

[श्री इस्माइल]

मेंट के मेम्बरों की एक कमेटी सेट अप करे, जो इस बात की एन्क्वायरी करे कि शाप्स एंड एस्टाब्लिशमेंट्स एकट कैसे काम कर रहा है।

जहां तक दिल्ली का ताल्लुक है, हम लोग अंधेरे में हैं। हमें मालूम नहीं कि कितने लोग इस में घाते हैं और कितने लोगों को बेनिफिट मिला है। दुकानदारों को तंग किया जाता है, वर्कज को उन के अधिकार नहीं दिये जाते हैं और करप्शन बढ़ रहा है। उस को इंस्पेक्टर जा कर कह देता है कि तुम एग्जाप्ट कैसे होंगे यह मैं बता देता हूं, तुम्हारा बचाव कैसे हों मैं बताता हूं। इस में 5 का है तो तुम 3 रखो और रात का है तो सामने दरवाजा के पीछे बरवाजा रखो और 5 रुपये महीना दिया करो, जब कोई डिफिकल्टी होगी हम आ कर बता देंगे। यह जरनल तौर से हो गया है, मैं बिल्कुल सीरियसली कह रहा हूं। इसलिए मेरा कहना यही है कि सरकार इसकी एन्क्वायरी कराए, लेबर डिपार्टमेंट एन्क्वायरी करा कर रिपोर्ट पेश करें ताकि देश को मालूम हो सके और इससे जिन लोगों का ताल्लुक है उन को मालूम हो सके। उनको क्या मिल रहा है वह भी बोल सकें और छोटे दुकानदारों की अपनी ग्रीवासेज क्या है वह भी बता सकें।

श्री भागवत भ्वा आजाद : दिल्ली दुकान और स्थापना विधेयक की विधेयता और महता का स्पष्ट प्रमाण यह है कि तृतीय वाचन पर माननीय सदस्यों ने इसमें बहुत जोर शोर से भाग लिया। जिन सात सदस्यों ने इस में भाग लिया सभी ने इस का स्वागत किया। लेकिन साथ साथ उन्होंने इसमें सुझाव भी दिए हैं। इन सुझावों को हम दिल्ली प्रशासन के पास जब कानून का अमल किया जायगा तब वह इसे ध्यान में रखें इस के लिए भेज देंगे। कन्दु साहब ने कहा कि 12 महीने के लगातार कार्य के बाद ही यह छुट्टी मिलेगी, यह आशंका उन्होंने-

ने रखी तो ऐसी बात नहीं है। चार महीने के लगातार काम के बाद भी बह पांच दिन की छुट्टी का भागी होता है। यह कान्टीग्युअस के लिए आप ने बताया कि इस की परिभाषा नहीं दी गई है। इस की परिभाषा मूल कानून में भी नहीं थी। हमने यह समझा कि इसकी परिभाषा की आवश्यकता नहीं है। लेकिन सभ्य है कि जैसा कि माननीय सदस्यों ने बताया कठिनाई हो तो फिर इस पर विचार करेंगे। लेकिन एक बात है कि हम आप से बाजी नहीं लगा सकते। बाजी और बेट करना यह आप कर सकते हैं। हम नहीं कर सकते। बस इतना ही कह कर मैं तमाम सदस्यों को घन्यवाद देता हूं कि उन्होंने इस विधेयक का स्वागत किया है और इसे पूर्ण समर्थन दिया है।

MR. DEPUTY-SPEAKER : The question is :

"That the Bill, as amended, be passed.

The motion was adopted.

16.11 hrs.

DOCK WORKERS (REGULATIGN OF EMPLOYMENT) AMENDMENT BILL

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION (SHRI BHAGWAT JHA AZAD) : Sir, I beg to move :

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

As the hon. Members are aware, the parent legislation was enacted in 1948 mainly with a view to reducing the hardship suffered by dock workers due to the casual nature of their employment. The Act empowers

Government to frame schemes for the registration of dock workers in order to ensure greater regularity of employment of dock workers whether registered or not.

We have so far framed schemes for the decasualisation of stevedore labour in the ports of Bombay, Calcutta, Madras, Cochin, Visakhapatnam, Mormugao and Kandla. Each scheme is administered by a tripartite statutory body called the Dock Labour Board having equal number of representatives of the Government, dock workers and employers of dock workers and shipping companies. The workers registered under these schemes are entitled to benefits like rotational booking, minimum guaranteed wages in a month, attendance allowance, disappointment money, leave, holidays with pay, provident fund, gratuity and welfare facilities. Schemes for listing of certain categories of dock workers with a view to collect relevant data before the question of their decasualisation is considered are also in operation in the ports of Bombay, Madras, Visakhapatnam and Kandla. The workers listed under these schemes are also getting certain similar benefits as indicated for the registered workers which vary from major port to major port.

16.12 hrs.

[SHRI K. N. TIWARI *in the chair*]

In the light of the experience gained of the working of the various schemes, some improvements in the present law have been considered necessary. The Bill seeks to make suitable amendments. These relate to the inclusion of provisions in the Act for incurring of expenditure for the welfare of the employees of the Dock Labour Board and making the Directors, Managers, etc. of the companies liable for offences or abatement thereof punishable by schemes framed under the Act. The Statement of Objects and Reasons explains the purpose of the Bill.

I hope that the provisions of the Bill will be welcome to all sections of the House. I commend the Bill for the consideration of the House.

MR. CHAIRMAN : Motion moved :

"That the Bill further to amend the Dock Workers (Regulation of Employ-

ment) Act, 1948, as passed by Rajya Sabha, be taken into consideration."

SHRI LOBO PRABHU (Udipi) : Sir, the minister has reeled off so many happy features of dock labour that I wonder whether he is living in this country or in some forgotten paradise. There has been nothing more unsatisfactory in this country than the conditions of dock labour and the port trusts. That this should happen in spite of this legislation dating back to 1948 is no commendation of the minister. That this should happen when so much is being done for dock labour is actually a condemnation of the wrong policies followed by the Government. We have, therefore, to examine this Bill in the context of the failure of the Labour Ministry to control dock labour and to assist the Transport Ministry to discharge its duties to the country in making sea transport easy, cheap and prompt.

The importance of docks is that if they held up either the incoming imports or outgoing exports, they touch the whole line, sometimes reaching right down, as in respect of jute, to the worker. The last strike of workers in Calcutta is estimated to have held up Rs. 110 crores worth of exports. One has to consider what it means in terms of loss of foreign exchange, loss arising from failure to keep the contracts, loss for shipping dues, demurrage charges and so on. All because of the failure of the ministry to solve the problems of dock labour. At the same time when there was this stevedore strike, there was another strike by bargemen which lasted 70 days and another strike in the port trust in the form of go slow. There were three strikes simultaneously in Calcutta. The result is, Calcutta which held the first place among the ports of India is now holding the sixth place. Goods are being shipped from Kandla across the whole continent instead of being shipped from Calcutta. This is such an innocuous Bill that we could have forgotten about it. There are more important things which the ministry has not considered. In 1969, they had a tripartite committee which made various proposals for solving the problems of Calcutta port. They found that 18,000 workers were surplus and recommended

that they should be voluntarily retired, a recommendation which has not seem implementation till today. On the other hand, these very workers have been paid overtime wages! What is the port trust doing that such things should occur? No doubt that question should be addressed to the Transport Ministry, but the port trust is also dependent on the Labour Ministry for all the troubles that labour creates for it. In this matter the co-operation between the Ministries is not there. Even the Minister of Transport, who should have been present, is not be seen although he is quite zealous as the Minister of Parliamentary Affairs.

So, we have now really got to think in terms of doing something for the dock labour which will end this malaise, this disease which has been persisting not only in Calcutta—I mention Calcutta because it is the worst—but also in Bombay, Madras and Cochin. So, you have strikes everywhere. The latest proposal in the Bill is a tripartite body at the Centre composit of the three main all India labour bodies, which is supposed to settle the the strikes, or at least retard them, by allowing one month's time before anyone goes on a wild cat strike. I would like to ask of the Minister what has been done about it. It is not enough that you make proposals. You have the proposals of 1969 of a tripartite body and now we have this proposal. Unless we do something about it, we cannot solve this problem.

Secondly, the Minister must somehow allow the true facts of the strike to be available to the public. Most strikes succeed and most strikes become such a burden on the public because the Ministry thinks nothing should be disclosed. The Ministry should disclose the rights and wrongs of everything. Where the workers deserve something, it should be conceded and where the country is going to suffer the workers should be made to assume the burden of the loss which the country suffers. If you observe a conspiracy of silence about the striking dock workers you are encouraging these workers to go their own way, inflicting such heavy losses on the country, paralysing as it is the economic life from time to time.

The third thing which the Ministry should do is to make sure that when dock labour is quite unresasonable, something must be done to save the country. In a country as advanced as UK, in the recent dock strike they declared an emergency and called the navy in. And that was a strike of a very short standing. Are we thinking that we are more advanced in democracy and socialism that even though we have a navy which can do the work of the dock workers and reduce the losses we will still allow the dock workers to go on as they like?

Lastly, we have got to realise that we are citizens of this country and as citizens of this country we have to work not only for ourselves but we have to work for the country. If we cannot instill that sense of service for the country, loyalty to aims higher than self, loyalty to more than one trade union, there is no hope for the country. It should be a definite policy for us to emphasize our Indianness; I am not speaking of Indianisation; I am speaking of creating a sense of Indianness in the people when they go wrong, when they punish others in order to get a small gain for themselves. These are the four points that I would like to offer to the Minister.

On this Bill I would like to say that it is rather strange that the Ministry should go out of their way to include officers in the Dock Workers Welfare Fund. I have been an officer but I do not think I have shared such benefits as are given to fourth class employees. A distinction has to be made. It was found out that this fund has been applied in the case naval officers to allow them to go abroad and this was mentioned in the other House. I, therefore, propose the amendment that officers should be eliminated from the scheme which is for the benefit of the workers.

SHRI INDRAJIT GUPTA : I hope, he is representing his party's view and not his own.

SHRI LOBO PRABHU : My party's point of view is mine because I am the only one from the party present here. I can assure my good friend from the CPI that

my party is for the worker and not for the officer. It is for the officer only to the extent that it would like the officer to do better work than he is doing. It is not for the officer who, in the name of socialism, adds to the complications of life and to the corruption of life. I can tell you that I and my party stand, if they stand at all for the officer, only as long as he serves the country.

Now to return to the Bill after this diversion, may I point out that it is the principle of law that you punish only one party? Through these two amendments, 7A (1) and (2) you going to punish both the company and the manager, concerned. It is quite proper to punish the company when you cannot identify the particular offender, but where identification is possible, do not put the burden of the fine and the imprisonment on the company because, firstly, you cannot carry out a sentence of imprisonment on a company and, secondly, if you put a fine it will not be borne by the company but will be carried into the cost of production and will be paid by the people themselves. So, by all means, punish the officer whom you can identify but do not punish both where you can punish one very satisfactorily.

That also applies for section 7A(2), where both officers and the company are to be punished.

I do hope that the Minister's satisfaction is slightly reduced after what I have said. I also do hope that he will satisfy the public of this country. The Ministry does not exist only for the workers. We are all workers. There are 187 million workers and these people also depend on the Ministry for a fair deal.

श्री हुकम चन्ब कल्लवाय (उज्जैन) : सभा-पति जी, यह बिल जो हमारे सामने आया है, मैं इस का स्वागत करता हूँ। लेकिन इस बिल को बहुत दिनों के बाद सदन के विचार के लिये लाया गया है-इस बात का हमें दुःख है। यह बहुत उचित कदम आपने उठाया है कि

उन का अब रजिस्ट्रेशन होगा और उनको बारी बारी से काम दिया जायगा। यह ठीक है कि काम काफी कम है और कम होने के कारण उन्हें बारी बारी से काम दिया जाता है जोकि पर्याप्त नहीं होता है, अब यह प्रथा इस संशोधन से बोर्ड के लोगों पर भी लागू हो जायगी। लेकिन मेरा कहना यह है कि अधिक से अधिक लोगों को काम मिले, अधिक समय तक काम मिले, पर्याप्त पैसा मिले, इस बात की व्यवस्था भी करनी चाहिए।

अब प्रश्न यह है कि यह कैसे हो सरकार कौन कौन से शिपिंग क्षेत्र में काम खोले? इस लाइन के अन्दर हम बहुत दुनिया में पीछे हैं, हमारा शिपिंग का जो कारोबार है, दुनिया में, वह बहुत पीछे है। इस लिये हमें अपने शिपिंग के कारोबार को बहुत तेजी से बढ़ाना चाहिए, अगर हम अपने इस कार्य को बढ़ायेंगे तो उस से लदान बढ़ेगा, हम अधिक माल मंगा सकते हैं, भेज सकते हैं और उसके लिये अधिक जेट्टियों का निर्माण कर सकते हैं, जिससे अधिक लोगों को रोजगार दे सकते हैं।

इस बिल में आपने यह भी कहा है कि जो कम्पनियाँ हैं, यदि वे अपराध करती हैं, तो उन के प्रबन्धक, उन के डायरेक्टरों पर भी जुर्माना किया जायगा। मैं इस बात से सहमत हूँ। होता क्या है? अफसर लोग या बड़े बड़े प्रबन्धक लोग अपनी मनमानी करते हैं और वे किसी कारण से बच कर निकल जाते हैं तथा सारा मामला कम्पनी पर पड़ता है। अब इस संशोधन से अफसरों को सी भय होगा कि हम इस कानून से बच नहीं सकते हैं। अब उन को भी सजा मिलेगा। यह बहुत अच्छी व्यवस्था इस में आपने की। परन्तु आज जो प्राइवेट शिप दुनिया के देशों में जाती है या जो हमारी शिप दुनिया के देशों में जाती है, चाहे लदान की हो या सवारियों की हो, उनमें जो काम करने वाले हैं, उन की वास्तविक दशा क्या है?

[श्री हुकमचन्द कछवाय]

ऐसे उदाहरण मिले कि एक शिप में काम करने वाला कर्मचारी का सम्बन्ध 8-8 महीने तक उसके परिवार के लोगों, घर के लोगों से टूट सा जाता है, उसे पता नहीं होता कि उस के परिवार के लोग कैसे हैं। इसी तरह से उसके परिवार के लोगों को भी पता नहीं होता कि उसका आदमी जो सविस पर गया है उसकी क्या स्थिति है। ऐसा भी होता है कि शिप पर काम करने वाले कर्मचारी के परिवार के लोग बीमार पड़े हैं लेकिन उनको कोई सहायता नहीं मिल सकी। इसलिए मैं सुझाव देना चाहता हूँ कि शिपिंग कार्पोरेशन की तरफ से ऐसी व्यवस्था होनी चाहिये कि कर्मचारियों के परिवारों की देखरेख के लिए कोई छोटा सा मोहकमा बनाया जाये जो इस बात को देखे कि कौन व्यक्ति बाहर गया है, उसकी स्थिति क्या है, उसके घर का कोई व्यक्ति बीमार तो नहीं पड़ गया है, कोई मर तो नहीं गया है या कोई और दिक्कत तो नहीं है ताकि उस हालत में उनकी सहायता की जा सके। इस प्रकार शिप पर काम करने वाले कर्मचारियों में यह विश्वास पैदा होगा कि यद्यपि मैं अपने परिवार को छोड़कर दूसरे देश में पड़ा हुआ हूँ लेकिन मेरे यहां आने के बावजूद मेरे परिवार को किसी प्रकार की कोई कठिनाई नहीं होगी चाहे वह बच्चे के एडमिशन की बात हो या कोई आर्थिक समस्या हो या किसी की बीमारी की बात हो — मेरे परिवार को किसी प्रकार के सकट का सामना नहीं करना होगा। उनमें इस प्रकार का विश्वास पैदा होना बहुत जरूरी है। लेकिन आज चाहे कोई कैप्टेन हो या छोटे रैंक का कर्मचारी हो, उसको यह चिन्ता बनी रहती है कि मैं तो यहां पर हूँ, मालूम नहीं मेरे परिवार के लोगों की क्या स्थिति होगी। इस बात पर सरकार को जरूर विचार करना चाहिए। यद्यपि इस बिल के अन्दर इस प्रकार की बात कहीं नहीं आई है लेकिन मुझे

आशा है कि सरकार इस पर जरूर विचार करेगी।

सभापति जी, आज 6 महीने नौकरी करने के बाद उसे छुट्टी दे दी जाती है। 6 महीने काम करो और 6 महीने आराम करो, पता नहीं यह कौन सा तरीका है, कौन सा कानून है? 6 महीने तक तो वह घर नहीं आ सकते लेकिन उसके बाद जब उसे छुट्टी दे दी गई तो 6 महीने तक वह घर में ही रहे, घर से बाहर न निकले। मेरा कहना है कि इस तरीके में जरूर सुधार होना चाहिए। उसको जब आवश्यकता हो तब उसको छुट्टी मिलनी चाहिये और घर से बाहर रहने पर उसको बराबर संदेश मिलते रहना चाहिए अपने परिवार को।

सभापति जी, शिप के अन्दर जो यात्री होते हैं उनके प्रति कर्मचारियों का व्यवहार बहुत अच्छा रहता है—ऐसा देखने को मिला है परन्तु वे जो अपनी कहानी सुनाते हैं उनको जो पैसे मिलते हैं, जिस प्रकार से वे अपना गुजारा करते हैं वह बड़ी ही बयनीय स्थिति है। इसलिए मेरा आग्रह है कि उनके वेतन में बढ़ोत्तरी होनी चाहिये, उनको अधिक सहूलियतें मिलनी चाहिए, उनका मंहगाई भत्ता भी बढ़ना चाहिए खासकर, तब जबकि प्रायः उनसे कसकर इतना काम लेते हैं। शिप पर रहते समय नीचे पानी होता है और ऊपर आकाश होता है और इसके अतिरिक्त उनको कुछ दिखाई नहीं देता। ऐसी हालत में वे बोर हो जाते हैं इसलिये उनके मनोरंजन के साधन पर्याप्त मात्रा में होने चाहिये।

अन्त में इस बिल का समर्थन करते हुए मैं यही प्रार्थना करूंगा कि हमारे देश की गतिविधियों के सनाचार समय समय पर मिलते रहने चाहिये। काफी समय तक वे देश के बाहर रहते हैं इसलिए ऐसी व्यवस्था हो कि

उनको भारत के समाचार ठीक प्रकार से समय समय पर मिल सकें, उनके परिवारों के सम्बन्ध में समय समय पर पूरी जानकारी मिलती रहे। मैं मंत्री महोदय से प्रार्थना करूँगा कि मैंने जो मुद्दे उठाये हैं उन पर वे विशेष ध्यान दें।

SHRI INDRAJIT GUPTA : Mr. Chairman, Sir, the first point that I would like to raise is to put a question to the hon. Minister about what I consider to be somewhat an unusual procedure. I find that this amending Bill was passed in the Rajya Sabha in December, 1967 and it has come before the Lok Sabha only in August, 1970. This is not generally the practice that we follow that Bills in the period of transition from one House to the other take nearly 3 years or 2½ years. So, I would like the the hon. Minister first to explain to the House what is the reason for this unusual delay and why he has taken so long.

This has a particular significance because the main amendment which is proposed in the Bill, namely, of offences committed by companies, entitling provisions of punishment and penalty means that from December, 1967 to August, 1970, you have allowed a period of nearly 2½ years during which these companies which may be committing so many offences against the Parent Act have been allowed to go scot-free. The purpose of this Bill was to tighten up penalties and the procedure of punishment. Instead, by delaying the passage of this Bill—I do not know why Government has done that, they must explain to the House—they have actually in practice permitted the offences by companies during the intervening period. I do not see why. Whether this is done deliberately or unwittingly or due to some negligence of the Government—I do not know. This has been to the benefit of companies who, we know, are guilty of a large number of offences which have prompted the Government to bring this Bill.

Secondly, so far as the provisions of this Bill go, I share Mr. Lobo Prabhu's opinion. Regarding the first amendment which is proposed here under Sec. 3—that is my opinion also—there is no reason whatsoever for in-

cluding the officers along with the other staff of the Dock Labour Board to be the beneficiaries of any welfare fund or welfare schemes which are proposed to be executed. I think this is quite an unprecedented thing. We have never done anything of this type, for a common welfare fund which is being provided for all, to be drawn on by both the staff, the ordinary employees and workers as well as by the officers.

You should know, Sir—I am sure you have visited Calcutta many times—that in the docks in Calcutta where about 14,000 workers are employed under the Dock Labour Board upto this day no housing what soever has been provided to the dock workers. There is housing for Port Commissioner's labour but todate there is no housing provided for dock labour in Calcutta and the conditions in which dock labour live have to be seen to be believed—conditions of utter squalor, congestion, the worst kind of insanitary slums and bustees which are there in the dock area. These are the only places where the dock workers can find some sort of a place of residence. Even in Bombay under the Dock Labour Board's scheme there has been a housing project for the dock workers but upto this day in Calcutta nothing has been done for them. Am I to think that the welfare schemes and the welfare fund they are thinking of are adequate to provide sufficient housing for 14,000 dock workers and also over and above that, to provide some sort of welfare facilities to the officers also? The result may, be I am afraid and I apprehend, that out of the limited resources which would be available in the name of welfare, if both the officers and the staff are to make their claims on it, it is the dock workers who will suffer and the officers will get a bigger share of the benefit with all sorts of malpractices which are there and which Mr. Lobo Prabhu has also referred to. Therefore, I think from this amendment in Cl. 2 these categories of officers should be excluded. If you want to do something for them, make a separate provision for them. There may be certain things which may be required by officers. You can make a special provision for them separately. Don't mix them with the workers of the Dock Labour Board.

So far as clause 7A is concerned, it is good as far as it goes. The only question

[Shri Inderjit Gupta]

I would like to ask the Minister by way of clarification is about this proviso to 7A which says :

“Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence or abetment was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence or abetment.”

I do not know as to what is the need of this proviso at all. I mean if this particular office of Director, Manager or whoever he is, does something, why should he not be liable? He is liable. He can appear before the Court, before the Magistrate and if he proves there that he was innocent or that he did not have knowledge of the offence which was committed or that he tried his best to prevent it, well, the Court will acquit him. If he cannot prove his innocence, he will be punished. If he can prove without going to court that he is not guilty of these things, then he will not be liable. Prove to whom? It is there the thin end of the wedge comes in. It is where there is a loophole perhaps for all sorts of corrupt practices. He will always be able to prove that he was innocent, that he did not know about this, that he tried his best to prevent it, that it was done without his knowledge. He will do it; he will always be able to prove it and in 99 per cent of the cases he will never be asked to appear before a magistrate. This proviso should be removed.

After all, there are sufficient safeguards here. He has to be found guilty; if he is not guilty; he will be acquitted. Therefore there should not be this proviso. Why should this opportunity be given to him so that he may, by some underhand means try to escape the liability? Therefore, I want that this proviso should be removed.

There are two or three general points which I wish to make. This Bill is coming up in this House 2½ years after it was passed by the Rajya Sabha. That itself show what sort of a hesitant, halting and inadequate

measure this is to amend the Dock Workers (Regulation and Employment) Act. In the meantime so many things have happened; so many things are crying for action; so many things are crying for amendments. Yet the Government does not seem to have any inclination to bring forward such amendments.

First of all I would like to refer briefly to the recent strike in Calcutta which Mr. Lobo Prabhu referred to. That strike lasted a couple of weeks. What was the essence of it? The essence of it was the new system which was sought to be introduced. You change radically the old basis on which the workers have so long worked for years, to which they have for years together been accustomed, to get the bookings for their jobs and the promotional channels which go with that type of booking. As everybody knows the system of booking is by gangs. There are certain gangs which are registered gangs and the booking has always been done gangwise; promotion is done within each gang; this is a system which may have its advantages; its disadvantages, its pros and cons, but my point is this, that when you want to change a system radically and introduce a new system—this is what they are trying to do—then it may be very well for the future entrants, for new workers who may come in the future, who are recruited for future jobs,—but this will greatly affect the old workers who has been accustomed for decades or, I will say, for generations, to the present system of gangwise promotion. Without adequate explanation and adequate appreciation of the point of view of the workers, this was introduced and that led to this kind of strike which took place there.

It is because now the whole basis has been changed and a new incentive scheme is sought to be introduced; and in the incentive scheme, the gangwise booking is not to be continued any more. The promotion which used to take place within each gang has to take place categorywise. This has certainly created an upheaval there in the minds and the psychology of the workers. Sir, workers in the country are generally very conservative-minded. When they get accustomed to one particular

method of work for years together, it needs quite a lot of trouble and persuasion to change such a system, and they have got to be told what exactly are the advantages, if any, of the new system and how it will benefit them in the long run. They now fear that it will be to their disadvantage and their fears are not unfounded. Therefore, you have to clear them up. You have to clear up their apprehensions.

Their first apprehension is that under cover of this new schemes, a number of workers would be declared surplus, because the Experts Committee, Chatterjee Committee, had recommended that there was surplus labour in Calcutta dock and that it should be reduced.

Then the second apprehension is that if gangwise promotion is done away with and if inter-gang promotion are done away with, then every worker is likely to suffer a very heavy loss. The normal channel of promotion from hatchman and wuichman to mate, from mate to sardar and so on is going to be disturbed and therefore the workers are likely to lose financially speaking also. It is not necessary for the purposes of this Bill to go into any more detailed discussion on this matter. But I hope the hon. Minister will at least to some extent share my view that this new scheme, if it had been sought to be introduced and implemented with a little more patience and after a little more discussion and consultation need not have provoked this kind of strike which took place and which had paralysed the working of the docks for two weeks. They were forced to make an agreement in the end. But it is a very *ad hoc* provisional agreement. After three months, the whole scheme will have to be reviewed again. It was only on that basis that the strike was called off. They also had to agree that because of the change in the normal channel of promotion, some compensation will have to be paid to the workers who are denied of their promotion which they would otherwise have got under the old system. So, this may be just a lull before another storm. I do not know what will happen after three months, unless they seriously consider how to get this scheme reviewed and consultation with the workers concerned.

The hon. Minister referred to the question of decasualisation in his introductory remarks. This question of decasualisation is connected with the whole question of how the booking by the gangs and the promotion of the workers has to be regulated. Here is a Bill which comes to us after two and a half years and it deals only with some superficial problems which are not the burning issues of the moment at all.

I think it was high time that the Government of India gave some serious thought to the question of changing the whole system of operations in our ports. It is not necessary that just because use in Parliament we have decided, for good or bad, to follow the British Parliamentary practice in many matters or most matters, therefore, we must follow the British practice of operating their ports and London docks, namely that there must always be two authorities. It is so ridiculous and so anomalous and anachronistic. The worker who works on board the vessels, that is, the man who works on the ship, that is handles cargo in the hatch of the ship comes under the Dock Labour Board; he is employed by the stevedore companies and his administering authority is the Dock Labour Board under the Ministry of Labour. The moment the cargo comes off the ship and is landed on the side of the docks where the sheds are situated, then it begins to be handled by the shore workers or shore labour, who are under the port commissioners, and who are the employees of the Port Commissioners and come under the Ministry of Transport. This is an endless source of trouble in the ports and dock of our country. I do not understand why it should not be logical, to have one central authority. Let the entire labour force working in the ports and docks, whether they be on the shore or on board the vessel, come under or be employed directly by either the port commissioners or some other authority. There is no need to have this kind of double authority which is leading to endless trouble all the time. Even from the Government's point of view, I think it is making the administrative problems much more complicated and much more difficult. I do not follow

[Shri Indrajit Gupta]

the logic that just because it is so in Britain therefore we must do it here also.

Then, I would submit that the stevedore system should be abolished. It was high time that it was abolished. It is a cesspool of corruption. I have no time to go into the notorious doings of these big stevedore companies which are known to everybody in Calcutta, how they cheat people, how they bribe people and they are acting as a sort of unnecessary middlemen between the exporter and importer on one side and on the other those people who are doing the operation of loading and unloading, that is, the port commissioners and the dock labour board. Of course, the stevedores are represented on the dock labour board too. But what is the need for it? Why should these middlemen be there? It is an ancient and antiquated system. It is creating all sorts of problems. The R. L. Mehta Committee, the hon. Minister will remember, some years ago made an inquiry into this question and they had some very stringent things to say about the working of the stevedore companies. So, why should there not be a direct relation between the people who are engaged in importing and exporting their own goods and the authority who is responsible for the operations of loading and unloading the ships? Why should the stevedore companies be brought in in between? There is nothing sacrosanct about it. This is one system which should be done away with. Further, as I have said already, the whole of the labour, both those who are working on the vessels as well as those who are working on the shore should be under one authority. Why should there be a Dock Labour Board and a Port Trust separately to deal with these things, I am not able to follow. I wish Government would give a little deeper thought to these matters and not just tinker with the problem every now and then with little, pettyfoggish amendments like this which also I think they thought of three years ago but forgot about it. The present Minister was not in charge of this then; some other Minister was there. In December 1967, we do not know what his thinking was. He produced this little scrappy amendment and after 2½ years from the Rajya Sabha it has arrived here, and these people sitting on the Treasury Benches

are dutifully piloting this Bill. But what about giving the whole problem a little deeper thought? I agree with Shri Lobo Prabhu that the working of our ports leaves very much to be desired. It has a direct bearing on the working of our whole economy. The system of working has to be simplified and rationalised so that it can administratively be more simple and more effective and the workers who are concerned with this will also have no cause for discontent, there will be proper service conditions, proper pay scales, proper amenities, proper Welfare facilities, and not like this. I have never seen a dock where 14,000 dock labour people, stevedore labour, work without even one single house having been built for them. It is an extraordinary thing. We have been told during the last 20 years that there is a housing project for dock labour in Calcutta. But up to today, not a single house has come up for them. Now they say they are going to have a welfare fund out of which officers will also be provided housing. What are they going to do by this? I do not want the officers to be mixed up with the workers. They can wait a bit longer. Let the workers be provided first with houses.

These are some of the burning problems I wanted to touch on. As far as the Bill is concerned, I would only say—please delete the reference to officers in this amendment and remove the proviso. The proviso only gives a loophole for some corruption so that the officers of these companies can escape their liability for offences committed under this Act.

श्री शिव चन्द्र भ्वा (मधुबनी) : यह जो विधेयक है इस में जो प्राविसा आपने रखा है वह इस प्रकार से है :

“Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence or abetment was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence or abetment”.

यह बात नहीं है कि हम एक खिड़की खोल देने हैं अफसरों के लिए जो तात्कालिक रूप में

साबित कर देता है कि हमारी जानकारी में यह गुनाह नहीं था और वह जानता नहीं था की प्रॉफ़ेस किया गया है। यह जो चीज़ है इसको हटा देने से मैं मानता हूँ कि इस विधेयक का रूप अच्छा हो जाएगा। लेकिन इसके सम्बन्ध में मैंने एक संशोधन दिया है। यदि आप इस प्राविसो को हटाते नहीं हैं तो आपको चाहिये कि आप मेरा संशोधन मान लें। यदि आप यह कर देते हैं

"and the employer or their representative prove"

तो भी इसका रूप निखर जाता है। यदि मजदूर या उसके जो प्रतिनिधि हैं वे साबित कर देते हैं, कौरोबोरेट कर देते हैं, उसकी पुष्टि हो जाती है डाक वर्कर्स या उनके प्रतिनिधियों से तब हम मान सकते हैं कि उनकी जानकारी में यह गुनाह नहीं था, जान बूझ कर ऐसा काम उन्होंने नहीं किया। इससे एक रोक लग सकती है और जो ध्येय है उसकी प्राप्ति हो सकती है।

डाक वर्कर्स की प्रोमोशन की बात इन्होंने उठाई है। लेकिन वह बात की बात है। पहली बात तो भरती के सम्बन्ध में है, बहाली के सम्बन्ध में है। सभापति महोदय, आप डाक वर्कर्स के बीच में गए हैं या नहीं मुझे पता नहीं है। लेकिन बम्बई के डाक वर्कर्स के बीच में जाने का मुझे मौका मिला है। वहाँ मैंने पाया कि जो बहालियां होती हैं, उन में समान नीति नहीं बरती जाती है। सब लोग जो बहाली के लिए जाते हैं और जो उस बहाली के पात्र होते हैं, उन सब को नहीं रखा जाता है। सरटन कैटेगरीज के लोग ही बहाल किए जाते हैं। उन्हीं को प्रॉफ़ेस दिया जाता है। यह बहुत खराब चीज़ है। जो मजदूर मजदूरी करना चाहता है, जो भारत का नागरिक है और जो भद्रता हुआ बम्बई पहुंच जाता है और डाक

वर्कर के रूप में काम करना चाहता है, और वह उस नौकरी का पात्र भी है। उसके काविल भी है, उसका वाहिष्कार क्यों किया जाए? क्यों न उसको भी काम मिले। यह मेरा बहुत पहले का तजुर्वा है, वरसों पहले का है। इस बीच डाक वर्कर्स की बहाली में कोई परिवर्तन आया है या नहीं, यह मैं मंत्री महोदय से जानना चाहता हूँ। यह विधेयक उसके मुनाल्लिक नहीं हैं, यह मैं जानता हूँ। लेकिन यह भी एक समस्या है जो अभी भी विद्यमान है। हमारे देश के बाहर ऐसा कोई डिस्क्रिमिनेशन नहीं बरता जाता है। हांगकांग में मुझे डाक वर्कर के रूप में काम करने का मौका मिला है, चौबीस घंटे मैंने वहाँ लेंडिंग और अन-लेंडिंग का काम किया है। वहाँ पर वाहिष्कार की कोई बात मैंने नहीं पाई है उस रूप में जिस रूप में भारत में है। इसका खात्मा होना चाहिये। संविधान के जो निर्देशक सिद्धान्त हैं, उनके भी यह खिलाफ आती है, मामूली इक्वैलिटी की जो बत हमने संविधान में मानी है, उसके भी खिलाफ आती है।

कांट्रैक्ट लेबर की डाक वर्कर्स के बीच में भी समस्या है। इस कांट्रैक्ट लेबर की बात हम भिँले एक विधेयक में कह चुके हैं। इस सिस्टम में बहुत शोषण होता है। कांट्रैक्टर तो होता ही है लेकिन उसके बाद वहाँ वह मिडलमैन भी रख लेता है। एक तो कांट्रैक्टर शोषण करता है और दूसरे जो मिडलमैन होता है वह करता है। मिडलमैन पैरासाइट के रूप में वहाँ उपस्थित हो जाता है। यह जो सिलसिला है इसका खात्मा होना चाहिये। कांट्रैक्ट लेबर का जो सिलसिला डाक्स में है इसको खत्म किया जाना चाहिये।

बहुत दिनों से जो वर्कर काम कर रहे हैं, उनकी एक खास पीरियड के बाद परमानेंट भी किया जाना चाहिये।

हाउसिंग के मुनाल्लिक में अब कुछ कहना चाहता हूँ। यह समस्या बहुत जटिल है।

[श्री शिवचन्द्र झा]

बम्बई में जाकर मैंने देखा है कि यह बहुत जटिल है। कलकत्ता में तो और भी यह समस्या गम्भीर रूप धारण किए हुए है क्योंकि वहाँ सरकार ने कुछ कदम नहीं उठाया है। इस कारण से भी डाक वर्कर्स की अवस्था बदतर हो गई है। इसके मुतालिक सरकार को एक खास नीति अख्तयार करनी चाहिये।

जो आर्गेंस करेगा, उसको सजा देंगे, यह चीज भ्रान दी होल टालरेबल है। अफसरों को हटा दिया जाए, यह ठीक है। एशोसिएशन आफ इंडिविजुअल्स के लिए थोड़ा सा परिवर्तन कर दिया जाए और इसके मुतालिक मेरा संशोधन भी है, तो अच्छा होगा। सैकिड स्टेज जब आएगी, तब मैं इस पर बोलूंगा।

जो भी आप पास करते हैं उसको कम्प्लेमेंट करने के लिए आप मशीनरी भी तो ठीक करें। हर विधेयक के साथ यही बात होती है। ऐसी मशीनरी होनी चाहिये जो ईमानदारी के साथ इम्प्लेमेंट कर सके। ऐसी मशीनरी आपके पास नहीं है। इस हाउस में दूसरे हाउस से इस बिल को आने में तीन साल लगे हैं और पता नहीं इसको यहां पास होने के बाद डाक में जाने के लिए कितने साल लग जाएंगे और इसको कार्यान्वित भी किया जाएगा या नहीं। यह इतना दर्ज की बीमारी है। इसमें प्रशासन की बात आ जाती है, मशीनरी की बात आ जाती है। जो आपकी मशीनरी है वह जर्जर हो चुकी है। कोई काम करना नहीं चाहता है, ईमानदारी से आगे बढ़ना नहीं चाहता है। सारी मशीनरी पॅरेलाइज हो चुकी है। आपको देखना चाहिये जो सुविधा आप देना चाहते हैं वह ठीक से वर्कर्स को मिले, इसका इम्प्लेमेंटेशन ठीक से हो और आपके पास रिपोर्ट भी आए। आप समय निर्धारित कर दें इम्प्लेमेंटेशन के लिए। मंत्री महोदय खुद जा कर सरप्राइज विजिट्स करें, इंस्पेक्शंस करें और देखें कि हकीकत में क्या हो रहा है। हेरी विजिज का नाम आपने सुना होगा...

समापति महोदय : दूसरी डिस्कशन लेने का समय हो गया है। आप खत्म करे।

श्री शिव चन्द्र झा : मैं खत्म कर रहा हूं। मेरे संशोधनों पर मंत्री महोदय गौर करें और उनको मान लें तो विधेयक अच्छा हो जाएगा। यदि इम्प्लेमेंट करने के लिए अच्छी मशीनरी होगी, यदि आप स्वयं विजिलेंट रहेंगे, प्रशासन विजिलेंट होगी तब कुछ फायदा होगा वरना यह विधेयक भी और विधेयकों की तरह से कागज पर ही रह जाएगा।

इन शब्दों के साथ इसको मैं अपनी कंडिशनल स्पॉट देता हूं।

17 hrs.

DISCUSSION RE. LATHI CHARGE BY C. R. P. IN JADAVPUR UNIVERSITY AND CLOSURE OF THE UNIVERSITY

SHRI P. RAMAMURTI (Madurai) : Sir, I am bringing to the notice of the House the most heart-rending and poignant events that took place in the Jadavpur University on the 24th July, 1970. Even according to the *Amrita Bazar Patrika*, a paper owned and edited by the Secretary of the Congress Party (R) in West Bengal, Shri Tarun Kanti Ghosh—even according to that paper the headline given in the news is "CRP run berserk at Jadavpur". This is the headline given there. Now, we are told that the Central Government is very serious of maintaining law and order in West Bengal, and here is an example of how they are going to keep law and order in West Bengal.

I will just read out some extracts from the report given in that newspaper itself. Nobody can accuse this paper of having sympathies with the Communist Party (Marxist) or with any Communist party. As I said earlier, this is a paper owned and run by the General Secretary of the West Bengal