

Mr. Speaker: Motion moved:

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

Shri S. M. Banerjee rose—

Mr. Speaker: He has had a chance.

Shri S. M. Banerjee: On a point of personal explanation. About the unions I will say that I do not control the unions.

श्री ह० च० सीध : अध्यक्ष महोदय, मैं मंत्री महोदय से इतना ही दरखास्त करना चाहता हूँ कि यह जो ट्राइसाइकिल्स, टू सीटर्स पर जो टैक्स लगाया गया है और टैक्सीज का जो रेट है, मैं जानता हूँ कि टैक्सीज की मौजूदा आमदनी उतनी नहीं है जितनी कि इन ट्राइसाइकिल्स की है। अभी पोजीशन यह है कि टैक्सीज वाले कोशिश यह कर रहे हैं कि वे अपनी टैक्सियों को बेच दें और उन के स्थान पर ट्राइसाइकिल्स लें जिन से कि भाड़े का काम लें। आज हालत यह है कि टैक्सी वाले के मुकाबिले ट्राइसाइकिल वाले को ज्यादा आमदनी होती है। जब यह पोजीशन है तो मैं सरकार से दरखास्त यह करूंगा कि ट्राइसाइकिल्स के मुकाबिले टैक्सी का टैक्स रेट आमदनी के हिसाब से प्रपोर्शनेटली जरा कम हो और ट्राइसाइकिल्स का चूँकि उन का आमदना टैक्सीज के मुकाबिले ज्यादा होती है इस लिये उनका टैक्स प्रपोर्शनेटली कुछ ज्यादा हो। वस यहाँ मेरा कहना है।

Shrimati Sarojini Mahishi: I wanted a little information about this clause 14. The concession given in the payment of taxes is being given to a co-operative society and that co-operative society has to be a special transport co-operative society. I wanted to know whether it is required to satisfy all the four conditions given here or it will be enough if it satisfies one of the four conditions. If it is necessary to satisfy all the four conditions, I think the first and the fourth are a bit contradictory to each other. The first is that the co-operative society is solely engaged in the business of transport of goods or

passengers and the fourth is that the motor vehicle is used or kept for use exclusively for the purpose of the co-operative society. I hope the hon. Minister will enlighten us on this point.

Mr. Speaker: Shri S. M. Banerjee may also have his say.

Shri S. M. Banerjee: I only wanted to say that in the case of the D.T.U., it is not "Don't Trust Us" union. I am sorry I was not present. It is not a question of 'Don't Trust us'. These are meant to those elements in the union and the management who are inefficient.

Mr. Speaker: That is clear now. We trust the union very much.

Shri Raj Bahadur: I would say, in so far as the point made out by the hon. Lady Member is concerned, there is nothing contradictory. Both are necessary. A vehicle must be used exclusively for the purpose of the co-operative society and it should be used only for transport of goods or passengers. There is nothing contradictory. The words are clear. All these four conditions are necessary. So far as the other question is concerned, I need not say anything.

Mr. Speaker: The question is:

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

The motion was adopted.

13.33 hrs.

MAJOR PORT TRUSTS BILL

The Minister of Shipping in the Ministry of Transport and Communications (Shri Raj Bahadur): With your permission, Sir,.....

Shri Warior (Trichur): The hon. Minister is present. Why not we have the pleasure of his moving the Bill?

Mr. Speaker: He may have to go soon. Then, Members might say that he is not here.

Shri Hari Vishnu Kamath (Hoshangabad): The Minister of State may have a little breathing time.

Mr. Speaker: Let them decide among themselves.

Shri Raj Bahadur: On behalf of Shri Jagjivan Ram, 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 be referred to a Select Committee consisting of the following 21 Members, namely:—

Shri Tridib Kumar Chaudhuri, Shri Sudhansu Bhushan Das, Shri Shivajirao S. Deshmukh, Dr. P. D. Gaitonde, Shri V. B. Gandhi, Shri Indrajit Gupta, Shri Himmat-sinhji, Shri P. G. Karuthiruman, Shri Lahri Singh, Shri Rama Chandra Mallick, Shri Niranjan Lall, Shri Raghunath Singh, Shri Raj Bahadur, Sri C. R. Raja, Shri M. Thirumala Rao, Shri S. V. Krishnanurthy Rao, Shri H. Sidananjappa, Dr. L. M. Singhvi, Shri Ravindra Varma, Shri Vishram Prasad and Shri Jagjivan Ram with instructions to report by the first day of the next session."

As we all know, our country has got a long maritime history and fine traditions which have been described and commented upon by historians like Kautilya, Pliny, Al-Beruni and others. We have got a fine maritime tradition. It was long long ago that our ships sailed across the seven seas and took our civilisation, our culture and our message of friendship and goodwill to distant lands. But, so far as our ports are concerned, we can say that we had well developed

ports at places which are now known as Karwar, Cannanore, Cape Comorin, Pondicherry, etc. In the modern sense, we can say that a beginning was made as far back as the 17th century. Even then, we were having only sailing vessels. The foundations of the ports of Calcutta, Bombay and Madras were laid some time during that period. All that a port needed at that time was a good anchorage and access to the hinterland. The advent of steam and iron-clad vessels revolutionised sea transport. We know very well that was a period which synchronised with the domination of our country by a foreign power so that our shipping and maritime industry went under an eclipse for a long time. But, even during that period, these three ports, Calcutta, Bombay and Madras were developed under foreign rule. The Princess and Victoria docks at Bombay and Kideerpore docks at Calcutta were completed during this period. The construction of the artificial harbour at Madras was begun in 1876 and completed in 1896, a period of 20 years. I am just mentioning this to point out that sometimes, when we speak of the ports of Mangalore or Tuticorin or Paradip or Porbunder, we are expected to complete these ports in a couple of years time or even less than that.

13.35 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

So, it can be seen that the development of ports is a very involved and complicated process, and it requires a good deal of planning and efforts and mobilisation of resources.

The Alexandra docks at Bombay were built just before the First World War, while the King George docks at Calcutta were constructed in the twenties of this century.

In 1921, the three ports of Bombay, Calcutta and Madras were declared as major ports, but they continued to

*Moved with the recommendation of the President.

{Shri Raj Bahadur]
be administered by the local Governments as the agents of the Government of India. Visakhapatnam was declared as a major port in 1925 and its development was undertaken by the Government of India through the agency of the Bengal-Nagpur Railway. The construction work was completed, and the port thrown open to ocean-going ships in 1933. Cochin was declared as a major port in 1936 and its development was undertaken under a tripartite agreement between the Government of India and the then existing States of Travancore and Cochin. The Government of India also took over the administration of the port from the same date. The wharf berths in the Willingdon Island were completed in 1939.

After the Government of India Act of 1935 came into force, the Central Government took over direct responsibility for the administration of the three ports of Calcutta, Bombay and Madras also from the 1st April, 1937.

World War II put a tremendous strain on the major ports. Except for small improvements and provision of additional facilities here and there, no development work of importance could be taken up during the war period. We had to cope up with the increasing demands on the ports with the help of the existing facilities and equipment, with the result that they were subject to great strain.

After Partition, the port of Karachi went over to Pakistan. It was, therefore, decided to construct another major port on the West Coast to cater to the regions formerly served by Karachi. The West Coast Major Port Development Committee recommended that the new major port should be sited at Kandla. A contract for the construction of the requisite port facilities at Kandla was awarded in March, 1953. This port was formally declared as a major port in 1955, and in the middle of 1957 ships began to use alongside facilities provided for at Kandla.

Provision for the development of the three Government-administered major ports and the three Trust Ports was included in the First Five Year Plan and has been continued in the Second and the Third Five Year Plans.

While the administration of the three older major ports of Calcutta, Bombay and Madras was being carried on by autonomous statutory bodies, the Government of India have continued to administer the three major ports of Cochin, Visakhapatnam and Kandla direct through administrative officers appointed by them. These administrative officers have generally the powers of a Head of a Department under the Government. In the day-to-day administration of the ports, they are assisted by advisory committees consisting of representatives of the Government Departments concerned with the working of the port, commercial and trade interests in the region and the local municipalities.

The legislative measure now proposed contemplates the constitution of statutory authorities for the ports of Cochin, Kandla and Visakhapatnam, who will be entrusted with the responsibility of administer the ports with considerable autonomy in the day-to-day working. The Bill largely follows the pattern of the existing Port Trust Acts pertaining to Calcutta, Bombay and Madras, but with greater flexibility in administrative and financial matters.

Provision has also been made to apply the provisions of this proposed measure to any other port which might hereafter be declared as a major port.

With these words, I commend the motion for the consideration of the House.

Mr. Deputy-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 be referred to a Select Committee consisting of the following 21 Members, namely:

Shri Tridib Kumar Chaudhuri, Shri Sudhansu Bhushan Das, Shri Shivajirao S. Deshmukh, Dr. P. D. Gaitonde, Shri V. B. Gandhi, Shri Indrajit Gupta, Shri Himmatsinhji, Shri P. G. Karuthiruman, Shri Lahri Singh, Shri Rama Chandra Mallick, Shri Niranjan Lall, Shri Raghunath Singh, Shri Raj Bahadur, Shri C. R. Raja, Shri M. Thirumala Rao, Shri S. V. Krishnamoorthy Rao, Shri H. Sridananjappa, Dr. L. M. Singhvi, Shri Ravindra Varma, Shri Vishram Prasad and Shri Jagjivan Ram.

with instructions to report by the first day of the next session."

Shri Warrior: I welcome this measure. It has come none too soon. I come from a place where we have got a port which fortunately has now at least been included in the application of this measure, that is, the port of Cochin.

The port of Cochin and the harbour there is called by various people who have visited both our own and foreign ports as the 'Queen of the Arabian Sea'. But I am sorry to remark that the Queen of the Arabian Sea had for long remained the Cinderella of the major ports of India. In 1936, as the Minister had been pleased to say, this port was declared a major port and it has taken 26 long years for the Government of India to have a Port Trust installed there when Government had all the requisite experience of the working of major ports through port trusts. A Port

Turst for Cochin had also been demanded by all the various interests connected with the day-to-day affairs of shipping, both export and import, in that port. But I am not at all surprised, nor will any student of the history of the Cochin port be surprised that this long delay took place, because this port although known for the last 2500 years from the time of the Mullieries down to this day, had always to struggle not only against nature but also all the mighty elements that constitute the history of the southern ports of India.

I take this opportunity to pay my respects to two gentlemen specially. One is Sir Robert Bristow, the engineer who designed, sketched, constructed and supervised the development of the port from 1919 to 1941. I also pay my great respects to the then Diwan of Cochin who had once adorned the very same Chair—not under the present set-up but under the older set up—which you are now adorning, namely, Sir R. K. Shanmukham Chetty under whose diwanship and stewardship the port developed to its present state, that is, in 1962.

Sir Robert Bristow, the eminent harbour engineer, deputed from the Royal Navy in England undertook this major endeavour on behalf of the then Central Government of India. He had been in Cochin for long years. He studied not only the topography of the place, but also the customs, manners and everything connected with the port as well as the whole of South India. I wish to quote a passage from his very celebrated book, *Cochin Saga*, which will be pertinent and relevant to the whole course of this discussion. He says on page 62—it is a bit long, but it is worthwhile perusing:

"However, between the years 1921 and 1924, the future existence of Cochin as a major port was seriously threatened by two separate interests in Madras"

[Shri Warior]

I am sorry this is his, not mine:—

“The first arose from an unfortunate difference of opinion between His Excellency the Governor and his Finance Minister, which soon became a topic of conversation in clubs and business circles. Lord Willingdon had from the first desired to concentrate chiefly on Cochin; the Minister would willingly have dropped Cochin in favour of a place called Tuticorin on the south-east coast, a far less spacious area and useless for most naval purposes. An even more difficult situation arose when a retired Admiral R. N. suddenly appeared in Madras as the representative of a well-known dredging firm in London. His main purpose was to extend the firm's legitimate business in India, but when he discovered that a scheme was on foot for dredging a canal through the island of Rameswaram off the south-east coast (but connected to it by a railway bridge) he and others conceived the notion not only of dredging the canal but establishing a port on it after the manner of Port Said”.

Therefore, the Cochin port has not emerged into its developed form today without any struggle. That struggle was first with the Big Brother, Madras. The same struggle is continuing now. I am sorry to say that another Big Brother has also joined in the fray.

Shri Hari Vishnu Kamath: Bigger brother.

Shri Warior: Yes. I do not mention the name; it is inferable and obvious.

Dr. M. S. Aney (Nagpur): He could very well mention it.

Shri Warior: For the benefit of Dr. Aney, it is Mysore. I do not go into details.

In this respect, I also congratulate Kandla. It was declared a major port only in 1955, but now along

with the old Cochin port it is also recognised in full strength and maturity for the purpose of having a Port Trust.

The struggle of Cochin is continuing in certain other respects. I want to emphasise this point considerably in this debate. That is why I am taking more time for that. There is an impression sought to be created now that Cochin port has already reached the saturation point in development, because everything the port can have had been there. Under the able stewardship of Sir Shanmukham Chetty, the Diwan of Cochin in pre-war days, they had envisaged four stages of development, and under the guidance and supervision of Sir Robert Bristow the fourth stage was just completed in a hurry-burry fashion because of the outbreak of the war. When war broke out, then only even the then India Government realised the importance of this port on the west coast. I do not want to use the lurid description given by such an eminent authority as Sir Robert Bristow. But had it not been for the negligence of Cochin by the then Central Government for the last 200 years—not this Central Government—even the ports of Madras and Colombo would not have been on the map now. That is the finding of an eminent authority. But history has its own freaks and we have had the misfortune of seeing the small fishing harbour of Cochin remaining so for a long time.

The present position also is almost the same, considering the two Five Year Plan reports. I do not know how the tradition is carried on. Although Ministries are changing and Ministers also are changing, I think the old files in the secretariat are not changing.

Shrimati Yashoda Reddy (Kurnool): Men may come and men may go but they go on for ever.

Shri Warior: I do not know whether the same attitude is adopted

even after this point had been widely discussed by the Estimates Committee of this House. I may be allowed to quote the Estimates Committee's verdict on this, on the attitude towards major ports, declared major but not actually major. In their 48th Report, they say:

"The disparity in administration between one set of ports and the other is incongruous and illogical. It is not only the question of financial control but also of associating the local interests in administration in which they are vitally concerned. The Committee therefore recommend that all the major ports in India should eventually be run by semi-autonomous Port Trusts."

That eventuality has now come at last.

"Three considerations indicated earlier in para 33 should determine the time when the management should be handed over to a Port Trust at Cochin, Vizagapatam and Kandla."

The Minister of Transport and Communications (Shri Jagjivan Ram) : Which year?

Shri Warrior: This was in 1957. After the report, it took only five years.

Now I go back to the point of that impression. I do not know how it gained so much currency, that the port of Cochin has reached saturation point.

One of the major criteria which decide the capacity of a port is the turn-round of ships, but in Cochin, however much you may turn round the ships, the cargo will remain on the wharfs. I did not get the minutes of the meeting of the National Harbour Board held in 1952, but I am reliably told, I speak subject to correction, that the National Harbour Board had suggested the doubling of the railway lines which only will enable the port to discharge more

cargo from overseas and also to carry more cargo for export purposes. Otherwise, the congestion in the harbour will not be eliminated by any number of wharfs, bunkers added or other facilities given to the shippers. But that has been neglected. I am prompted to wish that the Transport Ministry may take over at least those urban railway lines which are connected with the harbour. If this question had been taken up while Jagjivan Ramji had been the Railway Minister, I should not be saying so much today on that score.

Then, there are other facilities required in the harbour just like a dry dock or a first-class mechanised workshop. Without all these facilities, however much space for turn-round is offered to ships, you cannot get those ships which are in need of repairs, which are in need of a dry dock, to call there. They may even drag headlong over to Calcutta, or if Calcutta is congested, even to Singapore. Suppose there is a leakage in a ship, it requires major repairs, and it must be taken to a dry dock, but that facility is not available here.

Not only that. I wish to refer in this connection to the three Five Year Plan reports. I will take only one instance, because I think I will not have much time. The Ministry's Report for 1961-62 provides interesting reading and it is illuminating also. At page 73 it says:

"Statement showing the progress of Plan Projects at the Port of Cochin.

"I. CARRY FORWARD SCHEMES.

1. Docks and Berths

Physical Progress

This mainly consists of the construction of a four berth wharf. Superstructure work on two berths completed.

[Shri Warior]

Dredging of northern west berth taken up. Building of two transit sheds completed. Work on others in progress. 8 out of 12 cranes completed. Remaining works in progress."

Like that it goes on, and has remarks like "specifications under preparation", "Lighting arrangements in Ernakulam Channel completed", "A comprehensive scheme under preparation", "Construction of additional building completed", "Staff quarters completed", "Police quarters in progress" etc.

Shri Jagjivan Ram: Very satisfactory.

Shri Warior: Everything is in progress, nothing is in retrogression.

Shri Jagjivan Ram: And many things completed.

Shri Warior: But not anything completed finally, all are completed partially.

There are four new schemes. These have not been taken up for execution. I do not want to compare this with ports like Calcutta, Bombay and Madras and rouse envious and jealousies. But what happened in the Second Plan? Those ports were able to raise even foreign exchange from the World Bank. They were not in any way handicapped in any matter of getting even foreign exchange, much less internal exchange, and they were able to gird up their development in such a way they have gone so much ahead, while Cochin, which is also a major port, did not have any such facility since 1936.

Not only that. Out of the amount of Rs. 5 crores budgeted in the Second Plan for Cochin, I am told only Rs. 4 crores were spent; the balance could not be spent for the simple reason that foreign exchange was not allowed. If that Rs. 1 crore of foreign exchange had been allowed to Cochin Port, we could have had a first class

mechanised workshop today, and many of the ocean-going steamers, the international liners, would call at Cochin port. This naturally affects the intake and offtake of cargo also.

But with all that, Cochin Port has given a splendid performance as you can see from the Cochin Port Administration Report.

Mr. Deputy-Speaker: He has taken 20 minutes.

Shri Warior: In that case, I will not quote, but merely refer to the report.

Shri Raj Bahadur: This performance would not have been possible if all the facilities were not there.

Shri Warior: There are two things. If you strain to the breaking point, then also you can show some performance. If you do not have to strain and have all the facilities....

Shri Raj Bahadur: Let the hon. Member point out any work required for Cochin which has not been already included in the plan. Let him point out a single item which should have been included, which is not there.

Shri Warior: One is the dry dock, the second is workshop, and the third which is the most important is de-casualisation of labour.

Shri Raj Bahadur: Dry dock is part of the ship-yard which is proposed, and we cannot duplicate it. The same applies to the workshop.

Shri Warior: I know Raj Bahadurji will give us more promises now because all this has come to light at least in this House. When I bring them to light, I know I will get more promises, and also some execution of his promises.

I have dealt with the dry dock. There is a dry dock there. If you look at the report, you will find that there is a dry dock at Cochin. It is a dry dock for the dredgers. To re-

pair the dredgers there is a dry dock there. So, the possibility of Cochin port must be studied more fully. I hope the National Harbour Board has made some suggestions about it. Instead of implementing them, in 1952 the Government all of a sudden instituted the West Coast Major Ports Enquiry by a committee and the hon. Minister referred to it. That report is not a unanimous report. I am subject to correction but I hope there is a dissenting note somewhere. All of a sudden we see new names on the naval map of India. Well and good. I welcome them. With all that I am quite sure that if proper enquiries had been made as suggested by the National Harbour Board—it is not a new suggestion; it submitted its report in 1955—more possibilities would have come to light and more funds would have been allotted in the Five Year Plans and the Cochin Port would have developed at least to the extent of handling cargoes as Madras port. Madras port which he mentioned in his initial speech is not a port at all. It is not a natural harbour, it took twenty years to come up because not only this Government but the predecessor Government had a soft heart for Madras people or the Madras Government. I crave the indulgence of the Ministry to look into these few questions and take the fine harbour at Cochin into consideration so that it may be developed in the Fourth and Fifth Plans.

14 hrs.

We had the experience of port trust administrations; we had also the experience of administrators administration of ports. It is a welcome feature of this legislation that this fate will not be there for the new major ports such as our nearest neighbour, Mangalore, etc. Government has taken proper care and has included provisions to bring them under this Bill. Out of the experience of such bigger port trusts like Calcutta, Madras, Bombay, I hope there will be more autonomy in the

day to day administration of the new ports. In this connection, with some hesitation I recall the last strike of the pilots on the Hooghly where I am told the port trust was not in a position, because of the want of certain provisions and certain authority, to reconcile the dispute and the Central Government had to intervene at a time when we had the necessity of conciliatory labour who would contribute their mite to the national development. I also welcome the increase in the number of members on the port trust so that all those who are interested will be there or at least their representatives; nobody will have any room for complaint that they were not heard.

I hope the Select Committee consisting of eminent Members some of whom at least have a first-hand working knowledge of the port trust of Calcutta, Bombay or Madras will go through the provisions of this Bill so that there will not be any legal lacuna or loophole. About the labour problems, I wish to say one word. It is true that in places like Cochin the harbour labour board had been created and more decasualisation is done. But it is a very tough and knotty problem. We do not know when ships come or when or how much labour is required. It is varying; it is seasonal. Still from reports on major international ports we find that this has been done to some extent. It may not be fully satisfactory or cent per cent successful but it is an essential feature for having a contented labour and also for avoiding exploitation of poor labourers by a hierarchy of middlemen as in Cochin port. There is especially the stevedore labour. I hope they would more and more be decasualised and brought on register so that they will have permanency and that a rotational system of work will be introduced more and more so that labour will be content. Their representatives also may sit on the board of trustees. That is in the enactment. In the present set-up of course there will be many

[Shri Warior]

claimants but care should be taken to see that real representatives who represent the interests of labour, not contractors, labour but trade unionists labour are included in this. There is provision for consulting labour organisations.

I am closing, Sir; I heard the Bell several times. With these few observations, I welcome the new clauses introduced in this enactment after gaining so much experience in the administration of the major ports which has come under the able stewardship of Jagjivan Ramji.

Shri Mohsin (Dharwar South): Sir, I rise to support the Bill. It is intended to create autonomous and statutory bodies to administer, control and manage the three major ports, namely Cochin, Kandla and Vishakhapatnam. There are already three major ports—Calcutta, Madras and Bombay—which are governed by such autonomous statutory bodies. They are governed by the Acts which were passed quite long ago, i.e. 60 or 70 years ago. The Calcutta Port Act was passed in 1890; the Bombay Port Trust Act in 1879 and the Madras Port Trust Act in 1905. Even in the present Bill, many provisions are similar to those Acts, except in some minor details, which have been brought into this Bill, with the experience gained by those existing port trusts.

I do not quite understand why there should not be a uniform law as regards the administration of all these major ports including Madras, Bombay and Calcutta, especially when the laws governing those ports were enacted long ago in 1879, 1890 and 1905, under foreign rule. So, they need to be changed now. Though Calcutta is a big port, the board has got—they are called Commissioners of the Port of Calcutta—a Chairman, a Vice-Chairman, 9 elected persons and 5 nominated persons. The Bombay port trust has got 25 members—15 elected and 10 nominated. Madras

has got 21 members—11 elected and 10 nominated. Under the present Bill, for the ports which will be smaller than Calcutta, Bombay and Madras, the number of trustees will be 25—15 elected and 10 nominated. I do not quite see the reason why such a big number of members should be there on the Trust Board. The smaller the body, the better is the administration always. In view of that, I think this will be too big a body.

There are some minor new provisions in this Bill. There are wide powers given to the Chairman under the Bill and clause 21 provides for the delegation of powers to the Deputy Chairman. Clause 29 is an important addition under this Bill, which gives power to transfer all property, assets and funds vested in the Central Government to the trusts, when they are created.

Clause 56 provides for the recovery of any charge short-levied or erroneously refunded. There is no provision like that in the present Acts governing Bombay, Madras and Calcutta Port Trust. This lacuna is made good by this new provision.

Clause 103 is an important provision that makes compulsory the laying of the audit reports before both Houses of Parliament. Hitherto these audit reports were not laid before the Parliament. This is a welcome provision. Under clause 98(8) the Board is authorised to spend in advance, i.e. on account, before the budget is sanctioned. Clause 111 gives sweeping powers to the Central Government to issue directives to the board. As the previous speaker said, sometimes the Central Government becomes helpless when matters become worse in the ports. It could not intervene and stop all these disturbances, when the matter of policy came in. So, clause 111, which is newly inserted and which is not found in the previous Acts, gives power to the Central Government to lay down some directions on questions of policy. This is a very essential provision. All ports

should be governed on the same policy and the Central Government will have the power to lay down this policy.

Clause 125 says:

"Whenever the Central Government considers necessary in the public interest so to do, it may, by order in writing together with a statement of reasons therefor, direct any Board to make any regulations....or to amend any regulations made by the Board within such period as the Central Government may specify in this behalf and so on."

I do not know why this clause is necessary. When Central Government has got supervisory powers and when all rules and regulations which are framed by the port trusts are to be approved by the Central Government under clause 124, I do not know why the Central Government wants to take power even to amend or nullify all those regulations. We call these trusts as autonomous statutory bodies. If Government takes powers even to nullify or amend the regulations, I do not know what is meant by statutory autonomous trusts. There should be some limit to the powers to be taken by the Central Government. I hope the Government will consider whether such powers are needed.

I was very glad to hear the hon. Minister saying that Mangalore also will be one of the major ports and its construction will be completed within 2 years. It is a very happy news.

Shri Raj Bahadur: I did not say it will be completed in two years; I said, a demand is made, that it should be completed in 2 years.

Shri Mohsin: Even the selection of the site had taken so many years and we were rather disappointed at the slow rate of progress. I hope the Minister will take it up and see that Mangalore also takes its place soon as one of the major ports in India. But the matter is not finished there. It is

also our duty to see when a major port is constructed, there is sufficient cargo and sufficient hinterland for it. Iron ore is in abundance in Mysore State and Bellary leads not only in quantity but even in quality. But an attempt has been going on to divert all this ore to some other ports and to see that when Mangalore port comes into existence, it will starve actually. It is stated that the broadgauge line between Hospet and Guntakal is only to divert the iron ore found in Bellary to Vishakhapatnam. The result will be that the Mangalore Port which will come up in future will be actually starved.

Again, to make it a major port there was the need for a broad-gauge line between Hasan and Mangalore, for the quick movement of goods. We now hear, quite surprisingly, that even the broad-gauge line which was promised before is going to be only a metre-gauge line. That again will hit the proposed major port at Mangalore.

Sir, if there is no pre-plan before construction of these major ports I do not think that the very purpose of construction of these major ports will be justified. When we think that a major port is to be established, we have to think of the hinterland and the cargo to be exported. In that way, even Karwar and Bhatkal are the most natural harbours which could be developed as major ports of India, with rich and vast hinterland. But there has been much of politics or some forces are working at it and I see that the development of those ports has been neglected. Of course, Karwar is going to be developed to a certain extent, but not to the extent to which it ought to have been. They provide natural harbours. There is no need to spend huge amounts to develop these ports. Moreover, for exporting cargo, especially the ores, they will be the nearest harbours. For export of cargo they will be less expensive. Labour will be cheap and the expenditure on transport of goods to the port also will be less. When,

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especially, iron ore is to be transported to foreign countries, we have to see that it is done at lesser cost. When Vishakhapatnam and Madras are far away and more expensive, I do not know why the Government is thinking of taking the iron ore from Mysore and export it from ports other than Mangalore or Karwar.

I hope, Sir, before the Government finalise all these things, before the construction of Mangalore Port, Government will see that the resources of Mysore State are exported through the ports of Mysore which will be cheaper and proper.

With these words, I support the measure and leave for the consideration of the Select Committee the other portions which I have referred to.

Shri U. M. Trivedi (Mandsaur): Mr. Deputy-Speaker, Sir, the very first thing that strikes me in relation to this Bill is, why there is no consolidation of the Acts governing the major ports. We have got the Bombay Port Trust Act. The other two are known as the Calcutta Port Act and the Madras Port Trust Act. The Calcutta Act has not got even the name "Calcutta Port Trust Act". We have here the Major Port Trusts Bill with the object of promulgation of a Major Port Trusts Act. Why should it not be possible for the Government to consolidate all the various Acts into one?

The mischief is already there. Whenever a central legislative body makes Bills for the various places and the legislation power is left in the hands of the Parliament, these Acts or Bills are dealt with and made as if they are Acts in relation to some provincial matters. The Calcutta Port Act, the Madras Port Trust Act and the Bombay Port Trust Act are not placed before the House also. They ought to have been placed before the House. It is not only that they have not been placed, but in view of the explanation given to the clauses at the end one is left at sea to study this

Act. When we look into the notes on clauses we find that it says:

"The provisions of this clause correspond to sections 4, 5 and 6 of the Calcutta and Bombay Acts and sections 7, 8 and 9 of the Madras Act except that there is a slight increase in the total number of Trustees of the Board."

That is to say, to study this Act one has to go back to four different Acts—the Indian Port Act, the Calcutta Port Act, the Madras Port Trust Act and the Bombay Port Trust Act. These are not before the House. They have not been supplied to the House. How is one to study this? It is a problem for any legislator who cares to study this Bill. It is not at one place that this difficulty arises. If you will be pleased to peruse the notes on clauses you will find that for every clause there is a reference to the Bombay Act or the Madras Act or the Calcutta Act.

I would submit respectfully that while making laws of this nature they must be well studied by the Ministry responsible for ushering in these Bills and they must also be studied very well by the Law Ministry. On page 3 you will find—Shri Raj Bahadur, the hon. Minister in charge of the Bill here, is an able lawyer—that "Major Port" has been defined in two clauses. Why has it become necessary to define this expression "Major Port" in two different clauses? The name given is the same. Where is the mistake, I do not know. Has there been an errata issued? I have not got any. In clause 2(m) it is said:

"major port" has the same meaning as in the Indian Ports Act;"

Shri Raj Bahadur: That is a mistake. The second one is: "master" in relation to any vessel or any aircraft. That correction has to be made. One (m) goes away.

Shri Sonavane (Pandharpur): A. Corrigenda has been issued. Probably the hon. Member has not seen it.

Shri U. M. Trivedi: They were issued to you and not to me.

Shri Raj Bahadur: Similarly, the Bombay, Madras and Calcutta Acts are very easily available.

Shri U. M. Trivedi: They are available in the library. They are lying with me having been in possession of the All India Manual. That is neither here nor there.

Shri Raj Bahadur: We shall supply sufficient number of copies of these Acts to the members of the Select Committee.

Shri U. M. Trivedi: When a criticism is made, the man who wants to study must have the copies available with him.

Of course, Sir, this will go to the Select Committee. There are many defects noticeable in the various Acts. I will draw your attention to this point. This is about the damages which may be leviable for destruction or deterioration of goods handed over to the Port Trust. Generally what happens is, the ordinary man or the consignor does not know that there is some railway known as the Port Trust Railway. The railway receipts are generally made out by the various zonal railways. When a man goes before the court he thinks that his receipt is a zonal railway receipt of the Western Railway or the Central Railway. But he finds himself handicapped by virtue of the fact that it is found out that the station from which booking has taken place is the booking office of the Port Trust. Then it is said that he has not given six months notice as required by law under Section 77 of the Indian Railways Act and therefore the suit fails. Why should Government be very much pleased with this aspect and create trouble for the public at large. The provision does not exist in the Railway Port Trust Act. I was just trying to find out what provision has

been made in this. Clause 43 of this Bill provides like this:

“(2) A Board shall not be in any way responsible for the loss, destruction or deterioration of, or damage to, goods of which it has taken charge, unless notice of such loss or damage has been given within such period as may be prescribed by regulations made in this behalf from the date of the receipt given for the goods under sub-section (2) of section 42.

This is what we call making a positive legislation by delegated legislation. You are making a provision of law whereby a remedy is being deprived and is left in the hands of subordinate legislation. In the Indian Railways Act the time is specified. It has not been specified in the Bombay Port Trust Act although it is stated in the notes on clauses that it has been so specified. I have looked at the Bombay Port Trust Act and I find that the meaning is as beautifully vague as possible with the result that a man is always left in the lurch about the way in which these clauses can be interpreted.

In section 61 (a) and 61 (b) of the Bombay Port Trust Act this provision exists. Section 61(b) says:

“The responsibility for the loss, destruction or deterioration of goods of which it has taken charge shall, subject to the other provisions of this Act and subject also, in the case of goods received for carriage by railways, to the provisions of the Indian Railways Act, 1890, be that of a bailee under section...”

Here also it is left in doubt as to what is the period of limitation which has to be applied. Section 112 of the Calcutta Port Act does not specify the period. In one place you mention it, in another place you do not mention it and in a third place you leave it to the regulation to be made.

[Shri U. M. Trivedi]

by the Board of Trustees—not by the rules of the Central Government but by the rules of the Board of Trustees—and they will say that the suit will fail if the notice is not given within such and such period.

Another point that has to be considered while making this legislation is this, and I hope it will be considered by the Select Committee. All these are old enactments. The Bombay Port Trust Act was passed in 1879, Calcutta Port Act in 1890 and the Madras Port Trust Act in 1905. These Acts have become so obsolete that to keep them alive year after year a number of amendments had to be passed. Instead of enumerating all of them, I will give the number of times these Acts were amended. The Bombay Port Trust Act has been amended nearly 29 times; in other words, there were 29 amendments to the original Act of 1879. Similarly, the Calcutta Port Act has also been amended by the various provisions of law. When so many amendments are there, I see no reason why, and the Government should see no reason why, the Select Committee should not be directed to consider why there should not be a single consolidated Act for the whole of India; for all major ports that there are and all major ports there will be, there ought to be one Act, and that Act must be a comprehensive Act, consolidating all the various provisions, not keeping clause (a) here and clause (b) in another place so that one will find himself at sea.

I will briefly draw attention to another point. When Visakhapatnam, Cochin and Kandla have been declared as major ports, why was opportunity not taken to declare Porbandar, Veeraval, Bhavnagar and Okha as major ports? In the olden days, the princely States did a good deal to develop those ports so much so that they were threatening the income of the Bombay port. Now if we have to grow as a great maritime power, with a very long line of sea shore around

us, immediate steps must be taken not only to develop those ports which have been developed but also those ports which have been left behind from development merely because there is no big cry over them. The hinterland behind these ports is a very productive commercially and industrially advanced area. It is not enough to say that Kandla has been developed for Gujarat. That is a parochial attitude. Our approach should be to serve the whole country and as expeditiously as possible, with as many number of ports as possible. We should not have a parochial outlook in developing ports. The Union Government should develop the various ports for improvement in our import and export trade.

One hon. friend has suggested that Cochin is developed for a particular State, Visakhapatnam for another State and so on. That should not be the idea behind development of ports. When Parliament enacts a law, there should not be differentiation between States and States or parochial considerations.

In the end, I would request the Select Committee to go very carefully into the moulding of the law, keeping in view the various provisions contained in the different Acts from which provisions have been drawn for this Bill, namely, the Indian Ports Act, the Calcutta Port Act, the Bombay Port Trust Act and the Madras Port Trust Act.

Shri Maniyangadan (Kottayam): I welcome this Bill with the observation that it is a long overdue legislation. The three major ports that are brought under the purview of this Bill were being administered by administrators under the direct control of the Central Government. There have been persistent demands from commercial concerns and other interests, both in Parliament and outside, that something autonomous like port trusts must be established for the administration of

these ports. In 1950 when the Bombay, Calcutta and Madras Port Trusts Acts were amended this question was raised and it was promised that a comprehensive legislation covering all the major ports will be brought forward as early as possible. But I do not know the reason why it took twelve years for the Government to bring forward this legislation whereby these three major ports are now brought under Port Trusts.

In this connection I would like to draw the attention of the Government to certain modifications or certain improvements that have been made in this Bill over the already existing Acts regarding the other three major ports. Those ports, as was stated by the previous speaker, are still governed by the old Port Trusts Acts. Scrapping of the existing Acts and bringing forth a comprehensive piece of legislation incorporating all the separate port administrations in one general scheme of administration was a suggestion made and welcomed by the Government several years ago. Still, we find that the Bill now introduced governs only three major ports and the other three ports are left intact in the old way. I do not know the reason for this. Maybe, a comprehensive piece of legislation may take some time, but I would ask: Are twelve years not enough for the Government to bring forward a comprehensive piece of legislation?

This new Bill is a combination of all the provisions in all the three Acts. Certain improvements made on the existing Acts are also found here. But I would respectfully submit this. Do the Bombay, Madras and Calcutta ports not deserve these improvements? We find a number of them here. I do not want to go into details but I would again request the Government to modify the existing Acts so that they also may be brought in line with the present Bill at least.

Regarding the advisability of establishing Port Trusts there is no doubt.

The Estimates Committee had recommended this long ago and now the Government has brought forward this. When a harbour or a port is established and its development is planned, there must be some plan with regard to it. Several things were said about Cochin Port. I do not want to go into those details again but the possible industrial development of the neighbouring area, the possible amount of cargo that may be brought to the harbour and all these things must be taken into consideration and then with a plan for development something must be done.

I regret to say that the Government has not taken into consideration these matters in the development of this port. Of course, if the local interests were associated with the Port Trust, as in the case of Bombay, Madras and Calcutta, for some time the Cochin Port would also have developed much further. Cochin Port is a very old one. It was declared a major port in 1936. It is a natural harbour. But the Government is lagging behind with respect to the development of this port.

In this connection, I may also bring to the notice of the Government the suggestion for increasing communication facilities to the harbour. There was a suggestion that the railway line between Cochin and Coimbatore should be doubled. The doubling of this line would have helped much the development of the port. The industrialists in Coimbatore are utilising Bombay Port for the purposes of import and export though there is a port nearer to them at Cochin, a natural harbour, with all the facilities. That could not be taken advantage of because of the lack of communication facilities.

Then, again, there is the opening up of certain regions. For example, if Madurai and Cochin could be connected by a railway line, it would help much in the development of the port. The industrial backwardness of the

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area near Cochin is also due to the lack of development of this port. If this port could be developed properly taking into consideration the potentialities of the area, it would have been better. I think, much more remains to be done and I believe, the Government will come to the aid of the Port Trust now going to be established in developing this Port in such a way as it deserves.

Before coming to the Bill itself, I may also refer to the National Harbour Board. There are six major ports in India. There are also a number of, what are called, minor ports. To co-ordinate the functions of these various ports a National Harbour Board has been brought into existence by the Government. This National Harbour Board has made various suggestions to the Government. They have passed several resolutions, but several of them have been ignored by the Government. Moreover, this National Harbour Board is still only a creation of the Government by the executive authority of the Government. Several years ago it was demanded that this National Harbour Board should be given a statutory place. It was said by Government in 1958 that this was established only in 1950 and within so short a time they could not find out how it was working, that within a reasonable time the National Harbour Board would be placed as a statutory body and necessary legislation would be brought forth. Hitherto nothing has been done in that respect. So, I submit that it is necessary that this matter is also taken into consideration.

As regards the constitution of the Board, clause 3(c) says:—

“not more than ten persons to be appointed by the Central Government from amongst persons who are in its opinion capable of representing”.

the various interests and among them the Government of the State in which the port is situated is also included. I would humbly submit that I have no

objection to the Government nominating persons to represent these interests and I hope in the case of labour employed in the port the trade unions will also be consulted but in the case of the State Government it is stated that the Central Government will decide as to who the persons are who are capable of representing the State Government. I would submit that it must be made clear that the representatives of the State Governments should be nominated on these Boards only after consulting the State Governments and only on their suggestion. It is the State Governments that can decide as to who is capable of representing them. It is not the Central Government that must say that such and such a person must represent them and all that.

Then, I may refer to clauses 62 and 63. Clause 62 deals with the disposal of goods not removed from the premises of the Board within the time limit. It is provided there that unless the goods are removed within a period of one month, notice will be issued and the goods sold. It is also provided that in case the owner of the goods has paid the dues to the Board, two months notice will be given. It is stated:

“Notwithstanding anything contained in sub-section (1) or sub-section (3)—

the Board may, in the case of animals and perishable or hazardous goods, give such shorter notice under any of those sub-sections as, in the opinion of the Board, the urgency of the case requires;”

I do not understand what is meant by the period of notice, whether it is the one month's notice or one month after issue of the notice that is meant there. Whatever that be, in the case of animals and perishable and hazardous goods, the period of notice must not be fixed. It must be only as early as possible. Similarly, in the case of persons who have paid their dues, and their goods remain in the harbour,

they are entitled to keep it there for two months. But, it is stated, "sell the goods by public auction after giving notice of the sale in the manner specified". In the proviso it is said that in respect of goods for which dues are paid, notice shall be served after two months. When such goods are to be sold, it is not mentioned whether he is entitled to get one month from the date on which he gets the notice. That is not provided. He is entitled to a period of two months before notice. In the case of other people, only one month is allowed. After one month, one month more is allowed for persons who are defaulters. In the case of persons who are not defaulters, there is no time allowed. I would submit, this question also must be looked into by the Select Committee.

Under clause 63(2), the surplus after meeting expenses, etc., is to be paid to the owner except in the case of goods confiscated under any law relating to customs. In the case of such goods, there is no necessity for notice under clause 62 or 61. That also must be clarified. In the case of goods that are confiscated, there is no necessity for notice being issued that they are going to be sold, and the port authorities need not wait for one month. As the clause is now worded, it says that even in the case of goods confiscated, the Board must wait for one month, issue notice and all that. My submission is that that is not necessary. Also I may here submit that this provision is a new provision. In Madras, Bombay and Calcutta, what is happening to goods confiscated, I do not know. That is one of the defects which is clear from the present Bill. I think that has to be rectified.

Again, as regards payment of the balance after deducting all the dues, it is said that it will be paid on demand. I would submit that a time limit should be fixed for demanding that. The Board should not be under an obligation to keep the balance of the amount for all time. As the clause

now exists, it seems that the Board is under an obligation to keep the money if there is any balance for all time to come and the owner can claim it at any time. That should not be the case.

There is a provision newly incorporated here for placing before both the Houses of Parliament the Audit report, etc. That is clause 103. That is a welcome measure. Here again, this provision is not applicable to the other three ports. I would submit that such a procedure must be adopted in the case of the other three ports also. The Administration report of these Boards are not to be placed before Parliament. There is no provision for that. I would submit that provision must be incorporated in this Bill whereby the report of the Board regarding its administration must also be placed before both Houses of Parliament. I do not want to go into the details regarding the clauses. I hope the Select Committee will go into all these matters and make specific suggestions and amendments in the Bill.

Again, I would request the Government that the Cochin port must be given the importance that it deserves. My hon. friend Shri Warior has stated several things about that. Though I do not agree with some of them, I would submit again that Cochin has not been given the importance that it deserves. I would also make one suggestion. These three Boards which will come into existence, are going to be under great liabilities. Under clause 20, the capital expenditure incurred by the Central Government on these ports is going to be a liability. I do not know whether these Boards will be able to pay off these amounts in the time as may be specified by the Government. The capital expenditure incurred by the Government for the ports of Visakhapatnam, Cochin and Kandla upto 31st March, 1962 amount to Rs. 8.79 crores, Rs. 3.20 crores and Rs. 16.7 crores respectively. It is going to be a heavy burden on

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these Boards. I would request the Government, why cannot they consider these amounts as grants to these Boards and then allow them to start afresh with the development and other works of these ports.

With these suggestions, I welcome this Bill and I expect, as I said earlier, the Government will bring a comprehensive legislation covering all the major ports in India in one legislation.

15 hrs.

Shri Hari Vishnu Kamath: I am sure, Sir, that you will agree that there should be quorum in the House at least now. It is three o'clock now.

Mr. Deputy-Speaker: Let the bell be rung....

Now, there is quorum.

Shri Jashvant Mehta (Bhavnagar): I welcome the Bill. The Estimates Committee recommended about five years ago in the report for the year 1956-57 that these Port Trusts should be constituted in the major ports. Now, Government have come forward with this Bill, because it is necessary that autonomous bodies should be constituted to look after the management of the ports.

In our society, when we have taken up the programme of industrial development of this country in the Five Year Plans, especially the Third Five Year Plan, the Transport Department plays an important part, and in this Department itself, there should be more emphasis on the development of ports.

In the Second Plan, we wanted to spend Rs. 98 crores on the development of ports, but unfortunately we could not utilise the whole amount, and only Rs. 46 crores were spent on the development of ports. In the Third Plan also, we have provided Rs. 96.5 crores for this purpose. Out of this sum, Rs. 75 crores have been provided for the major ports.

As far as this Bill is concerned, I wish that it had been a uniform Bill applicable throughout the country. When Government have decided to constitute autonomous boards, I cannot understand what objection there can be to introducing a uniform legislation for all ports throughout the country. After all, the commercial and other people also are interested, and they would be put to great difficulty if there are different types of legislation in operation at different ports. So, the most important thing is that there should be a uniform legislation all over the country for the management of the Port Trusts.

The next point that I would like to drive at is that in this new legislation, some new clauses have been added. Clauses 29 to 31 are new clauses, for which there are no corresponding provisions in the existing Acts. Also, it has been provided that the capital expenditure that might have been incurred by Government prior to the application of this Bill to any port would form the capital debt of the Port Trust Board for that port, to be repaid to that Government.

In this connection, I would like to draw the attention of the House to the port of Kandla on the Western coast. The hon. Minister has also referred to this, that at the time of the Partition, when we lost the Karachi port, it was decided by an expert committee constituted for the development of major ports that a major port should be situated at Kandla. According to this Bill, a sum of Rs. 16 crores has been spent on the development of this port. This port is a major port on the west coast for defence purposes. This port will also serve the hinterland in North India. At the time of this emergency, we know the special importance of this port. We have seen also how at the time of the last World War when there was overcrowding in Bombay and Calcutta, an expert committee was appointed to look into the matter. All credit goes to great Sardar Patel, who appointed an expert committee to

suggest a major port in lieu of the Karachi port on the western side. It was as a result of that committee's report, that Kandla port was taken up as a special project, and it was developed by spending more than Rs. 16 crores on it.

How can the new Port Trust for this port repay the old amount which has been spent on it when it was taken up as a special project? If we look at the financial position of the existing Port Trusts, then we can realise how difficult it will be for the Port Trust to repay the money. If Government are in a position to give us the figures in regard to these three major ports, about the tonnage, the traffic handled during the last three years, and the income and expenditure, then we shall be able to judge how far these Port Trusts will be able to repay the amount which has been spent on special projects. I hope the Select Committee will also look into this matter and give thought to it as to whether it is feasible to have this provision or not.

I can give the statistics in respect of Visakhapatnam, for instance. The financial results have been stated in regard to this port in the report of the Estimates Committee presented about three or four years back. The report says that:

"When the Project was approved it was anticipated that a net return of 5 per cent would be realised on the capital out lay but these anticipations have not so far materialised. The amount of interest-free loans granted by the Government of India to cover deficits in the Port Trusts were as shown below:...."

The report then proceeds to show that the amount of loans was to the tune of about Rs. 16.94 lakhs.

So, if we look at the financial implications, we shall find that these Port

Trusts at Visakhapatnam, Cochin or Kandla will not be able to repay the original capital expenditure incurred by Government.

I hope the Select Committee will go into the matter and do the needful.

I would also like to know from Government what has happened to the free trade zone policy in regard to the Kandla port, and how far it has progressed. Last time Government had stated that they were very keen about it. So, we would like to know the progress made in regard to this matter.

I would also like to submit that some medium ports should also be elevated to the level of major ports. Government may decide the criteria on which they will classify a port as a major port or a minor port, and on what criteria a medium port can be elevated to the level of a major port, so that there may not be any provincial problem, and there may not be any pressure from one State or the other in regard to this matter. Purely commercial considerations, based on the tonnage or traffic handled at the ports or some such criteria should be taken into account in classifying the ports.

I would also make another suggestion. On the western coast, there are other ports which also could be developed, for instance, Bedi, Bhavanagar, Porbandar and Okha. Government should take this into consideration so that these ports are also developed into major ports with autonomous boards constituted for their administration.

Shri P. Venkatasubbaiah (Adoni): I am very happy that the Ministry has at last thought it fit after so many years to bring forward this Bill for constituting autonomous statutory bodies for the administration of three major ports. Visakhapatnam is one of the major ports. It is one of the oldest ports also. I do not know why there

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has been so much of delay and hesitation on the part of Government to set up a statutory body to administer the affairs of that port. The importance of Visakhapatnam has also increased, as the Minister said, by the starting of oil refineries there. Also the iron ore from the Bailadilla iron ores will be passing through this port before being exported to earn valuable foreign exchange. This being so, the national importance of this port has been enhanced.

So this is a welcome measure and I congratulate the Minister on bringing forward this piece of legislation. I agree with some other Members who have said that it would have been better if a comprehensive piece of legislation had been brought forward prescribing a uniform pattern for all the major ports. That would have been easy. The experience gained in the administration of the first three major ports could very well have been incorporated in this Bill and all these major ports could have been brought under a uniform pattern of administration. I still hope the Minister will reconsider the matter and will soon bring before the House a comprehensive Bill covering all the major ports.

Coming to Visakhapatnam again, it was neglected all these years. That is a port which has a hinterland in Madhya Pradesh and Orissa also. Not only that. In Andhra Pradesh, there are many minor ports, notably Masulipatam and Kakinada which have not received the attention they should have. Masulipatam is more or less considered to be a dead port.

There are so many difficulties coming in the way of the rapid development of Visakhapatnam. There are no proper communications by road and rail. Now they contemplate a railway line from the Orissa area to this port. But I would suggest that other transport facilities that will connect Visakhapatnam with other important places should also be provided, so that the best attention is bestowed on all the

aspects of the port, not only bringing the management of the port up-to-date but also providing transport facilities to make the port more useful to the country. I hope the Minister will do the needful.

Regarding the constitution of the Port Trust, I also share the view of some Members who have said that it should not be too large. It would be more efficient when there is a small and compact body. I hope the Minister would give due attention to this aspect.

Coming to Visakhapatnam again, there should be proper communications between that port and Calcutta. Also there should be proper co-ordination so that Visakhapatnam may rise in importance in this hour of national emergency and provide a useful port through which we may export more goods abroad, thus bringing in more revenue by way of foreign exchange to our country.

श्री शिवमूर्ति स्वामी (कोण्डल) :

उपाध्यक्ष महोदय, मैं इस बिल का समर्थन करते हुए चन्द बातें मिलेक्ट कमेटी के विचार के लिये पेश करना चाहता हूँ ।

जब हम भारत वर्ष के गांव गांव के लिये कोआपरेटिव सोसाइटीज का एक कानून बना सकते हैं तो क्या यह मुमकिन नहीं है कि जो हमारे पास दस बारह पोर्ट हैं, छोटे और बड़े, उन के लिये एक कानून बनाया जा सके । मैं चाहता हूँ कि उन के लिये एक कानून बनाया जाना चाहिये । जो हमारे तीन बड़े पोर्ट हैं मद्रास, बम्बई और कलकत्ता, उन के अनुभव से फायदा उठा कर भारतवर्ष में जो और पोर्ट तैयार हो रहे हैं उन सब के लिये एक ही ऐक्ट क्यों न बनावें । अगर ऐसा करने में कुछ मुश्किलता हों तो उन को अगर मंत्री महोदय एक्सप्लेन कर दें तो ठीक होगा ।

इस में धारा ३ के अनुसार जो बोर्ड बनाया जाने वाला है वह बहुत बड़ा होगा। जहाँ ट्रस्टीज ज्यादा होते हैं वहाँ इन्तिजाम ठीक तरीके से चलने के बजाये उस में और कमियाँ आ जाती हैं, क्योंकि हर एक अपना-अपना विचार रखता है। एक सेंट्रल कमेटी बनायी जाय जिस के ११ या ज्यादा से ज्यादा १५ सदस्य हों। इस में ज्यादा नामिनेटेड सदस्य रखने की व्यवस्था है। मैं समझता हूँ कि इस में जिन इंटररेस्ट्स को रिप्रेजेंट करना है उन के नामिनेटेड सदस्य कम से कम रहें और इलेक्टेड सदस्य ज्यादा हों, और अगर हो सके तो इस सदन के कुछ सदस्यों को उस कमेटी में स्थान दिया जाय।

इन के बाद मैं सीमा के बारे में कुछ मुझाव देना चाहता हूँ। हर पोर्ट के लिये भारतवर्ष में इन तरीके से जोन रखे जायें कि उन जोन के लिये ज्यादातर माल उसी पोर्ट से दरामद बरामद हो। ऐसी नोटिफिकेशन से या पोर्ट ट्रस्टिंग के म्युचुअल ग्रंजर-स्टेडिंग से हो सकता है। भारत वर्ष का बहुत बड़ा क्षेत्र समन्दर से व्यापार के लिये सैकड़ों वर्ष से पड़ा है जो डेवलप नहीं हुआ है। यह कोई जरूरी नहीं है कि एक पोर्ट को किसी एक स्टेट के लिये रिजर्व किया जाय। बल्कि यह जरूरी है कि जो एरिया उस पोर्ट के नजदीक है उस के लिये उस पोर्ट को रखा जाय।

हमारे मैसूर के लिये और दक्षिण भारत के लिये केवल एक मद्रास का मेजर पोर्ट है। दूसरा बम्बई है। मद्रास हमारे यहां से ३५० मील है और बम्बई ५०० मील है। अगर किसान इन पोर्ट्स से अपना माल भेजे तो उस को अपने माल का १५-२० परसेंट मूल्य कम मिलेगा। जब वहीं पर ५० या १०० मील के बाजू में बड़े पोर्ट की व्यवस्था हो सकती है और इनक्वायरी

रिपोर्ट में भी बहुत से ऐसे नेचुरल पोर्ट्स को मेजर पोर्ट्स बनाने की सिफारिश की गई है तो कोई बजह नहीं मालूम पड़ती है कि मेरे क्षेत्र हुबली से मद्रास पोर्ट ३५० मील है और बम्बई ५०० मील है, वहां से क्यों आयरन और आदि सामान एक्सपोर्ट हो? मंगलूर को मेजर पोर्ट बना कर यहीं से सब सामान एक्सपोर्ट होना चाहिये। मेजर पोर्ट्स बनाने की जैसी इनक्वायरी कमेटी की सिफारिश है उस को अमल में लाने में जो स्लो पालिसी बर्ती जा रही है मैं उस का विरोध करता हूँ और चाहता हूँ कि जल्द से जल्द इनक्वायरी कमेटी की रिपोर्ट की सिफारिश को अमल में लाया जाय और मंगलूर को मेजर पोर्ट बना कर इस एक्ट का विस्तार मंगलूर पर भी किया जाय। मंगलूर और कारवार वगैरह जोकि नेचुरल पोर्ट्स हैं उन का मेजर पोर्ट्स का कंस्ट्रक्शन जल्द से जल्द शुरू किया जाय। मंगलूर की स्कीम की शुरूआत के बारे में हम १०, १२ साल से सुन रहे हैं कि वह बड़े पोर्ट में तबदील होने वाला है। ८० साल के होने भी उस पोर्ट को एक मेजर पोर्ट बनाने की बहुत सी सिफारिश उस वक्त की गवर्नमेंट ने की थीं। मैसूर स्टेट के साथ २०० मील का समुद्र तट फैला हुआ है लेकिन वहां पर एक भी मेजर पोर्ट नहीं बनाया गया है। वहां तमाम आवश्यक सुविधायें मिलने पर भी और रिपोर्ट फवरेबल होने पर भी बहुत देरी हो रही है। कांग्रेसी सदस्य श्री मोहसिन ने तो कहा है कि इस बारे में पार्शिएल्टी से काम लिया जा रहा है लेकिन पार्शिएल्टी अगर न भी मानी जाय तबे नैगलीजेंट तो जरूर इस बारे में हो रही है और मैं चाहता हूँ कि जल्द से जल्द इस का कंस्ट्रक्शन करने के लिये कदम उठाया जाय।

इस बारे में बेइसफ़ाफी की मिसाल में बेल करना चाहता हूँ। मैं समझता हूँ कि

[श्री शिवमूर्ति स्वामी]

खदन का हर एक माननीय सदस्य यह जानता होगा कि समुद्र से जो सामान हम बाहर एक्सपोर्ट करते हैं वह रोड या रेल के मुकाबले बहुत सस्ता पड़ता है। लेकिन हम देखते हैं कि ५० मील के एरिया के अन्दर पाया जाने वाला बहुत सा आयरन ओर्स वगैरह ३०० और ५०० मील एक्सपोर्ट करने के वास्ते भेजा जा रहा है। यह सरासर नेशनल वेस्तेज हो रही है। मंगलौर से यह सब सामान एक्सपोर्ट होना चाहिये। मेरी तो समझ में नहीं आता है कि आखिर यह क्या पालिसी है? मैसूर स्टेट के खास तौर पर ट्रान्सपोर्ट मिनिस्टर ने इस सम्बन्ध में आप के पास भी एक रिप्रजेंटेशन किया है जिस से आप को मालूम हो गया होगा कि किस तरह से मंगलौर पोर्ट को नैगलेक्ट किया गया है। यहां से माल एक्सपोर्ट न कर उसे ३००-४०० या ५०० मील ले जाकर वहां से एक्सपोर्ट करने के लिए खिद की जाती है। स्टेट ट्रेडिंग कारपोरेशन वाले भी मद्रास और बम्बई से एक्सपोर्ट करना चाहते हैं। यह बिल्कुल नाइंसाफी है। स्टेट खनमेंट की एथारिटीज के यह मांग करने पर और वहां के ट्रांसपोर्ट मिनिस्टर का इस बारे में रिप्रजेंटेशन होने पर भी, मैमोरेडम देने पर भी बम्बई, कांडला, और मद्रास से ही माल एक्सपोर्ट करते रहने की कार्यवाही मेरी समझ में नहीं आती है।

स्टेट ट्रेडिंग कारपोरेशन वाले अब भी उसी तरह से एक्सपोर्ट कर रहे हैं। अगर बड़े जहाजों से अभी एक्सपोर्ट नहीं हो सकता है तो जो भी छोटे जहाज हैं उन के द्वारा यहां मंगलौर से ले जाया जाकर बाद में आगे जाकर बड़े जहाजों से उसका ट्रांसपोर्टेशन किया जा सकता है लेकिन ऐसा भी नहीं किया जा रहा है। रेलों की बहुत कमी है। एक मील भी नयी रेल नहीं बनी है। मोटर ट्रांसपोर्ट की भी कमी हो रही है। अब हीस्पेट और

मद्रास को ब्रीडगेज के द्वारा जोड़ा जा रहा है और बम्बई और मिरज को ज्वाइन किया जा रहा है लेकिन बीच में टुबली को ज्वाइन नहीं किया गया है आखिर यह कैसी बेइसाफ़ी है? मैं मग़तापूर्वक आपसे यह निवेदन करना चाहता हूँ कि इस बेइसाफ़ी को हम बर्दाश्त नहीं कर सकते हैं और जल्द से जल्द टुबली को भी उससे ज्वाइन किया जाय। हीस्पेट से कुट्टर हरिहर को रेल से जोड़ा जाय। मंगलौर बन्दरगाह से सुविधा और आसानी से आयरन ओर्स और दूसरा माल एक्सपोर्ट किया जा सकता है। समुद्र के रास्ते कम खर्च में और आसानी से यह चीजें एक्सपोर्ट की जा सकती हैं।

आयरन ओर्स और मंगनीज ओर्स दुनिया में रिचेस्ट समझी गई हैं और मैं नहीं समझता कि जब कम खर्च में यह एक्सपोर्ट हो सकता है तो उसका प्रबन्ध क्यों न किया जाय? अब इस बारे में पाशिफ़ैल्टी नहीं तो कम से कम नैगलीजेंस जरूर बर्ती गई है और मालूम ऐसा देता है कि बम्बई या मद्रास स्टेट के मिनिस्टर्स के दबाव के कारण आप कोई बोल्ट स्टेप नहीं ले पा रहे हैं और इस बारे में कोई फ़ैसला नहीं कर पा रहे हैं। लिहाज़ा मैं कहना चाहूंगा कि जिस तरह से इस पोर्ट ट्रस्ट्स बिल का अमल आज तीन बन्दरगाहों पर हो रहा है उसी तरीके से तमाम हिन्दुस्तान के लिए एक युनिफ़ार्म एक्ट हो और एक युनिफ़ार्मिटी इस बारे में बर्ती जाय। मैं चाहता हूँ कि पूरे भारतवर्ष में एक ही युनिफ़ार्म एक्ट हो। हर एक पोर्ट की आप सीमायें निश्चित कर दें जैसे कि बम्बई बन्दरगाह का कौन सा जोन होगा, कहाँ-कहाँ से बरामदगी और आमद होगी। इसी तरीके से मद्रास, कलकत्ता और मंगलौर आदि जो भी पोर्ट्स वहां हो के लिए एक जनरल सीमा निश्चित हो जाए, उन की जोन बन जाये। जिस तरीके से ट्रांसपोर्टेशन में आप खोस बनाते हैं उसी तरह से हिन्दुस्तान की पोर्ट्स के हिसाब से भी जॉस में तकसीम

कर दिया जाय कि अमुक क्षेत्र की अमुक बन्दरगाह से आमद या बरामदगी होगी । हर एक पोर्ट के लिये क्षेत्र निश्चित किये जायें और इस बारे में इक्विटेबल डिस्ट्रीब्यूशन का सुझाव देते हुए मैं आशा करता हूँ कि मंत्री महोदय अपने जवाबी भाषण में इस पर रोशनी डालेंगे । बस इतना कहते हुए मैं अपना भाषण समाप्त करता हूँ ।

Shri Narendra Singh Mahida (Anand): It is with pleasure that I welcome this Bill, more particularly as I represent a western coast, that of Gujarat; I have myself been associated with shipping company like Scindias, in which I was connected as a director for a number of years, and also in touch with various allied port matters.

I had suggested, many years back, when our great shipping magnate late Shri Walchand Hirachand was Chairman of the Scindias, that there should be a unification of all the ports in India. At that time, our present Government was not in existence. The British Government then never encouraged Indian shipping companies, and whatever ideas we had, we could not put them into practice. Now I am glad that, with our independence, we are able to think in terms of unification of ports.

I know that in this unification, only Vishakhapatnam, Cochin and Kandla, which are now considered major ports, are included, but I would recommend to the Select Committee that they should consider a unification scheme for all the major ports, including Bombay, Madras and Calcutta, so that all the ports can be governed by a single and unified law.

India has been a very ancient ship trading country. We are probably under the impression that we have never in the past developed our shipping, but I may say our ports of Broach

and Cambay on the west coast in Gujarat were known about 3,000 years back when our ships used to go to all parts of the world. But during the foreign rule in this country, the UK which was very vitally interested in shipping, never allowed our trade to develop. Even today our shipping trade is hampered by formidable foreign companies, with which we are not able to enter into competition, because they have got huge financial resources and their governments assist them fully. We are at present unable to compete with companies like P & O and other British lines. But we are marching forward. We shall have to expand our shipping in order to export, because I am one of those who feel that unless we export our products in large quantities and earn more money, we cannot materially increase our standard of living. For that reason we must have many major and minor ports.

I am of opinion that there should be development of minor ports as well. There are various medium and minor ports on the west coast, like Surat, Broach, Cambay, Porbunder, Mandvi, Veraval etc., big and small. I am sure if they are developed, the country will enrich itself in the Shipping business.

As far as Kandla is concerned, there has been a scheme for extending the Kandla-Jhund broad gauge line to connect it with Ahmedabad. I do not know why the scheme has been delayed, and I fail to understand why Kandla has not been developed to meet the needs of the west coast and the hinterland of Rajasthan, Punjab, Madhya Pradesh and other places. Probably there was a fear that if Kandla was fully developed, Bombay would suffer. I do not think that policy should play its part now. It is a fact Kandla happens to be nearer than Bombay to certain areas, and I am sure even if Kandla is fully developed, Bombay can still comply with the needs of Maharashtra and other places.

[Shri Narendra Singh Mahida]
Western coast of Gujarat can offer cheaper shipping through Kandla, and shorter distance by railway can reduce freight cost, this will be distinct gain to the country.

The development of Kandla should not be associated with the State of Gujarat alone; it will feed Rajasthan, Punjab, Madhya Pradesh and even Delhi and Kashmir. Nor should Kandla's development be taken as a challenge to Bombay. Government has been slow in the development of Kandla and the promises held out in this connection are not yet fulfilled. Wharfing facilities to the extent needed are not there. Small ships are coming to Kandla now but unless 18,000 tonners or 20,000 tonners come in, the port will not develop. I am sure that the Select Committee will look into the problems, and recommend big cranes so as to facilitate loading and unloading quickly and easily. Kandla is also becoming a big centre for oil storage. We should have broad gauge railway facility; the present metre gauge system will not serve the purpose. I do not know what has come in the way of declaring Kandla port as a free port. This scheme should be introduced now, even with a free trade zone of a radius of 2-3 miles. We have to learn many things from the foreign countries about shipping. I do not think that we can even compete with small countries like Yugoslavia or Greece or Japan. Japan though a small nation, had a subsidised shipping system whereby their various goods reached England during the pre-war days at a much cheaper price than the locally produced goods Japanese goods used to be sold much cheaper than even English goods in England. To boost our shipping we should introduce such subsidised system. There are very encouraging markets in the Middle East, Near and Far East where we can send our goods much earlier than goods coming from Europe or the United States. Unless a high-powered committee is appointed either at the ports or at the ministerial level and

special attention is given, we will not be able to do much about our exports. Unless we develop our ports, we cannot have much of exports. Shipping is a very specialised subject and I request the Select Committee to tour round the various ports and see the conditions for themselves. There are major, medium and minor ports which require a lot of attention. There is the silting problem in the case of Tapti in Surat. In Broach and Veraval also it is there. Dredgers are required to do this work. In Kandla also it should be done. Unless we have the big giant liners or cargoes coming to these big ports, things will not improve much. It is not enough to develop Bombay, Madras and Calcutta alone; other ports should also be developed. I am sure the Select Committee will bear this in mind. For instance, Surat was a port long before the Britishers came. Cambay and Broach also flourished. Removing of silt should be undertaken at all these places so that small ships could come and goods could be loaded or unloaded.

We have such a vast coastline. Normally we think in terms of inland problems only. India has a larger coastline than the Himalayan borderline. Still people are not much sea or ship-minded. Even in Bombay I have come across many persons who have never been on the sea at all, not even in a small boat. We had yacht and boat clubs formerly in Bombay. I would like the University Grants Commission, to encourage at least those colleges which are situated near the coasts or river banks to give special grants and see that our youths develop the shipping traditions. Unless we come out with a bold policy for improving the shipping, nothing much can be done. The finances have been divided between the three ports: Rs. 2.32 crores for Vishakhapatnam, Rs. 1.32 crores for Cochin and Rs. 1.50 crores for Kandla. These are small sums for development and perhaps to begin with they may be all right. But I think these amounts should be doubled.

Any way I welcome this Bill and recommend my suggestions to the

Select Committee for their consideration.

Shri Raj Bahadur: As many of the points raised here have to be dealt with by the Select Committee, I have only a few observations to make. Shri Warior has said that the Estimates Committee recommended as far back as 1957 that port trusts should be established at these three Government administered ports but that we have taken five years to do it. I may point out that the new berths of the Kandla were thrown open only in 1957. Certain developmental works were going on in the ports and we wanted that the essential developmental works should be completed while these ports were directly administered by the Government. When the stage for appointing port trusts to look after their management came, we took up this particular measure. A good deal of study was also needed a comparative study of the various Port Trust Acts of Madras, Bombay and Calcutta. Only the minimum time has been taken and we have come not a day too late. He has also said that railway lines have to be taken over by the ports and other facilities such as dry dock, workshop, etc. should be provided. I do not deny that. But at what stage of development are these required? In Cochin dry docks and workshop will be there in connection with the shipyard as and when it comes. He also invited our attention to page 73 of the annual report of the Ministry for 1961-62 and said it was showing all progress and progress but nothing was completed. But even as he was reading, he should have very well seen that some of the most important items have been completed. Two berths have been completed and the other two are in the process of completion; it will not be long before they are actually commissioned. Lighting arrangements have been completed. The staff quarters have been completed. So, we are not static. In fact, we can say we have quite some achievements to our credit.

I come to the observation made by Shri Mohsin, Shri Trivedi and some others that we should have brought a comprehensive measure, including within its ambit the existing ports of Bombay, Calcutta and Madras also. As you know, the Acts governing Bombay, Calcutta and Madras ports have proved their utility and adequacy by experience stretching over quite a large number of decades and it would perhaps not be quite proper for us to do away with those enactments all at once. The need for uniformity is there. It would have been perhaps a point to make that we should have a consolidated piece of legislation, but we have to go ahead with our work of establishing port trusts in the ports of Cochin, Vishakapatnam and Kandla. That work cannot be delayed. So far as the improvements which have been effected in this new measure are concerned, we propose to bring forward a measure to include those improvements in the existing port trust Acts of Bombay, Madras and Calcutta as well. They will then be brought on a par.

Another point was made by Shri Jashvant Mehta and Shri Mahida also that the development of Kandla port has lagged behind. Shri Mahida went to the extent of saying that we do not have big cranes and dredgers there. Apart from other smaller cranes, there is a crane in Kandla which has got a capacity of 60 tons, but unfortunately it has not been much used.

Shri Narendra Singh Mahida: It is not so big as in Calcutta.

Shri Raj Bahadur: You do not require a 200-ton crane at Kandla. At Calcutta, it was there for special heavy lifts of machinery and equipment brought for the three steel plants and other industries in that area. The 60-ton crane in Kandla has seldom been used. We thought if that particular crane was too big

[Shri Raj Bahadur]

for the requirements of Kandla traffic, it may be shifted elsewhere. But at present, we do not propose to shift it. We have also got a big dredger for Kandla now and it is working there.

The question of free trade zone at Kandla is at present under consideration. But as hon. Members will appreciate, we have got to assign due priorities to various schemes in the face of the emergency. We could not take up that particular matter on the basis of urgency or priority as required by certain other more important things. At the moment, our desire is that we should try to keep our ports ready for any situation that might confront us, at any time.

Shri Jashvant Mehta raised another important point. He said there was some shortfall in the second Plan allocations as far as expenditure was concerned and so in the first Plan. But let him remember that the port capacity that we have developed is the main criterion by which we shall judge the adequacy of our ports. Even in 1960-61, our major ports have handled as much as 33.5 million tons of traffic. The installed capacity at the end of the second Plan period was supposed to be of the order of 41 million tons and by the end of the third Plan it will be 49 million tons. The maximum traffic that we have handled has been of the order of 33.5 million tons. Add to this the capacity of the minor ports. I can confidently assure the House that the port capacity will not be found wanting in any exigency or emergency that might confront us at any time, at present or in future. I am sure with the completion of the works in the third Plan, we shall be able to fulfil our targets that we have placed before ourselves.

The rest of the points pertain to certain clauses in the Bill. It would not be appropriate for me at this stage to say much about them. I would only say that these points will be taken full note of by the Select Committee.

With these words, I commend the motion for the acceptance of the House.

15.44 hrs.

[MR. SPEAKER in the Chair]

Mr. 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 be referred to a Select Committee consisting of the following 21 members, namely:

Shri Tridib Kumar Chaudhuri, Shri Sudhansu Bhushan Das, Shri Shivajirao S. Deshmukh, Dr. P. D. Gaitonde, Shri V. B. Gandhi, Shri Indrajit Gupta, Shri Him-matsinhji, Shri P. G. Karuthiruman, Shri Lahri Singh, Shri Rama Chandra Mallick, Shri Niranjana Lall, Shri Raghunath Singh, Shri Raj Bahadur, Shri C. R. Raja, Shri M. Thirumala Rao, Shri S. V. Krishnamoorthy Rao, Shri H. Siddananjappa, Dr. L. M. Singhvi, Shri Ravindra Varma, Shri Vishram Prasad and Shri Jag-jivan Ram,

with instructions to report by the first day of the next session."

The motion was adopted.

15.45 hrs.

SUSPENSION OF PROVISIO TO RULE 74

The Minister of Law (Shri A. K. Sen): Sir, I beg to move:

"That the first proviso to Rule 74 . . .

Shri Hari Vishnu Kamath (Hoshangabad): On a point of order, Sir.

Shri A. K. Sen: I have not moved it.