

[Shri C. K. Bhattacharyya]

in whatever way you like? What is that strength in you? His reply was, to speak in one word, that is "Brahmacharya." That was the reply he gave. I put the second question. Could you tell us what this Brahmacharya means? The reply was also very simple: "Do not keep superfluous energy. That is ideal brahmacharya." That is, a boy who is given to studies must train his mind so that he gives his entire energy to studies. The boy must be trained in a way so that he gives his entire mind and energy and attention to the work itself. If we allow distraction and dissipation, disasters will come. These literatures which I have dealt with in my Bill are one of the major and potent sources of bringing distraction and dissipation.

**Shri D. C. Sharma:** What was the secret of Mohamad Ali Jinnah?

**Shri C. K. Bhattacharyya:** The hon. Minister was referring to the future generations. I shall make only one reference and end there. We are building up these Five Year Plans. But for whom are these plans? What is the foundation, the basis on which these plans will stand? Who will work out these plans? It is the younger people. If the younger generation is allowed to be corroded, these plans will stand like a Tajmahal on a mud base; it will topple down at any time unless the position is set right, the base is set right, unless there are young men who can stand up to anything that happens in the world and face them and have the strength of facing them. Otherwise none of these plans will lead to success.

The hon. Minister has requested me to withdraw this Bill. In fact I had already hinted that the Government should take it up at least in principle; when he kindly referred to the Rajya Sabha Bill I wondered whether he could not accept this also for circulation along with the Rajya Sabha

Bill which he has accepted for circulation.

**Shri Hathi:** No.

**Shri C. K. Bhattacharyya:** The Bill of Mrs. Lakshmikanthamma also is there. I wish that all these three Bills should be circulated together for opinion as has been done in the case of the Rajya Sabha Bill. I would request you Sir, to ask the hon. Minister whether he will agree to its cir- not agreeing to circulation.

**Dr. M. S. Aney (Nagpur):** You want the Bill or the speech to be circulated?

**Shri C. K. Bhattacharyya:** That is a suggestion that I make and it is for him to consider it.

**Mr. Chairman:** The hon. Minister is not agreeing to circulation.

**Shri C. K. Bhattacharyya:** Then I withdraw the Bill.

**Mr. Chairman:** Has the hon. Member leave of the House to withdraw the Bill?

*The Bill was, by leave, withdrawn.*

16.09 hrs.

#### MERCHANT SHIPPING (AMENDMENT) BILL

(Amendment of Section 456 by Shri Indrajit Gupta).

**Shri Indrajit Gupta (Calcutta South West):** Sir, I beg to move:

"That the Bill to amend the Merchant Shipping Act, 1958, be taken into consideration."

Sir, I hope that this will not meet with any opposition from the hon. Minister because I do not think there is any reason for it. Under section 456 of the Merchant Shipping Act, power

has been taken by the Government to exempt any ship or sailing vessel or any master, tindal or seaman from any specified requirement contained in or prescribed in pursuance of this Act or dispense with the observance of any such requirement if it is satisfied that that requirement has been substantially complied with or that compliance with the requirement is or ought to be dispensed with in the circumstances of the case. This is the existing section—Section 456—which I wish to amend slightly. As everybody knows, this Merchant Shipping Act was passed at a time when our Indian shipping was still in a very under-developed and, what one might call, an infant stage. Of course, we are still perhaps compared with some other leading maritime nations of the world. We have still quite a long way to go. But we are all quite proud and can be proud of the fact that Indian shipping is growing and developing quite fast and by the end of the third Five Year Plan the total tonnage of Indian shipping is expected to reach the figure of 1.5 million tons, which represents quite a rapid rate of growth. But the Act dates from a period of seven to eight years ago when things were very much more undeveloped.

My amendment does not seek to interfere in anyway with the exemption power which is taken under section 456 by the Government. But what I am pleading for is that these exemptions which are given from time to time to vessels in respect of various conditions and requirements which are stipulated under the Merchant Shipping Act should be made available to Parliament which is the body, after all, which passed this statute and put it on the statute-book. Parliament in its wisdom considered it necessary to give an exemption power of this type, and it was given.

Now, after the passage of seven to eight years, when we are developing quite well, and some very well-established shipping companies have come into existence not only in the

private sector but also in the public sector—we have got our own public sector shipping company—I think it is time that Parliament should at least be kept periodically informed of how this power of exemptions is being used. All that my amending Bill seeks to do is to make it obligatory for the Government to place before the two Houses of Parliament once a year a statement giving the list of all the exemptions which have been made, and stating briefly the reasons or the grounds for each such exemption.

Why do I say so? Because I happen to be a member of the National Shipping Board and in that body too I had pressed for some information on this ground purely as a matter of curiosity. I wanted to know what was happening and some information was made available to the Board—I am very grateful for that—covering the period from October, 1964 to 15th February, 1965. Some very interesting things emerged from that information which was given to us. I do not wish to imply any motives or anything behind these exemptions because I have no knowledge of the actual circumstances in which they took place, but certain things strike one immediately. There are a fairly large number of exemptions given, but the thing to which I am drawing the attention of the House is this: for example, there are a large number of exemptions, and perhaps the largest single category of exemptions is being given on the ground that there is a shortage of properly qualified and certificated officers. It is a fact that there is such a shortage. It is also a fact that if any country wants to develop as a first-class maritime power, then, one of the most essential jobs which they will have to take on hand is the rapid expansion and training of officers for its merchant marine. The existing arrangements which have been made are good, as far as they go. But the Minister himself will admit that they are still, for various reasons, not adequate to

[Shri Indrajit Gupta]

cope with all our requirements. That is a fact. So, we find a very large number of cases in which vessels are being allowed to go to sea without properly certificated officers. That is to say, permission is being given to junior officers to act as senior officers or for officers who are qualified to act in particular posts to serve in higher posts. For example, Second Engineers are often being allowed to act as Chief Engineers, somebody holding a mate certificate is allowed to serve as Master of the ship or Third Officers are allowed to serve as Second Officers and so on. To some extent I am prepared to concede this may be necessary in individual cases of vessels here and there for the time being, until we have got adequate strength of officers. But what struck me from this information covering only a period of 4½ months is that in the case of certain shipping lines, there seems to be a heavy frequency and incidence of such exemptions being granted to vessels belonging to those particular lines. Not that they are very small lines, under-developed without adequate resources. Among them we find some of the biggest and best established lines.

For example, we find that within this period of 4½ months, several vessels belonging to the Apeejay lines were given exemptions and in some cases, a particular vessel has been given exemption twice or thrice over. Vessels like Karuna, Anjali, Akash, Ambar, Anil, Ambra and Rita belonging to Apeejay Lines are being given exemptions systematically and frequently on the ground that they have not got duly certificated and registered officers holding proper qualifications. I made some enquiries in Bombay and found that the same Apeejay Lines are the very people who have recently discharged and retrenched a number of their qualified and certificated officers including the Chief Engineer. Yet, they are pleading for exemptions on the ground that there is dearth of properly qualified officers. What I

am trying to emphasise here is that if data of this kind is made available to Members of Parliament, some member who takes interest in this matter may look into it and it can be brought to the notice of the Transport Ministry, so that if necessary, in any particular case, an enquiry can be made into it to see what is going on.

Take the example of even the Jayanti Shipping Company, which is supposed to be the pride of our shipping fleet, with vast resources and all that, which has made a very big contribution in increasing our tonnage. I find in the same period at least four vessels—Lakshmi Jayanti, Chandragupta Jayanti, Buddha Jayanti and Gandhi Jayanti—have also been exempted on the same ground. I do not want to go into great details. There is the Malabar Steamship Company, the Bharat Steamship Company, etc. Some particular lines like this are the main applicants for exemption and the main, if I may say so, offenders.

My contention is, if this kind of thing is allowed to go too far—I do not say it has gone too far yet—but if this practice is allowed to go too far and if shipping companies on their sweet will are easily able to get exemptions to employ officers who are not properly registered and certificated, a situation will be created in which the incentive, the urge to develop a bigger cadre of qualified merchant marine officers in this country will suffer. The urgency of both the shipowners and Government to accelerate the schemes for training merchant marine officers is bound to suffer. Therefore, this is a matter which, I think if occasion arises, should be looked into whether particular lines are particularly prone to this kind of deficiency.

Then there are other examples which, to my mind, seem to be perhaps even more serious from another point of view, that is, in respect of

essential safety appliances and equipments which the Merchant Shipping Act has very categorically pointed out as the minimum requirements which any vessel going to sea must satisfy. Here too I find that there are a large number of exemptions given and there too I find there are particular lines which are the main defaulters. For example, the Bombay Steam Navigation Company, I find, over a period of four and a half months have secured exemption for five of their vessels, Champavathi, Chandravathi, Rohidas, Ratnagiri and St. Anthony. These vessels were given permission to sail without any emergency receivers; that is to say, without wireless sets which are required whenever a storm comes or a vessel is in distress to send SOS messages and so on. Even in respect of such vital equipments as emergency receivers, not one vessel but five vessels, all belonging to one company, the Bombay Steam Navigation Company, have been given exemption by the authorities, the authorities being the office of the Director-General of Shipping. The reason given is that these were very old vessels, and being very old vessels they have not got the equipments and, therefore, they can continue to sail merrily without emergency receivers.

Even in the case of the great Jayanti Company, Gargi Jayanti, Parvathi Jayanti, Arya Jayanti and Shankara Jayanti have been given exemption from having water-tight doors to their engine rooms. As everybody knows, engine rooms are liable to be flooded in the event of any collision or any damage done to the side of the ship and if the engine room is flooded that is the end of the vessel. Therefore, water-tight doors are the essential minimum requirements. But these ships have been given this exemption and once again the ground given is that they were very old vessels.

\*I can recite many more such examples. There is a ship called Seva—I do not know the line to which it belongs—that vessel was given exemption from having to carry

and life-boats and no reason was given in the information which was supplied to the Shipping Board as to on what grounds this exemption was given. There is a motor vessel called Asoka which was given exemption from carrying any parachute signals in its life-boats for which also no ground was given. These are a few examples which have raised this problem in my mind.

All I wish to say here is that in the present condition of Indian shipping and the stage which we have reached, I understand and I am willing to concede that there may be certain shortages here and there or inability sometimes to obtain certain equipments because, maybe, the equipments are not manufactured in this country, but my point is that if these things are to be given proper priority, if the Government is to refer to these matters with due sense of urgency when we are making a bid to become an important shipping nation and one of the maritime nations of the world, I think it is necessary that these matters should not be left now, after the passage of 7 or 8 years, entirely to the unfettered discretion, executive discretion, of the officers of the Director-General's office. They may be very good officers,—I have nothing to say against them—they may be experts in their line, but being human beings they are always prone to err, and as far as these big shipping companies are concerned, some of them resort to, well, some measures and methods which are not completely above board in order to secure such exemptions.

I do not wish to say that all our ships, Indian ships, which are sailing on the high seas are going about without qualified officers, or that all of them are lacking in minimum equipments. I do not wish to give any such idea at all. If I had any such idea, I would have moved a Bill to delete section 456 altogether. I am not saying that. I am saying that the power of exemption should remain. All I am saying is that these two

[Shri Indrajit Gupta]

Houses of Parliament should receive a statement, at least once a year, listing all these exemptions and giving briefly the grounds for those exemptions so that anybody who is interested in this subject can look into them.

I may just point out that we have copied our Merchant Shipping Act very largely from the corresponding British legislation and in fact many of the old and out of date clauses of the British Act have also been incorporated into our Act. But I may point out that in the Merchant Shipping Act of the United Kingdom there is precisely this provision made which I am seeking to introduce into our Act. If I may quote, there it is section 78(2), formerly this Act had said "the Board of Trade" because that was the authority, that has now been amended to "the Minister of Transport and Civil Aviation in the United Kingdom shall annually lay before both Houses of Parliament a special report citing the cases in which they have exercised their powers under this section during the preceding year and the grounds upon which they have acted in each case". So, it is not that I am suggesting something which is without precedent or which is something terribly radical or alarming in any way. This is done regularly in the United Kingdom also and I would say that a time has come when we must earn a reputation abroad for exercising some proper vigilance over the minimum safety precautions of our ships because we are carrying passengers too. We are carrying our own crews who have got every right to expect that proper steps should be taken to see that their lives and their safety are guaranteed. Therefore I would urge upon the Minister to accept this amending Bill of mine.

**Mr. Chairman:** Motion moved:

"That the Bill to amend the Merchant Shipping Act, 1958, be taken into consideration."

**Mr. Chairman:** Is Shri Vishwa Nath Pandey desirous of moving his amendment?

**Shri Vishwa Nath Pandey rose—**

**Shri N. C. Chatterjee (Burdwan):** Not at this stage.

**Mr. Chairman:** I want to simplify the procedure. I can then take the amendment as moved and the discussion can be both on the Motion and the amendment.

**Dr. M. S. Aney (Nagpur):** There can be two amendments to this Motion at this stage—one for circulation and the other for reference to a Select Committee.

**Shri Shree Narayan Das (Darbhanga):** The amendment is to the clause and is not for circulation.

**Shri Heda (Nizamabad):** The amendment should be taken up at the time of clause-by-clause consideration.

**Mr. Chairman:** All right.

**Shri N. C. Chatterjee:** Mr. Chairman, Sir, I want to support this Bill. I am satisfied that this Bill is not at all very ambitious. I would not have lent my support if there was any attempt to take away the power of exemption. That is absolutely necessary.

When I had the privilege to represent this country before the Commonwealth Law Conference in England, I remember, I had a discussion with some members and the Secretary of the Delegated Legislation Committee of the British Parliament and I was told by the greatest authority, Sir Cecil Carr, that they wanted to make parliamentary legislative authority really effective; otherwise, if exemptions are left to the sweet will of the subordinate authorities, there may be cases of favouritism, nepotism or unfair practices. Therefore, they say, when Par-

liament is the supreme legislator, it should not be merely technically supreme but that parliamentary checks should be effective and that can only be effective if exemptions granted under such a power are placed before Parliament in some shape or form.

I was told that not merely rules made under rule-making and subordinate legislation power but also exemptions granted under similar statutes were placed before the Committee and ultimately laid before Parliament. I think, that is a desirable objective in order to make parliamentary democracy really effective and really checking all cases of unfair practices in this subject.

What are you going to do? You have got practically blanket power. You know that in such a case it is very difficult to lay down criteria. No standards have been prescribed; no criteria have been prescribed. It has, therefore, been left to the will of the executive, to the discretion of the particular officer or a particular set of officers concerned and they have given exemptions in a large number of cases; maybe good, maybe bad; maybe that should be revised. But Parliament should be told. All that we want is that Parliament should be informed in how many cases exemptions have been granted and why exemptions have been granted. So that we may know that the progress of merchant shipping, the progress of legislation, the progress also of checks and balances, is maintained properly so as to secure efficient service and there should be no danger to the passengers or the goods concerned. That is very vital. What are we doing? We are really copying one clause of the English statute. What does the English statute say? It says that the Board of Trade shall lay before both the Houses of Parliament annually a report stating the cases in which they have exercised the powers of exemption during the preceding year and the grounds upon which these exemptions have been

granted. My hon. friend, Mr. Indrajit Gupta, has practically copied that clause which is in the English statute. He is simply saying that you follow the same procedure, the same safeguard, the same method and place a report before Parliament so that we may know how this power has been exercised, how the discretion has been actually worked out during the preceding year. These are the things which are liable to be abused. We are not saying that they have been abused. But from the formidable list which Mr. Indrajit Gupta read out, I am satisfied and possibly other hon. Members are satisfied that there is a case for scrutiny, there is a case for some vigilance, there is a case for watchfulness, and we shall be failing in our duty if we do not request the Minister simply to give us the list and tell us on what ground they granted exemptions. We are not taking away his power; we are not taking away the power of the executive. We are completely leaving it to the Government and its officers to exercise wide powers of discretion. We are simply saying that when you have done it, please let us know why you have done it, in how many cases you have done it and if there is any abuse of discretion or if there is any case where the power has been exercised improperly or there is some *prima facie* ground, we can bring it up before Parliament and discuss it.

16.32 hrs.

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

Sir, I am quite sure the hon. Minister is also anxious that we should have this clause in our Merchant Shipping Act and that our standards should be very high and that they should not fall below those of England or any other country in the world. If you want to maintain high standards, it is right that we should have the same pattern which obtains in the United Kingdom. I hope this Minister will have no difficulty in

[Shri N. C. Chatterjee]

accepting this Bill which makes a very very reasonable, moderate and salutary amendment on the British lines. Only one clause is being added in section 456 of the Act and that is exactly copied from the corresponding clause in the English Merchant Shipping Act. Therefore, I submit that there should be no difficulty in accepting it. Parliamentary democracy will be more effective and our vigilance will be more concrete and realistic and that will lead to better standards all round.

**Mr Deputy-Speaker:** How much time will the Minister require?

**The Minister of Transport (Shri Raj Bahadur):** I will take about 10 to 15 minutes.

**Shri D. C. Sharma (Gurdaspur):** Mr. Deputy-Speaker, Sir, I am amazed at the moderate tone which Mr. Indrajit Gupta has employed in presenting this Bill. I am also happy to find that Mr. Indrajit Gupta has taken as a model the Bill which comes from the United Kingdom. I think this shows some kind of change in his attitude towards several things.

Sir, I feel very happy to say that the Bill which he has brought forward should not have been called an amending Bill. It does not seem to amend any principle or provision of that Bill. This Bill deals only with those aspects of legislation which come under the purview of subordinate legislation as the hon. Member, Mr. N. C. Chatterjee, put it, or they come under the provision of those clauses where the Parliament is supposed to know the details from day-to-day or from month to month, every six months or every year. But, unfortunately, our Director-General of Shipping is not as vigilant about the future of our merchant navy and as jealous of the reputation of our merchant navy and the good name of our country as he should have been. I ask you: How can you ask a school

teacher to become a professor on any subject in a university?

**Shri Khadilkar (Khed):** My hon. friend has become a professor.

**Shri D. C. Sharma:** I was not a school teacher. Unfortunately, this remark has been made by a person who has the calibre of a school teacher. How can you ask a fireman to become an engine-driver? Unfortunately in this country, we have to be very careful that we maintain standards. We have to maintain standards in every line. We have the Indian Standards Institution to maintain standards so far as our products go. Similarly in the merchant navy also we must maintain the highest standards. If we let go the standards today, I think it will become very difficult for us to observe those standards in the days to come, because as time passes, vested interest grows more and more entrenched, and one of the biggest enemies of democracy in our own country is the vested interest, whether it belongs to the merchant navy or to any other form of enterprise. Therefore, I feel that keeping in view the good name of our country we must accept the contention put forward by Shri Indrajit Gupta. I have always been in favour of progressive things. I never thought that the Director-General of Shipping had such unlimited powers....

**Shri N. C. Chatterjee:** Uncanalised.

**Shri Shinkre (Marmagoa):** My hon. friend had given those powers to him.

**Shri D. C. Sharma:** In spite of the noble efforts of Shri Raj Bahadur who has done a great deal for it, and in spite of what my hon. friend Shri Raghunath Singh has done for it, our shipping has not taken that kind of shape which it should have.

What do you think of a ship which does not have any safety devices? What would you think of this Lok

Sabha if we were to lose all safety devices? If there were no safety devices in case of fire, if there were no safety devices of other kinds, then what would happen? What do you think of a Sabha where anybody can go and occupy the Chair? After all, we have a Panel of Chairmen, and we have the Deputy-Speaker and the Speaker. So, anybody and everybody cannot go and occupy the Chair. After all, certain minimum qualifications are there, and those qualifications have to be observed.

Therefore, I feel that this Bill should receive the unanimous support of this House, because I feel that it is in the interests of our country. Shri Indrajit Gupta has given a list of some companies which have been enjoying privileges much more than others. I am not in the least interested in those companies. There are a few companies whose names I have heard for the first time. There are certain ships which are named after some of those great persons mentioned in our religions, in our literature etc. I think that for the good name of our country, these companies should be told that they will not have any exemptions.

**Shri Shinkre:** They may have exemptions.

**Shri D. C. Sharma:** My hon. friend should listen to me. Why is he getting so impatient? I am not talking about Goa's merger with Maharashtra, but I am talking of something else. What is it that he wants? He only wants that whenever there is any exemption granted, Parliament should be seized of it. That is very legitimate; there is nothing revolutionary about it. Even if there is one exemption, we should be told about it. Even if there is lack of one safety device on a merchant ship, we should be informed about it. I think it is the duty of democracy to be knowledgeable. If democracy ceases to be knowledgeable, democracy will pave the way for dictatorship. Therefore,

knowledgeability is of the essence of democracy.

I thought Shri Indrajit Gupta was a very revolutionary person. But with all his revolutionary fervour, he has brought forward a Bill which is moderate in its intentions, restrained in its expression and clarificatory in nature, which seeks to give us a little more power of knowledge than we have. I whole-heartedly support the Bill.

**Shri Thirumala Rao (Kakinada):** I had no intention of intervening in this brief discussion. But I wanted to bring a few facts to the attention of the House.

The total tonnage in this country is about 15 lakhs. The number of ships concerned is about 200 or so.

**Shri Raj Bahadur:** 223.

**Shri Thirumala Rao:** All types of ships. With regard to motor vehicles and all those things, they are examined and given a fitness certificate. But all these things are done administratively. Every little thing that is done on the road or in the railways or in any other place is not brought up before Parliament or laid on the Table. These are small things. The number of cases cited by Shri Gupta is about 8 or 10. Some of them may be bad cases, but it is being done by highly qualified, technically trained staff of the Directorate-General of Shipping.

**Shri Indrajit Gupta:** I can cite many more.

**Shri Thirumala Rao:** In regard to the training of officers, it is a bottleneck about which I would like my hon. friend to join many of us to see that the training capacity of the shipping department is expanded very much. We are all keen on that. We are anxious to have the maximum shipping in the country. But the tempo of training, creating the requisite cadre of trained officers is not keeping pace with the demand. This



[Shri Thirumala Rao]

is the trouble experienced by all shipping companies.

The shipping company, which he mentioned—I did not want to mention names—the Jayanti Shipping Company, has in the last three years brought into existence 5 lakh tons with 23 ships. They require 150-160 trained officers in one bunch.

**Shri Shinkre:** The Bill does not take away the power of exemption.

**Shri Thirumala Rao:** Why does he interrupt me? He may not like my argument.

**Shri Shinkre:** I was saying the Bill does not take away the power of exemption.

**Shri Thirumala Rao:** What I say is that the training capacity in the country should be considerably augmented. At one time, even foreign officers were permitted to run these ships, because there were no trained Indians available. By this, I do not want to support or plead for any dilution of the quality of officers or the training capacity of the officers. Still I say that on these ships, some junior officers qualify themselves by sheer experience, by length of service, to man higher posts. Even then, the officers are tested and examined before being promoted to occupy higher posts.

There are a number of small second-hand or third-hand vessels that are running on the coast. They are not allowed by the Shipping Ministry to travel long distances where, if any trouble comes overseas, they may not be able to rectify it immediately.

With regard to Jayanti Corporation, I can tell you it has only seven old ships. Three have been scrapped and four are used for short distances on the coast. That is more or less the case with the other companies also. All these things should

be carefully looked into, I have no doubt about it.

The British Act was mentioned. I have not got any personal knowledge of the British Act and how it has been working, but British shipping has one of the biggest shipping tonnages in the world. Therefore, they have got all these things. It must be a sort of conventional thing that all these things should be brought before Parliament or laid on the Table of the House. It is for the Government to see how far it is convenient, and how far it will be expedient to accept this amendment. If they accept it, I would like it. If for practical reasons they do not accept it, I will not make much about it.

**Shri Narendra Singh Mahida (Anand):** I laud the object of Shri Indrajit Gupta in bringing forward this Bill.

I have been connected with the great shipping firm of Scindias for about 14 years. I was one of the directors of its subsidiary companies, and I have seen from experience that there is actually a shortage in the officer cadre of our merchant shipping. As a result, shipping companies, not having top-ranking officers, have allowed others to work in a capacity for which they are not qualified. It is for this reason he wants to waive the exemption clause and wants to bring us up to British standards.

**Shri Shinkre:** Not waiving it.

**Shri Narendra Singh Mahida:** If the standards of the British merchant marine are achieved, then I think this exemption clause is not at all needed. But we have a lower standard of officers who do not have adequate qualifications and we cannot provide adequate training, and that is why Government is probably inclined to give this exemption at the request of the companies. The only alternative

is to have more apprentices and train them here or send them abroad to Portsmouth or other places for training.

During the war many officers got trained, but now there is actually a shortage, and except the Dufferin I do not think we have any means of training officers.

So, the merchant navy requires a lot of attention, and I am quite sure the hon. Minister would pay the needed attention to it and see that our standards become comparable with those of world standards.

**Shri Heda (Nizamabad):** While I congratulate Shri Indrajit Gupta on the knowledge and interest that he has shown of shipping, I am not in a position to support the Bill.

The point is very short. The point that he has forcibly put before us is about the powers of the Director-General or the executive. He has no disagreement with those powers. What he wanted was that any exemptions given should be brought before the House, and for that he cited the example of U.K.

In U.K. the standards are very high, and therefore they wanted to have greater control. Let us imagine what will be the effect if this Bill is passed. The effect will be that all these things will have to be brought before the House by the Director-General. That means the Director-General will think that it is better to be on the safe side, and he may not think of the national interest. He will think, "Why give exemption? I do not lose anything. Why should my name figure in the debates or discussions in the Lok Sabha".

Why does the Director-General or any executive give exemption? The reason is very simple. The reason is that we are short of shipping. If we do not allow these ships to run for these short distances where the risk is almost zero, the result will be that this load will have to be taken by the foreign ships, and that means we will lose foreign exchange earnings. Our shipping will not progress

and these ships will have to be ultimately thrown away before they would have been otherwise discarded. Therefore, in the stage when we are progressing and growing in shipping certain sympathetic attitudes on the part of the executive are necessary. If we want that the executive should have that sympathetic attitude in national interest and save foreign exchange, then we should protect and safeguard the executive from being the targets on the floor of the House. Therefore, I think it is not a good provision and we should not ask the Director-General to make a special report of all the cases wherever he has given exemption. Thereby he invites himself to be the target in this House. Therefore, I oppose the Bill and I hope the Government will also oppose it.

**Shri Khadilkar:** Sir, our merchant navy or merchant shipping is in a state of infancy more or less. It is growing of course. At this stage we are trying to build up our merchant ships and expand in certain directions. Fortunately for us, the director-general of shipping is the most enlightend person whom I know and the House also knows and the Minister in-Charge during his tenure has done a good deal to encourage merchant shipping.

**Shri Thirumala Rao:** Are you referring to Dr. Nagendra Singh? He is not the Director General now.

**Shri Khadilkar:** He is; I know it. He has certainly done a good deal to expand as far as possible. The main thing is that in the case of air services because, while the Tatas were running on the international routes, they laid down certain standards comparable with foreign service standards, in some cases even excelling them. Therefore, when the services were taken over by the Government, we had enjoyed certain prestige so far as air services are concerned because those standards are maintained and are kept high. That fact should not be ignored while building the ship industry.

[Shri Khadilkar]

The purpose of this Bill is certainly to do away with the power of exemption given to the Director General of Shipping to exempt certain categories of ships' workers and certain other conditions to be maintained, like safely devices sanitation, health and other things, if I remember correctly. If this power is there, I am not suggesting that it would be abused or used negligently or certain favours would be shown to the new shipping companies. I do not for a moment suggest this. But I would certainly plead—and I hope that is the purpose of the Mover also—that the standards must be established and Indian shipping must grow. He wants that the standard of shipping must be comparable to other standards, U.K.'s standards, U.K. which is a pioneer in shipping industry. There is a private sector but there is also a national sector in merchant shipping as well and therefore, at this juncture, should we lay down certain strict rules and conditions regarding sanitation and other conditions, safety and other things to be observed? I think it will be in the best interests of the shipping industry; the health of the shipping industry and its growth, if it wants to grow faster, safely and sanitation standards must be preserved. The quality of service and high standards would help its growth. Even my hon. friend over there who is very intimately connected with the Jayanti Shipping concern—it is growing fast no doubt—should welcome such a move, namely, that Indian shipping and Indian marines should grow and that the Indian flag should move over all the seas and to that end it should maintain the highest standards and should carry greater merchandise and greater freight for our shipping industry. Therefore, I would plead with the Minister and with the Director-General of Shipping . . .

**Shri Thirumala Rao:** Is he in favour of scrapping all the exemptions, according to his standards?

**Shri Khadilkar:** The Mover of the Bill wants to see that certain standards are maintained, and he has quoted the United Kingdom example. It is for the Minister to consider those suggestions in the light of what he has said and that is my purpose in supporting this measure.

**Shri Raj Bahadur:** Mr. Deputy-Speaker, Sir, I am grateful to the hon. Members who have taken part in the debate on this Bill and have expressed their great concern and anxiety about the standards to be maintained in respect of the operations of our merchant navy. I am at one with them in their interest, and I may assure them that we shall maintain the best and highest standards so far as the operations of our ships and vessel across and over the seas are concerned. There can hardly be any two opinions about it. The exemptions do not for a moment purport to dilute the standards by an iota. I give that assurance here and now categorically. The question is, without compromising with those standards in any manner, in any shape or form, whether exemptions are necessary and possible or not in respect of certain technicalities, etc. There it is where it was found, in the wisdom of the House at the time, when we passed the Merchant Shipping Act, that the power of granting such exemption must be vested in the Director-General or in the Government. Now how is this power exercised? I may assure, Sir, that the authorities concerned exercise it not arbitrarily, not whimsically, but on the basis of the advice given to them by technical officers. So it is entirely at the discretion of the technical officers themselves.

Now, who are the technical officers? The technical officers happen to rise from the ranks: they have themselves served in the ships, and they, by dint of their merit and by seniority and otherwise, rose to the level of Chief Surveyor or the post of Nautical Adviser, and it is they, who, in any particular given case, advise whether a

particular exemption should or should not be given. That is the basis on which we proceed. That particular right or authority or discretion has been allowed by the Merchant Shipping Act through the wisdom of this House to those officers.

Then the question was raised why did we not follow the practice in the United Kingdom, according to which the Minister is called upon to submit a huge list of exemptions of all types given from day to day, and to place the list on the Table of the House. It was asked why should we adopt a different practice. It is only a question of practice. I must say that it was thought proper by this House that that particular provision in the or practice based on it is not necessary in our case. In fact, when we came forward with the Bill before the House, we took out that particular provision which compelled the Government to place on the Table of the House a list of all the exemptions, because that was considered to be rather cumbersome and not so necessary. We thought that all those exemptions could be published in the official gazette so that anybody might read them, but even that particular thing was not considered necessary by the Joint Committee. The Joint Committee said it is not necessary and we must leave it to the unfettered discretion of the technical officers. That confidence was expressed in our Technical officers. We are sure that they will always take good care about safety standards.

What are the arguments which are understandable? The arguments advanced are whether considerations of safety could be compromised: I should say they cannot be and in any case they are not compromised. What is the touchstone, and what is the criterion for that? The criterion is that while so many exemptions have been granted, fortunately for us, not one of those exemptions granted has proved to be foolish, arbitrary or unwise, and that is why I say that these exemptions themselves stand vindicated and justified. There is no question of any worry or anxiety on that score.

17 hrs.

The second consideration urged by the mover is that sometimes because of shortages, junior officers are allowed to act for their seniors. Prof. Sharma went to the length of comparing a ship with the ship of the Lok Sabha and said that anybody out of us here cannot walk up to the Chair. I say with all respect to the Chair that the Speaker is chosen out of one of us; the Deputy Speaker is chosen out of one of us and a Chairman also is selected out of one of us. Let us for a moment imagine there is a great crisis in a ship. Suppose because of illness or some other incapacitation, a Chief Engineer cannot function, can't his junior take his position? These exemptions are as much a training as a necessity. They have to be justified on that score also. There must be a sense of self-confidence amongst the junior officers.

There is no question of our officers facing the dismal prospect of unemployment, we have seen to it that whomsoever we train, they are usefully employed. In fact, we just allow a margin to be kept, so that there is no complaint about unemployment. We allow the shipping companies to train their own officers to fill up the margin and not more. So, we keep an account of that.

For this limited purpose, shall we adopt the U.K. practice? The U.K. model appeals to some of us. Perhaps because we have had our traditions, good, bad or indifferent with the past regime. In some cases, these practices may be good and in some others not so good. But a practice should not become some sort of a scripture for us—because the British have provided in their Act, so we should also provide it in our Act. Is that any argument? In our Parliament, we have got full opportunity to ask for any information that we require at a moment's notice. Whenever it is desired that a list of exemptions given during a particular period should be known, any member can table a question and it will be laid on the Table.

[Shri Raj Bahadur]

If there is any suspicion about any particular exemption, that can be the subject-matter of an interpellation and we will give the required explanation. That is much better than a thing coming in a routine manner. If a thing comes in a routine manner, it just goes. Most of us may not bother to look at it.

I would say that the present provision in the Bill is quite adequate. I am grateful to my friend for having brought the issue to the fore. That will enable us to be more on the alert. Our officers will take due note of what has been said by hon. members. I give that assurance that there will be no compromise with standard of safety or safety equipment or other standard in our merchant navy. We shall try to hold aloft the banner of our merchant navy as high as possible. We shall try to restore it to its pristine eminence and glory, which it used to enjoy in times past. That is our ambition.

With these words, I request Mr. Indrajit Gupta to bear with me and withdraw the Bill.

**Shri Indrajit Gupta:** Sir, I appreciate very much the minister's declaration of good intentions. I have never doubted his good intentions in this matter at all. But I was not able to follow exactly on what ground he is opposing the Bill, except perhaps as I could find out from some of his later remarks that there may be some technical difficulty of paper work.

**Shri Raj Bahadur:** I said, the present practice has worked well and there is no necessity for us to copy the U.K. practice.

**Shri Indrajit Gupta:** I am not bothered much about the U.K. practice; even if it was not there, I would have brought forward this Bill. Mr. Heda said, in U.K. the standards are very high. Quite true, but I cannot follow the logic that where the standards are very high, parliamentary scrutiny is required and where the standards are low, no parliamentary scrutiny is required. I am not able to follow it. I am

also not able to appreciate Shri Heda's argument that if this Bill is passed it will sort of tie the hands of the Director-General of Shipping. I do not think that is a very complimentary remark to make about the Director-General of Shipping. Because, after all, as the hon. Minister has himself stated these exemptions are given on sound technical nautical grounds. If that is so, no Director-General or anybody in his office need have any reason to be apprehensive that when this information is supplied to Parliament somebody will be at his throat and, therefore, he should always try to avoid giving exemption. I do not think that is a complimentary way of referring to his duties.

As far as the Minister's remarks are concerned, all I would say is, if he is prepared to give an assurance—I would have preferred it if he had stated it of his own volition, on his own initiative—on my Bill that once a year—I am not asking for piles of paper to be put here or placed on the Table every week or every month—if on his own initiative he says that once a year they will give us this information—if only two members look at them and all the rest do not look at them what is the harm?—then I am prepared to withdraw the Bill and I would not insist that it must be put as an amendment to the main Act. Let him say that he will supply that information.

**Shri Raj Bahadur:** May I just say that what I have said is, whenever information is sought, either by question or otherwise, we shall certainly supply that information. The question that I have to address myself is whether a statutory obligation should be placed on Government to supply all that information, whether we should make it obligatory in the statutory to do that. If any Member of Parliament asks a question in the House, or in the Consultative Committee or the National Shipping Board, we are always prepared and willing to give all the information.

**Shri Indrajit Gupta:** When a Member asks a question the Minister has no choice or option but to give the information because. There are the rules of Parliament. If I ask him a question he has no alternative but supply the information. I would have preferred it if he had on his own initiative agreed to supply the information. I am sorry that neither the Minister, nor Shri Heda, made any reference to the complaint that I made about exemptions for the minimum safety equipments and so on. I can understand and appreciate to some extent the point about dearth of duly qualified officers, which is a big problem, but in other cases why were exemptions....

**Shri Raj Bahadur:** Shri Thirumala Rao has referred to and replied to those points.

**Shri Indrajit Gupta:** We have been lucky that all these years in spite of the absence of these equipments no catastrophe has taken place.

**Shri Raj Bahadur:** On a personal explanation. These are exemptions of a petty character, so far as these equipments are concerned. These vessels are mostly going about near the shore. The vessel Seva and the other vessel he mentioned about they are not big vessels; they are small vessels, may be even one of these harbour craft.

**Shri Indrajit Gupta:** What about Jayanti vessels? Are they small?

**Shri Thirumala Rao:** Since he has brought in Jayanti....

**Mr. Deputy-Speaker:** I am sorry now there is no time.

**Shri Indrajit Gupta:** I feel that no harm is done and quite a lot of good will be done if this information is made available to Parliament. In fact, the case that the Minister has made out shows that there is no harm in giving this information. In fact, why make it a mystery? Better not make

it a mystery; it would not add to the reputation of Indian shipping abroad. Therefore, I would still say that I am willing to withdraw this amending Bill, provided he of his own gives us an assurance that once a year this information will be supplied. I do not think there is anything wrong in that.

**Mr. Deputy-Speaker:** I will put it to the vote of the House. The question is:

"That the Bill to amend the Merchant Shipping Act, 1958, be taken into consideration."

*The motion was negatived.*

17.09 hrs.

CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) BILL by Shri C.  
K. Bhattacharya—

(Amendment of sections 127, 128 and 129) by Shri Hari Vishnu Kamath.

**Shri Hari Vishnu Kamath (Hoshangabad):** Mr. Deputy-Speaker. I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

As the Statement of Objects and Reasons makes it clear, during the years since India attained independence, the powers conferred on the magistracy and the police by the Code of Criminal Procedure to disperse unlawful assemblies have been so frequently misused that certain safeguards against such abuse are deemed necessary.

The Bill seeks to provide these essential safeguards.

I am sure I am not wide of the mark when I say that the total number of Police firings throughout India, in the States and in the Union territories, during the last seventeen years