

**Mr. Speaker:** The only point of the hon. Member was that there should be uniform policies followed by the various Ministries, so far as the constitution of boards is concerned. He can discuss it with other Ministers and ensure uniformity. Now the question is:

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

*The motion was adopted.*

12.27 hrs.

### SEAMEN'S PROVIDENT FUND BILL

**The Minister of Transport (Shri Raj Bahadur):** Sir, I beg to move:

"That the Bill to provide for the institution of a provident fund for seamen be taken into consideration".

In a way this Bill constitutes a landmark. So far as our care and concern for our seamen and sea-farers are concerned. For a long time the question of providing social insurance for our seamen was pending. I would like Members to recall that it was as far back as 1936 that the ILO adopted the convention in this regard. But it took nine years for the then Government to appoint an *ad hoc* committee on maritime labour to consider the whole matter. That committee held a meeting on 4th August 1945. A report on social insurance for seafarers was also obtained from Dr. Laura Badwar of the ILO Office and Professor B. P. Adarkar of the Labour Ministry. They submitted their report to the Government of India in December 1945. They advised that the success of the social insurance scheme governing seamen will depend entirely on re-organisation of their recruitment methods and procedures and on the introduction of a system of rotation of sea-farers. To ensure this, the Seamen's Employment Office was consequently set up at Bombay and Calcutta in 1954-55.

12.28 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

It was at a meeting of the National Welfare Board, which is a statutory body created under the Merchant Shipping Act, that this matter was further considered. After the employment offices had come into being, on 4th July 1956 that Board appointed three sub-committees, one on welfare measures, another on social security schemes and the last one on raising finance for such schemes.

The Committee on social security schemes, which is concerned with provident fund etc., submitted its report in 1959 and the scheme had to be further examined by the Superintendent of Insurance, Simla. He took his time and the matter could be taken up as late as 11th January 1964 by the National Welfare Board. The National Welfare Board accepted the principle of providing social security benefits to the seamen. The Board having agreed to it in principle, the difference of opinion between the employers, namely, the ship-owners, and the employees, i.e., seamen mainly, centred round the form content or quantum of those benefits. A tripartite committee was, therefore, constituted consisting of representation of employers, employees—when I say employees I mean the sea farers—and Government officials to examine the form and content of the social security benefits.

The National Welfare Board simultaneously advised the creation of a separate statutory fund for promoting the necessary legislation therefor. In fact, the parties were extremely happy that they could agree on principle in the matter of providing social security to sea farers because, for the first time, the sea-farers who are our nationals, the bulk of whom are employed of foreign ships, could get a benefit which is unique in character, so far as seamen are concerned all the world over. We have to note that the foreign ship-owners also agreed to

the provision of social security benefits for our seamen. So, this was a great achievement. The quantum was the main question that had to be settled, and hence the appointment of the tripartite committee. But the parties agreed that the whole scheme might be brought into effect from the 1st July, 1964 and ever since that date contributions from both the employers and the employees have been collected and the scheme, as a matter of fact, is through.

This tripartite committee also sat and considered the whole matter and I am happy to say that they came to unanimous conclusions. The unanimous conclusions were that so far as the social security benefits were concerned, they would confine their attention to two of the most important questions, namely, provident fund and gratuity scheme. So far as these were concerned, the provident fund scheme assumed greater importance, comparatively speaking, and it is here that I welcome the agreement between the parties most heartily.

According to the terms of the agreement as represented or expressed through the unanimous recommendations of this tripartite committee, a compulsory contributory provident fund scheme was recommended and the rate of contribution was recommended at 6 per cent of the basic wages inclusive of cash payments in lieu of leave.

A question might arise as to why it is 6 per cent here when in other cases it was  $6\frac{1}{2}$  per cent, that is one anna in the rupee. In order to anticipate the objections that might be raised or a point that might be made in this behalf, I would say that because of the introduction of the decimal coinage system, it was more convenient to adopt an integral number, that is 6 per cent. Secondly, we also know that it was for the first time that a scheme was being accepted by the foreign shipowners and it was a unique scheme because in no other country has it so far been implemented or introduced.

It might be contended—perhaps this also I might anticipate—that in many industries they have already gone over to a rate of 8 per cent. I would say that so far as that is concerned, these members of the tripartite committee, the shipowners and the seafarers, came to an arrangement between themselves according to which the rate of 6 per cent will be increased to 8 per cent with effect from the 1st April, 1968. So, all matters on which there could be any difference of opinion or any dispute have been amicably settled.

I take this opportunity to offer my sincerest congratulations and thanks to all the parties concerned. Particularly I would like to thank the foreign shipowners who employ a large number of our seamen—in fact, if I look at the figures of engagements for the year beginning from 1st April, 1964, I find that up to 31st March, 1965 as many as 41,023 of these engagements were made available to our seamen. This does not mean the number of people engaged; one may be engaged more than once. This is how this has worked. As I said, this is a matter on which we can express our satisfaction.

So far as gratuity was concerned, according to the agreement it is to be 15 days' basic wages in respect of each year of effective service performed since 1-1-1954. The rate of wages on the basis of which it has to be calculated would be the wages earned or received by a seaman on 1st June, 1964. As far as the period of service after 1st June, 1964 is concerned, it has been agreed to between the parties that the rate would be one day's pay for every 24 days of articulated service.

I might say that the adoption of the whole scheme will benefit as many as 50,000 of our seamen. The financial commitment on behalf of the shipowners will be of the order of Rs. 70 lakhs a year to begin with and this will increase to Rs. 84 lakhs a year after 1-4-1968, the bulk of which would be in foreign exchange. So, this is a scheme doubly welcome.

[Shri Raj Bahadur]

As I said, our seamen have got the unique distinction of having these social security benefits for the first time. We are first in Asia and, barring UK where they have got the system of pensions for which we are now having provident fund and gratuity, we are perhaps the foremost nation whose seamen will be getting this advantage. I will say that our seamen deserve every paise of it. Therefore, I think, it has come well in time and it is good that we have been able to get it.

The provisions of the Seamen's Provident Fund Bill have been drafted on the model of the Employees' Provident Fund Act, 1952 and the Employees' Provident Fund Scheme, 1952, as amended from time to time. There are certain differences—they have to be there—but they are because of the essential difference in the nature and character of employment.

I would take this opportunity to say that our seamen have been rendering the most wonderful service to our Country. So far as our country's seafaring traditions are concerned, they have kept them up. They are a group of our nationals of whom we can be proud. In this emergency also they have come forward with solemn pledge to stand by the country. Not only that; I would also like to make mention of the port and dock workers belonging to all affiliations and categories—they have all pledged themselves to work round the clock, to give the best performance and to promote and assist our defence efforts against all aggressions from whatever corner they come. Our ports are functioning at the maximum efficiency and I take this opportunity to thank and congratulate them. While doing so I commend this measure for the consideration of this House.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to provide for the institution of a provident

fund for seamen, be taken into consideration".

**Shri Indrajit Gupta:** Mr. Deputy-Speaker, Sir, as far as the principle of this Bill is concerned, I of course welcome it most heartily and I join with the hon. Minister in expressing satisfaction that we are at last being able to employ legislation in order to bestow upon the seamen of our country a benefit which I consider to be long overdue.

Before I go on to the merits of the Bill, however, there is one point to which I would like to draw your attention. I am rather at a loss to understand why this Bill is being piloted by my hon. friend, the Minister of transport. It is as he himself has repeatedly said just now, a social security measure and the Government, in its wisdom, has only recently constituted an entirely separate ministry for the purpose of looking after social security. All the other provident fund schemes have become the care of that particular ministry. We had only a little while ago been debating the Bill to amend the Coalmines Provident Fund Act. That scheme, as far as I know, is certainly not being administered by the Ministry of Mines; it is being administered by the Ministry of Social Security. The whole purpose of setting up that ministry was that all similar social security measures, which are incorporated in the form of statutes, should be the concern of that particular ministry. I do not know why, when we make a beginning with our seamen after all these years and when we are giving them some measure of social security, they should be made an exception to the general pattern and should be made the special reserve of the Transport Ministry. That is something which I am not able to follow.

However, I would join with the hon. Minister in complimenting the 50,000 and odd seamen of our country for the wonderful work that they

have been doing not only now, in the present emergency, but all through these difficult years when this country had been struggling to build up its own mercantile marine to overcome the backwardness of the past and to come to a position where we can also rank among the leading shipping countries of the world.

The foreign trade of this country, most of which is almost entirely carried by ships, is of the value of something like Rs. 2,000 crores a year which means that this country's earnings of foreign exchange and also whatever we require for our national development is very much dependent on the services of efficient, hardworking and qualified seamen who man our ships. As the hon. Minister has said, at the time of an emergency, particularly in war time, for a country like ours which is bounded on three sides by sea, the merchant marine also has a very vital function to perform in the transport of munitions and materials required for our defence arrangements.

I may also refer briefly to the fact which is very well known to the Minister that the occupation of seamen has a peculiar hazard, that is, the hazard of the sea. It does not require much elaboration. There are hazards which are peculiar to the profession of seamen which do not obtain in the case of workers who are employed on land or on shore. There is also another fact that the very nature of their occupation deprives them of their normal family life. The fact that a seaman has to be away on a voyage for 7 or 8 months at a time means that he is deprived of even the normal social life and family life which other workers on shore or on land can enjoy. Therefore, I would have thought that because of all these factors seamen in our country deserve not only equal treatment or equal benefits, on par with other workers but, because of these different features of their occupation, they should really be treated better and that they should get some special

treatment to overcome handicaps which are attached to the very nature of their occupation. From that point of view I cannot share the sort of self-congratulatory air which the Minister assumes when he says that we are bringing forward this Bill which is a great land-mark and so on and so forth. Certainly, we welcome the Bill because before the Bill came, there was nothing. In that sense, it is a land-mark. But I would say that we should rather approach this subject in a more modest spirit because, for various reasons, we are being able to do very little for these seamen and that too so late. The Minister himself has referred to the I.L.O. Convention of 1936. It is really after 30 years, 3 decades, that we are able to put any kind of legislation on the statute book. So, we are late, we are doing something very late and we are really doing something which is very little also.

Now, I would like to point out that, social security benefits, particularly the question of provident fund, naturally, is very intimately linked up with the wage level of the workers concerned. Contributions to the provident fund are based on the wages that the contributor earns and, in this respect, you must remember that the Indian seamen even today, whether he is employed on Indian ships or he is employed on foreign ships, is infinitely worse paid than his counterpart employed on a foreign ship. Let us take particularly, the case of a British seaman because most of our seamen who are not employed on Indian ships are working on British-owned ships. We find that till last year an able-bodied, grade I, Indian seaman was earning Rs. 178 per month and an able-bodied, grade I, British seaman, doing exactly the same work, performing exactly the same duties, was getting a salary of Rs. 705 per month—that means about six times as much. This year, from 1st May, 1965, a wage increase amounting to Rs. 22.50 P. per month has been granted which brings an able-bodied Indian seaman's salary to Rs. 201 per month which is equivalent

[Shri Indrajit Gupta]

to, in sterling, £ 16.4s. I put it this way for the reason that it will help us to understand the position. The Indian seaman gets a salary of £ 14.6s. per month. In 1948, nearly 20 years ago, the I.L.O. Convention laid down that the minimum wage which should be paid to seaman should be £ 16 per month. Twenty years ago, a recommendation was made that the minimum wage of a seaman should be £ 16 per month and today, after nearly 20 years, after a recent wage increase, the wage that the Indian seaman will get is £ 14.6s.

After that in 1958, the 41st session of the Indian Labour Conference raised the previous minimum of £ 16 to £ 25. At present, the I.L.O. recommendation is that no seaman should be paid less than £ 25 a month whereas our seaman today gets £ 14.6s. The British seaman of the same corresponding category, after May, 1965, is now earning a monthly salary of £ 60. That means he is earning five times what our seamen get. That discrepancy has been maintained over all these years. Therefore, when we talk about security measures and provident fund measures we have to remember that the base on which these security benefits are going to be calculated, the contributions are going to be calculated, is a very low base in the sense that the wages of the Indian seamen are lagging so far behind.

We find from the Bill, from the definition of "wages"—this is made quite clear by Government—that the "wages" will mean only the basic wages and will not include the overtime allowance. Seamen, as you know, do not get any separate allowance known as dearness allowance which the workers get in factories and in other industries generally. So, the only additional emoluments over and above their wage are in the form of overtime allowance that they may be able to earn as a result of working extra

hours. But that overtime allowance is now being specifically excluded by this Bill from the wages for the purpose of computing provident fund contributions. In the matter of overtime allowance also, it is worth-seeing that whereas under the labour legislation prevalent in our country a worker is paid overtime allowance at the rate of double his normal wage for the period of overtime—that is the standard legal provision at the moment—in the case of seamen the overtime allowance is not paid on that basis at all. It is paid at the rate of 25 P. per hour for those whose salaries are below Rs. 150 per month and at the rate of Re. 1/- for those whose salaries are between Rs. 150 and Rs. 200. I may mention here that the British seaman is paid an overtime allowance at the rate of Rs. 10 per hour. But this overtime allowance also which is admissible to our seamen, which is the only thing he gets over and above his salary and is linked with the extra hours that he works, has been specifically excluded from this Bill for the purpose of computing provident fund. The hon. Minister mentioned that this was a unique measure and that no other country had a similar type of social security legislation. There may not be a contributory provident fund for seamen in other countries—that may be true; I do not know—but certainly, in the case of British seamen, there is a pension scheme and there is also a national insurance scheme which covers seamen.

**Shri Raj Bahadur:** It is either pension or contributory provident fund.

**Shri Indrajit Gupta:** So, it is not as if the seamen in other countries do not get anything at all.

On top of that, only last week, this House passed the Payment of Bonus Bill which was debated here at such a great length under which the seamen are specifically excluded from getting any bonus. Section 32 of that Bill has specifically excluded seamen also from the payment of bonus. What

I mean to say is that, when after so late a period we are trying to do something for them, we should not congratulate ourselves and become blind to the fact that we are putting in so many limitations and restrictions also.

Another fact which I would like to mention is that in the definition of "seaman", on p. 2 of the Bill, it is stated:

"'seaman' means a person employed or engaged as a member of the crew of a ship under the Merchant Shipping Act but does not include a master, navigating or engineering officer, radio officer, medical officer, welfare officer, purser, electrician, nurse, musician, pilot, apprentice or deck barber."

All these categories are being excluded from the definition of 'seamen' for the purpose of this Provident Fund whereas you will find that the definition of 'seamen' given in section 34(2) of our own Merchant Shipping Act excludes only the master, pilot and apprentice. Only these three categories have been excluded from the definition of 'seamen' under our own Indian Merchant Shipping Act, but when it comes to the case of constituting a Provident Fund scheme, then the list of exclusions has increased—a dozen categories have been put in that. I do not understand why we should have this kind of niggardly outlook. If social security is to be provided, then why should these categories be excluded and deprived of this? I am not able to understand this. Are they not in need of social security, some provision for old age when they are not able to serve at sea? I would request the hon. Minister to look into these matters because this is going to create quite a lot of discontent and dissatisfaction.

In this Statement of Objects and Reasons, it is stated that the proposed Provident Fund will benefit 50,000 seamen. A round figure has been taken

of the total number of seamen who are registered at our various ports. But in order to appreciate the actual practical implication of the scheme, we must remember always—of course, the hon. Minister made a brief reference to it—that the total number of seamen who are registered at our ports far exceeds the number who actually get employment at any point of time. For example, on the 1st January, 1965—this is just to illustrate my point—at our ports of Bombay and Calcutta, the registered number of seamen was 49,088, but the number actually employed was 28,733. So the balance of about 21,000 people, although registered, were at that particular time not employed. The position is not as though all these men who are registered seamen in our ports are going to continue throughout their working life to derive the benefits of this Provident Fund because it is made quite clear that only the period of effective service will be taken into account. Effective service means the time when they are actually serving at sea on a particular ship. But the peculiar feature of this occupation is that, after he goes on a voyage for six months and returns home, he is let off for an appeal period, i.e., for another six months he has to sit idle waiting to sail on another voyage. At any particular time this Provident Fund is not going to directly benefit 50,000 seamen at all. During the periods when they are idle and are sitting at home, perforce, because of the fact that the number of registered seamen is so much in excess of the actual requirements, they will not be able to participate in the scheme.

Out of this number of 28 thousand and odd on 1-1-1965, it is found that 6,866 were employed on Indian ships and 21,868 were serving on foreign ships. I am not blaming anybody for this state of affairs because it is a reflection of the relatively backward growth of our Indian merchant shipping. But the fact remains—which cannot be denied—that for a long time to come, the majority of our seamen will have to serve on foreign vessels;

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there is no other way out. Therefore, it means that the employment of Indian seamen is actually enabling British shipowners to make very substantial savings in the wage bill, which they would not be able to make if they were to pay Indian seamen on par with British seamen for doing the same work. The hon. Minister was effusive in his congratulations to the foreign shipowners. Let us remember that by enabling them to employ Indian seamen at lower rates of wages, we are, in fact, benefiting these foreign shipowners who are able to make substantial savings in their wage bill.

I come last of all to the substantive provision of this Bill. It is that the contributory rate will be six per cent upto 1968 and after that, it will be eight per cent. These seamen have to earn whatever they have to earn by way of social security benefit within a shorter period than the other workers. In other words, they earn only during periods of effective service; if a man works for 30 years, his effective service will not be more than 15 or 16 years. I should, therefore, think that, in the case of Seamen's Provident Fund, the rate of contribution should not only be on par with that of other workers, but it should actually be more. But the Bill gives them something less. Whereas the employees under the General Provident Fund in our country would get the standard rate of 8-1/3 per cent, the seamen will get only six per cent upto 1968 and after 1968, eight per cent. I would have said that what was necessary just now was an integrated scheme of Provident Fund and Gratuity. The Minister said that the Tripartite body had recommended a Gratuity scheme also, but there is no mention here of that. An integrated scheme of Provident Fund and Gratuity should have been introduced and the contributory rate of Provident Fund should have been, if they wanted to do it in two phases, eight per cent in the first phase and ten or twelve per cent in the second phase because the peculiar features of

this occupation will otherwise not enable the seamen to lay by anything except a small pittance in the old age. There is no mention of Gratuity. I would request the hon. Minister to see that, as soon as possible, a Gratuity scheme is brought into being which should provide them with at least one month's salary for each year of service they put in.

Another point in this Bill about which I am not very clear—I hope the Minister will clarify it later when he speaks—is, if the foreign shipping companies commit an offence against this law, if they violate the law, who is going to be punished and who will be caught hold of Clause 17(3) of the Bill says:

"Where any offence under this Act or the Scheme is committed by a company not registered in India and such a company has an agent in India which agent is also a company, then the provisions of this section shall apply to such agent as if the offence was committed by that agent."

Suppose a company which is not registered in India has an agent in India, which agent is not a company, then what will happen? Who will be punished? This is not clear. I would request the Minister to look into the drafting of this Bill, so that no loophole is left. Since the majority of our seamen are serving on foreign ships this is a very vital matter. Our experience of the operation of the General Provident Fund scheme has shown at several thousand cases have to be started against various employers for breach of the regulations or for failure to comply with the provisions. In regard to seamen, the majority of whom are serving on foreign vessels, if a breach is committed, how is the penalty to be imposed, how are the moneys to be recovered from the defaulting employers? Unless this is made very clear, I am afraid, much of the benefits of this Bill may remain only on paper and the seamen will be deprived of them.

13 hrs.

Finally, while I am certainly in support of this Bill because it does mean a step forward, nevertheless I feel that, in respect of the rates of contribution which have been laid down—I do not know what the details of the scheme are going to contain; these have not been placed before the House—we have made some sort of concession or surrender to the foreign shipowners. I know that they were putting up a lot of resistance; I know what went on; I know the very tough resistance that the foreign shipowners put up. It is but natural, but in the end the Government could have taken a firmer stand. The contributory rate must be on par with those which are applicable to other workers in India under the General Provident Fund scheme. Why should we accept a position which is inferior to that in the case of seamen who are facing greater hazards and difficulties? He has said, of course, that this is a tripartite agreement. But with all respect to the workers' representatives who were parties to that agreement, I would submit that I myself have been party to many agreements and I know that sometimes the workers' representatives have no option, because the shipowners take up such an attitude or the employers take up such an attitude that either we have to accept what they are willing to give or we shall be left with nothing at all; they force us to a point like that. Therefore, the strategic position is occupied by Government in that tripartite discussion. Government can force the employers to come to a position which is both legally and morally defensible and which they cannot controvert. But I am afraid that that has not been done, and, therefore, this represents a surrender to those profiteering interests of the big shipowners who are minting money hand over fist, because the shipping industry is a very profitable industry nowadays. They could have easily afforded to pay, but they have been allowed to go scot-free for the time being. I hope that in future steps will be taken to remedy these

defects in the Bill and our seamen who are worthy of praises from this House and who should be complimented by everybody concerned will get their full deserts which are due to them.

**Dr. Melkote (Hyderabad):** I stand here to support this Bill. But I should say at the outset itself that there are many features in this Bill which do not benefit the seamen to the extent that they should have benefited them.

I would like to place before you what I have actually seen in many of the foreign countries, which I had the occasion to tour during the past fifteen years. I had been to Europe thrice in 1953-55 and again recently in 1965. I had been in 1959 to Ceylon, Rangoon, Bangkok, Singapore and Australia and many other places. May I say that by and large, the number of Indian seamen that get employment in our own ships is very meagre? The hon. Minister has mentioned that the total number of seamen who may roughly get the benefit of this Bill may come to about 50,000. I would say that the majority of these seamen are working in foreign ships. As regards the conditions of service of our seamen in foreign ships, I think that is a matter which we all ought to know. In England, where there are both men and women employed, the minimum wage permissible for any type of work today is about £16 per week, and nobody generally gets less than £20. On an average, I should say that an English worker gets about Rs. 1000 per month. Let us see what happens in Germany. In 1953-55, the average pay-scale of a German worker was somewhere about Rs. 700 to 750. Today, no German worker of any type get less than about Rs. 1500 per month, whether it be seamen or a worker in the building industry or in any other industry. These people are employed in foreign ships, and those ships come to our port, and they do the same kind of work, and still those ships are capable of paying this much of money to their workers. Why should an Indian worker get a poor

[Dr. Melkote]

sum of only Rs. 160 to 170 per month? If many of our people are taken by the foreign ships, it is perhaps due to lack of manpower in their own countries because they are so highly industrialised and they want manpower, and manpower which would be intelligent and hard-working, and at the same time such that they would be capable of being absorbed on a cheaper pay-scale, and that is why an Indian worker is selected invariably by many of these foreign ships. I have found that whomsoever I have met in the foreign countries, they utilise the Indian workers most. Many of these workers may not have been educated, but they say that the Indian worker is intelligent and hard-working, industrious and honest, and they absorb these Indian workers on a lesser scale of pay. That is so not only with regard to shipping but even with regard to other fields.

For instance, our doctors themselves go to England or America or Canada, and there they will certainly get more than what they would get in this country. But they are absorbed there for doing a kind of work which no medical men in these countries would do. Our people are absorbed for such type of work but are paid less, and in view of the unemployment problem in our country, and knowing that they would get a little better than what they would get in their own country and get also employment, they naturally get into the shipping industry. I cannot understand why our Government should permit the exploitation of our workers by these foreign shipping concerns. If one has to pay Rs. 1000 or Rs. 500 per month to the workers of those countries, but one could pay only Rs. 160 or 170 per month to our workers, then it is of advantage to those people and to those countries.

Now, the problem arises as to what we should do to improve their employment position. I personally feel that with unity in our ranks, a bold push by Government and support to these seamen, we might be in a better position to achieve something, because

many of these shipping concerns want Indians for their hard work and intelligence. In a matter like this where we are concerned with ourselves, is it because the Indian shipping companies or the Indian-owned ships themselves are not capable of paying the wages that we are doing nothing about it? Why should that kind of thing happen? A similar thing is occurring in many of our public sector industries also. Our raw materials are very cheap, and our labour is cheap. The machinery that we are purchasing for our country is about the best that we can get in any part of the world. We are getting machinery from all countries. We are getting it from Russia, from Germany, from Sweden, from America, from England and many other places. Many of the foreign industrialists who come to our country say that we have a very sophisticated industry in our country and we are manufacturing exceedingly good products. This is the credit that we are getting for our country, and our workmen are supposed to be very intelligent and capable of delivering the goods. Yet, our Government do not give the highest scale of wages paid to workers in similar industries situated in foreign countries. If an English workman working in a steel plant gets Rs. 1000 and even more, and is capable of selling it to our country at a cheaper rate than what we do, when we are producing a similar product in similar quantities, I do not know why we are not able to do it. Where does this money go? Is it that Government are making money over this? Or is it that there is some kind of mismanagement? These are details which one has got to think about. And I would like to appeal to Parliament and to the Ministry concerned to give answers to many of these questions. If necessary, it may be taken up by the Economic Affairs Department of Government or by the Planning Commission, or they may set up a commission to find out where exactly the wrong is taking place.

If the benefit of progress has got to be given to the working classmen,

it is necessary that the increase in national income should get redistributed to the workers so that they will get the necessary incentive. After about 15 years we are still facing a situation wherein we are struggling to maintain our standard of life which we had in 1947, even though the national income has gone up from Rs. 3,000 crores to about Rs. 15,000 crores or even more.

It is in these circumstances that this provident fund is being introduced in our country and it is being introduced for the first time. Therefore, I congratulate the hon. Minister for that. But the value of the rupee has gone down considerably, and, therefore, I do not see why the percentage should be only 6 per cent as against the 8-1/3 per cent that has been introduced. Is the case of many other provident schemes. Is the percentage low in order to benefit again the shipping concerns? Whether it is foreign or Indian does not matter. If a foreign firm could engage these Indians and bring many of the foreigners and pay them those high scales of pay and still make profit, why should our Indian shipping companies not pay greater wages as well as greater provident fund to our workers? Therefore, I have not been able to understand why many of these things have been introduced here in this Bill.

The hon. Minister has said several things and I am pleased to hear them and I support what he has stated. I support him for the simple reason that a benefit which was not prevalent all these years is now being given to our seamen, and to that extent I welcome it. But one is disillusioned and is most dissatisfied with what has been done through this Bill.

I personally feel that the hon. Minister should be in a position to answer many of these points. Firstly, he should tell us why only 6 per cent has been fixed as the standard of contribution to the provident fund till 1968, because that would mean that

during the next three years, the workers will lose the benefit of the provident fund to the extent of nearly 2 1/2 per cent or so.

Then again there is the question of foreign firms coming in. If our Indian firms are not capable of paying for any reason whatsoever, why should the foreign firms be benefited thereby by applying the same rate to them? We should be able to give protection to our Indian companies, but when the British and other foreign companies are capable of paying a larger share of the provident fund, why should they not be made to do it?

These are some points which I hope the Minister will deal with in his reply. I have nothing more to add.

श्री काशीराम गुप्त (धलवर) : उपाध्यक्ष महोदय, एक कहावत मशहूर है :— "देर धायद दुस्त धायद"। हमारे मंत्री महोदय जो बहुत ही प्रगतिशील विचारों के हैं उनको यह देर क्यों लगी इस बिल के लाने में यह मेरी समझ में नहीं आ रहा है ? देश को आजाद हुए 18 वर्ष हो गये। कम्पनियाँ हमारी तेजी से चल रही हैं। दूसरी कम्पनियों पर इसे लागू करना या धीरे जो दशा हमारे समुद्र में काम करने वाले लोगों की है वह उन से छिपी हुई नहीं है।

यह भी मैं निवदन करूँ कि जो श्री इन्द्रजीत गुप्त ने कहा कि यह बिल इन मंत्री महोदय को क्यों लाना पड़ा तो मैं समझता हूँ कि उनका इसे लाना बिलकुल ठीक था क्योंकि यह उस सारी समस्या के विज्ञ है, जानकार है और उस को अच्छी प्रकार से रख भी सकते हैं किन्तु जो उनका भाषण हुआ उस में इन बातों पर जितने विस्तार से प्रकाश डालना चाहिए था वह नहीं डाल सके हैं। इसलिए बहुत सी बातें धीरे संकाएँ उठीं जो मुझ से पहले दो माननीय सदस्यों ने उठाई हैं। उन में ज्यादा विस्तार में जाने की मुझे आवश्यकता नहीं है किन्तु मैं एक बात भी कहूँगा कि यह

[श्री काशीराम गुप्त]

बनियों की तरह से हिसाब कैसे चला कि सन् 68 तक 6 फ्रीसदी चलेगा और यह 2 फ्रीसदी का झगड़ा 3 साल के लिए उठा कर रख दिया गया। ऐसी कोई कम्पनी हो जो यह 6 परसेंट दे सकेगी और 8 परसेंट नहीं दे सके वह हिसाब ही समझ में नहीं आता है। इसलिए इस में क्या रहस्य है यह तो मंत्री महोदय बतलाने की कृपा करेंगे किन्तु वास्तविकता यह है कि जिन परिस्थितियों में हमारे समुद्र में काम करने वाले लोग रहते हैं उस का देखते हुए कुछ विशेष तेजी से काम करने की जरूरत थी। मैं निवेदन करूँ कि इतनी देरी से जो यह बिल लायें हैं उस का क्या नतीजा हुआ? यदि यह कुछ वर्ष पहले आ जाता तो आज जो बोनस कमिशन की बात सामने आई और उन्होंने जो इन को बाहर निकाल फेंका वह निकाल कर नहीं फेंक सकते थे चाहे वह दूसरी दर कायम करते किन्तु उन को बोनस के लिए इनका विचार करना ही पड़ता। अब इस बिल के एकट बनने के बाद मैं समझता हूँ कि फिर यह प्रश्न उठेगा और उस समय मैं समझता हूँ कि मंत्री महोदय स्वयं इस बात को उठावेंगे कि बोनस के बारे में भी इन का विचार किया जाये।

जहां तक पेंशन की बात है तो पेंशन तो इस देश में बड़े बड़े कारखाने भी नहीं देते इसलिए पेंशन देने की बात तो जो इन्ड्रजॉल गुप्त ने कही है वह तो मेरी समझ में नहीं आती लेकिन प्रेचुएंटो की बात जरूर इसमें आती है। वह भी इसीलिए कही हुई है क्योंकि अभी तक प्राविडेंट फंड का बिल ही नहीं आया। किन्तु एक निवेदन और है वह यह कि अच्छा होता कि जिस प्रकार से यह ट्राईपारटाइट एग््रीमेंट बना है उस से पहले कितनी छानबीन इस के बारे में हुई है उस की जानकारी भी ज़रूरत को दी जाती। मैं समझता हूँ कि जितनी छानबीन होनी चाहिए इस सम्बन्ध में उतनी नहीं हो पाई है। यह लिखना कि उसका जो बिल बनाने है उस के ऊपर ही वह लिख जायगा

प्राविडेंट फंड और उसके और जितने एलाउंस हैं वह इसमें शामिल नहीं होंगे यह इस बात को जाहिर करता है कि अभी भी इन बातों में जितने तथ्य में, गहराई में जाना चाहिए उतना हम नहीं जा पाये हैं। यह एक निश्चित बात है कि जहाजरानी का जो एक उद्योग है उस की धरनी विशयताएं हैं। उस उद्योग में कर्मचारियों का वेतन कुल काम का कितना भाग होता है यह एक महत्वपूर्ण बात है और यदि उन के सब खर्च का जो भाग कर्मचारी का वेतन है वह बहुत बड़ा है तो फिर निश्चित बात है कि कर्मचारी उस के लिए सहायता लेने का हकदार भी है। उस प्रकार से भी यदि वह मशीनरी के जरिए, डैप्रीसिएशन काटने के बाद उनको अच्छा मुनाफ़ा होता है तो भी उन के लिए यह सब बात होने की जरूरत है धतः मेरा यह निवेदन है कि यह बिल स्वागतयोग्य है। इस में जो खामियां हैं उन को एकट बनने के बाद शीघ्रातिशीघ्र जो विचार यहां प्रकट किये जा रहे हैं उनको देखते हुए मंत्री महोदय जल्दी ही एक ऐसा संशोधित बिल लायें जिससे कि उन लोगों को राहत ज्यादा से ज्यादा मिले क्योंकि सब लोग यह मानते हैं कि उन कर्मचारियों का जीवन जो है वह समुद्र में रहने से बड़ा कठिन रहता है, धायु उनकी कम होती है और इस दृष्टि से 6 परसेंट और 8 परसेंट की जो बात है वह कैसे लागू रहेगी?

इसके अलावा कुछ ऐसी व्यवस्था कर कि उन को मुनाफे में से किसी प्रकार से विशेष रिधायतें मिल जिससे कि यह समस्या उन की हल हो तथा उनकी जो इधर काम करने की रुचि है वह कम न हो बल्कि वह और बढ़े। मैं यह मानता हूँ कि भारतवर्ष में हमारी जहाजरानी बहुत बढ़ेगी और उस को देखते हुए हमें अभी से उस के सभी पहलुओं के बारे में सोचना है। यह ठीक है कि कम्पनियों की धाम-दानी की पहले देखना है और उनके मुकाबले भी देखना है। अभी तक विदेशी कम्पनियां ज्यादातर इस काम को करती रही हैं इसलिए

यह उन में धर सरक्षण देना होगा तो वह प्रलय विषय होगा। जहां तक यह कर्मचारियों का विषय है उस में स्टैंडर्ड बेज के बढ़ाने और किन किन अधिकारियों पर बढ़े इस को बराबर देखते रहना होगा और उस के आधार पर प्राविडेंट फंड को भी देखते रहना होगा। धन्यवाद।

**Shri Himatsingka (Godda):** The Seamen's Provident Fund Bill is welcome measure giving a number of facilities for seamen who work under difficult conditions. The provision that has been made is that upto a particular date the rate of contribution will be 6 per cent and after 31st March, 1968, it will be 8 per cent. The Minister has stated clearly in the statement of objects and reasons that this was the agreement arrived at and this was the suggestion made by the committee that was formed.

**Shri Kashi Ram Gupta:** Why was it arrived at? That is the main point.

**Shri Himatsingka:** My hon. friend forgets that most of the employers are foreign companies and Government have not much control over them. Therefore, they have to be persuaded to a certain line of action, they cannot be forced to accept certain things simply because we here think them to be reasonable. After all, they are not bound to employ Indian seamen. If they can get others on more suitable terms, they would do so.

**Shri Kashi Ram Gupta:** You have lessened the burden of the Minister in replying.

**Shri Himatsingka:** Therefore, I feel this is a welcome measure making provision for seamen's benefit. There are various provisions in the Bill, about the constitution of a Board of Trustees, committees thereof and so on.

One criticism was made by Shri Gupta in regard to cl. 17. I feel clause 16 fixes the liability on any person who contravenes the provisions. Cl. 17 makes it clear as to what happens

if the employer is a company, that is to say, the directors will also be responsible. When it is a foreign company and the agent is an individual, he comes under cl. 16. If the agent is a company, it is explained that the company which is acting as agent will come within the purview of cl. 17(3). So I do not think there is anything wrong or any misunderstanding about an agent being a company and escaping any punishment.

In this connection, I would like to draw the attention of the hon. Minister to a very important matter which is of concern and deserves consideration. Most of the seamen employed by shipping companies which ply more or less on the Calcutta-Assam side are foreigners. They are nationals of Pakistan, and I am afraid that they can at any moment immobilise our service.

**Shri Raj Bahadur:** They have.

**Shri Himatsingka:** Therefore, it is a matter of very great concern, and I feel that steps should be taken very quickly, if not immediately, to see that they are replaced by Indian nationals. I have been drawing the attention of the Government to this. Even now there are 12,000 foreigners who are working mostly in the Port of Calcutta. God forbid, but if they want to immobilise the Port of Calcutta, they can do so. So, they should be replaced by Indian nationals. This will also give a lot of employment to our people, and remove our apprehensions.

As you know, shipping in this country is in its infancy, it is coming up. Therefore, it needs all help to come to the standard of foreign countries. Our shipping does not stand comparison at all with other countries. Its gross tonnage is one or two per cent of the gross tonnage of some other countries. We have to increase our tonnage, and see that our ships are manned by Indian nationals.

[Shri Himatsingka]

With these remarks, I support the Bill.

Shri Joachim Alva (Kanara): I support the measure brought forward by the Minister.

It is a very essential measure. The seamen are the underdogs of our merchant navy. The workers in the lower ranks, whether in the railways, airlines or shipping, are the underdogs. Nobody seems to care about them, nobody seems to worry about their welfare, about their wives and children, about medical facilities for them when they are ill, about their children's education, about pension after their retirement and specially benefits when they are unemployed.

This Bill touches only the fringe of the problem, by giving them provident fund. Dr. Melkote and Shri Indrajit Gupta spoke about bonus. Foreign shipping companies are rich, fabulously rich. My mind goes back to the days when Indian politics was ruled by the P. & O. The directors of the P. & O. were more powerful than perhaps even the Prime Minister of England. They and their kind were responsible, sometimes, for sabotaging the Indian Round Table Conference summoned in London before and after Thirties. Those connected with Bird & Co. and others demanded that Europeans should have 25 per cent representation in the old Bengal Legislature. That was the rock on which the old constitutional proposals were wrecked. They were here, sitting in these very benches, lording over us all.

Those were the days when seamen were treated worse than dogs, they did not get anything. I myself, when I was a practising lawyer, had gone on behalf of workers in British ships of P. & O. I found that the directors were all Europeans. Now they have started having some Indians, but they are dummy directors. The Indian directors have really no power, the power is in London or in some, international body, though the Chairman in India now is also an Indian.

There is another phenomenon that has come. We have their counterparts in the shipping world of the British ship-owners. The Tatas and the Birlas have entered shipping. I do not know why they do not leave something to other people. There are ship-owners who have been there for 50 years like Scindias. Narottam Morarji, the patriotic founder of that shipping company, pathetically committed suicide, while others may be reaping the dividends. Now the Government of India has given help to several Indian shipping companies.

The seamen have never been looked after, never been cared for. It is a pitiable sight to see seamen, hardy, strong men, unemployed, they have no benefit for supporting their wives and children, who are living far away from them, especially when they are unemployed.

Dr. Melkote said that the purchasing power of the rupee had gone down, while the salaries were very high in Germany and England. My hon. friend, Shri Himatsingka, who is associated with big business is just now not here, but I want to point out that the Dollar has got only 87 per cent purchasing power today. I am quoting from *Time*, September 10, page 50, in which copy the Secretary of the U.S. Treasury Mr. Fowler has been front paged. The purchasing power of British's Pound is 80 per cent of what it was ten years ago. Japan's Yen is 70 per cent of what it was ten years ago, and that of the France is 64 per cent. What of the Indian Rupee?

Why should the lords of Indian business enter shipping? Why not the Ministry of Shipping tell them that shipping is for the people who are already there, that they cannot come in? You open the telephone directory and you find that the lords of business have 60 to 80 business or industrial concerns of every conceivable variety. If even by trading on even on carcasses, money can be got by the million, they would be prepared. This is something serious. Why should not shipping be

left to other people, to new entrepreneurs who are not monopolists in business and industry.

That is why today this Parliament has to worry about the conditions of the poor seamen, and we are trying to give them 8 per cent, or whatever is possible. I demand that it should be 10 per cent. What is 10 per cent of Rs. 150 after all?

When my hon. friend Shri Dahyabhai Patel, Shri Kamath and I along with other M.Ps. went to see a Jayanti ship, Shri Kamath said that the berth in which he travelled in the *Queen Marry* from London to New York was far worse than the both given to a seaman or workman in one of the Japanese built Jayanti tankers. That should be the comfort that we should demand for our seaman. Shri Kamath is now right here, and therefore I remember it well indeed. Seamen should have a good, little room with a bath room, which they must think of as their home, because for ten months in the year it is their home on the sea.

Today we have got 50,000 seamen, and by the end of the century there will be one million seamen, because our ships will increase a hundred fold then. Our tonnage has to go up to 25 million by 2000 if we want to take a pride of place. We have to be up and doing. We should also have submarines; otherwise, our merchant shipping and Navy will be in danger at the hands of neighbouring powers, powers in Southeast Asia who are arming themselves, who have submarines when we have none at present.

We must also not forget about the seamen in the small sailing ships. Take an individual owning three, four or five small sailing vessels. He will have 50 to 60 seamen on there all. What about the condition of these workers? In this Bill, is Parliament catering only for the big seamen who are in the international ships, or do we also cater for the little seamen who are on our coasts, who run the small sailing boats, who carry small

loads of cargo from port to port, from Bombay to Karwar, Karwar to Tuticorin, from Calcutta to other places? These seamen, these sailors, perhaps earn only Rs. 25 to Rs. 40 per month their interests also will have to be protected. The highest quality of sacrifice made by an air force man or a man who goes up on the aeroplanes. The next in order are the people on the ships. They go down into the water. It is all nice and clean and a merry bed of roses on the sea, but when the ship goes down in the water, all is lost, and all these poor men are forgotten, nothing is remembered. I plead that the conditions of these seamen be improved, that especially when they are unemployed, they may be looked after. Foreign shipping companies which have been making enormous, fabulous profits throughout the last century and this century should be taken to task and asked to render proper justice, so that the salary of these seamen, who are getting Rs. 150 or a little more, is doubled. We the people of India and the Ministry of Shipping have a right to formulate proposals of that type and see that our seamen are well cared for.

13.30 hrs.

CONSTITUTION (AMENDMENT)  
 BILL

(Amendment of articles 1,2,3,4 etc.)

—Contd.

By Shri Prakash Vir Shastri.

Mr. Deputy-Speaker: We will now take up non-official business.

The House will now proceed with the further consideration of the following motion moved by Shri Prakash Vir Shastri on the 3rd September, 1965:—

"That the Bill further to amend the Constitution of India, be taken into consideration."