी नजर में बड़ा महत्व है क्योंकि जो इस क्षेत्र को देखने का हमारा तरीका रहा है उस पर प्रेशर आ रहा है और इसी कारण से इस को नानआफिशियल बिल के रूप में यहां रखने की आवश्यकता पड़ी। हम यह भी महसूस करते हैं कि जब यह बिल ज्वारेंट कमेटी में गया तो ज्वारेंट कमेटी ने इंग्लिश मैरीन इश्योरेंस ऐक्ट के अनुरूप हमारे यहां भी उपस्थित किया है। श्री शर्मा ने शिपिंग के बारे में बहुत बड़ा विवरण दिया है। इस बिल के सम्बन्ध में उन्होंने हम को बताया कि लोकल सिचुएशन के हिसाब से इंग्लिश ऐक्ट में परिवर्तन कर के यहां पर प्रस्तुत किया गया है। लेकिन जहां यह एक स्पेशल ऐक्ट के रूप में आ रहा है, मैं महसूस करता हूँ कि इस में कुछ कमियां रह जाती हैं। यह एक स्पेशल ऐक्ट है और जहां पर भी इस ऐक्ट में दूसरे ऐक्ट का रिफरेंस आया है वह दिया

नहीं गया है। जहां पर भी यह ऐक्ट मुबहम हो उस का सन्दर्भ यहां रखा जाना चाहिये। ऐसा इस बिल में कहीं नहीं किया गया है जब यह ऐक्ट के स्वरूप में यहां आ रहा है तब और चीजें भी इस में रखनी आवश्यक हो जाती हैं।

इस बिल के सिलसिले में पार्टीज की जो कुछ भी सिबिल तथा क्रिमिनल लाइबिलिटीज आएंगी उन के बारे में जस्टिस्टिकशन का सवाल पैदा होगा। यह प्रोसीक्यूटोरल ला आफ लिमिटेशन का मामला है। अगर इन प्रश्नों को भी इस बिल में इनकारपोरेट कर देते तो यह बिल और भी सुविधाजनक हो जाता।

Mr. Deputy-Speaker: The hon. Member may continue on the next non-official day.

18:01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday, March 23, 1963/Chaitra 2, 1885 (Saka).