

PARLIAMENT OF INDIA

RAJYA SABHA

132

**DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON TRANSPORT, TOURISM &
CULTURE**

**ONE HUNDRED AND THIRTY-SECOND REPORT
ON
THE INDIAN MARITIME UNIVERSITY BILL, 2007.**

**(PRESENTED TO THE RAJYA SABHA ON 17.4.2008)
(LAID ON THE TABLE OF THE LOK SABHA ON 17.4.2008)**

**RAJYA SABHA SECRETARIAT
NEW DELHI
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**COMPOSITION OF THE DEPARTMENT-RELATED PARLIAMENTARY
STANDING COMMITTEE ON TRANSPORT, TOURISM AND CULTURE
(2007-2008)**

1. **Shri Sitaram Yechury** - *Chairman*

RAJYA SABHA

2. Vacant*
3. Shri Naresh Gujral
4. Vacant^
 5. Vacant*
 6. Vacant*
 7. Shri M.V. Mysura Reddy
 8. Shri Satish Kumar Sharma
 9. Shri Shahid Siddiqui
 10. Vacant*

LOK SABHA

11. Shri Anandrao Vithoba Adsul
12. Shri Sukhbir Singh Badal
13. Shri Joachim Baxla
14. Shri Sartaj Singh Chhatwal
15. Shri N.S.V. Chitthan
16. Shri Adhir Chowdhury
17. Dr. K. Dhanaraju
18. Smt. Priya Dutt
19. Shri Dip Gogoi
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21. Dr. P.P. Koya
22. Dr. Ramkrishna Kusmaria
23. Shri Samik Lahiri
24. Shri Alok Kumar Mehta
25. Shri Hemlal Murmu
26. Shri Madan Lal Sharma
27. Shri Akshay Pratap Singh
28. Shri Dushyant Singh
29. Shri Suraj Singh
30. Shri Prahlad Joshi
31. Shri Rakesh Singh**

SECRETARIAT

Shrimati Agnes Momin George, Joint Secretary
Shri Jagdish Kumar, Joint Director
Shri Swarabji B., Deputy Director

Shrimati Nidhi Chaturvedi, Committee Officer

* Vacancies caused due to expiry of the term of Prof. Ram Deo Bhandary, Prof. Alka Balram Kshatriya, S/Shri Janardhan Poojary and Shatrughan Sinha from the membership of Rajya Sabha w.e.f. 9th April, 2008

^ Vacancy caused due to expiry of the term of Shri Vedprakash P. Goyal from the membership of Rajya Sabha w.e.f. 2nd April, 2008

** Nominated on 1.12.2007 in the vacancy caused due to demise of Shri Vijay Kumar Khandelwal.

INTRODUCTION

I, the Chairman of the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture, having been authorised by the Committee to present on its behalf, do hereby present this One Hundred and Thirty-Second Report of the Committee on the Indian Maritime University Bill, 2007*.

2. The Bill was introduced in the Lok Sabha on the 13th March, 2007. In pursuance of rules relating to the Department-related Parliamentary Standing Committees, the Hon'ble Chairman, Rajya Sabha, in consultation with the Hon'ble Speaker, Lok Sabha, referred** the Bill to the Committee on 19th March, 2007 for examination and report within three months. On the requests being made by the Chairman of the Committee, Hon'ble Chairman had granted extension of time upto first day of last week of Budget Session (second part) of Rajya Sabha for the presentation of the report of the Committee on the aforesaid Bill.

3. The Committee took oral evidence of the Secretary and other officers of the Department of Shipping and Ministry of Law and Justice at its meetings held on the 17th April, 2007.

4. In order to get wider views on the subject, the Committee invited the views of individuals, organisations and institutions on the subject through advertisement in all major national dailies and vernacular newspapers all over the country. The advertisement evoked tremendous public response and the Committee received 74 memoranda on the subject for consideration of the Committee. The Committee heard the views of the various Associations/Stakeholders/State Maritime Boards on the provisions of the Bill during its visits to Mumbai and Chennai from 17th-20th June, 2007 and 25th-28th July, 2007 respectively. The Committee in its meetings held on the 25th September 2007 also heard the views of various Associations/Stakeholders based at Kolkata on the Bill respectively.

5. The Committee took up clause-by-clause consideration of the Bill during its meeting held on the 15th April, 2008. The Committee also considered the draft Report on the subject and adopted the same with amendment in clauses 2(h), 2(m), 2(r), 3(2), 5(iv), 6, 20(i) and 49 and with general observations on 15th April, 2008 itself.

6. The Committee wishes to express its thanks to the Secretary and other officers of the Department of Shipping and Ministry of Law and Justice for the providing necessary inputs and clarifications during deliberations on the provisions of the Bill. The Committee also acknowledges the contribution of the representatives of employees of various Institutions/Associations/Stakeholders, who submitted their valuable suggestions on the provisions of the Bill.

NEW DELHI

April 15, 2008

Chairman

Chaitra 26, 1930 (Saka)

Committee on Transport, Tourism & Culture.

SITARAM YECHURY

Department-related Parliamentary Standing

* Published in the Gazette of India Extraordinary Part II, Section-2, 13.3.07.

** Rajya Sabha Parliamentary Bulletin Part II, No. 43958, dated 19.03.2007.

REPORT

The Indian Maritime University Bill, 2007 was introduced in the Lok Sabha on 13th March, 2007. On 19th March, 2007, the Hon'ble Chairman, Rajya Sabha, in consultation with the Hon'ble Speaker, Lok Sabha referred the Bill to the Committee for examination and Report. Under the mandate, the Committee has examined the

Bill and finalised the Report, after hearing the views of the various stakeholders and the nodal Department i.e. the Department of Shipping. The Bill seeks to establish and incorporate a teaching and affiliating University at the national level to facilitate and promote maritime studies and research and to achieve excellence in areas of marine science and technology, marine environment and other related fields, and to provide for matters connected therewith or incidental thereto.

2. The salient features given in the Statement of Objects and Reasons appended to the Indian Maritime University Bill, 2007 (**Annexure**) are as follows:-

I. India is one of the largest maritime country in the world. It has a strong, dedicated, efficient and reliable reservoir of officers of the Merchant Navy in the country. The ever-increasing demand of Indian Seafarers worldwide is testament of the quality of education and training received in India. Hence, there is a need to further upgrade our training capacity and capabilities so that India stays ahead of the other nations in this sector.

II. It has been seen that the present maritime training set-up in the country, is not of uniform standards and is required to be upgraded to meet the future growth opportunities.

III. Based on the recommendations of the Committee on Maritime Education and Training, it is proposed to establish an Indian Maritime University at Chennai with its campuses at Mumbai, Kolkata, Vishakhapatnam and such other places within its jurisdiction as it may deem fit.

IV. The formation of Indian Maritime University will facilitate and promote maritime studies and research with focus on emerging areas of studies including marine science and technology, marine environment, legal and other related fields, and to achieve excellence in these areas of disciplines. It will promote advanced knowledge by providing institutional and research facilities and integrated course in marine science and key areas of marine technology and allied disciplines. Since there are a sizeable number of private institutions imparting maritime education and training all over the country, there is a need to standardize the quality of such education and training through affiliations and academic supervision by a Central University.

3.1. The Department of Shipping further informed the Committee the reasons for the introduction of the Bill, which have been enumerated in the succeeding paragraphs:-

I. India has had a long maritime tradition and is the 20th largest maritime country in the world. The single largest contributing factor to this glorious tradition is the presence of a strong, dedicated, efficient and reliable reservoir of officers and ratings of the Merchant Navy in India. Presently 27,000 officers and 55,000 ratings are employed on Indian and foreign flag vessels. The ever-increasing demand of Indian seafarers worldwide is a testament of the quality of education and training received in India. However, of late, India has been facing stiff challenge to her position in this regard from countries like Philippines, China and Bangladesh. Hence, there is a need to further upgrade our training capacity and capabilities so that India stays ahead of the other nations in this sector and is able to meet the projected global shortage of 27,000 officers by the year 2015. There is also a need to augment the share of India in the world maritime manpower fleet from the present level of around 6% to at least 20%. Further, the 29% share of Organisation for Economic Cooperation and Development (OECD) countries is dwindling rapidly due to lack of interest of their youth in this career and this presents an opportunity that we should exploit to our advantage.

II. To meet the requirement of trained manpower in the merchant maritime fleet under the Indian flag as also of foreign flag vessels, the Directorate General of shipping, Department of Shipping imparts pre sea and post sea training in engineering and in the nautical discipline through the Lal Bahadur Shastri College of Advanced Maritime Studies and Research, Mumbai, Training Ship Chanakya, Navi Mumbai and the Marine Engineering and Research Institute (MERI), Kolkata and Mumbai. For further strengthening the institutional framework for imparting maritime training in India the Government decided to establish a Society namely Indian Institute of Maritime Studies (IIMS) on 6th June, 2002 placing these four Government-run-maritime institutions within the domain of this Society.

III. In order to encourage private sector participation in maritime training, the Government of India announced liberalized guidelines in 1997 and as a result, 124 training institutes have come up in the private sector. The Government has also set up the National Institute of Port Management (NIPM) now renamed as National Maritime Academy (NMA), an autonomous organization, registered as a Society in 1984 for capacity building of personnel of port and shipping industry.

IV. The Department of Shipping further informed that the present maritime training set up in the country is not of uniform standards, inadequate in terms of its span of academic coverage and also cannot rise to meet the future growth opportunities. Hence, there is a need for establishing a maritime training university.

V. In order to make appropriate changes in institutional framework of imparting training, including the feasibility and desirability of bringing the institutes under a university type of structure, the Government in 1991 set up a Committee on Maritime Education and Training (COMET). The COMET had recommended the establishment of an autonomous body under an Act of Parliament, to be designated as the Indian Maritime University (IMU) to manage, control, supervise, direct and monitor the maritime training institutions, currently running under Government control.

VI. An Expert Committee was constituted by the Department of Shipping on the basis of suggestions of the University Grants Commission (UGC), to look into the feasibility of the formation of an IMU. The Expert Committee visited MERI, Kolkata, MERI, Mumbai, T.S. Chankya, Mumbai, and L.B.S. College, Mumbai and after evaluating the available infrastructure in these institutes recommended in its first report that the Indian Maritime University (IMU) be set up with headquarters at Mumbai and campuses at Mumbai and Kolkata. The Committee subsequently visited National Maritime Academy (NMA) previously National Institute of Port Management, Chennai, to see its location, existing infrastructure and also its faculties and after visiting NMA reiterated their recommendations that the maritime university should be set up with headquarters at Mumbai with campuses at Chennai and Kolkata. The Expert Committee further observed that in case the sufficient resources are available, the Government may consider opening another university at Chennai at NMA campus since Chennai has an added advantage of land availability and the required university ambience at the campus.

VII. The Expenditure Reforms Commission in its 9th Report had also recommended that IIMS should be given the status of a deemed University or of an IIT and should become totally autonomous.

VIII. The Department-related Parliamentary Standing Committee on Transport, Tourism and Culture in its 70th Report, 81st Report and 86th Report has recommended for establishing IMU by an Act of Parliament. Keeping in view all the above facts, it was considered desirable to establish an Indian Maritime University. The Hon'ble Finance Minister in his budget speech for 2006-07 announced that ".....The existing NIPM Chennai has been renamed as National Maritime Academy and it is proposed to upgrade it into a Central University under an Act of Parliament. The University will have regional campuses at Mumbai, Kolkata and Vizag.....".

4. In order to have wider consultations, the views of individuals, organizations and institutions, on the subject matter of the Bill, were invited through advertisement in all major dailies and vernacular newspapers in the country. The advertisement evoked tremendous response from the Stakeholders/Individuals/Associations and the Committee received 74 memoranda on the subject for consideration of the Committee. These memoranda were forwarded to Department of Shipping for their comments. The Department of Shipping sent their comments *vide* their OM No.ST-14011/1/2004/MT dated 29th November, 2007. The Committee in its meeting held on 17th April, 2007 heard the views of the Secretary and other Officials of the Department of Shipping and Ministry of Law & Justice on the Bill and sought replies to the queries on the subject. The Committee also heard the views of various Associations/Stakeholders/State Maritime Boards during its visit to Mumbai and Chennai from 17th to 20th June, 2007 and 25th to 28th July, 2007 respectively. The Committee in its meeting held on 25th September, 2007 also heard the views of various Associations/Stakeholders based at Kolkata on the Bill. The Committee in its meeting held on 15th April, 2008 considered the Bill clause by clause and recommends for amendments as under:-

Clause 2 (Definitions)

4.1. *The clause 2(e) reads as "in this Act, and in all Statutes made hereunder, unless the context otherwise requires, - "Campus" means the unit established or constituted by the University for making arrangements for instruction, or research".*

4.2. The Committee was informed by various Stakeholders that there is no mention of 'education and training facilities' under the clause and the same may be included. The matter was taken up with the Department of Shipping and they have agreed that the expression "education and training" may be included in between 'instructions or research' in consultation with the Ministry of Law. **The Committee is of the view that the definition must be comprehensive enough to achieve the ends of the legislation and recommends that the definition of clause 2(e) may be suitably amended to include the words 'education and training'.**

4.3 *The clause 2(h) reads as "'College' means a college maintained by or admitted to the privileges of the University for imparting education in maritime studies or in its associated disciplines";*

4.4 *The clause 2(r) reads as "'Institution' means an institution, school, college or centre of studies maintained by or admitted to the privileges of the University for imparting education in maritime studies or in its associated disciplines".*

4.5. **The Committee observes that the definition of the words "College" and "Institution" does not provide training facilities and there is need to amplify the definition of the term "College" and "Institution" to make it more comprehensive. The Committee, therefore, recommends that the definition of clause 2(h) and clause 2(r) may be suitably amended to include the words "and training" after the word education.**

4.6. *The clause 2(l) reads as “‘Distance education system’ means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more such means”*

4.7 The Committee was informed by the stakeholders that distance education and e-learning are the products of technology development and the University should integrate these into its activities. The Committee notes that the Department of Shipping in its reply has admitted that the internet may be a tool for imparting education through distance learning. **The Committee, therefore, recommends that “internet” may also be added as a means for communication through distance education system.**

4.8. *The clause 2(m) reads as “‘Employee’ means any person appointed by the University and includes teachers and other staff of the University’*

4.9. The Committee is of the opinion that the word “Employee” means the existing deputationists and any person appointed by University and other staff of the University. The Committee recommends that the words “existing deputationists” may also be incorporated in the clause 2(m) for the purpose.

4.10. *The clause 2(w) reads as “‘recognised Institution’ means an institution admitted to the privileges of the University for imparting education in maritime studies or its associated disciplines”.*

4.11. *The clause 2(x) reads as “‘recognized teachers’ means such persons as are recognised by the University for the purpose of imparting instructions in a College or an Institution admitted to the privileges of the University”.*

4.12. **The Committee notes that the definition of “recognized institutions” and “recognized teachers” provided in clause 2(w) and 2(x) are not explicit and leave some scope for misinterpretation. The Committee is of the opinion that there is need to amplify the terms “recognized institutions” and “recognized teachers” with the view to removing possible ambiguities in these regards. The Committee, therefore, recommends that necessary amendments should be brought in the relevant provision of the Bill for the purpose.**

4.13. **The Committee observes that there is no mention of the “Student Council”, “Visitors”, “Students”, “Course-curriculum”, “Affiliation”, “Association”, “Alumni”, “Visiting faculty”, “Ship-Owners” and “Recognition” in the definition clause. The Committee recommends that an attempt should be made by the Government to give a precise definition of various terms and expressions, which are used in the Bill to avoid ambiguity and tedious repetitions. The Committee further recommends that provisions be made in the Bill to the effect that such terms which are not defined in the Bill but defined in the University Grants Commission Act, 1956 should have the same meaning as assigned to them in that Act.**

Clause 3 (The University)

5.1. *The clause 3(2) reads as “the headquarters of the University shall be at Chennai with its campuses at Mumbai, Kolkata, Chennai, Vishakhapatanam and such other places within its jurisdiction as it may deem fit”.*

5.2. The Department of Shipping in their written submission gave details of the background of the decision of choosing Chennai as headquarter of proposed University and informed the Committee that an Expert Committee which comprised representatives of UGC has gone into the requirement of the setting up of IMU. The Expert Committee visited MERI, Kolkata, MERI, Mumbai, T.S.Chankya, Mumbai and L.B.S.College, Mumbai and after evaluating the available infrastructure in these institutes recommended that:

“the joint committee is happy to unanimously recommend for the formation of a Central University for Maritime Studies with the name the “Indian Maritime University” with its headquarter at Mumbai and campuses at Mumbai and Kolkata with amalgamation of existing institutes of Indian Institute of Maritime Studies. The committee is of the view that in the light of all India character of the proposed University, more campuses may be established. To start with two new campuses one at Chennai and other at Cochin may be set up in a phased manner.” “The Headquarter of the University may be established in the present Institute premises of T.S. Chanakya, New Mumbai. The existing land available with these institutes is not adequate to meet the future development as recommended by the committee and also for the status of the University. The committee recommends that the Central Government may acquire additional land adjacent to T.S. Chanakya so that the total campus area becomes 100 acres. Similarly, the Govt. may acquire additional 25 acres of land adjacent to MERI, Kolkata”.

5.3. The Expert Committee subsequently visited National Maritime Academy (NMA), previously National Institute of Port Management, Chennai, to see its location, existing infrastructure and also its faculties and after visiting NMA reiterated their recommendations as under:

“the committee reiterates its earlier recommendation of forming a Maritime University with headquarter at Mumbai, with campuses at Chennai and Kolkata, converting the existing institutions. However in case sufficient resources are available, the Government may consider opening another University at Chennai at NIPM campus, since Chennai has an added advantage of land availability and the required University ambience at the campus.”

5.4. The Department further informed that the availability of additional land in Mumbai is limited. The land adjacent to T.S. Chankya has been taken over by Ministry of Defence. As proposed new airport is coming up at Navi Mumbai, the land prices have appreciated considerably, and further T. S. Chanakya is far away from Mumbai. Since in Chennai vacant land was available, it was identified as the suitable location for setting up the IMU with campuses at Mumbai, Kolkata and Visakhapatnam. The Department of Industrial, Policy & Promotion has transferred 300 acres of land in Chennai, at a cost of Re.1 only on 7.9.2006 in the name of Department of Shipping for establishment of National Maritime Complex which comprises the following:-

- a) National maritime museum
- b) Maritime art gallery
- c) Marine aquarium
- d) Marine commercial complex
- e) Maritime sector offices
- f) Marine food court and catering college
- g) Water body
- h) Maritime amenities and future development

5.5. The IMU is proposed to be established at Chennai on the vacant land. The NMA Chennai will be subsumed into it. In view of the following it is proposed to establish IMU at Chennai:-

I. The Expert Committee has found T.S. Chanakya Campus at Mumbai and NMA Campus at Chennai as suitable locations for the IMU.

II. The Expert Committee has found that architecture of the existing NMA complex at Chennai is similar to that of Indian Institute of Management, Ahmedabad, and Bangalore and that it has an ideal University ambience.

III. The Department of Industrial Policy & Promotion was likely to transfer 300 acres of land to this Department for establishing a Maritime Complex, which would include the IMU. This is a big advantage in favor of NMA.

IV. Also keeping in view the up coming Sethusamundram Ship Channel Project, this part of the country is likely to witness a spurt in maritime activities including maritime training and educational needs.

V. Availability of additional land in Mumbai was limited. The land adjacent to T.S.Chanakya has been taken over by Ministry of Defence and the land prices have appreciated considerably due to proposed new airport nearby.

5.6. The Committee was informed by the Stakeholders that the proposed location of the Indian Maritime University at Chennai does not hold merit and untenable on the following grounds:-

I. The guideline of the UGC is made for the institutions, which may be eligible for grant of status of university and not for a deemed university. Moreover, as per UGC norms, only 60 acres of land is required for setting up of a technical university. The land standard of 300 acres for a university as prescribed by the Ministry of Shipping is its own norm and not of UGC. The requirement of land to the extent of 300 acres to set up the IMU is, therefore, a specious plea given by the Ministry of Shipping to set it up at Chennai denying claim of Kolkata.

II. It appears that paucity of land is the only ground for depriving Kolkata from being declared as the main campus or the Headquarter of the proposed IMU. In this connection, the Hon'ble Chief Minister of West Bengal has assured the campus of MERI, Kolkata may be arranged for setting up of the IMU. A decision to set up IMU on the site of NIPM, Chennai has been taken without utilizing the above assurance in spite of the fact that MERI Kolkata possesses all other requisite and desirable infrastructure facilities for this purpose. Moreover 57% of allotted 33 acres of land on which MERI Kolkata is situated remains unutilized which may be suitably utilized for the purpose of setting up of the IMU there.

III. The IMU is a technological university. Therefore, it is a queer logic that it is beyond the purview of AICTE approval while its affiliated institutes/

campuses engaged in Degree level engineering course will have to follow AICTE norms.

IV. The Standing Committee recommended that existing infrastructures and assets of the Institutes of Maritime Studies should be taken into cognizance while analyzing the location of the IMU. The Expert Committee visited these institutes to ascertain the suitability of any of the institutes as the site of the IMU. The NIPM, Chennai is not an institute conducting 4 years Graduate course of maritime Studies. The recommendation of Standing Committee, therefore, does not cover NIPM, Chennai. Yet, how the NIPM, Chennai falls within the eligibility zone, it is a matter of surprise

V. The Department of Shipping has made an admission that a sum of Rs 100 crore will be required to develop the infrastructure of headquarter for the university on the vacant land of NIPM, Chennai. But it has suppressed the fact that such development of infrastructure to the standard of MERI, Kolkata, would require a time span of 10 years for utilization by the students.

5.7. It was also brought before the Committee by the Stakeholders that the Hon'ble Chief Minister of West Bengal in his letter addressed to Hon'ble Minister(S, RT&H) had written inter-alia that more land in the vicinity of MERI, Kolkata may also be arranged if required. The Union Minister Shipping, Road Transport and Highways had replied to his letter on 2nd March, 2005 saying "that we have noted your interest in the matter and would keep it in view while deciding the issue of maritime university. It may, however, be mentioned that the university should be located in such a manner as to serve large number of maritime training institutions."

5.8. The Stakeholders further submitted that AICTE approval was necessary for engineering, management and pharmacy courses of 3 years and more duration. MERI, Kolkata was the only institute in the Government sector imparting four-year marine engineering degree course and hence qualify for AICTE recognition.

5.9. The Department of Shipping informed the Committee that in due recognition of the recommendations of the Standing Committee, the matter was looked into through the Expert Committee which went into the relative merits of the training institutes at Mumbai, Kolkata and Chennai and recommended that the Indian Maritime University should be set up at Mumbai and in case sufficient resources are available, the Government may consider opening another university at Chennai since Chennai has an added advantage of land availability and required university ambience at the Campus. Therefore, the recommendation of the Parliamentary Standing Committee to take the existing infrastructure and assets into cognizance was duly taken into account.

5.10. The Department of Shipping informed the Committee that the existing infrastructure facilities at the 4 institutions under Indian Institute of Maritime Studies, Mumbai and National Maritime Academy are sufficient to meet the current programmes offered by these institutes. However, the cost of setting up of headquarters of the University is approx. Rs. 130 crores. This extra expenditure will be incurred wherever the headquarters are to be located. Apart from the Indian Maritime University headquarters, additional investment will be necessary to augment existing facilities at (i) National Maritime Academy, (ii) three institutes at Mumbai and (iii) Marine Engineering and Research Institute, Kolkata which would be integral parts of Indian Maritime University and the cost of such augmentation has been estimated at Rs. 10 crore, Rs.50 crore and Rs. 28 crore respectively. In addition, Rs.12.00 crores is required for Visakhapatnam campus.

5.11. During the course of deliberations on 17th April, 2007, the Secretary, Department of Shipping submitted before the Committee that:

"...we had four major institutes of training, MERI Kolkta, MERI Mumbai, T.S. Chankaya, Mumbai, and L.B.S College of Advanced Maritime Research and Education. These four institutions, which were directly under the Government of India, through DG Shipping, had already acquired some kind of an international fame for distinguished and competent training. Some time back, in 1992, the Ministry appointed a Committee under the chairmanship of the then Secretary-General of International Maritime Organisation, Shri O.P. Srivastava, to take a review and find out ways to restructure maritime training to make it more relevant and effective. At that time, way back in 1992, this Committee gave a suggestion that these four institutes should be probably formed into a society called the Indian Maritime University, and subsequently, it could be made a University through an Act of Parliament. But the purpose for which this was suggested, was to not only impart the training structure some kind of an autonomy, but also to induct the shipping industry in the private sector in a more significant way to these training activities. Then the exercise started, and it was found that some of the existing institutes out of these four institutes, were not recognized by the AICTE, and later, it was decided to set up a Committee to go into this matter, and prescribe how we move through different steps towards an Indian Maritime University. This Committee was privileged to have some former Vice-Chancellor, educationalist and experts from the U.G.C. They visited Mumbai and Kolkata, and in the first report submitted in 2004, they said that the University could be located in Mumbai, with campuses in Mumbai and Kolkata, and in phases, they should also open campuses in Chennai and Cochin. The Committee also went to Chennai at a subsequent stage, visited the National Institute of Port Management, now renamed as National Maritime Academy, and in the second report submitted in February, 2005, they said that the Indian Maritime University should be set up in Mumbai, with campuses in Mumbai and Kolkata, and if resources permit, the Government can think of setting up a second university at Chennai. Now, taking into account all these factors, and also the view of the Expert Committee that the National

Maritime Academy has the proper university ambience and all, but mostly on account of the availability of huge tract of land, and secondly, the Maritime Training Institution available in Chennai, and thirdly, the sea ports and the possibility of Sethusamudram coming to implementation, Chennai could be an ideal location for locating the headquarters of the proposed Maritime University with campuses, which are integral parts of this University, in Kolkata, Mumbai and Vizag and it was also provided in the legislation that these 3 campuses as integral part of the University would be provided originally and, then, subsequently whenever the University feels proper, new campuses would also be created. Now, the campuses and headquarters together will constitute the University. The proposed IMU Bill does not debar opening of more than one university. At present the aim is to facilitate and promote maritime studies and research with focus on emerging areas of studies including marine science and technology, marine environment, legal and other related fields, and to achieve excellence in these areas of disciplines. Accordingly, one university is envisaged which will have affiliating powers”.

5.12. The Committee received a large number of representations having varied viewpoints and opinions on the location of the headquarters of the University and the requirement for more than one University to cater to the needs of the maritime and related sectors. The Committee notes that India is one of the largest maritime country in the world with a strong, dedicated, efficient and reliable reservoir of officers and ratings of the Merchant Navy. However, the Committee expresses its concern over the projected global shortage of maritime manpower. The Committee emphasizes the need for augmenting the training capacity and capabilities in the country to meet the projected global shortage of 27,000 Officers by the year 2015 and to achieve the share of India in the world maritime manpower fleet from the current 6% to atleast 20%. The geographical spread of the country and the vastness and variety of the Maritime activity going on in India demands that there is a need for large number of institutions imparting education, research and training in various fields of maritime and marine activity. The Committee further notes that the different Expert Committees went into the issue of establishment of Maritime Universities and one of such committee recommended setting-up of IMU in the country with headquarter at Mumbai and campuses at Mumbai and Kolkata, and other committee suggested two new campuses at Chennai and Kochi with headquarter at Mumbai may be set up in a phased manner. The Expert Committee also recommended that if sufficient resources are available, the Government may consider opening another University at Chennai at National Maritime Academy campus, since, Chennai has an added advantage of land availability.

5.13. The Committee is not convinced about the reasons for establishing a single University for the entire country, when other countries such as Japan, Vietnam, Poland, Turkey, Ukraine, Russia, China etc. are having more than one maritime University at their credit. The Committee, therefore, recommends that the availability of land should not be the sole criteria for establishing a University. While selecting a particular place for establishing a University, the existence of established institutions imparting training in the field and the other maritime infrastructure available may also be taken into account. The Committee is of the opinion that a single university is unlikely to suffice the needs of education, training and research to meet the growing demand of the maritime human resources in domestic and global markets. After examining all the views of Stakeholders, the Committee feels that one Maritime University is not enough to serve the purpose of maritime studies and research. The Committee, therefore, recommends that there must be one Maritime University each in Mumbai, Kolkata, Chennai, Vishakhapatnam and Kochi with clear demarcated geographical jurisdiction. In case of proposed University at Kolkata, the Indian Institute of Port Management (IIPM), Kolkata may also be subsumed with it. Therefore, the clause 6 should suitably be changed.

Clause 4 (Objects of the University)

6.1. Clause 4 (i) reads as “the objects of the University shall be to facilitate and promote maritime studies, research and extension work with focus on emerging areas of studies like oceanography, maritime history, maritime laws, maritime security, search and rescue, transportation of dangerous cargo, environmental studies and other related fields, and also to achieve excellence in these and connected fields and other matters connected therewith or incidental thereto”.

6.2. The Committee was informed by various Stakeholders that the range of activities in the maritime domain is extensive and cuts across a wide range of specializations. It is for this reason that maritime universities across the world deal with an exhaustive range of subjects other than just shipping. These include maritime security, UNCLOS and maritime law, ocean engineering, exploitation of resources etc. It is thus obvious that any proposed university must be structured to handle the entire gamut of maritime activities and endeavours. On the contrary, the form and structure of the IMU, as stated in draft Bill, does not even address the areas listed in its own objectives. In fact, the Bill appears to restrict itself only to shipping related issues/institutions, as distinct from maritime issues/institutions. Hence, in effect, it would be a misnomer to christen the University as a maritime university, unless its ambit is enhanced so that it does not leave out the majority of issues/institutions from its charter. The Department of Shipping in its written reply informed the Committee that it is not correct to say that the Bill appears to restrict itself only to shipping related issues. As per Clause 4 (i) of the Bill the emerging area of studies like oceanography, maritime laws, maritime security, transportation, maritime history, etc are already included. Further, the terms “maritime studies” and “other related fields” in the aforesaid clause provide ample scope for the IMU to conduct programmes in related

fields. However, ship management, port management, maritime transport and logistics, marine insurance, off shore exploration, naval architecture and ship building may be included under Clause 4 (i). Further, as per Clause 5 (i) the university shall have powers to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

6.3. The Committee observes that the activities in the maritime domain is extensive and requires a specialisation to deal with it. However, the Committee notes that the Bill gives an impression that it restricts itself only to shipping related issues/institutions as distinct from the maritime issues/institutions. The Committee, therefore, is of the view that the maritime university should have entire gamut of maritime activities and endeavor to deal with an exhaustive range of subjects other than shipping. The Committee also recommends the Government to elaborate the term maritime studies to understand the scope of courses to be offered by the University, viz. maritime security, maritime law, maritime history, ocean engineering, exploitation of resources, ship management, port management, maritime transport and logistics, marine insurance, off shore exploration, naval architecture and ship building in the Bill itself. The Committee further recommends that the clause 4(i) should be amended to include the term “training” in between “maritime studies” and “research” so as to achieve excellence in the maritime sector.

6.4. Clause 4 (ii) reads as “the objects of the University shall be to promote advanced knowledge by providing institutional and research facilities in such branches of learning as it may deem fit and to make provisions for integrated courses in Science and other key and frontier areas of Technology and allied disciplines in the educational programmes of the University”.

6.5. The Committee notes that the term “such branches of learning as it may deem fit” appears to be vague and may give leverage to the authority concerned. The Committee recommends that the branches of learning may be defined in the Bill suitably to include Marine Science, Marine Biology, Ship building & ship repairs, Underwater Engineering, Drilling & Offshore Activities, Logistics, Port Technology, Marine Physics and Metrology so as to make the University to conduct programmes in related field.

Clause 5 (Powers of the University)

7.1. Clause 5(iv) reads as “to establish and maintain hostels, health centres and other related facilities like auditoria, playgrounds, gymnasiums, swimming pools, Training Ships”

7.2. The Committee is of the opinion that there is no mention about the “boarding and lodging” facilities in the clause. The Committee recommends that the clause 5(iv) may suitably amended to incorporate the term “boarding and lodging” after the word “hostels”.

7.3. The clause 5 (x)(i) states that “the University shall have the powers, namely to provide for the terms and conditions of service of -teachers and other members of the academic staff appointed by the University”.

7.4. The Committee notes that the term “teacher” does not qualify to all its members including Directors, Principal, Professors, Readers, Associate Professors and Assistant Professors. The Committee recommends that the clause be amended suitably.

7.5. The clause 5 (xvii) states that “the University shall have the powers to approve appointment of persons for imparting instructions in any institution admitted to the privileges of the University and to withdraw such approval”

7.6. The Committee observes that the clause 5(xvii) is silent to the requirement of minimum qualification, experience and age criteria for appropriate rank of teaching staff. The Committee recommends that the approval of teachers and instructors should be restricted to ascertaining that the faculty meets the requirements of the university with respect to the qualifications and experience needed for imparting that subject and to his/her meeting the age criteria. The Committee also recommends that such details on qualification, experience and age etc. for appropriate rank of teaching staff may be included in the first statutes of the Bill itself.

7.7. The clause 5(xxi) states that “the University shall have the powers to set up central facilities like computer center, instrumentation center, library, simulators”.

7.8. The Committee recommends that the words “training centre” may also be added in this sub-clause and the clause may be amended suitably.

7.9. The clause 5(xxvii) states that “the University shall have the powers to determine standards of admission to the University which may include examination,

evaluation or any other method of testing”.

7.10. The Committee observes that there is no mention of the “determination of standards of admission” to the colleges and institutions affiliated to the University, for different courses. The Committee recommends that the term “and colleges and institutions affiliated to the university” may be added after the word “University”.

7.11. The clause 5(xlv) states that “the University shall have the powers to confer autonomous status on a College or an Institution or a Department, as the case may be, in accordance with the Statutes”.

7.12. The Committee is of the opinion that the kind of requirements and conditions necessary for making any institution autonomous may be spelt out in the original statutes itself. The Committee, therefore, recommends that Clause 5(xlv) may be suitably amended and the necessary statutes may be incorporated.

Clause 8 (Fund of the University)

8.1. The clause 8(1) (c) states that “there shall be a University Fund which shall include any contribution from the shipping companies”.

8.2. The Committee recommends that the word “offshore construction companies”, “diving companies” may also be incorporated with the Shipping Companies.

8.3. The clause 8(1) (f) states that “there shall be a University Fund which shall include “amounts received from any other source”.

8.4. The term “any other source” is vague and leaves ample scope for its misuse by the University for raising funds for arrangement of running and maintenance. The Committee, therefore, recommends that the term “any other source” may be defined in the Bill by incorporating any other “lawful, legal and proper source”.

Clause 9 (The Visitor)

9.1. The clause 9 (1) reads as “the President of India shall be the Visitor of the University”.

9.2. The Committee notes that the President of India has been named as the “Visitor” of the University. The Committee recommends that the clause may be suitably amended to incorporate the words “or his nominee/nominees” after the words “President of India”.

9.3. The clause 9 (2) reads as “the Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including Colleges and Institutions managed by it, and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions”.

9.4. The clause 9 (3) reads as “the Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any College, Institution or Campus maintained by the University or admitted to its privileges; and also of the examinations, instruction and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions”.

9.5. The clause 9 (4) reads as “the Visitor shall, in every matter referred to in sub-section (2), give notice to the University of his intention to cause an inspection or inquiry to be made”.

9.6. The Committee observes that the clause 9(4) makes reference to clause 9(2), which appears to be a typographical error. The Committee recommends that the term “sub-section (2)” appearing in clause 9(4) may be substituted by the term “sub-section (3)”.

Clause 20 (The Court)

10.1. The clause 20 (1) reads as “the Constitution of the Court and the term of office of its members shall be prescribed by the Statutes”.

10.2. The Committee notes that the composition of the Court has not been defined in the Bill or in the Statues and recommends that it should be defined in the Bill so as to incorporate the Workers, Shipping Industry, Shipyard Dredger owners, Offshore Industry, the elected representatives of University community such as teachers, students and non-teaching staff.

Clause 21 (The Executive Council), Clause 22 (The Academic Council), Clause 23 (The Board of Affiliation and Recognition), Clause 24 (The Planning Board), Clause 25 (The Boards of School) and Clause 26 (The Finance Committee)

11. *The clause 21(2) reads as “the constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes”.*

12. *The clause 22 (3) reads as “the constitution of the Academic Council and the term of office of its members shall be such as may be prescribed by the Statutes”.*

13. *The clause 23 (2) reads as “the constitution of the Board of Affiliation and Recognition, the term of office of its members and its powers and duties shall be such as may be prescribed by the Statutes”.*

14. *The clause 24 (3) reads as “the constitution of the Planning Board, term of office of its members and its powers and functions shall be prescribed by the Statutes”.*

15. *The clause 25(2) reads as “the constitution, powers and functions of the Boards of Schools shall be such as may be prescribed by the Statutes”.*

16. *The clause 26 reads as “the constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes”.*

17. **The Committee notes that the Executive Council, the Academic Council, the Board of Affiliation and Recognition, the Planning Board, the Boards of School and the Finance Committee are the important decision making bodies of the University. The statutes appended to the Bill contain provisions only about the power and functions of these Councils/Boards/Committee but is silent about their constitution and term of the Office. The Committee, therefore, recommends that the provisions for the constitution and term of office of the Executive Council, the Academic Council, the Board of Affiliation and Recognition, the Planning Board, the Boards of School and the Finance Committee be also included within corpus of the first Statutes itself. The Committee also recommends that a representative of the Government of States where the University is located may be inducted into the Executive Council for the purposes of coordination and smooth functioning of the University.**

Clause 23 (The Board of Affiliation and Recognition)

18.1. *The clause 23(1) reads as “the Board of Affiliation and Recognition shall be responsible for admitting Colleges and Institutions to the privileges of the University”.*

18.2. **The Committee observes that the provision of the clause gives unbridled powers to the Board of Affiliation and Recognition for admitting colleges and institutions to the privileges of the University. The Committee is of the opinion that the requirements and conditions necessary for admitting colleges and institutions may be specified. The Committee recommends that the clause may be suitably amended.**

Clause 28 (Power to make statutes)

19.1. *The clause 28 (f) states that “subject to the provisions of this Act, the Statutes may provide for the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary action”.*

19.2. **The Committee recommends that the provision to the effect that the loan facilities, medical facilities, LTC facilities and salary increment will be at par with other institutions, may also be included in the statutes provided with the Bill to avoid any misinterpretation.**

Clause 30 (Powers to make ordinance)

20.1 *The clause 30(1)(i) states that “subject to the provisions of this Act and the Statutes, the Ordinances may provide for the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them”.*

20.2. **The Committee observes that this sub-clause provides for making special arrangements for the residence, discipline and teaching of women students. The Committee is of the considered opinion that while this is valid in terms of residence and specific courses for women students, the word ‘discipline’ in this**

clause appears to be discriminatory against the women as the matter discipline is applicable equally to men and women. Accordingly, the Committee recommends that the word ‘discipline’ be deleted from clause.

20.3. *The clause 30(1)(r) states that “subject to the provisions of this Act and the Statutes, , the Ordinances may provide for all other matters which by this Act or the Statutes may be provided for by the Ordinances”.*

20.4. The Committee observes that there is no mention about the provisions dealing with the remedies/ actions for any misconduct, disparity, abuses and sexual harassment towards the girl’s students at campus or college or institutes under the university. The Committee recommends that the provision may be incorporated suitably in the Bill.

Clause 35 (Tribunal of arbitration)

21. *The clause 35(2) reads as “the decision of the Tribunal of Arbitration shall be final and binding on the parities, and no suit shall lie in any court in respect of the matters decided by the Tribunal”.*

21.2. The Committee feels that Clause 35(2) gives an impression that the employees were debarred from all other judicial remedies against the decision of the Tribunal. The Committee is aware that no Act can debar the remedies available under Articles 226 and 32 of the Constitution. The Bill also does not intend to do this. The Committee, therefore, recommends that a provision to the effect that ‘This does not preclude the employees from availing the remedies provided under Articles 226 and 32 of the Constitution’ may be added in the said Clause for removing the erroneous impression in this regard and clause 35(2) may, accordingly, be amended.

Clause 37 (Right to appeal)

22.1. *The clause 37 reads as “every employee or student of the University or of a College or Institution maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University or of the Principal of any College or Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against”.*

22.2. The Committee notes that the term “with in such time as may be prescribed” is vague and leaves ample scope for the authority concerned to misuse this clause against their employees or students of the University or of a College or Institution maintained by the University. The Committee recommends the Government to fix a definite time frame for making an appeal to the Executive Council in the statutes of the Bill itself. The Committee also recommends that a suitable provision may also be incorporated for disposal of the appeal in a time bound manner.

Clause 46 (Transitional provisions)

23.1. *The clause 46(a) reads as “notwithstanding anything contained in this Act and the Statutes, - the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor and each of the said officers shall hold office for a term of five years”.*

23.2. *The clause 46(b) reads as “notwithstanding anything contained in this Act and the Statutes, - the first Registrar and the first Finance Officer shall be appointed by the Visitor on the recommendation of the Vice-Chancellor and each of the said officers shall hold office for a term of three years”.*

23.3. *The clause 46(c) reads as “notwithstanding anything contained in this Act and the Statutes, - the first Court and the first Executive Council shall consist of not more than fifteen members, who shall be nominated by the Visitor and they shall hold office for a term of three years”.*

23.4. The Committee is of the considered opinion that since the first officers and authorities of the university are to be appointed or nominated by the Central Government, their term of offices as provided in transitional provisions should not be long enough. The Committee notes that in some cases it is five years and in others it is three years. It, therefore, recommends that the term of office of the first Chancellor, the first Vice-Chancellor as well as other officers and bodies provided in various sub-clauses of Clause 46 (a), (b) & (c) should be reduced from five and three years to three and two years respectively.

Clause 49 (Transfer of assets and options of the employees)

24.1. *The clause 49(i) states that “notwithstanding anything contained in this Act, or in the Statutes or the Ordinances, consequent upon merger of the Training Ship Chanakaya, Mumbai, the Marine Engineering and Research Institute, Mumbai, the Marine Engineering and Research Institute, Kolkata, Lal Bahadur Shastri*

College of Advance Maritime Studies, Mumbai and the National Maritime Academy, Chennai, into the Indian Maritime University, all the assets and employees shall stand transferred to the University and the employees of Institutes other than the employees of the National Maritime Academy, Chennai, shall have the option to continue on deemed deputation in the University on the terms and conditions as may be decided by the Central Government and continue to retain or to be allotted government residential accommodation and avail of the Central Government Health Scheme facilities till their retirement”.

24.2. The Committee has been informed by the various stakeholders that clause 49 of the Bill is discriminatory and is at variance with the comments of the Department in the matter of the service conditions of the employees in the University. The Associations further informed that whereas the employees of the National Maritime Academy (NIPM) has been given the right of option to continue on terms and conditions of the NIPM, Chennai till their retirement, the employees of 4 Government run maritime training institutes are provided with an option to continue on deemed deputation in the university on the terms and conditions as may be decided by the Central Government and continue to retain or to be allotted the govt. residential accommodation and to avail the Central Government Health Scheme till their retirement. Employees of 4 Government run institutes who are Government employees on date their future and fate will be decided by the govt. subsequently. There is justified apprehension in the context of the present downsizing policy of the Government of India that there may be a threat to their service security whereas of the NMA (NIPM) will remain immune from the threat and the retirement benefit including pension in respect of the employees of 4 govt. run institutes will not be covered by the provisions of Rule 37 of CCS (Pension) rule 1972, instead they will be brought under the purview of Rule 37(A).

24.3. The Department of Shipping while responding to the apprehension of the stakeholders informed that the employees of the four training institutes under IIMS who will stand transferred to IMU shall have the option to continue on deemed deputation in IMU on Central Government terms and conditions in force and also continue to retain/to be allotted Government residential accommodation on turn and avail of Central Government Health Scheme (CGHS) facilities, till their retirement.” In case, the employees who exercise option (i) as above they will continue to be Government servant till retirement and Rule 37(A) will not be applicable to them since it is applicable to those who are absorbed in autonomous bodies. It is further clarified that Rule 37(A) will be applicable if the employees exercise option (iii) under Clause 49 of the Bill.

24.4. The Committee enquired from the Secretary about the fate of the academic staff who are serving in the MERI at present and will be absorbed in the University. The Secretary, Department of Shipping informed the Committee that there was some simmering of apprehension and protests amongst some quarters. Since these institutes were normally the Government of India institutes and the employees were Government of India employees, they feared that when they merge with the IIMS, and, in the long run, with the University, their terms and conditions of employment as Government servants might be compromised. It was made absolutely clear that (1) Government employees would continue to be Government employees with deemed deputation to the University; (2) their terms and conditions of service would remain the same; (3) they would get pension also after retirement as was in the Government service; and (4) they would also continue to keep the Government quarters. Their eligibility would not be impaired and they were satisfied. The same thing we carried to the Cabinet for decision and they also agreed that the terms and condition of service of the Government employees, when they are in the IIMS and when they go to the University, would remain unchanged with all the eligibilities intact.

24.5. **The Committee notes that the above discussion is in view of the fact that the proposal was for just one University whereas the Committee in paras 5.12 & 5.13 has recommended that there must be one maritime University each in Mumbai, Kolkata, Chennai, Vishakhapatnam and Kochi with clear demarcated geographical jurisdiction. In that eventuality, all the existing Government institutions within that geographical jurisdiction may be subsumed with the concerned University.**

Clause 50 (Role of Central Government and Director-General of Shipping)

25.1. *The clause 50(3) reads as “the Director-General of Shipping, Government of India may delegate powers and functions relating to competency examination, on such terms and conditions as may be decided by him in consultation with the University”.*

25.2. **The Committee observes that Director General of Shipping, Govt. of India being statutory authority and being responsible for regulation and maintenance of norms and standards in maritime education and allied subjects in India, shall oversee the functionary programmes related to implementation of University objectives and its development by way of representation in different University committees/Boards, conducting oral examination part of Certificate of Competency of seafarers & issuance of related certificates, acting as interface with industry/Government of India and through other related means in the manner as prescribed in the Statutes. The Committee expresses its apprehension that this very provision in the Bill will impede the functioning of University as autonomous body and defeat the fulfillment of its objectives. The Committee recommends that the clause 50(3) may be redrafted and this power may be conferred to the University alone.**

THE SCHEDULE
THE STATUTES OF THE UNIVERSITY

Schedule 1 (The Chancellor)

26.1. *The schedule 1 reads as “the Chancellor shall be appointed by the Visitor of the Indian Maritime University recommended by the Executive Council from amongst three persons of eminence in the academic or public life of the country:*

Provided that if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations from the Executive Council”.

26.2. **The Committee notes that the “Chancellor” shall be appointed from among persons in the academic or public life of the country. The Committee feels that given the specialized scope of the proposed IMU, the domain could be expanded to admit persons of eminence from the shipping business and also maritime techno- commercial field. The Committee, therefore, recommends the words ‘maritime field’ and ‘Public Administration’ may also be included in this clause after the word ‘academic’.**

Schedule 2(The Vice-Chancellor)

27.1. *The schedule 2(1) reads as “the Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a Committee as constituted under clause (2):*

Provided that if the Visitor does not approve of any of the persons included in the panel, he may call for a fresh panel”.

27.2. *The schedule 2(2) reads as “the Committee referred to in clause (1), shall consist of three persons, none of whom shall be an employee of the University or the Academic Council or a member of the Court, the Executive Council, Planning Board or member of any authority of the University or connected with an institution recognised by or associated with the University and out of the three persons, two shall be nominated by the Executive Council and one by the Visitor and the nominee of the Visitor shall be the convener of the Committee”.*

27.3. **The Committee finds that the Statute is silent about the qualifications and experience of the persons to be placed on the panel for appointment as Vice-Chancellor. The Committee, therefore, recommends that the persons having experience in maritime field could be placed on the panel for appointment as Vice-Chancellor of the University and the provision to that effect may be indicated in the Bill itself. The Committee further recommends that a nominee of the Court should also be included in the Selection Committee for appointment to the post of Vice-Chancellor**

Schedule 4(The Pro-Vice-Chancellor)

28.1. *The schedule 4(1) reads as “every Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:*

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-Chancellor or ask the Vice-Chancellor to recommend another person to the Executive Council:

Provided further that the Executive Council may, on the recommendation of the Vice-Chancellor, appoint a Professor to discharge the duties of a Pro-Vice-Chancellor in addition to his own duties as a Professor”.

28.2. **The Committee notes that the schedule 4(1) detail the manner of appointment of Pro-Vice-Chancellor. It however makes no mention of minimum qualifications, experience of personnel qualification, age etc. to hold this position. The Department of Shipping informed that it is for the university to formulate the detailed Rules and Regulations. The Committee is not convinced with the replies given by the Department. The Committee recommends that the manner of appointment and minimum qualification for the post should be clearly stated in the statutes itself.**

Schedule 5(The Registrar)

29.1. *The schedule 5(1) reads as “every Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer of the University”.*

29.2. **The Committee notes that the schedule 4(1) details the manner of appointment of Registrar. It however makes no mention of minimum qualifications,**

experience of personnel qualification, age etc. to hold this position. The Department of Shipping informed that it is for the university to formulate the detailed Rules and Regulations. The Committee is not convinced with the replies given by the Department. The Committee recommends that the manner of appointment and minimum qualification for the post should be prescribed in the statutes itself. The Committee also recommends that a nominee of the Court should also be included in the Selection Committee for appointment to the post of Registrar.

Schedule 7(The Deans of Schools of Studies)

30.1. *The schedule 7(1) reads as “every Dean of a School of Studies shall be appointed by the Vice-Chancellor from among the Professors in the School for a period of three years and he shall be eligible for reappointment:*

Provided that a Dean on attaining the age of sixty years shall cease to hold office as such:

Provided further that if at any time there is no Professor in a School, the Vice-Chancellor, or a Dean authorised by the Vice-Chancellor in this behalf, shall exercise the powers of the Dean of the School”.

30.2. The Committee was informed by the stakeholders that every Dean should be from the nautical and engineering background with minimum Master mariner or Chief engineer’s license issued by MMD/DG shipping and having minimum 5 years teaching experience in the nautical and engineering field in any marine institutions. The Department of Shipping in their written comments submitted that such authorities are appointed from faculties and Departments of the university. **The Committee notes the replies of the Department and adopted the clause without suggesting any change.**

Schedule 8(The Heads of Departments)

31.1. *The schedule 8(1) reads as “the Heads of Departments, in the case of Departments which have more than one Professor, the Head of the Department shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor from among the Professors on rotation basis”.*

31.2. The Committee was informed by the stakeholders that Head of the Department should be from the nautical and engineering background with minimum Master mariner or Chief engineer’s license issued by MMD/DG shipping and having minimum 5 years teaching experience in the nautical and engineering field in any marine institutions. The Department of Shipping in their written comments submitted that such authorities are appointed from faculties and Departments of the university. **The Committee notes the replies of the Department and adopted the clause without suggesting any change.**

Schedule 11(Membership, Constitution, Quorum and Tenure of the Executive Council)

32.1. *The schedule 11(1)(k) reads as “the Executive Council shall consist of the following members:- one Principal of the affiliated colleges nominated by the Executive Council by rotation”; and*

32.2. The Committee has been informed by the stakeholders that one Principal from the affiliated colleges and institution on the panel of the Executive-Council is unjustified as the Executive-Council is being the principle decision making body should have a balanced member structure for discharging their duties and meeting objectives effectively. The Department of Shipping informed that as per the composition of the executive council given under this clause, it shall comprise 17 members out of which only 9 members are to be nominated which includes one Principal of the affiliated college but agrees to increase it to not more than 3. **The Committee recommends that clause 11(1) (k) may be amended to have atleast 3 Principals from affiliated colleges and academic institutions for smooth and effective running of the Maritime University.**

Schedule 13(Meetings of the Court)

33.1. *The schedule 13(2) reads as “at an annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet as audited, and the financial estimates for the next year shall be presented”.*

33.2. **The Committee notes that the clause 13(2) at an annual meeting of the Court, a report on the working of the University during the previous year,**

together with a statement of the receipts and expenditure, the balance-sheet as audited, and the financial estimates for the next year shall be presented. However, the Committee, finds that there is no mention of “Return and Information” of its property and activities in the clause. The Committee recommends that the words “Return and Information” may be included in the clause suitably.

Schedule 20 (Finance Committee)

34.1. The schedule 20(1)(i) reads as “the Finance Committee shall consist of the following members, namely:- the Vice-Chancellor”;

34.2. The schedule 20(1)(ii) reads as “the Finance Committee shall consist of the following members, namely:- the Pro-Vice-Chancellor”;

34.3. The schedule 20(1)(iii) reads as “the Finance Committee shall consist of the following members, namely:- three persons nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council”; and

34.3. The schedule 20(1)(iv) reads as “the Finance Committee shall consist of the following members, namely:- three persons nominated by the Visitor”.

34.4. The Committee notes that in case of the ‘Finance Committee’, while its composition has been given, there is no representation from the University Court in this committee. The Committee opines that University Court being an important body should have representation in the Finance Committee. The Committee, therefore, recommends that a new sub-clause ‘at least one person to be nominated by the Court’ may be added in the Statutes of the Bill.

Schedule 21(Selection Committees)

35.1. The schedule 21(2) reads as “the Selection Committee for appointment to the posts specified in column 1 of the Table below shall consist of the Vice-Chancellor, Pro-Vice-Chancellor, a nominee of the Visitor and the persons specified in the corresponding entry in column 2 of the said Table:

TABLE

1	2
Professor	(i) the Head of Department concerned if he is a Professor; (ii) one Professor to be nominated by the Vice-Chancellor; (iii) three persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in, the subject with which the Professor will be concerned.
Reader/Lecturer	(i) the Head of the Department concerned; (ii) one Professor to be nominated by the Vice-Chancellor; (iii) two persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in the subject with which the Reader or a Lecturer will be concerned.
Registrar, Finance Officer	(i) two members of the Executive Council nominated by it; (ii) one person not in the service of the University nominated by the Executive Council.

Librarian

(i) *two persons not in the service of the University, who have special knowledge of the subject of the Library Science/ Library Administration to be nominated by the Executive Council; one person not in the service of the University, nominated by the Executive Council.*

(ii)

Principal of College or Institution maintained by the University

three persons not in the service of the University of whom two shall be nominated by the Executive Council and one by the Academic Council for their special knowledge of, or interest in, a subject in which instruction is being provided by the College or Institution.

NOTE:

1. *Where the appointment is being made for an inter-disciplinary project, the head of the project shall be deemed to be the Head of the Department concerned.*
2. *The Professor to be nominated shall be Professor concerned with the specialty for which the selection is being made and that the Vice-Chancellor shall consult the Head of the Department and the Dean of School before nominating the Professor”.*

35.2. The Committee understands that the Heads of the Department are appointed generally by seniority and rotation. It could, therefore, be possible that a Reader happens to be the Head of the Department when the process for appointment to the post of Professor is underway. The Committee, therefore, recommends that the term ‘if he is a reader’ may be appended to (i) of Column 2 of Table against the heading ‘Professor’.

Schedule 32(Maintenance of discipline among students of the University)

36.1. *The schedule 32(1) reads as “ all powers relating to discipline and disciplinary action in relation to students of the University shall vest in the Vice-Chancellor”.*

36.2. *The clause 36(1) reads as “any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be”.*

36.3. The Committee feels that the provisions of Clause 32(1) of the Statutes and Clause 36(1) of the Bill appears to be contradictory. The Committee, therefore, recommends that the provisions of the Clauses may be suitably re-drafted to remove the inherent contradictions, if any.

Schedule 34(Admission of Colleges, etc., to the privilege of the University)

37.1. *The schedule 34(6) reads as “the Executive Council may, after consulting the Academic Council, withdraw any privileges granted to a College or an Institution, at any time it considers that the College or Institution does not satisfy any of the conditions on the fulfillment of which the College or Institution was admitted to such privileges:*

Provided that before any privileges are so withdrawn, the Governing Body of the College or Institution concerned shall be given an opportunity to represent to the Executive Council why such action should not be taken”.

37.2. *The clause 36(2) reads as “any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of section 35 shall, as far as may be, apply to a reference made under this sub-section”.*

37.3. The Committee feels that the provisions of Clause 34(6) of the Statutes and Clause 36(2) of the Bill appear to be contradictory. The Committee, therefore, recommends that the provisions of the Clauses may be suitably re-drafted to provide the similar requirements of a Tribunal of Arbitration in case of dispute arising out of the withdrawal of the said college or institution from its privileges

Schedule 46(Equivalence Committee)

38.1. The schedule 46(1) reads as “keeping in view the outstanding nature of qualification in maritime discipline, Ministry of Shipping, Road Transport and Highways, Government of India constituted an “Equivalence Committee” with a view to consider relativity of the existing teaching posts in four Government Maritime Institutes (Marine Engineering and Research Institute, Kolkata and Mumbai, Lal Bahadur Shastri College of Advanced Maritime Studies and Research, Mumbai, Training Ship Chanakya, Navi Mumbai), presently under Indian Institute of Maritime Studies with equivalent posts in the proposed University. The recommendation of the committee is given in the Table below”:

(1)	(2)
Name of the present posts and pay scale and recruitment rules as per the Gazette notification	Recommendation by the ‘Equivalence Committee’ for recognition of post in University
Captain Superintendent/Principal/ Director (Rs.18400-500-22400)	Professor
Vice Principal/Deputy/Chief Officer/ Senior Engineer Officer/Senior Nautical Officer (Rs.14300-400-18300)	Associate Professor
Engineer Officer/Nautical Officer (Rs.12000-375-16500)	Assistant Professor
Senior Lecturer (Rs.12000-375-16500)	Assistant Professor
Senior Lecturer (MERI) Rs.10000-325-15000	Senior Lecturer
Lecturer (Rs.8000-275-13500)	Lecturer

38.2. The Committee notes that in view the outstanding nature of qualification in maritime discipline the Government has constituted the Equivalence Committee which has made some recommendation for the exiting teaching posts in four govt. maritime institutes. The Committee is of the opinion that the Equivalence Committee has considered only the present pay of the faculty while tabulating the scale and post structure for the existing faculties, but has not been considered about the faculty who are in the same scale for more than 8 to 20 years. The Committee, therefore, recommends that clause 46 (1) of the statutes of the Bill should be amended to take care of existing qualified and experienced faculty members and to place them in appropriate position with scale as per UGC and AICTE norms.

OBSERVATIONS/CONCLUSIONS/RECOMMENDATIONS/ -- AT A GLANCE

Clause 2(e)

The Committee is of the view that the definition must be comprehensive enough to achieve the ends of the legislation and recommends that the definition of clause 2(e) may be suitably amended to include the words ‘education and training’.

(Para 4.2)

Clause 2(r)

The Committee observes that the definition of the words “College” and “Institution” does not provide training facilities and there is need to amplify the definition of the term “College” and “Institution” to make it more comprehensive. The Committee, therefore, recommends that the definition of clause 2(h) and clause 2(r) may be suitably amended to include the words “and training” after the word education.

(Para 4.5)

Clause 2(l)

The Committee, therefore, recommends that “internet” may also be added as a means for communication through distance education system.

(Para 4.7)

Clause 2(m)

The Committee is of the opinion that the word “Employee” means the existing deputationists and any person appointed by University and other staff of the University. The Committee recommends that the words “existing deputationists” may also be incorporated in the clause 2(m) for the purpose.

(Para 4.9)

Clause 2(w) & 2(x)

The Committee notes that the definition of “recognized institutions” and “recognized teachers” provided in clause 2(w) and 2(x) are not explicit and leave some scope for misinterpretation. The Committee is of the opinion that there is need to amplify the terms “recognized institutions” and “recognized teachers” with the view to removing possible ambiguities in these regards. The Committee, therefore, recommends that necessary amendments should be brought in the relevant provision of the Bill for the purpose.

(Para 4.12)

The Committee observes that there is no mention of the “Student Council”, “Visitors”, “Students”, “Course-curriculum”, “Affiliation”, “Association”, “Alumni”, “Visiting faculty”, “Ship-Owners” and “Recognition” in the definition clause. The Committee recommends that an attempt should be made by the Government to give a precise definition of various terms and expressions, which are used in the Bill to avoid ambiguity and tedious repetitions. The Committee further recommends that provisions be made in the Bill to the effect that such terms which are not defined in the Bill but defined in the University Grants Commission Act, 1956 should have the same meaning as assigned to them in that Act.

(Para 4.13)

Clause 3(2)

The Committee received a large number of representations having varied viewpoints and opinions on the location of the headquarters of the University and the requirement for more than one University to cater to the needs of the maritime and related sectors. The Committee notes that India is one of the largest maritime country in the world with a strong, dedicated, efficient and reliable reservoir of officers and ratings of the Merchant Navy. However, the Committee expresses its concern over the projected global shortage of maritime manpower. The Committee emphasizes the need for augmenting the training capacity and

capabilities in the country to meet the projected global shortage of 27,000 Officers by the year 2015 and to achieve the share of India in the world maritime manpower fleet from the current 6% to atleast 20%. The geographical spread of the country and the vastness and variety of the Maritime activity going on in India demands that there is a need for large number of institutions imparting education, research and training in various fields of maritime and marine activity. The Committee further notes that the different Expert Committees went into the issue of establishment of Maritime Universities and one of such committee recommended setting-up of IMU in the country with headquarter at Mumbai and campuses at Mumbai and Kolkata, and other committee suggested two new campuses at Chennai and Kochi with headquarter at Mumbai may be set up in a phased manner. The Expert Committee also recommended that if sufficient resources are available, the Government may consider opening another University at Chennai at National Maritime Academy campus, since, Chennai has an added advantage of land availability.

(Para 5.12)

The Committee is not convinced about the reasons for establishing a single University for the entire country, when other countries such as Japan, Vietnam, Poland, Turkey, Ukraine, Russia, China etc. are having more than one maritime University at their credit. The Committee, therefore, recommends that the availability of land should not be the sole criteria for establishing a University. While selecting a particular place for establishing a University, the existence of established institutions imparting training in the field and the other maritime infrastructure available may also be taken into account. The Committee is of the opinion that a single university is unlikely to suffice the needs of education, training and research to meet the growing demand of the maritime human resources in domestic and global markets. After examining all the views of Stakeholders, the Committee feels that one Maritime University is not enough to serve the purpose of maritime studies and research. The Committee, therefore, recommends that there must be one Maritime University each in Mumbai, Kolkata, Chennai, Vishakhapatnam and Kochi with clear demarcated geographical jurisdiction. In case of proposed University at Kolkata, the Indian Institute of Port Management (IIPM), Kolkata may also be subsumed with it. Therefore, the clause 6 should suitably be changed.

(Para 5.13)

Clause 4(i)

The Committee observes that the activities in the maritime domain is extensive and requires a specilisation to deal with it. However, the Committee notes that the Bill gives an impression that it restricts itself only to shipping related issues/institutions as distinct from the maritime issues/institutions. The Committee, therefore, is of the view that the maritime university should have entire gamut of maritime activities and endeavor to deal with an exhaustive range of subjects other than shipping. The Committee also recommends the Government to elaborate the term maritime studies to understand the scope of courses to be offered by the University, viz. maritime security, maritime law, maritime history, ocean engineering, exploitation of resources, ship management, port management, maritime transport and logistics, marine insurance, off shore exploration, naval architecture and ship building in the Bill itself. The Committee further recommends that the clause 4(i) should be amended to include the term “training” in between “maritime studies” and “research” so as to achieve excellence in the maritime sector.

(Para 6.3)

Clause 4(ii)

The Committee notes that the term “such branches of learning as it may deem fit” appears to be vague and may give leverage to the authority concerned. The Committee recommends that the branches of learning may be defined in the Bill suitably to include Marine Science, Marine Biology, Ship building & ship repairs, Underwater Engineering, Drilling & Offshore Activities, Logistics, Port Technology, Marine Physics and Metrology so as to make the University to conduct programmes in related field.

(Para 6.5)

Clause 5(iv)

The Committee is of the opinion that there is no mention about the “boarding and lodging” facilities in the clause. The Committee recommends that the clause 5(iv) may suitably be amended to incorporate the term “boarding and lodging” after the word “hostels”.

(Para 7.2)

Clause 5(x)(i)

The Committee notes that the term “teacher” does not qualify to all its members including Directors, Principal, Professors, Readers, Associate Professors and Assistant Professors. The Committee recommends that the clause be amended suitably.

(Para 7.4)

Clause 5 (xvii)

The Committee observes that the clause 5(xvii) is silent to the requirement of minimum qualification, experience and age criteria for appropriate rank of teaching staff. The Committee recommends that the approval of teachers and instructors should be restricted to ascertaining that the faculty meets the requirements of the university with respect to the qualifications and experience needed for imparting that subject and to his/her meeting the age criteria. The Committee also recommends that such details on qualification, experience and age etc. for appropriate rank of teaching staff may be included in the first statutes of the Bill itself.

(Para 7.6)

Clause 5(xxi)

The Committee recommends that the words “training centre” may also be added in this sub-clause and the clause may be amended suitably.

(Para 7.8)

Clause 5(xxvii)

The Committee observes that there is no mention of the “determination of standards of admission” to the colleges and institutions affiliated to the University, for different courses. The Committee recommends that the term “and colleges and institutions affiliated to the university” may be added after the word “University”.

(Para 7.10)

Clause 5(xlv)

The Committee is of the opinion that the kind of requirements and conditions necessary for making any institution autonomous may be spelt out in the original statutes itself. The Committee, therefore, recommends that Clause 5(xlv) may be suitably amended and the necessary statutes may be incorporated.

(Para 7.12)

Clause 8(1) (c)

The Committee recommends that the word “offshore construction companies”, “diving companies” may also be incorporated with the Shipping Companies.

(Para 8.2)

Clause 8(1) (f)

The term “any other source” is vague and leaves ample scope for its misuse by the University for raising funds for arrangement of running and maintenance. The Committee, therefore, recommends that the term “any other source” may be defined in the Bill by incorporating any other “lawful, legal and proper source”.

(Para 8.4)

Clause 9 (1)

The Committee notes that the President of India has been named as the “Visitor” of the University. The Committee recommends that the clause may be

suitably amended to incorporate the words “or his nominee/nominees” after the words “President of India”.

(Para 9.2)

Clause 9 (4)

9.6. The Committee observes that the clause 9(4) makes reference to clause 9(2), which appears to be a typographical error. The Committee recommends that the term “sub-section (2)” appearing in clause 9(4) may be substituted by the term “sub-section (3)”.

(Para 9.4)

Clause 20 (1)

The Committee notes that the composition of the Court has not been defined in the Bill or in the Statutes and recommends that it should be defined in the Bill so as to incorporate the Workers, Shipping Industry, Shipyard Dredger owners, Offshore Industry, the elected representatives of University community such as teachers, students and non-teaching staff.

(Para 10.2)

Clauses 21(2), 22(3), 23(2),24(3), 25(2) and 26

The Committee notes that the Executive Council, the Academic Council, the Board of Affiliation and Recognition, the Planning Board, the Boards of School and the Finance Committee are the important decision making bodies of the University. The statutes appended to the Bill contain provisions only about the power and functions of these Councils/Boards/Committee but is silent about their constitution and term of the Office. The Committee, therefore, recommends that the provisions for the constitution and term of office of the Executive Council, the Academic Council, the Board of Affiliation and Recognition, the Planning Board, the Boards of School and the Finance Committee be also included within corpus of the first Statutes itself. The Committee also recommends that a representative of the Government of States where the University is located may be inducted into the Executive Council for the purposes of coordination and smooth functioning of the University.

(Para 17)

Clause 23(1)

The Committee observes that the provision of the clause gives unbridled powers to the Board of Affiliation and Recognition for admitting colleges and institutions to the privileges of the University. The Committee is of the opinion that the requirements and conditions necessary for admitting colleges and institutions may be specified. The Committee recommends that the clause may be suitably amended.

(Para 18.2)

Clause 28 (f)

The Committee recommends that the provision to the effect that the loan facilities, medical facilities, LTC facilities and salary increment will be at par with other institutions, may also be included in the statutes provided with the Bill to avoid any misinterpretation.

(Para 19.2)

Clause 30(1)(i)

The Committee observes that this sub-clause provides for making special arrangements for the residence, discipline and teaching of women students. The Committee is of the considered opinion that while this is valid in terms of residence and specific courses for women students, the word ‘discipline’ in this clause appears to be discriminatory against the women as the matter discipline is applicable equally to men and women. Accordingly, the Committee

recommends that the word ‘discipline’ be deleted from clause.

(Para 20.2)

Clause 30(1)(r)

The Committee observes that there is no mention about the provisions dealing with the remedies/ actions for any misconduct, disparity, abuses and sexual harassment towards the girl’s students at campus or college or institutes under the university. The Committee recommends that the provision may be incorporated suitably in the Bill.

(Para 20.4)

Clause 35(2)

The Committee feels that Clause 35(2) gives an impression that the employees were debarred from all other judicial remedies against the decision of the Tribunal. The Committee is aware that no Act can debar the remedies available under Articles 226 and 32 of the Constitution. The Bill also does not intend to do this. The Committee, therefore, recommends that a provision to the effect that ‘This does not preclude the employees from availing the remedies provided under Articles 226 and 32 of the Constitution’ may be added in the said Clause for removing the erroneous impression in this regard and clause 35(2) may, accordingly, be amended.

(Para 21.2)

Clause 37

The Committee notes that the term “with in such time as may be prescribed” is vague and leaves ample scope for the authority concerned to misuse this clause against their employees or students of the University or of a College or Institution maintained by the University. The Committee recommends the Government to fix a definite time frame for making an appeal to the Executive Council in the statutes of the Bill itself. The Committee also recommends that a suitable provision may also be incorporated for disposal of the appeal in a time bound manner.

(Para 22.2)

Clause 46(a),(b) and (c)

The Committee is of the considered opinion that since the first officers and authorities of the university are to be appointed or nominated by the Central Government, their term of offices as provided in transitional provisions should not be long enough. The Committee notes that in some cases it is five years and in others it is three years. It, therefore, recommends that the term of office of the first Chancellor, the first Vice-Chancellor as well as other officers and bodies provided in various sub-clauses of Clause 46 (a), (b) & (c) should be reduced from five and three years to three and two years respectively.

(Para 23.4)

Clause 49(i)

The Committee notes that the above discussion is in view of the fact that the proposal was for just one University whereas the Committee in paras 5.12 & 5.13 has recommended that there must be one maritime University each in Mumbai, Kolkata, Chennai, Vishakhapatnam and Kochi with clear demarcated geographical jurisdiction. In that eventuality, all the existing Government institutions within that geographical jurisdiction may be subsumed with the concerned University.

(Para 24.5)

Clause 50(3)

The Committee observes that Director General of Shipping, Govt. of India being statutory authority and being responsible for regulation and maintenance of norms and standards in maritime education and allied subjects in India, shall oversee the functionary programmes related to implementation of University objectives and its development by way of representation in different University committees/Boards, conducting oral examination part of Certificate

of Competency of seafarers & issuance of related certificates, acting as interface with industry/Government of India and through other related means in the manner as prescribed in the Statutes. The Committee expresses its apprehension that this very provision in the Bill will impede the functioning of University as autonomous body and defeat the fulfillment of its objectives. The Committee recommends that the clause 50(3) may be redrafted and this power may be conferred to the University alone.

(Para 25.2)

Schedule 1

The Committee notes that the “Chancellor” shall be appointed from among persons in the academic or public life of the country. The Committee feels that given the specialized scope of the proposed IMU, the domain could be expanded to admit persons of eminence from the shipping business and also maritime techno- commercial field. The Committee, therefore, recommends the words ‘maritime field’ and ‘Public Administration’ may also be included in this clause after the word ‘academic’.

(Para 26.2)

Schedule 2(1)& 2(2)

The Committee finds that the Statute is silent about the qualifications and experience of the persons to be placed on the panel for appointment as Vice-Chancellor. The Committee, therefore, recommends that the persons having experience in maritime field could be placed on the panel for appointment as Vice-Chancellor of the University and the provision to that effect may be indicated in the Bill itself. The Committee further recommends that a nominee of the Court should also be included in the Selection Committee for appointment to the post of Vice-Chancellor.

(Para 27.3)

Schedule 4(1)

The Committee notes that the schedule 4(1) detail the manner of appointment of Pro-Vice-Chancellor. It however makes no mention of minimum qualifications, experience of personnel qualification, age etc. to hold this position. The Department of Shipping informed that it is for the university to formulate the detailed Rules and Regulations. The Committee is not convinced with the replies given by the Department. The Committee recommends that the manner of appointment and minimum qualification for the post should be clearly stated in the statutes itself.

(Para 28.2)

Schedule 5(1)

The Committee notes that the schedule 4(1) details the manner of appointment of Registrar. It however makes no mention of minimum qualifications, experience of personnel qualification, age etc. to hold this position. The Department of Shipping informed that it is for the university to formulate the detailed Rules and Regulations. The Committee is not convinced with the replies given by the Department. The Committee recommends that the manner of appointment and minimum qualification for the post should be prescribed in the statutes itself. The Committee also recommends that a nominee of the Court should also be included in the Selection Committee for appointment to the post of Registrar.

(Para 29.2)

Schedule 7(1)

The Committee notes the replies of the Department and adopted the clause without suggesting any change.

(Para 30.2)

Schedule 8(1)

The Committee notes the replies of the Department and adopted the clause without suggesting any change.

(Para 31.2)

Schedule 11(1)(k)

The Committee recommends that clause 11(1) (k) may be amended to have atleast 3 Principals from affiliated colleges and academic institutions for smooth and effective running of the Maritime University.

(Para 32.2)

Schedule 13(2)

The Committee notes that the clause 13(2) at an annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet as audited, and the financial estimates for the next year shall be presented. However, the Committee, finds that there is no mention of “Return and Information” of its property and activities in the clause. The Committee recommends that the words “Return and Information” may be included in the clause suitably.

(Para 33.2)

Schedule 20(1)(i),(ii),(iii) &(iv)

The Committee notes that in case of the ‘Finance Committee’, while its composition has been given, there is no representation from the University Court in this committee. The Committee opines that University Court being an important body should have representation in the Finance Committee. The Committee, therefore, recommends that a new sub-clause ‘at least one person to be nominated by the Court’ may be added in the Statutes of the Bill.

(Para 34.4)

Schedule 21(2)

The Committee understands that the Heads of the Department are appointed generally by seniority and rotation. It could, therefore, be possible that a Reader happens to be the Head of the Department when the process for appointment to the post of Professor is underway. The Committee, therefore, recommends that the term ‘if he is a reader’ may be appended to (i) of Column 2 of Table against the heading ‘Professor’.

(Para 35.2)

Schedule 32(1)

The Committee feels that the provision of Clause 32(1) of the Statutes and Clause 36(1) of the Bill appears to be contradictory. The Committee, therefore, recommends that the provisions of the Clauses may be suitably re-drafted to remove the inherent contradictions, if any.

(Para 36.3)

Schedule 34(6)

The Committee feels that the provisions of Clause 34(6) of the Statutes and Clause 36(2) of the Bill appear to be contradictory. The Committee, therefore, recommends that the provisions of the Clauses may be suitably re-drafted to provide the similar requirements of a Tribunal of Arbitration in case of dispute arising out of the withdrawal of the said college or institution from its privileges.

(Para 37.3)

Schedule 46(1)

38.2. The Committee notes that in view the outstanding nature of qualification in maritime discipline the Government has constituted the Equivalence Committee which has made some recommendation for the exiting teaching posts in four govt. maritime institutes. The Committee is of the opinion that the Equivalence Committee has considered only the present pay of the faculty while tabulating the scale and post structure for the existing faculties, but has not

been considered about the faculty who are in the same scale for more than 8 to 20 years. The Committee, therefore, recommends that clause 46 (1) of the statutes of the Bill should be amended to take care of existing qualified and experienced faculty members and to place them in appropriate position with scale as per UGC and AICTE norms.

(Para 38.2)

General observations

39. The Committee notes that the proposed Bill envisages setting up of just one Maritime University in the country. However, the Committee recommends that the Bill be reviewed by the Government in the light of the recommendations and especially at paras 5.12 & 5.13 and Government should plan for setting up of five maritime universities in the country i.e. one each in Mumbai, Kolkata, Chennai, Vishakhapatnam and Kochi in view of the increasing demand of maritime human resources in the domestic and global markets. The Committee hopes that while implementing the provisions of the Bill, the recommendations made by the Committee in the foregoing paragraphs will be given due consideration for the formation of five Indian Maritime Universities. The Committee also recommends that efforts should be made to increase substantially the presence of highly qualified scientists, technologists and researchers in the various wings of management of the university in order to facilitate proper administration and academic advancement for the benefit of the student community. The Executive Council, Academic Council and Planning Board should include suitably qualified persons from the maritime industry, professional bodies and maritime training institutes.

(Para 39)

40. In view of the above, the Committee is of the considered view that the present Bill is not sufficient in achieving the desired objectives. The Committee, therefore, recommends that the Government may consider bringing in fresh comprehensive legislation(s) for the creation of five Maritime Universities, before the Parliament as expeditiously as possible.

(Para 40)

XIII

THIRTEENTH MEETING

The Committee met at 3.00 A.M. on Tuesday, the 10th April 2007 in Room No.'139', First Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Sitaram Yechury – *Chairman*

RAJYA SABHA

2. Shri S.S. Chandran
3. Shri Vedprakash P. Goyal
4. Shri M.V. Mysura Reddy
5. Shri Shatrughan Sinha

LOK SABHA

6. Shri Anandrao Vithoba Adsul
7. Shri Joachim Baxla

8. Shri Sartaj Singh Chhatwal
9. Shri Dip Gogoi
10. Dr. P.P. Koya
11. Dr. Ramkrishna Kusmaria
12. Shri Samik Lahiri
13. Shri Alok Kumar Mehta
14. Shri Madan Lal Sharma
15. Shri Dushyant Singh
16. Shri Suraj Singh
17. Shri Prahlad Joshi

SECRETARIAT

Shri Shamsher Singh, Joint Secretary

Shrimati Agnes Momin George, Director

Shri Jagdish Kumar, Under Secretary

Shrimati Subhashree Panigrahi, Committee Officer

- I. * * *
2. * * *
3. * * *

4. The Chairman of the Committee informed the Members that the Chairman, Rajya Sabha in consultation with the Speaker, Lok Sabha, has referred the Indian Maritime University Bill, 2007, which was introduced in the Lok Sabha on the 13th March, 2007 and is pending therein, to this Committee for examination and report within three months. After some discussion the Committee decided to hear the Secretary of the Department of Shipping on the said Bill in its next meeting to be held on 17th April 2007. The Committee also decided to invite comments/suggestions from interested individuals/organisations on the Bill and directed the Secretariat to issue Press Communiqués accordingly.

5. * * *

* Relates to other matters

XV FIFTEENTH MEETING

The Committee met at 3.00 P.M. on Tuesday, the 17th April 2007 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. **Shri Sitaram Yechury – *Chairman***

RAJYA SABHA

2. Prof. Alka Balram Kshtriya
3. Shri M.V. Mysura Reddy
4. Shri Shatrughan Sinha

LOK SABHA

5. Shri Anandrao Vithoba Adsul

6. Shri N.S. V. Chitthan
7. Dr. K. Dhanaraju
8. Shri P. Karunakaran
9. Shri Vijay Kumar Khandelwal
10. Dr. P.P. Koya
11. Dr. Ramkrishna Kusmaria
12. Shri Samik Lahiri
13. Shri Alok Kumar Mehta
14. Shri Prahlad Joshi

SECRETARIAT

Shri Shamsheer Singh, Joint Secretary
Shrimati Agnes Momin George, Director
Shri Jagdish Kumar, Under Secretary
Shrimati Subhashree Panigrahi, Committee Officer

REPRESENTATIVES OF THE DEPARTMENT OF SHIPPING:

Shri A.K. Mohapatra, Secretary (Shipping)
Shri P.C. Dhiman, Joint Secretary (S&WT)
Ms. Kiran Dhingra, Director-General (S)
Shri Lucose Vallatharai, Joint Director-General(S)
Shri P.H. Krishnan, Dy. Director-General, (S)
Shri P. Prabhakaran, Director (NMA)
Shri Ajoy Chatterjee, Chief Surveyor
Shri J.K. Dhar, Principal, LBS College of AMSAR, Mumbai
Shri S. Mukhopadhyay, Director, MERI, Kolkata
Shri S.K. Sarkar, Dy. Director, MERI, Mumbai
Capt. K. R. Sundaram, Capt. Supdt., T.S. Chanakya, Mumbai

2. At the outset, the Committee held preliminary discussion on the Indian Maritime University Bill, 2007, which was referred to it for consideration and report on 19th March, 2006. Thereafter, the Committee heard the views of the Secretary, Department of Shipping. The Chairman and Members raised queries on various provisions of the Bill and the Secretaries responded thereto. To several other queries raised by the Members, the Ministry representatives were requested to give written replies within a week.

4. A verbatim record of the proceedings of the meeting was kept.

3. The Committee then adjourned at 5.30 p.m. to meet again at 3.00 P.M. on 30th April 2007.

SIXTEENTH MEETING

The Committee met at 3.00 P.M. on Wednesday, the 9th May, 2007 in Room No. '63', First Floor, Parliament House, New Delhi.

MEMBERS PRESENT

1. **Shri Sitaram Yechury – Chairman**

RAJYA SABHA

2. Shri Vedprakash P. Goyal

LOK SABHA

3. Shri Anandrao Vithoba Adsul
4. Shri Joachim Baxla
5. Shri Sartaj Singh Chhatwal
6. Shri N.S. V. Chitthan
7. Dr. K. Dhanaraju
8. Smt. Priya Dutt
9. Shri P. Karunakaran
10. Shri Samik Lahiri
11. Shri Madan Lal Sharma
12. Shri Dushyant Singh
13. Shri Prahlad Joshi

SECRETARIAT

Shri Shamsher Singh, Joint Secretary

Shr J.G. Negi, Deputy Secretary

Shri Jagdish Kumar, Under Secretary

Shrimati Subhashree Panigrahi, Committee Officer

2. * * *

3. The Committee then discussed its future programme and decided to visit Mumbai from 17th to 20th June, 2007 subject to the approval of Honble Chairman, Rajya Sabha in connection with the examination of 'Indian Maritime University Bill, 2007' and decided to hear the views of the Maritime Training Institutes/Stakeholders on the 'Indian Maritime University Bill, 2007'. The Committee also authorized its Chairman to seek necessary permission for the proposed visit of the Committee.

4. The Committee then adjourned at 4.00 p.m.

* Relates to other matters

XVIII

EIGHTEENTH MEETING

The Committee met at 2.30 P.M. on Monday, the 2nd July 2007 in Committee Room A, Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Sitaram Yechury – *Chairman*

RAJYA SABHA

2. Prof. Ram Deo Bhandary
3. Shri S.S. Chandran
4. Prof. Alka Balram Kshatriya
5. Shri Janardhana Poojary
6. Shri Shatrughan Sinha

LOK SABHA

7. Shri Anandrao Vithoba Adsul
8. Shri Joachim Baxla
9. Shri Sartaj Singh Chhatwal
10. Shri N.S.V. Chitthan
11. Dr. K. Dhanaraju
12. Shri P. Karunakaran
13. Dr. P.P. Koya
14. Shri Samik Lahiri
15. Shri Alok Kumar Mehta
16. Shri Madan Lal Sharma
17. Shri Dushyant Singh

SECRETARIAT

Shri Shamsher Singh, Joint Secretary

Shri J.G. Negi, Joint Director

Shri Jagdish Kumar, Deputy Director

* * *

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT):

Shri N.L. Meena, Joint Secretary & Legislative Counsel

Shri K.V. Kumar, Assistant Legislative Counsel

2. * * *

* Relates to other matters

3. * * *

4. ***. Thereafter, Committee decided to take up further consideration of the Indian Maritime University Bill, 2007 and decided to visit Chennai from 25 to 28th July, 2007 to hear the views of Maritime Training Institute and other Stakeholders on the Bill. The Committee authorized the Chairman to seek necessary permission for the proposed visit.

5. The Committee then adjourned at 3.45 p.m. ***.

* Relates to other matters

II SECOND MEETING

The Committee met at 11.00 A.M. on Tuesday, the 25th September 2007 in Room No. '63', First Floor, Parliament House, New Delhi.

MEMBERS PRESENT

1. **Shri Sitaram Yechury – *Chairman***

RAJYA SABHA

2. Shri Naresh Gujral
3. Shri Vedprakash P. Goyal
4. Prof. Alka Balram Kshtriya
5. Shri Shahid Siddiqui
6. Shri Shatrughan Sinha

LOK SABHA

7. Shri Joachim Baxla
8. Shri Sartaj Singh Chhatwal
9. Shri N.S.V. Chitthan
10. Dr. K. Dhanaraju
11. Shri P. Karunakaran
12. Dr. P.P. Koya
13. Shri Alok Kumar Mehta
14. Shri Madan Lal Sharma

SECRETARIAT

Shrimati Agnes Momin George, Joint Secretary

Shri Jagdish Kumar, Joint Director

Shri Swarabji B., Deputy Director

Shrimati Subhashree Panigrahi, Assistant Director

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT):

Shri P.B. Singh, Joint Secretary & Legislative Counsel

Shrimati Akali, Assistant Legislative Counsel

REPRESENTATIVE OF THE MARINE ENGINEERING & RESEARCH INSTITUTE, KOLKATA:

Shri K.K. Moulik, Engineer Officer

REPRESENTATIVE OF THE INDIAN INSTITUTE OF PORT MANAGEMENT, KOLKATA;

Shri S.N. Chakrabarty, Director

REPRESENTATIVE OF THE SENSEA MARITIME ACADEMY, KOLKATA;

Capt. Arnab Sen, Dean

REPRESENTATIVE OF THE SEACOM MARINE COLLEGE, KOLKATA;

Shri Anish Chakraborty, Chairman

REPRESENTATIVES OF THE ALL INDIA ASSOCIATION OF EMPLOYEES AND WORKERS OF INSTITUTE OF MARITIME STUDIES, KOLKATA;

Shri R.D. Patil, President

Shri Uttam Sarkar, General Secretary

Shri N.S. Rao, Organizing Secretary

Shri Suresh Shetty, Assistant Secretary

REPRESENTATIVES OF THE MERI MESS EMPLOYEE ASSOCIATION, KOLKATA;

Shri Pranab Roy, President

Shri Biplab Kumar Das, Assistant Secretary

REPRESENTATIVES OF THE MERI GROUP-A OFFICERS ASSOCIATION, KOLKATA;

Shri A.K. Bakshi, Engineer Officer- President
Shri Stephen Varghese, Lecturer-Secretary

2. * * *

3. * * *

4. Thereafter, the Committee heard the views of the above-mentioned stakeholders on the Indian Maritime University Bill 2007. The Members raised queries on various provisions of the Bill and the stakeholders explained their position thereon.

5. A verbatim record of the proceedings of the Meeting was kept.

6. The meeting of the Committee then adjourned at 3.50 p.m.

* Relates to other matters.