

taking the argument too far, because the Central Government itself has a large number of enterprises in the public sector which are importing a large number of goods and paying customs. They are experiencing no difficulty absolutely. Why should the State Governments, whose business is much more limited than the Central Government, experience any difficulty? I think all these grievances are absolutely imaginary and illusory.

He again referred to business undertaken by the State Governments like milk supply schemes and said that they should not be burdened with this duty. The point is this, that the parent Act has provided certain exemptions for humanitarian work, public charities and things like that. If the milk supply schemes, which are commercial concerns, and things like that are not covered, they will have to pay duty on that. The case for exemption is in the parent law, and to say now that duty should not be levied is taking an extremely limited view of things.

As I said, the aim of the Bill is to remove an anomaly, and whether an enterprise is in the private sector or undertaken by the Central or State Government, they should all conform to the standard practice. He has said that it will increase the burden. Actually, it is a question of principle. To regularise it, make it a standard, uniform basis for all enterprises, this duty has to be levied. The principle involved was referred to the Supreme Court, on which they gave a ruling. Actually, in the case of the Central excise duty, the burden will be only Rs. 3 lakhs, and in the case of customs duty only Rs. 20 lakhs or so, for all the States, which is very inconsequential. Actually, even if there is a great burden, we should stick to the principle, but we are in the happy position that we serve a principle while the burden is also very little.

Therefore, from all points of view, the Bill should be acceptable, and I request the House to pass it.

Shri Kashi Ram Gupta (Alwar): One point has been left out, whether the States have been advised to have enterprises in future on a corporate basis and not on a departmental basis?

Shri B. R. Bhagat: I have fully replied. I have said I am trying to persuade them.

Mr. Speaker: The question is:

"That the Bill to amend the Customs Act, 1962 and further to amend the Central Excises and Salt Act, 1944, be taken into consideration."

The motion was adopted.

Mr. Speaker: There are no amendments.

The question is:

"That Clauses 1, 2 and 3, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 1, 2 and 3, the Enacting Formula and the Title were added to the Bill.

Shri B. R. Bhagat: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

MAJOR PORT TRUSTS BILL*

The Minister of Shipping in the Ministry of Transport and Communi-

*Moved with the recommendation of the President.

cations (Shri Raj Bahadur): I beg to move:

"That the Bill to make provision for the constitution of port authorities for certain major ports in India and to vest the administration, control and management of such ports in such authorities and for matters connected therewith, as reported by the Select Committee, be taken into consideration."

Hon. Members may perhaps recall that while moving the motion for referring the Bill to the Select Committee on 8th December, 1962, I mentioned that most of the provisions of the Bill largely followed the existing Port Trust Acts relating to Bombay, Calcutta and Madras ports, and that some of the provisions of the Bill constituted an improvement over similar provisions in the existing Acts. The Select Committee has considered the Bill very carefully. Many of the amendments made by the Committee are of a drafting or clarificatory nature, while some of the amendments are of a substantial nature.

Clause 3 of the Bill as originally drafted provided for a maximum of 27 members on a Port Trust Board consisting of a Chairman, a Deputy Chairman, not more than ten persons to be appointed by the Central Government representing labour employed in the port, Government departments concerned with the working of the port etc., and not more than 15 persons to be elected by such State or local bodies representing commercial, shipping or local interests as the Central Government may from time to time specify. The Select Committee felt that the elected and nominated interests should have parity of representation, and accordingly the number of elected representatives has been reduced from 15 to 12, so that a Board will have a maximum of 24 members, including the Chairman and the Deputy Chairman. Consequently, the number of

trustees on the first Board under Clause 4 of the Bill has been reduced from 25 to 22, excluding the Chairman and the Deputy Chairman.

The proviso to Clause 5 of the Bill has been omitted, as the same is repeated as proviso to sub-clause (1) of Clause 34.

Clause 8(2) of the original Bill laid down that a trustee could resign his office by giving notice in writing to the Central Government. As the Chairman is the executive head of the Board, the Select Committee considered that any such resignation letter should be routed through him. Clause 8 has been amended accordingly.

Clause 10(1) prescribes that elections to fill up normal vacancies after the expiration of the tenure of a Board, should be held within two months before the expiry of the term. In view of this, the Committee thought that casual vacancies occurring within three months of the date of expiry of the normal term of office need not be filled. A second proviso has accordingly been added to Clause 10(3) to that effect.

An important deviation from the present pattern of administration in the port trusts is the recommendation of the Select Committee for the statutory provision of a right of appeal to every employee of the port trust excluding heads of department in cases of reduction in rank, removal and dismissal from service. In the case of heads of department, such punishments cannot be imposed by the Board without taking the prior approval of the Central Government. Thus, heads of department also will have the benefit of a second examination of their case before orders are passed. In the case of other employees, the Committee was of opinion that an order of reduction in rank, removal and dismissal from service should not be passed by an authority inferior to the authority which appointed the

employee, and that the right of appeal should lie to the authority immediately above the authority which passed the orders. Clauses 24 and 25 have been suitably amended by the Select Committee keeping these principles in view. Clause 29(2) is intended as a precautionary measure against any demand for compensation from an employee on the ground that his transfer from the control of the Central Government to the new Port Trust Board constituted termination of his employment under Government. Sub-clauses (c) and (d) of Clause 28 are consequential to the amended clause 25 and sub-clause (f) of Clause 29.

Sub-clauses (3) to (6) of Clause 42 have been added to enable a Port Trust to authorise any third party to undertake and perform any of the services mentioned in sub-section (1) on such terms and conditions as may be agreed upon. In such cases, the charges recoverable by the party for the services rendered cannot exceed the amount leviable according to the scale framed by the Board and approved by the Central Government. The interests of the users for the port are thus fully safeguarded. The sub-clauses have been added to meet a situation where a Port Trust Board may not be in a position to undertake any particular service.

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Clause 63 has been amended by the Select Committee to keep it in conformity with similar provisions in the existing Port Acts. Clause 115 has been amended to safeguard also against evasion of rates by intentionally understating or incorrectly giving the weight, quantity, value or description of goods or the tonnage of a vessel.

Clauses 120 and 121 have been amended to give the members of the Port Trust Board the same protection as extended to the Board and its employees in respect of their actions as members of the Board.

Clause 124(2) has been modified with a view to ensure that the regulations made by the Board in respect of the service conditions of their employees are also pre-published to give an opportunity to their employees to communicate their views to the Board before the regulations are finalised.

Sir, I have dealt with in a brief manner the nature and scope of the amendments suggested by the Select Committee. These amendments are reasonable and have been made after taking into account the oral and written representations from various interests.

With these words, Sir, I move the motion for consideration.

Mr. Speaker: Motion moved:

"That the Bill to make provision for the constitution of port authorities for certain major ports in India and to vest the administration, control and management of such ports in such authorities and for matters connected therewith as reported by the Select Committee, be taken into consideration."

Shri Umanath (Pudukkottai): Sir, I welcome this Bill, because previously such Acts covered only major ports like Bombay, Calcutta and Madras. Now, this Bill extends similar provisions of those Acts to other major ports, and in that respect, of course, it is a Bill to be welcomed.

But I would like the hon. Minister to consider certain observations or suggestions which I would like to place before this House and to consider them seriously. First of all, there is question of representation on the Board of Trustee. Clause 3 provides for the constitution of the Board of Trustees. In all, according to this provision, 22 members, apart from the Chairman and the Deputy Chairman, are to be there. Now, that clause provides for the representation of various interests on the Board. My submission is that this clause does not

[Shri Umanath]

specify the number to be allotted to each interest on the Board. I am very particular about the representation for labour. The clause does not specify the number of seats to be allotted to labour, whereas in the Acts that cover Madras, Calcutta and Bombay, which have been mentioned, it is specified that the labour representation must be two. As the hon. Minister just now said that they have followed mainly those Acts when they formulated this Bill, I would request him to make a similar provision here also specifying the number, or at least making the minimum provision that labour must be represented by two seats. The Government stand in this respect is, that the labour employed in the ports, which will be covered when this Bill becomes an Act, will be fewer than in Bombay, Calcutta or Madras and it may be that we will have to reduce the number from two to one or there must be some flexibility and we must have some margin for that. My submission is that the approach itself is wrong. It is not the total number of workers employed in a particular port that should be the guiding factor to specify the number as to whether it should be two or one. You must look at the role of the contribution of the workers as far as the working of the port is concerned. If you look at the role of the workers, you will find that their contribution in the working of the port is the most whereas the role of other interests in the working of the port is the least, while deriving most of the benefits. And as for the representation on the Board we find that out of the total of 22, the workers who play a role which is the most in the working of the port get the least representation. They do not have even the protection as far as specification of the number is concerned, whereas other interests that have the least role to play get a majority representation, in fact, a substantial representation. Added to this the representation of the officialdom of the port will heavily weigh against the workers. In these circumstances even

if ensured it will mean only two out of the 22. The proposition will continue to weigh against the workers. Then why should the hon. Minister grudge even that much of protection to the workers, I do not understand. It is not fair.

In a port there are more than one unions, and they are recognised by the port authorities. In Vishakhapatnam, which will come under this Bill after it is passed into an Act, there are two unions recognised by the authorities. One union represents the artisans, highly skilled, skilled, semi-skilled, unskilled and shore labour. The other union represents all the rest of the categories. If only one seat is given there, they will represent only those categories of workers within their fold and, the other categories for whom representation is not given will suffer. If it is conceded by the port authorities that two unions must be recognised, here also there must be two representatives. I do not understand why that provision should not be made here. I am afraid if representation of labour is not specified and protected, it may be encroached upon by the representation of other interests. That is our serious fear.

In this connection I would like to point out that as far as our Government is concerned it has declared and shouted from house-tops that it is more interested in getting labour participate in the management. They have declared that they are interested in labour participation in management—that is how they pose it. Every day declarations are made and they show a huge number of schemes. My point is, you make declarations that labour must have participation in management but when you face the question concretely as you do now in this case, you start hesitating and vacillating. Then, I would like to ask, why make declarations of labour participation in management? Is it just to be a show-case for the socialist pattern of society about which our government declares

so often? Only the other day the Prime Minister declared that, the march of our country towards socialism cannot be checked. But as the country marches more and more towards our Governments' socialism, if there is to be resistance even to protect labour interests in the matter of representation, then I have my own doubts that by the time that socialist society is completed what little representation the workers enjoy today, they will lose. Is that the direction in which the country should march? My point is declarations must be reflected in practical doings. You make a declaration, but when you come to a practical question you hesitate, you vacillate and you back out. That cannot convince the people and that cannot create confidence in the people.

Shri Nambiar (Tiruchirappalli): That is socialism in the reverse.

Shri Umanath: So I request the hon. Minister to look into this question and specify the number of labour representations on the Board as not less than two especially when that provision is there in the other three Acts which, the Minister said, he has followed.

Coming to clause 4, that empowers the Government to constitute the first Board by nomination of all the 22 members whereas the provision in clause 3 is that 12 members are to be elected and 10 are to be nominated, apart from the Chairman and the Deputy Chairman. Now, our stand on that question is, the Government, especially when it is a question of nomination of labour representation, must consult, even in the constitution of the first Board, the labour organisations concerned that are functioning in that port. Only then the Government must make the nominations. The Government stand on that question, is that after all, it is the constitution of the first Board and it is just for the transition period. That is why there is this provision of nomination without consultation. Even while the first Board is constituted; if the Government nominates all the 24 members includ-

ing the labour representatives without consulting the labour unions in the ports concerned, what will happen? Government says that in the second and subsequent constitution of the board there will be consultation. The first nomination is then without consultation. But we must remember that the first nominee gets an advantage, rather a moral advantage over all the representatives of the other unions by the time the second board is constituted by consultation by virtue of his being the first nominee. Secondly, suppose Government nominates a representative of a minority union in the first instance. Then that position can be used by the minority union to strengthen its own membership position *vis-a-vis* other unions before the terms for nomination by consultation comes, Government would be open to the charge of using governmental power of nomination to prop up minority unions. It does take place in the country. For instance the Government nominates an INTUC representative on the ESI Committee at Trichy Mills Ramjeenagar, in preference to AITUC Union of which I am the president. The explanation was that there the INTUC was in a majority. But in Cauvery Mills, where AITUC Union is conceded to be having the overwhelming majority and which is the only recognised union is bypassed, and INTUC union which is admittedly minority union is nominated to the ESI Committee. Why? There is no answer for that. Why? Because they want to prop up the minority Union. What I mean to say is that this power of nomination without even consultation can be used to prop up the position of a nominee belonging to a minority union, who in turn will have this moral and material advan-

13.13 hrs.

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

tage over the others. Thirdly, Government gets power under clause 4 not only for choosing the union to be represented but even choosing the personnel of the union. It is for the general

[Shri Umanath]

body of the union to decide who should be their representative on the board. Government may name the Union. Then it is for the members of that union to say who among them should be the person. Here the Government says: "No. I shall select the person from among you." Thereby the Government arrogates not only the right to pitch upon a particular union but arrogates also the right of the general body of the union to pitch upon a particular person. That will give handle to Government agencies to create disruption within the union and lead to interference in the functioning of the union. I object to this clause and say that Government must accept that even at the time of the first constitution nomination must be by consultation with the interests concerned.

Clause 111 gives power to Central Government to give direction on matters of policy. I hope it will be exercised cautiously not to give room for any justified criticism of Government's interference in boards' working.

On the question of development of ports, I have to say this. Wharfage rates in major ports like Calcutta, Bombay and Madras are less whereas the facilities available are more. At other ports the wharfage rates are more but facilities are comparatively less. Naturally there is more congestion in Madras, Calcutta and Bombay. This arrangement hinders the development of other ports. Because rates are less and facilities, more ships are attracted to these three ports; even ships which would otherwise have gone to other ports are attracted to these ports and so these ports are more congested. Thus while the already congested become more and more congested, the undeveloped ports continue to be undeveloped. This question must be taken up by the Government. If this imbalance is eliminated it would lead to reduction of congestion in the ports and will create conditions for the real development of the other ports. The increase in the turnround of ships

is dependent not merely on the development of ports but also on the development of the railways, roads, air traffic and inland water ways in a co-ordinated way. Otherwise, congestion cannot be relieved. At present there is co-ordination but it is not adequate. If there is no co-ordinated and proper development, it will aggravate the congestion.

During the British period, the development of ports had been lopsided. There was concentration on the development of Bombay, Madras and Calcutta ports; the development of other ports was neglected. The pattern of development at that time depended upon the interests of the British, to maintain their loot when they were ruling our country. So, there has been vertical development of these three ports to the neglect of all the others. Now that we are independent and want the development of the whole country, we should think of these things on a long-term basis and implement them in the next two or three five-years plans. The total exports and imports of the country in the future should be studied and allocation made to major ports and minor ports so that all the ports can be developed in an integrated way. There were so many committees which went into the problem but these reports and investigations and enquiries had nothing to do with the country's total needs in the future. They take up some minor ports and make some investigations and recommendations. These reports are also out. We must have a total plan of the export import requirements of the country spread over a long term, spread over the next two Plans and on that basis we have to plan development of major and minor ports on an integrated basis.

There is now the question of Goa. Previously Goa was not independent. When our naval officers visited Goa they were very much struck by its advantageous position not only from the commercial point of view but from

the defence point of view also. It was then in the hands of Portuguese. Now that Goa is free it is time that the Government takes advantage of this position and has some scheme of developing Marmugao not only from the commercial angle but also from the strategic and defence angle.

As far as the ports are concerned, so much of under-invoicing, over-invoicing, smuggling and pilfering takes place. These things take place through the ports, where you have got all sorts of excise control, machinery for checking and controlling things and so on. Sometimes it may not be that all these things take place just at the port but somewhere near or through the ports. These things affect our country. Sometimes the port or the excise authorities check the values of the goods and not the weight. Sometimes it happens like that. If certain goods are put there, the authorities think, "who is going to weigh them? It will all take some time." So, they feel why they should weigh them and say, "let us compute their value". So, the ports are the key-centres or the fulcrum, if I may say so, of all evil things that are taking place in the country's economy, such as, under-invoicing, over-invoicing, smuggling and pilfering. So, the excise machinery at that point must be strengthened. My submission is, unless you get the workers' co-operation in the ports on a voluntary basis, unless you inspire them, unless the Government makes it a point that they should take the co-operation of the workers in the ports, however much you strengthen the machinery, you cannot solve this problem of pilfering and smuggling and all sorts of rotten things that take place.

That is why, even while starting my speech, I said that if the Government do not give minimum representation to labour, and if the Government sticks to that, it will lead to the workers getting more and more irritated and developing a feeling that this Government has no confidence in them. After all, if they are two in the Cal-

cutta port, in the Bombay port and also in Madras, cannot the Government provide for a similar number here? If the Government does not accept that position, it will lead to more and more demoralisation and distrust of Government amongst the workers. With all this background, if the Government says simply that they will take the co-operation from them as far as pilfering and smuggling are concerned, it will be just worse and it will remain only on paper.

Therefore, my final submission again is that all these things must be taken into consideration and the hon. Minister must give us a favourable reply. With these words, I close.

श्री यशपाल सिंह (कैराना) : उपाध्यक्ष महोदय, यह बिल जो सामने आ रहा है उसके लिए मैंने शुरू में भी यह अर्ज किया था कि पहले से हमारे जो बन्दरगाह हैं, उनके लिये बाकायदा हमने रूल्स एंड रैगुलेशंस और कानून बनाए हुए हैं। इसलिए नये नये कानूनों को पेश करने से हाउस का समय व्यर्थ होता है और दूसरे खर्चा भी बढ़ता है। अलग अलग एडमिनिस्ट्रेटर कायम करना और अलग अलग मैनेजमेंट कायम करना भारत की एकता के लिए भी कुछ अच्छा मालूम नहीं होता है। मेरा छोटा सा सुझाव यह है कि आप तमाम बोर्ड्स के लिए एक ही रूल्स और रैगुलेशंस रखें और एक ही कानून के मातहत जो हमारा पहले बना हुआ है उसके मातहत सब का एडमिनिस्ट्रेशन रन करें। अलग अलग बिल पेश करने से हमारी एकता के लिए अच्छा नहीं मालूम होता है और दूसरे हमारा खर्चा भी बढ़ता जा रहा है। उन अख़राजात को कम करने के लिए और हाउस के समय को बचाने के लिए मेरा छोटा सा सुझाव यह है कि जो कानून हमने पहले बनाया हुआ है, जो हमारे ४ बन्दरगाहों पर लागू होता है उसी को नये बन्दरगाहों

[श्री यशपाल सिंह]

पर भी लागू करना चाहिए और उसी के मातहत उनका काम चलना चाहिए और इभीतरह से एडमिनिस्ट्रेशन को मजबूत करके एकता की भावना को सुन्दर करना चाहिए ।

श्री रघुनाथ सिंह (वाराणसी) : उपाध्यक्ष महोदय, यह जो विधयक उपस्थित किया गया है, इस विधयक में श्री राज बहादुर ने कहा है कि पहले २७ मेम्बरो की व्यवस्था थी लेकिन बाद में चल कर तीन मेम्बरो की व्यवस्था उसमें से हटा ली गई है । इस सम्बन्ध में हमारे श्री यशपाल सिंह और श्री इन्द्रजीत गुप्त ने भी कुछ संशोधन उपस्थित किये हैं ।

आप देखेंगे कि जहां तक शिपिंग का ताल्लुक है शिपिंग के सम्बन्ध में इतने बोर्ड्स इस वक्त हैं, नेशनल शिपिंग बोर्ड, लाइट हाउस बोर्ड, मरचेंट नेवी ट्रेनिंग बोर्ड, और एक जहाज पर जो ट्रेनिंग होती है वह है ।

इस प्रकार इन चारों बोर्डों में आप देखेंगे कि पालियामेंट के मेम्बरो का प्रतिनिधित्व है । पालियामेंट के मेम्बर्स नेशनल शिपिंग बोर्ड में हैं, लाइट हाउस बोर्ड में हैं और मर्चेंट नेवी ट्रेनिंग बोर्ड में हैं । सभी बोर्ड्स में पालियामेंट के मेम्बरो का प्रतिनिधित्व है । लेकिन यह एक ऐसा विधयक आपके सम्मुख आया है जिसमें पालियामेंट के सदस्यों का कोई स्थान नहीं है । जब कि मेजर पोर्ट ट्रस्ट्स बिल सेंट्रल सर्वजैक्ट है यह कोई प्राविशियल सर्वजैक्ट नहीं है, यह कोई लोकल एक्ट नहीं है, जब यह सेंट्रल सर्वजैक्ट है और सेंट्रल गवर्नमेंट उसमें अपना रुपया देती है, फाइनेंस करती है तो कोई कारण नहीं मालूम होता है कि पालियामेंट के मेम्बर्स इससे क्यों एक्सक्लूड किये जायें ?

आप देखेंगे कि इस विधयक की धारा ३ के दो अंग हैं । पहले अंग में यह है कि १० व्यक्ति एपवाइंट किये जायेंगे और उनको

सेंट्रल गवर्नमेंट मुकर्रर करेगी । उस में आप ने (१) लेबर एम्पलाइड इन दी पोर्ट, (२) दी मकॅटाइल मेराइत डिपार्टमेंट, (३) दी कस्टम्स डिपार्टमेंट और (४) दी गवर्नमेंट आफ दी स्टेट इन विच दी पोर्ट इज सिचुएटड (५) डिफेंस सर्विसेज, (६) दी इंडियन रेलवेज, एंड सच अदर इंटरैस्ट्स इन सब का उसमें प्रतिनिधित्व रहेगा । लेकिन पालियामेंट का मेम्बर जो कि उस पोर्ट की कांस्टीटुएन्सी को पालियामेंट में रिप्रजेंट करता है उसको इसमें प्रतिनिधित्व नहीं दिया गया है । ऊपर दिये हुए सब इंटरैस्ट्स को सेंट्रल गवर्नमेंट मुकर्रर करेगी लेकिन पालियामेंट के जो मेम्बर्स हैं व केवल इसमें से एक्सक्लूड हैं ।

इस बिल की धारा ३(डी) में आप देखेंगे :—

“Not more than 12 persons to be elected by such State or local bodies representing commerce, shipping or local interests....”

उन १२ आदमियों का इलेक्शन स्टेट असेम्बलीज या लोकल बाडीज करेंगी । स्टेट्स को २ रिप्रजेंटेशंस आप ने दिये हैं । एक तो सेंट्रल गवर्नमेंट स्टेट्स के रिप्रजेंटेटिव्स को एपाइन्ट करेगी दूसरा प्रतिनिधित्व स्टेट्स को आपने यह दिया है कि स्टेट्स गवर्नमेंट्स भी अपने आदमियों को चुन कर भजेंगी, लोकल बाडीज भी चुन कर भजेंगी लेकिन पालियामेंट जो कि उनके फाइनेंस के वास्ते जिम्मेदार है, और जो मेजर पोर्ट ट्रस्ट्स बिल पालियामेंट के अन्दर आता है, उस पालियामेंट को उसमें कोई स्थान नहीं प्राप्त है । पालियामेंट को क्यों प्रतिनिधित्व नहीं दिया जा रहा है, यह तर्क और विवेक श्री राज बहादुर का हमारी समझ ने नहीं आ पहा है, शायद उनकी समझ में आया हो । इसलिए मैं उनसे कहता हूं जरा इस बारे में तर्क बुद्धि लगायें । जितने भी शिपिंग बोर्ड्स हैं जैसा कि मैंने आपको उदाहरण दिया कि करीब ४ बोर्ड्स हैं सब बोर्ड्स में पालियामेंट का

प्रतिनिधित्व मौजूद है सिर्फ मेजर पोर्ट ट्रस्ट्स बिल में पार्लियामेंट के मेम्बरों का प्रतिनिधित्व नहीं है ।

एक मेजर पोर्ट अगर आप बनाना चाहें तो खर्चा कितना लगता है ? १, २, ३, या ४ करोड़ रुपया एक पोर्ट में खर्च होता है । उसके लिए खर्चा आप करते हैं लेकिन उस खर्च को देखने की आपकी जिम्मेदारी नहीं है । उस खर्च के करने की जिम्मेदारी नहीं है ।

एक उदाहरण मैं आपके सामने रखता हूँ । हमारे सामन्तजी बैठ हैं । १९५२ में सामन्त जी लोक-सभा में आये । सन् १९५२ से आज तक यानी १२ वर्ष से इन का एक उद्देश्य इस पार्लियामेंट में रहा है कि हलदिया पोर्ट मेजर पोर्ट हो जाये । हलदिया पोर्ट मेजर होने जा रहा है । अब जिस व्यक्ति ने इस के लिये १२ वर्ष कोशिश की, जिसकी कि कांस्टीट्यूएन्सी में मेजर पोर्ट है, वह व्यक्ति उस बोर्ड का मेम्बर न रहे, यह कहां तक उचित व तर्कसंगत होगा ? सारी दुनिया भर के लोग उसके मेम्बर रहेंगे जब कि पार्लियामेंट जो कि रुपया संवर्धन करती है, पार्लियामेंट रुपया खर्च करती है, पार्लियामेंट की जिम्मेदारी है, मेजर पोर्ट ट्रस्ट यह सेंट्रल सबजेक्ट है, ऐसी अवस्था में पार्लियामेंट को उसमें प्रतिनिधित्व न देना कुछ अजीब सा लगता है । मैं चाहूंगा कि श्री राज बहादुर इस बारे में जरा विवेक से काम लें और पार्लियामेंट के मेम्बरों को उसमें प्रतिनिधित्व देने की व्यवस्था कर दें । इस बारे में तो कांग्रेस पार्टी और कम्युनिस्ट पार्टी दोनों के मेम्बरों का ज्वाइंट नोट आफ डिसेंट है । इस पर मंत्री महोदय को अवश्य देखना चाहिये । ज्वाइंट कमटी में एक दफा मंत्री महोदय ने कहा भी है कि हां यह चीज ऐसी है कि उस पर विचार करना चाहिये । इसलिए मुझे तो पार्लियामेंट को प्रतिनिधित्व देने वाली बात को स्वीकार कर लेने में कोई बाधा या अड़ंगा पड़ सकता

है, ऐसा प्रतीत नहीं होता । आपने खुद स्वीकार किया है कि पहले बिल में २७ आदमी थे, अब २७ की जगह २४ हो गये । २४ आप ने ज्वाइंट कमटी में रख लिये तो कोई हर्ज नहीं पड़ता । बस आप इतना और कर दें कि दी आप लोक-सभा से दे दे और एक मेम्बर का प्रतिनिधित्व राज्य-सभा से दे दें । इस तरह से दोनों का समन्वय हो जायगा । जहां २४ आदमी पहले से हैं वहां यदि ३ मेम्बर्स और उसमें बढ़ जाते हैं तो कोई विशेष खर्च भी नहीं होता है और कोई किसी को इसमें आपत्ति भी नहीं होगी क्योंकि रुपया हम मंजूर करते हैं । बजट के समय हम यहां बोल सकते हैं । आप समझें कि जैसे कलकत्ता पोर्ट है, उसको आप छोड़ दीजिये लेकिन और जैसे पोर्ट्स हैं : कांडला है, मद्रास है और विशाखापट्टनम हैं, उन पोर्ट्स की कांस्टीट्यूएन्सीज से वोट लेकर जो एम० पीज, या पार्लियामेंट में आते हैं, अब अगर उन पोर्ट्स का इंतजाम अच्छा नहीं हुआ तो उस बचारे एम० पी० को वहां से वोट नहीं मिल सकते हैं । हम वहां से वोट पाते हैं, हम उसके लिये जिम्मेदार हैं, हम उस के लिये पार्लियामेंट में आवाज उठाते हैं, लेकिन उस के मैनेजमेंट में हमारा स्थान नहीं है । रुपया-पैसा हम खर्च करते हैं, जायदाद हमारी है, प्रापर्टी हमारी है, लेकिन हम उस का इन्तजाम नहीं कर सकते । मैं चाहता हूँ कि माननीय मंत्री जी अपनी विवेक-दृष्टि से विचार करें और माननीय सदस्य, श्री यशपाल सिंह और श्री इन्द्रजीत गुप्त ने जो संशोधन रखा है, उस को स्वीकार करें । यह एक बड़ा सैद्धांतिक संशोधन है । यह बात नहीं है कि पार्लियामेंट के मेम्बर बड़े लालायित और उत्सुक हैं कि उन को सदस्य बना दिया जाय । माननीय मंत्री जी न्याय की दृष्टि से विचार करें कि जब शिपिकग बोर्ड, मर्चेंट नेवी ट्रेनिंग बोर्ड, डफरिन कमटी और लाइट होउसिज के बोर्ड में पार्लियामेंट के मेम्बर्स को रखा गया है, तो सिर्फ पोर्ट ट्रस्ट बोर्ड में से उन को हटा देना बड़ी अनुचित बात है । इस

[श्री रघुनाथ सिंह]

लिए वह इस छोटे से संशोधन को मान लें । इस से उन को मदद मिलगी । अगर हम कोई खराबी देखेंगे, तो हम उन से कहेंगे और पार्लियामेंट में भी सवाल उठा सकते हैं ।

डा० सा० श्री० अणे (नागपुर) : यही कारण है कि वह एम० पी० को नहीं रखना चाहते ।

श्री रघुनाथ सिंह : हम वहां पर सेंट्रल गवर्नमेंट के विचार और पालिसी को रख सकते हैं । सब पार्टीज यह चाहती है, लेकिन फिर भी मंत्री महोदय नहीं मानते हैं ।

मैं यह निवेदन करना चाहता हूं कि मेजर पोर्ट को ईस्ट पोर्ट या छोटी पोर्ट नहीं हैं । वहां पर बड़े-बड़े जहाज, दस हजार टन से ऊपर के जहाज, आयेंगे, जो कि ओवरसीज में जाते हैं । सारी दुनिया के जहाज वहां पर आयेंगे । इस लिए उन पोर्ट्स की इंटरनेशनल इम्पोर्ट्स, अन्तर्राष्ट्रीय महत्व, हो जायेगी । जब उन का अन्तर्राष्ट्रीय महत्व है, तो ट्रस्ट बोर्ड में सारे राष्ट्र को स्थान न दे कर केवल प्रदेशों को स्थान दे कर उन को अन्तर्देशीय दर्जा दिया जा रहा है । यदि मंत्री महोदय उन को अन्तर्राष्ट्रीय बनाना चाहते हैं, तो ट्रस्ट बोर्ड में राष्ट्र को, अर्थात् राष्ट्र की प्रतीक इस पार्लियामेंट को, जरूर प्रतिनिधित्व दिया जाना चाहिये ।

Shri Kashi Ram Gupta (Alwar): Mr. Deputy-Speaker, Sir. Today I rise to speak on this Bill in English because the ports are situated in non-Hindi speaking areas. At the same time, I would request the hon. Minister to give his reply in Hindi so that people from the South may make an effort to understand that language after such a long time.

Shri Indrajit Gupta (Calcutta South West): I am not from the South.

Shri Kashi Ram Gupta: May be; but I am referring to other hon. Members.

Shri Indrajit Gupta: But he was pointing at me.

Shri Kashi Ram Gupta: My first point is about the Chairman. I do not know whether this point has been discussed in the Select Committee but nothing is mentioned here about the qualifications of the Chairman. Will he be from the IAS, or a retired government official or some government servant still in service?

Then I come to the Deputy Chairman. I am of the opinion that his designation should be changed. As long as no separate functions are assigned to the Deputy Chairman, there is no point in having a Deputy Chairman. Although the Minister may say that it is not compulsory to have a Deputy Chairman, so long as the Deputy Chairman acts only in the absence of the Chairman, and not in his presence, his designation should be changed. Alternatively, he should be assigned some functions different from that of the Chairman.

Coming to the question of the salaries of the Chairman and the Deputy Chairman, it has been mentioned in the Bill that Government will fix them "from time to time" as the Government may deem fit. I am at a loss to understand why Government cannot fix it and incorporate it in the Bill instead of fixing it or changing it from time to time.

On the question of representation for labour, I agree with my hon. friend, Shri Umanath that two representatives should be there in the board and it should be provided statutorily. It is in the interest of Government also because in case there are two labour unions Government would be able to satisfy both.

Coming to the question of representation for Members of Parliament, I find that Shri Raghunath Singh and Shri Indrajit Gupta, one belonging to the Congress and another belonging to

Communists are in favour of such representation in the board. Though they may represent the two big parties, members belonging to other smaller parties should also be given representation. Therefore, I hope the hon. Minister will agree to the amendment as suggested by Shri Yashpal Singh.

Shri Nambiar: I am unable to understand why the hon. Member from Varanasi should be a member of the board especially when Varanasi is far away from any port.

Shri Raghunath Singh: That is why I suggested that a member who represents the constituency in which the port is situated should be a member of that board. I now find that he has not understood my point.

Shri Kashi Ram Gupta: Then, there seems to be some lacuna in the Bill. Suppose the elections are not held in time and the Government does not nominate its members on the board. What will be the position for the intervening period? I feel that Government should fill up the vacancy somehow. That is not clearly mentioned in any of the clauses of the Bill.

So far as the appointment of staff is concerned, Government has actually taken more powers than it has given to that body. For example, the heads of departments are to be appointed by the Government; only consultation is necessary with the Chairman. On the other hand, so far as disciplinary action is concerned, the Board will take action subject to the approval of the Central Government. I feel it is wrong in procedure. It is better that the board is given the power and an appeal lies to the Central Government, because there is a difference between a second hearing in this way and an appeal to the Central Government. I feel it is an injustice to the heads of the departments, because it will be very difficult for the Government to disapprove of the action of the board in every case. At the same time the Government should be free to hear the appeal and see that justice is done to

the person. I hope the hon. Minister will agree to my suggestion that the board must have full authority and an appeal should lie with the Central Government, so far as heads of departments are concerned.

Coming to the question of disqualification, in clause 6(d) (vi) it is stated that if he is having a share or interest in the occasional sale to the Board to a value not exceeding ten thousand rupees in any one financial year he shall not be deemed to have a share or interest in such work. I feel that this limit of Rs. 10,000 should not be there, because it is derogatory to the prestige of the trustee. I think the proper thing to do is to delete this entire provision. Otherwise, the amount should not be so small.

Then, regarding the appointment of consulting engineers it is mentioned that it has got to be approved by the Central Government. What a pity is it! Is it an autonomous body if even the appointment of consulting engineers has to be approved by the Government?

Then, clause 27 of the Bill does not fit in with clause 23. Clause 27 says:

"Notwithstanding anything contained in section 23, no post other than a post referred to in clause (c) of sub-section (1) of section 24 shall be created except with the sanction of the Central Government."

Then, what is the purpose of having clause 23? It says:

"A Board shall, from time to time, prepare and sanction a Schedule of the employees of the Board whom it deems necessary and proper to maintain for the purposes of this Act and such Schedule shall indicate therein the designations and grades of employees and the salaries, fees and allowances which are proposed to be paid to them."

Therefore, clause 27 nullifies clause 23 of the Bill. Then, I come to clause 31

[Shri Kashi Ram Gupta]

which relates to the repayment of capital and loans etc. by the board. The clause provides that the intervals as well as the manner in which the repayment should be made are to be fixed by the Central Government. My suggestion is that it should be with the concurrence of the board. After all, the board is an autonomous body. Government cannot levy a charge on it which it may not be able to bear and Government should not dictate terms in this way. So, it should be with the concurrence of the board and not without the concurrence of the board.

Clause 34 provides that:

"Every contract shall, on behalf of a Board, be made by the Chairman and shall be sealed with the common seal of the Board:

Provided that no contract whereof the value or amount exceeds such value or amount as the Central Government may from time to time fix in this behalf shall be made unless it has been previously approved by the Board."

Again, I would submit that the whole thing should lie with the board and not with the chairman.

Then, I come to clause 111, which relates to the power of the Central Government to issue directions to the board on questions of policy. There was evidence also given in this regard by several witnesses. I would suggest that it would be better to define the term 'policy'. For, after all, this has been going on for such a long time, and the term 'policy' would have been well defined by now. So, instead of leaving it vague, it is better that Government define what the policy matters will be and also insert them in the Bill.

The Bill also provides that prior sanction from the Central Government

is required for capital expenditure. I do not understand this. After all, there is a budget framed by the board, and the budget can provide for both capital and recurring expenditure, and the budget is approved by Government. So, the question arises why there is the need for a separate sanction from Government again for capital expenditure. I fail to understand this. Once the thing is included in the budget and it is approved, there should be no further need to have a separate sanction from Government which will only delay matters unnecessarily. After all, autonomous bodies are autonomous, and these bodies have got their own responsibilities. We know very well the procedure of Government. The procedure is that generally the different Departments execute things, but it takes a long time to get the financial sanctions. So, in order to expedite matters, I would submit that it is better that the board has all those powers, so that delay can be avoided.

Shri Jashvant Mehta (Bhavnagar): I welcome this Bill. First of all, I would like to speak on the points raised by my two hon. friends in their minute of dissent, which are very important points.

The first of these points relates to the question of representation of labour. In the case of the other port trusts also, we have seen during the last twelve years, that whenever there is a labour problem, it is only the Central Government which with the representatives of Labour have been able to deliver the goods. In the management of port trusts also, up till now, the labour representatives have played a very important role. So, we cannot understand why specific provision has not been made in the Bill for representation of labour on the board.

As my hon. friends who have spoken have stated already, the representation of labour is a very im-

portant factor in the Major Port Trusts Bill. So, I hope Government will reconsider the question and give us an assurance on this point, that whenever Government will constitute the board, there will be positively two labour representatives at least on the board. Up till now, at the different ports, the different trade unions have been agitating for greater representation. But, here we find that not even a single representative of labour has been specifically mentioned in the Bill to indicate that there will be a positive provision for the representation of labour. So, I hope the hon. Minister will give us an assurance that in the constitution of the boards for these three major ports, a special representative of labour will be there on the board. I would not belabour this point any further.

Secondly, I would like to support my hon. friend who has spoken earlier who also does not hail from a port constituency, and I would like to suggest that Members of Parliament should also be represented on the board.

The third point that I would like to make is this. We heard evidence from the representatives of the Bombay Port Trust also in the Select Committee in this regard. Day in and day out, we are talking of democratic decentralisation, and the problems of ports also require decentralisation. We find from the Bill that clauses 106 to 111 provide for the supervision and control of the Central Government. The representatives of the Bombay Port Trust who are very experienced, and who have been working in the port trust for the last so many years have given very important evidence to the effect that the port trusts should not be made merely departments of the Government. If we want to make them really effective autonomous boards, then, it is necessary—I quite agree with what the Port Trust representatives have urged in this connection—that only in regard to specific matters, such as a national

policy labour issue etc. or some major policy matter, the port trusts will have to abide by the decision and policy laid down by Government, and only on those major policy matters, the direction, supervision and control of the Central Government should be exercised.

I also wish that the hon. Minister will give us an assurance on the floor of this House that this power of supervision, which is a very vast power, will not be utilised at random or utilised in such a way that it may prejudice harmonious relations in the future.

Dr. M. S. Aney: What harm is there if the Central Government gives its directive on a major policy matter?

Shri Jashvant Mehta: When we are talking of decentralisation these days, I think that we should allow the autonomous boards to function in an autonomous way; so far as their day-to-day administration is concerned, they should have complete autonomy, and there should not be any interference by the Central Government in that regard. This was the point which was made out by the representatives of the Bombay Port Trust in the Select Committee. This is an important point which should be borne in mind.

I would also like to mention that in 1950 when the amending Bill in respect of the Bombay, Calcutta and Madras Port Trusts was brought forward and discussed in this House, Government had given an assurance on the floor of the House that they were thinking of bringing forward a comprehensive Bill. I would like to know what has happened in that matter, whether Government is considering the question of having a uniform policy in regard to all the major port trusts. We find that Government have only brought forward this piece-meal measure. So, I would like to know why Government are delaying the implementation of the assurance which was given in 1950.

Shri Raj Bahadur: Assurance about what?

Shri Jashvant Mehta: The assurance was given by Government in 1950 that they would bring forward a comprehensive Bill covering all major port trusts. This was the assurance given at that time when an amending Bill was being discussed. I would like to know what is the policy of Government and whether Government is going to act on those lines or not. In the present Bill, we find that only three ports are being promoted to the status of major ports. The medium ports are also demanding that they should also come up and have the status of major ports.

Under the Third Five Year Plan, a lot of money is going to be spent on industrial development of this country, and the tonnage of exports and imports will increase as a result thereof; consequently, more and more major ports and medium ports are bound to come up, and increase their import and export tonnage. At this rate of development, I would like to know what is the policy of Government in regard to the medium and minor ports and how they are going to support all the medium ports. This is a very important matter which requires to be clarified.

I would also mention that some minor ports are being neglected. I would like to emphasise that Government should give due importance to such minor ports and also give their proper attention for the development of medium ports. The hinterland and also the communication facilities all around should be developed with a view to develop our export trade. After all, in the years to come, export trade is going to play a very important part in the matter of earning foreign exchange, and the ports which play a secondary role will also help in the export promotion schemes. So, Government should give proper attention to those ports as well.

With these words, I welcome the Bill.

Shri Indrajit Gupta: Mr. Deputy-Speaker, Sir, I wish to say just a few words in celebration at least of the joint note of dissent and the joint amendment which stands in the name of Shri Raghunath Singh and myself. I doubt whether we will have an occasion to meet together again and join.

An Hon. Member: Why?

Shri Indrajit Gupta: Well, I do not know.

Dr. M. S. Aney: We wish many happy returns.

Shri Indrajit Gupta: Let us hope so.

The point which has been raised about the representation of Parliament on this Board is one of a question of principle. I am not very, very particular about the number of members. Though we have put it in our amendment concretely that there should be two members from the Lok Sabha and one from the Rajya Sabha, that is not some thing which we would press as being irreducible. That is as far as the number goes; but there is a question of principle and I really find no argument why, when Parliament is represented on almost all types of similar boards, committees and bodies of this type, it should not be represented on these Port Trusts. I can say from my personal experience because unfortunately I happen to be the Member from the area in which the Calcutta ports and docks are situated—it is not that I am canvassing for myself because this is not going to apply to the Calcutta Port at all; so, there is no chance of my becoming a trustee there—that there are innumerable questions and problems relating to the functioning of the port, conditions of work in the port, housing conditions and all sorts of things on which I have regularly to carry on correspondence with the Chairman of the

Calcutta Port Trust but in my capacity as a Member of the Lok Sabha, I have often felt that if a Member of Parliament, whoever he was, was able to be a trustee himself, he would not only be able to contribute something effectively to the work of that Board of Trustees but would also be able to act as an effective liaison between the Port Trust and this House. I really do not see why, when 24 members are going to constitute the Board, some minimum representation cannot be given to the Parliament as my hon. friend, Shri Raghunath Singh, has pointed out. Therefore I am supporting this suggestion and the amendment which stands in our name on that point.

As regards the second point regarding labour, I am sure, my hon. friend, the hon. Minister of Shipping, will of course come forward and assure the House that even if there is no specific provision made in the terms of the Bill, it is the intention of Government always to see that labour is adequately represented and so on. But here we are concerned with the letter of the Bill. I am not concerned for the moment with the intention of the Government at all.

There is one question which strikes me at once and that is that in the case of all these ports, even assuming that it is argued that the ports of Kandla, Visakhapatnam and Cochin are much smaller in size than Calcutta, Bombay or Madras and the total number of labour employed there is much smaller—it is a fact because at present in Bombay and Calcutta, as you know, the total labour force numbers 40,000 or 50,000 or something like that, whereas these ports are much smaller at the moment—the whole object of developing these ports and classifying them henceforth as major ports, in the context of the development plans of this country and the way the export-import trade is expected to increase and so on, we expect that in the course of five to ten

years these ports will go on growing progressively and the tonnage handled there will develop and grow and the number of labour employed will also have to be increased. In these ports almost invariably, as the hon. Minister of Shipping knows very well, two broad categories of labour are there—one of those who are the direct employees of the Port Commissioners and another of those who are the employees of the stevedore companies. In Bombay, Calcutta and Madras they function under the Dock Labour Boards, but they are not the direct employees of the Port Commissioners. They are under the stevedore companies and are regulated by the Dock Labour Boards. Even if these two broad categories are to be given a minimum representation of one each on the Port Trusts, it would require two people. I am putting it as the very minimum. But even that provision or guarantee is not here in this Bill.

Shri Raj Bahadur: What minimum is not there?

Shri Indrajit Gupta: I am saying that even if these two broad categories of dock labour and Port Commissioners' labour are to be given a minimum representation of one each, even then it will require two people unless the Government is of the view that it is not necessary to give representation to them.

In clause 3 it provides for not more than ten persons who are to be appointed by the Central Government and that includes the Mercantile Marine Department etc. Let us say, for arguments' sake, that one representative each is taken from the Mercantile Marine Department, the Customs Department, the State Government, the Defence Services and the Indian Railways. That still leaves five possible seats upto a maximum which could be left for the representation of such

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other interests as in the opinion of the Central Government ought to be represented on the Board. With this margin of five seats I do not see any difficulty in stating clearly that at least two will be representatives of labour. That will still leave possible three seats which could be filled up by any other interests whom the Central Governments wishes to bring in. On the face of it this position is really very dangerous in the sense that the wording of the Bill is 'persons who, in the opinion of the Government, are capable of representing the following'. I can visualise a Board among these new Boards which are growing up where, maybe for argument's sake, it may be said that for the time being labour is not properly organised or is inadequately organised or that there is no trade union or there is one union which is not very strong or influential or that its complexion is not liked by the powers that be and they may come to the conclusion that there is nobody who is capable in their opinion of representing labour and under the terms of this Bill there need not be a single labour representative on the Board in that case.

Therefore my argument is that when broadly the pattern of the existing Calcutta Port Trust Act, the Bombay Port Trust Act and the Madras Port Trust Act is being followed, I find that in the matter of composition of the Board this is the only item in which we have departed. I do not know why. All the other interests who find representation in the existing Major Ports Trusts Acts are guaranteed their representation here; only in the case of labour a departure is made. A specific provision which is there in the existing Acts is done away with and we are left with no assurance that there will be some minimum representation.

Therefore, in conclusion, I just once again wish to appeal to the hon. Minister. He may say very well that if there is only one representative and

somebody says that that will lead to inter-union rivalry or labour unrest, the same thing may happen if there are two. That is true; but we are not entirely responsible for the state of labour relations in the country. If there was a law in this country or if there was a provision or if it was the policy of the Government to select one union and say that that is the only union with which they will deal as a representative union, I can understand something. But what is the state of affairs? It is true that in these big ports there are two or three unions functioning. It is also true that all those unions are registered and more than one union is recognised by the local port authorities. The hon. Minister of Shipping knows it. In the port of Calcutta there are two or three unions which are recognised on the Port Trust side and there are two unions which are recognised on the stevedore labour side. But the authorities do this recognition in this way. The same thing more or less exists in the other ports.

So, when even with the existing provision of two seats for labour there is a certain amount of a sort of bitterness, rivalry and competition created, if you reduce that still further and say that there may be only one seat or no seat at all, I do not think it is going to create a very good atmosphere when you want to set up new port trusts for these places and enlist the co-operation of labour. I am sure, the Government wants to do that and therefore from the very outset it is very necessary. Whoever else you may leave out in the particular place—you may leave out the Defence Services if they are not very important in a particular area; you can leave out somebody else—how can you ever leave out labour? I do not follow that, if the port is to function properly? Yet, the strange anomaly is that everybody else is mentioned by name—the Defence Services, the Railways, the Mercantile Marine Department, the Customs Department and the State Government

are mentioned by name—only the labour is mentioned but without any provision.

Shri Raj Bahadur: Without any specified number.

Shri Indrajit Gupta: We are going back from the existing position. What is the need for going back. It is only something which will give a . . .

Shri Raj Bahadur: Which will give you a handle for . . .

Shri Indrajit Gupta: Why do you want to give anybody a handle? I do not understand it. Therefore I am appealing to the hon. Minister to reconsider this question and even at this late stage to try to accept the suggestions which are being made by hon. Members, I think, in agreement on all sides of this House and to see that it is accepted so that the Bill when it comes into force will really be able to enlist the co-operation of everybody and work properly.

14 hrs.

श्री शिवमूर्ति स्वामी (कोपल) :

उपाध्यक्ष महोदय, जब यह मेजर पोर्ट ट्रस्ट बिल सिलेक्ट कमेटी को जा रहा था उस समय मैंने बताया था कि यहां पर एक युनीफार्म पालिसी होनी चाहिये। इस में सिलेक्ट कमेटी ने जो चन्द तबदीलियां की हैं उनके लिये मैं उसको बघाई देना चाहता हूं। लेकिन मुझ अफसोस है, जैसा कि और भी बहुत से भाइयों ने बताया है, कि इस में पार्लियामेंट के मेम्बरों की नुमायन्दगी नहीं है। और न लेबर के लिये ज्यादा स्थान मुह्य्या किये गये हैं। जब सरकार किसी उद्योग का राष्ट्रीयकरण करती है तो उसमें निजी क्षेत्र से लेबर के लिये अधिक स्थान होना जरूरी है। अगर लेबर के लिये दो ही नहीं बल्कि तीन या चार स्थान भी रखे जाते तो ठीक था। मैं इस बात का सब के साथ

समर्थन करता हूं कि कम से कम दो स्थान तो लेबर के लिये अवश्य होने चाहियें।

इसके अलावा मैं मंत्री महोदय का ध्यान खास तौर पर इस तरफ दिलाना चाहता हूं कि इसमें आप सिर्फ चार बन्दरगाहों के लिए ट्रस्टी कमेटी की स्थापना की व्यवस्था कर रहे हैं। जो भी मेजर पोर्ट मुल्क में आपो बनने वाले हैं उनका भी ध्यान रखा जाना चाहिये।

दो चार साल पहले मंगलोर पोर्ट को भी मेजर पोर्ट में तबदील करने का प्रश्न था। लेकिन इस बारे में अब सरकार दूसरा विचार कर रही है। इससे उस क्षेत्र में असंतोष फैल रहा है। मैसूर के मुख्य मंत्री ने और वहां के ट्रान्स्पोट मंत्री ने भी आपको इस बारे में लिखा है। मैं जानना चाहता हूं कि क्या वार्क इसको ड्राप करके गोआ को मेजर पोर्ट बनाना चाहते हैं, या कि दोनों को मेजर पोर्ट बनाना जरूरी समझते हैं। मैसूर राज्य का जो दो सौ मील का समुद्री किनारा है उसमें एक न एक मेजर पोर्ट होना जरूरी है, क्योंकि बम्बई और मद्रास के बीच में हजारों मील के अन्दर एक भी मेजर बन्दरगाह नहीं है।

गोआ और मारमागोआ को बनाना भी जरूरी है, इसको भी मैं सपोर्ट करता हूं, लेकिन मंगलोर को मेजर पोर्ट बनाना बहुत जरूरी है। इस काम में अभी तक काफी पैसा भी खर्च किया जा चुका है। इस साल के लिये पांच लाख का बजट रखा गया है। सुनने में आता है कि इसको तबदील किया जा रहा है। यही प्वाइंट अविश्वास प्रस्ताव के सिलसिले में कृपालानी जी ने भी आपके सामने रखा था।

मैं साफ जानना चाहता हूं कि क्या मंगलोर को मेजर पोर्ट बनाने का प्लान है या नहीं। अगर है तो उसको इसमें शामिल किया जाय।

Shri S. C. Samanta (Tamluk): Mr. Deputy-Speaker, Sir, we are glad that the object of the Government to give the same status to the smaller ports also other than the major ports is welcomed and the report of the Select Committee has come out well. But only one note of dissent has been added to it. About the note of dissent, all friends have agreed that the representation of Parliament should be there in the major port trusts. I cannot find out why it was not thrashed out in the Select Committee itself. However, amendments have come before us. The Members of the Select Committee are bringing forward amendments and they are favouring the inclusion of the Members of Parliament in the major port trusts—those who were not for it. We feel that it should be taken up and the Government will have no difficulty. When the Bill was introduced, the Government proposed in the first Bill that the number of trustees should be 27. In clause 3(vii) it was mentioned:

“such other interests as, in the opinion of the Central Government, ought to be represented on the Board;”

These have been kept and I know in commodity committees where there are such provisions, generally Members of Parliament get a place—they are nominated. So, the Government had some intention that Members of Parliament who are really dealing with ports in Parliament discussions, if there is no difficulty, should be included. I would like to know from the hon. Minister whether there is any such thing in the mind of the Government that these trusteeship posts will come under office of profit. If it comes under that, I know there are so many bodies in which Members of Parliament are represented and the office of profit has been exempted. So, I think, there will be no difficulty in accepting this amendment which has been brought before the House about the representation of Members of

Parliament. The number which the Government have in mind—the Government had in mind 27 trustees—has been reduced to 24. So, there is a place for 3 and I would request the Government to go back to the word they gave in the past.

Shri Indrajit Gupta: The cat is out of the bag.

Shri S. C. Samanta: The Calcutta port, the Madras port and the Bombay port are major ports and in the statement of objects and reasons of the Bill it has been said that excepting these three major ports, the other three ports will be taken in as major ports as soon as this Bill is passed, and any other port that will be declared afterwards by the Government will come under the purview of this Major Port Trusts Bill. In this connection, I would like to ask the hon. Minister to explain what will be the fate of the Calcutta port and the Haldia port. I want to know when the Haldia port will come into existence and whether both of them will be declared as major ports.

Shri Indrajit Gupta: The Calcutta, Bombay and Madras ports are excluded.

Shri S. C. Samanta: They are excluded now. Now the Government has entrusted the work of constructing the port of Haldia to the Port Trust of Calcutta. The Calcutta Port Trust is managing it at present. Afterwards, if only one port is going to be recognised namely, the Calcutta port, and Haldia remains as a subsidiary port, then what will happen? There will be so many difficulties arising about labour representation. If Haldia happens to be only a subsidiary port to Calcutta, then the demand for labour representations and other things will grow up there. Then, what will be the fate of that port? I would request the hon. Minister to think about it and settle the matter right now.

Parliament is generally represented in bodies which are generally created by the Acts passed by it. Government have not hesitated to give the right to the States in which the port exists, as regards representation of the legislature and also the State Government concerned. But I do not know why the Central Government have forgotten the right of Parliament, where this Bill is going to be discussed and then passed into an Act, to be represented in a body which is going to be created under the very Act passed by it. So, I think that there will be no difficulty, and Members will agree that this proposition should be accepted, that the Members of Parliament also should be represented, and I request Government to accept it.

Shri Umanath: The hon. Minister will give a dissenting note on that.

Dr. Gaitonde (Goa, Daman and Diu): I rise to make one or two requests. I was a Member of the Select Committee and I had made those requests at the first meeting of the Select Committee, and those requests were regarding the port of Marmagao. After all, the port of Marmagao is being developed, and I think about Rs. 20 to 23 crores are being spent or will be spent within a few years on its development. So, I really do not understand why that port has not been included among the ports mentioned in this Bill.

As far as the exports from that port are concerned, they are more than 6 million tons, and the figure can easily be increased to about 10 million tons. All the facilities for this purpose are there. And the area is also going to be developed.

Yesterday or the day before, the Railway Minister had told us that the area is going to be surveyed for a broad gauge railway line. That means that very shortly, all that area is going to be developed. In those circumstances, I fail to understand why Government have not included the

port of Marmagao within the purview of this Bill.

My second point is as regards what the hon. Member who spoke just before me had said, and that is about the inclusion of Members of Parliament in the Trust. I do think that it is a good idea, and a good suggestion to include Members of Parliament as also representatives of labour etc. in the Port Trust Board.

Shri Raj Bahadur: I am grateful to the hon. Members who have taken part in this debate and who have made certain constructive suggestions . . .

Shri Umanath: Constructive, but not for acceptance, of course.

Shri Raj Bahadur: Constructive suggestions and observations have been made. Whether I shall accept them or not will follow in the course of my observations. I am duty bound to pay my tribute to the hon. Members who have taken part in this debate.

Broadly speaking, the debate has revolved round three points. The first is: Why not specify the number of labour representatives on the proposed Port Trust Boards? The second is: Why not give representation to this august Parliament on the Port Trust Boards to be created? The third is: Why are Government taking wide powers for issuing directions to the Port Trust Boards to be created?

As I have observed in my preliminary observations while making this motion, the pattern of this legislation closely follows the existing Port Trust Acts. In fact, it is fashioned on the lines of the Madras Port Trust Act, more specially. No doubt, some improvements have been made, and we propose that in course of time those improvements should also be incorporated in the existing Port Trust Acts of Bombay, Calcutta and Madras. So, the uniformity or homogeneity that was needed so far as the

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administration of the ports was concerned, will be ensured by this particular device.

If that is so, then the question comes as to why we make an exception in the case of the constitution of the board and why do we not specify the number of labour representatives. The reasons are quite obvious. If I may just remind my hon. friend, Shri Indrajit Gupta who has tabled an amendment on this subject, that he himself has said that he does realise that there is a lot of difference and a lot of disparity between the volume of traffic handled by the different ports. For instance, the port of Calcutta handled last year as much as 11 million tons of traffic, and the port of Bombay handled as much as 13 million tons of traffic, and by the end of the Third Plan period, their handling capacity will go up to 14 million tons and 15.5 million tons respectively. As against that, the total traffic handled by the three ports that we have now in view and for which we want to create these port trusts was as follows: Cochin: 2.5 million tons; Visakhapatnam: 2.3 million tons; and Kandla: 1.3 million tons. Even after the completion of all the schemes of development included in 3rd Plan, the total capacity of the three ports would only be 4 million tons in the case of Cochin, 9 million tons in the case of Visakhapatnam, and 2.5 million tons in the case of Kandla; and these are the figures regarding the capacity of the Ports as that would be at the end of the Third Five Year Plan. It is evident that the number of labour employed in these ports would be limited by the volume of traffic, and, therefore, it also follows as a natural corollary to that that we cannot afford to have large and inflated boards for ports which have just come up or for which we are just creating these port trusts. Naturally, we have used a certain phraseology in the body of clause 3, which gives a very good scope for us for future expansion of

the boards. The wording at present is that "the board of trustees will consist of a chairman, a deputy chairman and not more than ten persons to be appointed by the Central Government" and "not more than twelve persons to be elected by such agencies as the Central Government may specify." It may not be necessary for a port like Kandla to have a full-fledged board of 24 members, and we may not find 24 members necessary at all for being appointed on that board; we may only find that eight or ten people would do. If only eight or ten people are sufficient for that board, then to have two members specifically for labour would rather not fit into the scheme of things.

Shri Umanath: Why not?

Shri Raj Bahadur: Evidently, it would not, because it should have some relationship with the number of other representatives, representing the various departments of Government, representing various commercial and shipping interests and so on, and in the context of a board having only eight or ten members, one member for labour may be quite sufficient. Therefore, we have said that there shall be ample flexibility in this respect for us. But certain doubts, misgivings and apprehensions have been expressed by my hon. friend, Shri Umanath. He says that we are denying a right, and we might be creating a feeling in the mind of labour that we are not playing fair to them, and we are not giving them their due and so on. I think that the very phraseology used in the clause does not leave any scope for Government to deny representation to labour.

Shri Indrajit Gupta: Of course, it does.

Shri Raj Bahadur: It would not. It is impossible; it would be impossible unless and until a false and unrealistic impression is sought to be created that boards may be created without labour.

Shri Jashvant Mehta: Please give us a categorical assurance that labour will be represented.

Shri Raj Bahadur: That assurance has been given in the Select Committee and I repeat it here, that labour shall be represented on these boards adequately, duly keeping in view the size of the board and the volume of traffic handled. If you want that even though a port like Tuticorin, which is now coming up, and to which this Act might be extended, or a port like Mangalore or in course of time Pradip or Porbunder, will have to start with a traffic of, say, 5 lakhs or 7 lakh tons or a million tons tons at the most, there must be a full-fledged board of 24 members, that would not be desirable; it would not be in consonance with accepted principle or convention. Whatever board we constitute should be commensurate with the requirements of the situation, the traffic, the labour that is employed in the port etc. Taking all that into account, I think that the doubts, misgivings and apprehensions expressed that we would not be fair to labour are ill-founded. I can only say that in case the size of the board grows, naturally the number of labour represented will also be increased. May be—as Shri Gupta has said, we have got a good deal of scope and we may find it possible to fill up all the ten posts; and in that case we may not have as many as three or four vacancies left and in case it is so there may be three or even four places reserved for labour, keeping in view the requirements of the situation. But in Calcutta, where the number of labour is forty to fifty thousand and in Bombay where it is about 35,000, you can very well appreciate that the existing number is 2. If the number of labour in Kandla is only 3,000 or 2,000, the representation will have to be commensurate with the requirements.

Shri Umanath: Even if it is 3,000, there is division, as Shri Indrajit Gupta said, between stevedore labour

and other labour. Will both be represented?

Shri Raj Bahadur: After all, the interests of labour are generally well known and it is quite possible to devise a system by which we can do it. But I take note of the strong feelings expressed and the fact that this amendment has been moved by the Secretary of the Congress Party, Shri Raghunath Singh and Shri Indrajit Gupta together. I have explained that there is not much of a case for it, but out of deference to the wishes expressed by Members, I am accepting the amendment tabled by Shri Raghunath Singh and Shri Indrajit Gupta, that is, No. 7.

Shri Thirumala Rao: (Kakinada): That is the collective wisdom of the House.

Shri Raj Bahadur: But I am not quite sure whether we are on equally strong ground in regard to the other amendment.

Shri Indrajit Gupta: Should we take it that in future if any amendments are moved together....

Shri Raj Bahadur: I accept amendment No. 7, namely that the number of persons so appointed shall not be less than two.

Shri Indrajit Gupta: If the Secretary of the Congress Party and some other Member move an amendment, will it be accepted?

Shri Raj Bahadur: They will be given all respectful attention. That goes without saying. If a resolution is unanimously moved in the House, of course, it will be accepted. If an amendment is moved, in which all parties join together most probably it will be accepted.

Shri Indrajit Gupta: Has the Secretary of the Congress Party been guided by the party in this respect?

Shri Raj Bahadur: The Secretary knows it better than I do.

Shri Indrajit Gupta: Are you taking it that way?

Shri Raj Bahadur: I am guided by the collective wisdom of the House.

Shri Hari Vishnu Kamath (Hoshangabad): Is the House to understand that the Minister gives more respect to a Congress Party amendment than to the amendments of other parties? I am not able to follow.

Mr. Deputy-Speaker: It is signed by Shri Indrajit Gupta also.

Shri Raj Bahadur: I can assure my hon. friend, who is a seasoned parliamentarian, that it is not because Shri Raghunath Singh, the Secretary of the Party has moved it, but it is because that is the consensus of opinion. It is an amendment moved or tabled jointly by Shri Indrajit Gupta and Shri Raghunath Singh, representing two parties. That is one factor.

With regard to the other amendment, about representation being given to this House on the board of trustees, I am not sure if it stands on the same footing. There are sound reasons against accepting it. Firstly, so far as the scheme of things in the existing Port Trust Acts are concerned, all along representation has been confined to departments of the Central Government or labour working in the port or persons elected by such state or local bodies representing commerce, shipping or local interests—all of whom are intimately connected or concerned with the day-to-day working of the port and are available at the port.

There are three factors here: persons representing Central Government departments and representatives of commerce or shipping in-

terests in the States elected by State or local bodies, secondly those who are concerned with the day-to-day working of the port, and lastly that they should be available on the spot at the port. What happens in the case of MPs? Reference has been made to the Merchant Navy Training Board, the National Shipping Board, the Dufferin Committee and other bodies on which MPs are represented. Then there are the ICAR, the Oilseeds Board, Cotton Board, Tea Board, Coffee Board and Rubber Board. But what is the nature of these boards? The governing councils meet normally once a year and deal with major policy matters. In this case, the port trust board meets often every week or at least once a fortnight. So it is not possible for MPs to leave their important business here and be there. Secondly, the presiding officer of these port trust boards is a civilian officer. He is in charge of the management and administration of the port. This august House is the sovereign Parliament of the country and we who constitute it are members thereof. We are essentially a deliberative and legislative body. We have a hand in shaping policy, in formulation of policy. When you want a hand in the management of departments or institutions, you are essentially changing the fundamental character of the functions for which MPs stand. It will constitute a departure from accepted principle or convention. That is the whole point.

So Members will kindly consider whether they would like to make that fundamental departure. In other bodies like the National Shipping Board, there is a non-official with a standing in public life who presides and MPs are also represented there. This is a body which formulates policies or advises Government in regard to the formulation of policies. The same is the case with the Merchant Navy

Training Board, and the other bodies I mentioned.

Shri S. C. Samanta: The Coir Board constituted by this House meets every three months and formulates everything connected therewith. There the Chairman is also an official. If there parliamentary representation is granted, why not in this case?

Shri Raj Bahadur: Is it a deliberative or executive body? That is the whole question? It formulates policies, and the policies must be executed by the executive wing or the executive branch, whatever it is of that body. I am stating a point of principle whether you would like to have a departure from the accepted parliamentary institution, namely, this: we are a deliberative body; there are three wings, the judiciary, the executive and the legislature; if the members of the legislature want to have a hand in the management of the departments, well, it is a matter of policy.

Then, the question was raised that the membership of a port trust may be considered to be an office of profit, because it has got so much patronage in its hands, the day-to-day granting of licences, the granting of lands, the granting of contracts, making appointments, etc. It will be for this House to direct and to lay down whether the membership of a port trust board is not an office of profit.

Shri Thirumala Rao: There is so much of patronage in the hands of Members. We are confusing this with profit. Is it any profit-giving patronage that these Members enjoy? You said it may become an office of profit. The number of contracts which are disposed of according to the rules and regulations—does it amount to having a place of profit?

Shri Raj Bahadur: Patronage is considered to be profit. One who can either get some profit in monetary terms or one who can get some advantage in the form of enjoying

some patronage, giving of some patronage to some people, that amounts to the same thing. And that is a point which has to be settled by the House, because if any exemption has to be made, the Parliament Secretariat has to go into this question and will have to find out whether membership of this will constitute an office of profit or not. If it is an office of profit, Members may not like that they should be considered for this purpose.

श्री रघुनाथ सिंह : श्रीमान लीजिये कोई एम० एल० ए० चुना जाता है उसके लिये यह आफिस आफ प्राफिट होगा या नहीं?

Shri Raj Bahadur: I have made that enquiry. No Members of Legislatures are going to be appointed on this port trust board.

Shri Raghunath Singh: It is not in the law; it is nowhere there.

Shri Raj Bahadur: The clause is: "not more than twelve persons to be elected by such State or local bodies representing commercial, shipping or local interests as the Central Government may, from time to time, by notification in the Official Gazette, specify".

Shri Raghunath Singh: The local body member can be elected here.

Shri Raj Bahadur: If he is elected, all those considerations that I have pointed out will apply in his case also. I had stated just now—Shri Raghunath Singh was not here—that we are a sovereign body, we are a deliberative body; should we depart from this particular convention or accepted principle of Parliamentary tradition and take a hand in the management of departments? That is the whole question.

With these words I would like to say that so far as this particular amendment is concerned I may find it difficult to accept it because of

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the legal complications, because of the practical difficulties and also because of the difficulty that the Members of Parliament, if they were so appointed, would themselves be confronted with. As I have said, the port trust meets almost every fortnight, and if they meet every fortnight or every week and deal with the day-to-day management of things, it is obvious that they cannot spare time when Parliament is sitting for more than seven months.

The last point is about Government's powers under clause 111. Some doubts have been expressed that the autonomy that is proposed to be granted to the port trust under the provisions of this Bill will be diluted to the extent that the Central Government will enjoy powers to issue directions. And the question has been raised: what is a question of policy, can it or can it not be defined? An objection has also been taken to sub-clause (2) of clause 111 that "the decision of the Central Government whether a question is one of policy or not shall be final". Sir, it is evident that a question of policy is not a question of day-to-day management, it is not a question of day-to-day administration. Policy is policy, and I think the accepted meaning or connotation of this word as found in any dictionary should satisfy the needs of interpretation. An act of administration or an act of management is not an act of policy. So I would say that so far as the question of policy is concerned we have learnt by experience that such a power to be vested in the Central Government is absolutely essential and indispensable. Why? Because, we have now entered into some sort of arrangements with the World Bank for huge sums of money to be advanced as loans for the development of ports, whether it is Bombay, Madras, Calcutta, Visakhapatnam or any other port. We might continue to do that in future also. We have to ensure that the loans that are advanced to these port trusts are properly utilised, that all

the arrangements about their servicing and about their repayments are properly assured and that the port finances are kept in good trim so that our commitments to the World Bank are fully respected. In that particular context we have to take care of the rates policies also. We have to take care that the expenditure and the budget are well balanced; otherwise it will not be possible for these ports to repay the loans and to meet their obligations or commitments under those loan arrangements. Apart from that, we found—just to give an example—that in certain cases we come up against a problem which because almost insoluble. I refer, Sir, to the Port of Bombay and what came to be known as a minimum development scheme. The minimum development scheme was pending for a long time—I do not know for how many years—and the port trust was divided between itself. They could not come to a final agreement and a final decision about it whether to adopt it or not to adopt it. The result was that the development of the port of Bombay was largely held up throughout the First Plan period and a large part of the Second Plan period. And it was towards the end of the Second Plan period that we had to intervene and some sort of arrangement was made by which a new scheme, known as the modernisation scheme, was adopted and approved, on the basis of which we went to the World Bank and got a loan. Therefore, so far as this is concerned, there should be ample powers with the Central Government to issue directions in certain cases.

Then, on certain occasions we found that in labour disputes also we were asked to intervene. Certain Members who claim to represent labour here have taken objection and asked why we should have those powers. But we should have those powers. But labour itself in many cases. So, this provision is absolutely essential. It has been accepted by the Select Committee, and I hope the House will

bear with me if I say that there is a strong case to retain this provision as it has been worded.

Then, some doubts have been expressed by my hon. friend Mr. Umamath about the lack of, what he calls, balanced development in respect of major and minor ports. He has made out a case for, what he calls, an integrated development of major and minor ports. He says that whereas we have continued to develop the major ports of Bombay, Calcutta and Madras we have neglected the other ports, and particularly the minor ports. As we all know, the development of ports has to go hand in hand with the requirements of the trade. If the trade continues to develop for minor ports there is no reason, and there is no factor which could come in the way of their development. Naturally, if the port of Calcutta or Bombay or Madras have developed, it is because the hinterland has been well developed. It is because the channels of trade have been opened to these ports and they have served the cause of trade. Indeed, they have served the trade very well. And, naturally, we took good care to see that these major ports which were the main gateways for our trade, import and export, are well kept. It would be rather unfair to say that we have not cared for their development adequately, because even today, on the completion of all the projects in the Second Plan, or to the extent these could be completed, the total capacity of these six major ports is in the vicinity of 37 million tons. And the maximum level of traffic, the peak traffic, that has been obtained for all these six major ports is 33 million tons. At the end of the Third Plan period the anticipated capacity to which all these ports would be developed, all put together, comes to 50:30 million tons. So it would be appreciated that so far as the needs of trade are concerned, our export trade and our import trade—that has been well kept in mind and the port capacity will not be found lagging behind the requirements of the trade. That

assurance I can give without any hesitation.

Now, it may be said, if that has been done for major ports, what about minor ports. But minor ports handle mostly the coastal trade. They do not handle our export or import trade, generally.

Shri Indrajit Gupta: What about Mormugao?

Shri Raj Bahadur: I will come to that also. I would say that so far as minor ports are concerned we have done all that we could to encourage the State Governments, who are primarily responsible for the development of minor ports, to go ahead with their development. It was with that end in view that we appointed the Intermediate Port Development Committee, and created the category of intermediate ports. That Committee made recommendations for their development, and I am happy to say that it is going apace, barring certain exceptions here and there. We are also anxious that minor ports should be developed, because we think that with the rapid increase in our commerce, trade, agriculture and industry, apart from the accepted three lines of communication, namely rail, road and inland water transport, the fourth line of coastal sea transport has also to be developed, which can be done only if we develop the minor ports. For that, two things are essential; firstly, that the necessary facilities should be provided in these ports, and secondly, the type of craft that can go directly, into those ports and load and unload is necessary, so that the cost of loading and unloading may be minimised. We are encouraging the sailing vessels trade to mechanise sailing craft, and to build new mechanised craft of 500 to 1,000 tons capacity, with a draft of 8 to 10 feet, which can go to many or most of the minor ports. If that can be achieved, coastal trade through minor ports can be well developed.

Regarding Goa, we have already formulated certain schemes for the

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development of Marmagao port, costing about Rs. 20 crores. We have recommended the schemes to the Planning Commission, and the outlay for the Third Plan is of the order of Rs. 8.5 crores. We hope that in due course they will be approved and we will be able to go ahead.

So far as the present development is concerned, as you know, there was the question of dredging of the channel which was required to be taken in hand, and some other works are also going to be started.

Regarding Mangalore, the doubts expressed by my hon. friend opposite are totally unfounded. There is no question of rethinking on this. The Mangalore port has been included in the Third Plan. We included a specific allocation in our Budget for this in the first year of this Plan, as also in the second year. In this third year of the Plan, as you know, there was an allocation of Rs. 10 lakhs, but on representations by us this was increased to Rs. 50 lakhs. We have already appointed an administrative officer and the Chief Engineer for the port. We have already given sanction for the acquisition of land, we have already approved the site that was selected for this purpose. We have also approved certain schemes for dredging, etc. So, there should be no doubt or misgivings about it. The pity of the matter is that sometimes, much capital is made of the news that appears in the press, and I was really surprised that an observation was made in regard to it even by Acharya Kripalani. My hon. friend Shri Sivamurthy Swamy has again referred to it. I do not know whether it is appropriate to raise such points in the House and create such doubts. By that we do not create any good climate in the country or in the region concerned. If such doubts are raised, people feel lack of confidence not only in the assurance of the Government and the schemes of the Government which are going through, but

also in the words and utterances of the Opposition who raise such points. I can assure the House that there is no question of dropping the Mangalore port project. We shall go ahead with it fully, and there should be hardly any room for doubt about it.

Shri Jashvant Mehta made the point that some assurance had been given on the floor of the House that we would bring forward a comprehensive Bill to cover all the major ports. In fact, this Bill to a very large extent satisfies that assurance, because this is based on the Madras Port Trust Act, and, as would be noticed from clause 1(3), this will not only apply to the three ports mentioned therein, namely Kandla, Vishakapatnam and Cochin, but the Central Government may by notification in the Official Gazette, apply the provisions of this Act to any other major port, not being the major ports of Bombay, Calcutta and Madras, with effect from such date as may be specified in the notification. So, whether it is Tuticorin, Mangalore, Goa, Porbunder or Paradeep, this very Act can be made applicable to them, and port trusts created without difficulty.

As far as Haldia is concerned, at present it has been started as a subsidiary port to Calcutta. We have to bear in mind the supreme need of seeing to it that the interests of Calcutta and Haldia do not conflict with each other, and that they remain supplementary and complementary to each other rather than rivals. So, some sort of co-ordination will be necessary. The question whether Haldia should be administered as a subsidiary port of Calcutta by the Calcutta Port Commissioners, or whether a separate port trust should be created, is a matter of detail, and we shall have to examine it in the fulness of time in the light of experience and according to the exigencies of the situation. I cannot say anything specific or positive about it as to whether

we will create a separate port trust for it or not. That will depend on the requirements of the situation.

I do not think the points raised by Shri Kashi Ram Gupta call for a reply. He says the Central Government has taken the power to be consulted when the consulting engineer is appointed. The consulting engineer is not a permanent Chief Engineer of the port. Consulting engineers are appointed to advise a port on some special project, technical, engineering project of a complicated nature. Clause 26 says that a Board may appoint any person as consulting engineer to the Board otherwise than on the basis of payment of a monthly salary. So, he is not a permanent employee, and when they make selection of a consulting engineer, we have to be sure that they have made full use of the talent available in the country. If we do not make full use of the talent available in the country, it will not help us in creating a nucleus of experts which we so badly require for engineering purposes. That is why we are very seriously considering whether we should not give all possible encouragement to our retired engineers to constitute themselves into bodies of consulting engineers to advise the ports as also road construction and other projects, to obviate spending foreign exchange on foreign experts. We cannot endlessly depend on foreign experts, but where it is necessary to avail of foreign engineers, the Central Government must be consulted with a view to have some sort of liaison, co-ordination and proper control in regard to this matter. Shri Kashi Ram has also raised the point that the head of a department, if he is either removed from service or reduced in rank or otherwise punished, he will have no right to appeal, in the nature of things since the head of the department is appointed by the Central Government. I think there is a provision made in clause 25 also. It should be sufficient for the purpose he has in view and that is all that could be done and this

point has been considered in detail by the Select Committee.

Shri Kashi Ram Gupta: According to the provision, the head of the department can be removed with the approval of the Central Government. This does not mean that he has got the right of appeal.

Shri Raj Bahadur: In the first instance all the proceedings when they are taken will be by the Board. The proviso to this clause is there.

Mr. Deputy-Speaker: Let it be governed by rules and regulations.

Shri Kashi Ram Gupta: Then about the qualifications of a member, clause 6(d) refers to a member having a share or interest in the occasional sale to the board, to a value not exceeding ten thousand rupees in anyone financial year of any article in which he trades.

Shri Raj Bahadur: This is a salutary principle. There should not be a sweeping disqualification for all.

Mr. Deputy-Speaker: The question is:

"That the Bill to make provision for the constitution of port authorities for certain major ports in India and to vest the administration, control and management of such ports in such authorities and for matters connected therewith, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Shri Yashpal Singh: I move amendments No. 1 and No. 2 to clause 3.

(i) Page 4, line 34,

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for "twelve" substitute "nine" (1)

(ii) Page 4,

after line 37, add

"(e) three members of Parliament, two from Lok Sabha and one from Rajya Sabha to be elected by respective Houses". (2)

Mr. Deputy-Speaker: I shall put the amendments to the vote of the House.

The amendments were put and negatived.

Mr. Deputy-Speaker: Amendment No. 6 is the same as No. 2 and so is barred. I think the Minister is accepting amendment No. 7.

Shri Raj Bahadur: Yes, Sir.

Shri Indrajit Gupta: I beg to move:

Page 4, line 33,—

add at the end—

"and that the number of persons so appointed shall not be less than two." (7)

Mr. Deputy-Speaker: The question is:

Page 4, line 33,—

add at the end—

"and that the number of persons so appointed shall not be less than two".

The amendment was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Shri Yashpal Singh: I move my amendment No. 3 to clause 4:

Page 5,—

after line 32, insert—

"(d) three members of Parliament, two from Lok Sabha and one from Rajya Sabha". (3)

Mr. Deputy-Speaker: Is he pressing it?

Shri Yashpal Singh: No, Sir; I withdraw it.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw?

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 8 were added to the Bill.

Shri Yashpal Singh: I have an amendment to clause 9:

Page 7,—

after line 30, insert—

"Provided that no person shall be a Trustee for more than two consecutive terms". (4)

Mr. Deputy-Speaker: I shall put the amendment to the vote of the House.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 15 were added to the Bill.

Shri Yashpal Singh: I have amendment No. 5 to clause 16:

Page 9, line 38,

for "five" substitute "eight". (5)

Mr. Deputy-Speaker: I shall put the amendment to the vote of the House.

The amendment was put and negatived.

Mr. Deputy-Speaker: The question is:

"That Clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clauses 17 to 134 were added to the Bill.

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

Shri Raj Bahadur: Sir, I move:

"That the Bill as amended be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

14.59 hrs.

PERSONAL INJURIES (COMPEN-
SATION INSURANCE) BILL

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): Sir, I beg to move:

"That the Bill to impose on employers a liability to pay compensation to workmen sustaining personal injuries and to provide for the insurance of employers against such liability, be taken into consideration."

Mr. Deputy-Speaker: You may continue your speech tomorrow. We shall take up the next business now.

15 hrs.

MOTION RE: REPORT OF STATE
TRADING CORPORATION OF INDIA

श्री म० ला० द्विवेदी : (हमीरपुर) :
उपाध्यक्ष महोदय, मैं यह प्रस्ताव सदन के सम्मुख प्रस्तुत करता हूँ कि यह सभा भारत के राज्य व्यापार निगम लिमिटेड नई दिल्ली के वर्ष १९६१-६२ की वार्षिक रिपोर्ट पर लेखा परीक्षक लेखे और उस पर नियंत्रक और महा लेखा परीक्षक की टिप्पणियों सहित जो ४ दिसम्बर, १९६२ को सभा की टेबुल पर रखी गई थी, विचार करती है ।

स्टेट ट्रेडिंग कारपोरेशन एक ऐसी संस्था है जिसे हम ने इस लिये स्थापित किया था कि वह इस देश में ऐसे लोगों के लाभ को कम कर दे जो पूंजी के आधार पर आयात-निर्यात का काम करते थे या दूसरे व्यापार करते थे और अत्याधिक मुनाफा उठाते थे । स्टेट ट्रेडिंग कारपोरेशन का जहाँ तक अर्थ में समझा हूँ वह यह है कि राज्यों की ओर से व्यापार चलाया जाय । राज्य हमारा कैसा है ? हमारा राज्य एक मंगलकारी गणराज्य है । इस में जन-साधारण के हितों को ध्यान में रखना अति आवश्यक है । इस लिये इस कारपोरेशन का यह कर्त्तव्य था कि वह केवल इस दृष्टि से अपना काम नहीं चलाता कि मुझे मुनाफा अधिक करना है जिससे लाभ की भावना उतनी न होती जितनी कि हम कारपोरेशन के द्वारा की हुई देखते हैं ।

इस सदन को मालूम है कि जितना आयात बाहर से होता है, स्टेट ट्रेडिंग कारपोरेशन ने उस में बहुत सी सामग्रियों का और बहुत सी वस्तुओं का एकधिकार प्राप्त कर रक्खा है और बाकी चीजें जो मंगाई जाती हैं उनका मूल्य जो यहां लिया जाता है वह उतना नहीं होता जितने पर कि हम बाहर से उनको मंगते हैं अपितु उन पर मुनाफा बहुत ज्यादा लिया जाता है । तर्क यह दिया जाता है कि चूंकि