

14.40 hrs

DOCK WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT BILL.

THE MINISTER OF SHIPPING AND TRANSPORT AND TOURISM AND CIVIL AVIATION (SHRI A. P. SHARMA): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Dock Workers (Regulation of Employment) Act, 1948, be taken into consideration."

While moving this Bill. I would like to explain in a few minutes as to what is the necessity of this amending Bill.

Prior to 1948, there was no statutory arrangement to regulate the employment of dock workers. They were engaged on casual basis. The Dock Labour (Regulation of Employment) Act, was passed in 1948. Under this Act schemes have been framed in major ports for registration of certain categories of dock workers and also of employers. The schemes are administered by Dock Labour Boards which consist of equal representatives of Government, employers of dock workers and shipping companies. Such Boards have been set up in seven major ports.

This Act empowers the Dock Labour Boards to levy and recover from the registered employers contributions to meet the expenses of the schemes. The schemes also provide for creation of dock workers welfare fund out of contributions collected from the employers. The Committee on subordinate Legislation (5th Lok Sabha) in its 12th report observed that the parent Act, the Act of 1948, did not contain specific authorization for the Dock Labour Board to create and maintain dock workers welfare fund. The amending bill accordingly seeks to specifically empower the Dock

Labour Boards to create such funds and administer them. As these funds have been in existence since the commencement of the parent Act, it is necessary to give retrospective effect to this amendment to regularise the operation of existing funds.

The parent Act provides for framing of regulations of employment schemes and rules. While there is a provision for laying of the rules framed under the parent Act before Parliament, there is no similar provision for laying of the schemes. Therefore, the Committee of Subordinate Legislation observed that specific provision should be made under the Act for laying of the schemes also before Parliament. The intention of this Bill, according to the recommendations of the Committee on Subordinate Legislation, is to have a provision for laying of the schemes also before both Houses of Parliament. I would not like to take much time of the House, because it is a non-controversial Bill and I hope every side of the House will accept it.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Dock Workers (Regulation of Employment) Act, 1948, be taken into consideration."

SHRI GADADHAR SAHA (Birbhum): Mr. Chairman, Sir, it is a small amending bill before the House with two-fold objective, one for making a provision in the Act for creating funds and administering them and for this purpose authorising the Dock Labour Boards to do so, and two, for making a provision in the Act for laying of the rules and schemes before Parliament.

Firstly, I would like to support this bill, but with certain reservations and would like to make some observations about the limitations, weaknesses and working of the schemes and rules under the principal Act.

[Shri Gadadhar Saha]

Sir, the Dock Labour Boards ensure regularity of employment. Secondly, the Board authorities provide various welfare schemes and facilities relating to education, medical aid, recreation and accommodation. Besides these, there are cooperative credit societies and cooperative stores and fair price shops organized in the ports. Merit scholarships to children of registered employees, and also stipend for higher education for children of registered employees have been introduced at some ports. Welfare funds have been set up at some ports for providing them financial help. These are the reasons for my supporting the Bill.

I now come to the question of limitations and weaknesses in the schemes and rules made under the first Act. The social and economic purpose of these schemes and rules is not only limited and inadequate, but the working of these schemes and rules is also unsatisfactory and discriminatory. First, only in 7 major ports out of 10, there are Dock Labour Boards. Second, the provision of these schemes is limited to certain specified classes of workers. Third, the schemes are at present in operation only in 7 major ports out of 10, not to speak of minor ports.

According to the Report of the Ministry of Shipping and Transport for the year 1979-80, there are 1,07,265 port employees engaged in 7 of the major ports of Bombay, Calcutta, Madras, Cochin, Kandla, Mormugao and Visakhapatnam in 1979. And out of them, 2791 are casual workers. And out of 28,619 dock workers engaged in the work of loading and unloading, movement and storage of cargoes, anchoring of ships and vessels, receipt and despatch of cargoes, etc., 4,800 are listed workers. And only registered workers are covered under the welfare schemes, and the vast number of these categories of casual, listed workers are left uncovered under the schemes. Moreover, while it is

proper to follow the principle of equal security and equal facilities for workers of major ports, of the same category, it is found that a policy of unequal facilities is being followed; and there is also a casual approach towards the problems and welfare of these huge number of workers. Workers are being discriminated against.

One example I want to cite, as regards availability of and disparity in accommodation facilities. In Calcutta, the total number of workers is 8998; and the number of workers provided with accommodation facilities constitutes 4.26 per cent thereof. But in the case of Bombay, the total number of workers is 7997, and accommodation facilities are provided to 18.15 per cent of them. In 4 major ports of Bombay, Madras, Kandla & Visakhapatnam the decasualisation schemes are being supplemented by listing unregistered schemes. These are the reasons for agitation, disputes and bad industrial relations. Moreover, in the amending Bill there is a provision for recovery from the workers, but there in no case it shall increase an amount equivalent to twice the rate of contribution to any such fund because there are schemes and rules which regulate the conditions of work, rate of remuneration and the rate of contributions. And there is also a penalty-provision in the Act. And here I want to say that no scheme shall provide for summary proceedings against the workers, without an opportunity being given to the workers for being heard before action is taken against them under the scheme. With these words, I conclude.

श्री गिरधर लाल व्यास (भीलवाडा):
सभापति महोदय, डाक वर्कर्स के सम्बन्ध में जो यह बिल मंत्री महोदय ने प्रस्तुत किया है उस का तो मैं स्वागत करता हूँ। लेकिन कुछ बातें इस के सम्बन्ध में निवेदन करना चाहता हूँ। अभी अभी जो माननीय सदस्या बोल रहे थे उन्होंने कुछ प्वाइंट्स यहाँ पर रखे। जहाँ पर भी इस प्रकार के

बोर्ड बनते हैं उन बोर्ड्स का यह ताल्लुक रहता है कि वह वर्क्स के वेलफेयर के सम्बन्ध में विशेष तौर से ध्यान रखें। अब ये जितने भी बोर्ड बनें हैं बोर्ड का कर्तव्य मजदूरों के हित का ध्यान रखने का भी है और बोर्ड का यह काम भी है कि वहाँ का प्रबन्ध भी ठीक प्रकार से चले। अभी आप ने थोड़े दिन पहले देखा होगा कलकत्ता के डाकयार्ड के सम्बन्ध में एक बहुत गंभीर प्रश्न हमारे सामने आया था। इस प्रकार के डाकयार्ड इस देश में हैं जहाँ पर जो सामान लादा जाता है उसमें से कितना पिलफ्रेज होता है, कितना सामान हटता है, वैसे कीसी व्यवस्थाएँ चलती हैं—इस सम्बन्ध में अबतक कोई विशेष ध्यान नहीं दिया गया है। इस तौर से कलकत्ता डाकयार्ड के सम्बन्ध में इस प्रकार की बात है कि रेल के दौरे भी चले जाते हैं ताँ बगन की एक-एक कोल निकाल नी जाती है, सामान का तो मवाल ही क्या है। जब इस प्रकार की स्थिति डाक यार्ड्स में हो तो निश्चित तरीके से उस डाकयार्ड का कोई विशेष लाभ सरकार को नहीं होगा। आप कलकत्ते के सम्बन्ध में पिछले कई वर्षों का हिसाब लगाकर देखें कि साल में कितना लदान हुआ, उसमें कितना अन्तर आया, उसकी जिम्मेदारी किसके ऊपर है, कौन से लोग हैं जो लदान में सामान का पिलफ्रेज करते हैं, सामान को निकाल ले जाते हैं वहाँ पर गई हुई गाड़ी की गाड़ी गायब हो जाती है जब इस प्रकार की स्थिति कलकत्ता डाकयार्ड की हो तो मैं मंत्री जी से विशेष रूप से निवेदन करना चाहूँगा कि वे इस सम्बन्ध में इस प्रकार की व्यवस्था करें जिससे कि डाकयार्ड के द्वारा जो इम्पोर्ट और एक्सपोर्ट का काम होता है, जो सामान आता जाता है ठीक प्रकार से लोगों के पास पहुँच सके। आज व्यापारी भाई यह सांचते हैं कि अगर कलकत्ता डाकयार्ड में सामान जायेगा तो निश्चित रूप से वह पहुँच नहीं पायेगा। इस प्रकार से डाकयार्ड की तरक्की में जो अवरोध आ रहा है उसको दूर करने की तरफ ध्यान दिया जाए ताकि हर व्यक्ति और संस्था को यह विश्वास हो सके कि वहाँ से जो सामान का लदान होगा या जो भी सामान उतारा जाएगा वह अवश्य

मिल जायेगा। इसकी व्यवस्था निश्चित रूप से की जानी चाहिए।

दूसरे जैसा कि अभी वर्क्स के सम्बन्ध में आर्डर देकर बताया गया कि 1 लाख 7 हजार 625 वर्क्स डाकयार्ड में काम करते हैं तो उनमें कितने लोग परमानेंट हैं, कितने लोग कंजुअल हैं और कितने लोगों को लेवर्स से सम्बन्धित वॉनफिट स्कीम के अन्तर्गत सुविधाएँ मिलती हैं? प्राविडेंट फंड, ई एम आई स्कीम, ग्रैज्युटी तथा अन्य प्रकार की जो फौसिलिटीज हैं वह वर्क्स को एवलेंडल है या नहीं? आपका जो पहले का एक्ट है या अब जो आप अमंड-मेंट कर रहे हैं इसमें इस प्रकार की कोई बात नहीं बताया गई है कि मजदूरों को फौसिलिटीज मिलनी चाहिए जिससे कि उनकी आर्थिक हालत सुधर सके और वे अपने पैरों पर खड़े हो सकें वह उनको दिलाने की व्यवस्था है या नहीं?

MR. DEPUTY-SPEAKER: Mr. Vyas. it is now 3 O'clock. We are going to start Private Members' Bills. You can continue next time. Shri Bapusaheb Parulekar.

15 hrs.

CONSTITUTION (AMENDMENT) BILL* (Amendment of Article 356)

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI BAPUSAHEB PARULEKAR: I introduce the Bill.