

[English]

MR. DEPUTY SPEAKER : That is why, the Hon. Minister has written to the concerned State Government to carry on measures relating to these things. She has taken interest in it. She has already stated about that. She has already written the letter. She will follow it up.

[Translation]

SHRI R.P. SUMAN : No State Government is paying any heed to those orders. What action is being contemplated against the officers who are not implementing the orders ? This is happening in the matters of Harijans only, that is what is more disturbing.

[English]

MR. DEPUTY-SPEAKER : I have called the Hon. Minister of Labour. He is already on his legs.

DOCK WORKERS (SAFETY, HEALTH AND WELFARE) BILL

[English]

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI T. ANJIAH) : Mr. Deputy-Speaker, Sir, the Indian Dock Labourers Act, 1934, the Regulations framed thereunder, the Dock Workers' Regulation of Employment Act, 1948 and the schemes framed thereunder, at present, deal with the matters relating to the protection against accident of workers employed in loading and unloading of goods in ships and the safety, health and welfare of such workers. These also take care of the ILO Convention concerning protection against accidents to workers employed in loading and unloading of ships.

The 1934 Act applies to workers engaged on board the ship or along side the ship. This does not cover work done in any other area of the Ports and Docks. This also does not provide for measures for health and welfare of such workers. Further, the Act does not cover workers engaged on work which is incidental to loading and unloading opera-

tions, such as work in relation to preparation of ships for receipt of cargo, including transit sheds, warehouse, yards, sidings, workers engaged in chipping, painting or cleaning and the like. The 1948 Act takes care of safety of all dock workers other than those engaged in ships. The law also does not apply to minor ports. Over the last three decades, the cargo handling process have changed considerably. Mechanisation has come into operation in a big way. The nature of cargoes have changed. There are cargoes which are dangerous and toxic. There are oil tankers, heavy machinery, etc.

There is no proper system for reporting of accidents, conduct of enquiries, fixing of responsibilities, as there are ship owners, employees of ship owners who act as agents, and other principal employers. The powers of the Inspectors of Dock Safety are not adequate. They have to be given powers for prohibiting handling of cargo when the conditions in the work-place is dangerous to life, safety or health of dock workers.

In these circumstances, the Government had considered it necessary to bringing out a comprehensive legislation to cover all aspects of safety, health and welfare of dock workers. We have also taken care to provide for stringent penalties for violation of law. This law, when given effect to, will make enforcement easier, check the occupation risks involved in dock work and a proper machinery would be available for going into accidents in ports and docks.

The Hon. Members would no doubt appreciate that the Bill provides for welfare measures for the dock workers and is in the interest of the working class. With these words, I move the Bill for consideration and request that it may be passed.

I beg to move,

“That the Bill to provide for the safety, health and welfare of dock workers and for matters connected therewith, be taken into consideration.”

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill to provide for the safety, health and welfare of dock workers and for matters connected therewith, be taken into consideration."

12.49 hrs.

SHRI K. RAMACHANDRA REDDY (Hindupur) : Mr. Deputy-Speaker, Sir, I am very happy that the Government has chosen to bring this Bill before Parliament even at the late stage. However, the Bill does not give much protection to the workers. The provisions enshrined in the Bill do not give much scope for improving the workers safety, health and welfare. I feel that it is only a half-hearted attempt. They have not gone all out to improve their lot. There are many Clauses which are highly ambiguous and which can be twisted. And the tenor of the Bill goes to show that, even though some rights have been created in favour of the workers, at the same time there are also some Clauses infringement of which will attract punishment to the workers. So, I give a qualified support to this Bill.

Before the introduction of this Bill, the Dock Workers (Safety, Health and Welfare) Bill, there were two Acts, namely, the Indian Dock Labourers Act, 1934, and the Dock Workers Regulation of Employment Act, 1948 and one scheme, namely, the Dock Workers (Safety, Health and Welfare) Scheme, 1961, with regard to the safety, health and welfare of the workers. Now, the Government has come forward, to consolidate all these three measures, with this Bill. The first thing I would like to urge on the Government is this. In order to improve the safety, health and welfare of the workers, a mere legislation like this is not enough. The Bill does not say whether their remuneration is being increased, whether their wages are being increased, whether there will be any hospital where they can take treatment in the event of accidents, and so on. All these things have been left untouched by this Bill. Without any improvement in their pecuniary conditions, I do not think this Bill will be of much help to the workers.

Secondly, this Bill gives vast powers to the inspectors. If a worker suffers any injury

in an accident while working, normally he can go to the court of law and prosecute the management. But here under Clause 17(2), it has been stated that no prosecution can be launched without the consent or the previous sanction of the inspector. Suppose a worker meets with an accident or contracts a disease. What is the remedy? The inspector can be won over by the management. In such a case, when the inspector does not give his consent for the prosecution, what is the remedy given to the worker in this Bill? The Bill is silent on that. To that extent, it goes against the interests of the workers.

Then there are two more Clauses, Clause 11 and Clause 14, whereunder for infringement the worker can be punished with an imprisonment for three months or with fine which may extend to two hundred rupees or with both. Here one of the peculiar things is that these two Clauses, namely, 11 and 14, can be twisted in such a manner that they can punish the worker even for any trade union activity. If a worker takes the lead and tries to guard the interests of workers or tries to unite them, he can be punished. These two Clauses go against the interests of the workers. These two Clauses can be twisted in such a way that the workers can be punished.

Now, take Clause 10. It provides that if a worker contracts a disease while being under the charge of the Dock or suffers an accident, Government can appoint a person to hold an inquiry into the causes and make a report. After the person has made the inquiry, what happens, what is the safety provided to the workers, how the interests of the workers are to be safeguarded, how the worker is to be treated, what is the compensation to be paid to him, on these things the Bill is silent, the Bill does not say anything. He may have to proceed under other Acts which may be there. But when you are trying to bring a comprehensive measure to help the workers, why don't you include in this Bill itself everything—after the person has given the inquiry report how the worker has contracted the disease, how he met with the accident, what is to be done, in the event of death occurring on account of the accident what is the action to be taken, what is the compensation to be given, etc. It would have been very good if these two things had been included in the Bill.

[Shri K. Ramachandra Reddy]

There are some definitions which are very peculiar in clause 2 (g). It says :

“Principal employer’, in relation to a dock worker employed or to be employed by or through any agency (including a contractor)...”

Here, you are giving a lot of preference to the contractor. He can utilise this contract to squeeze the workers. The management may also say that if the workers come through the contractor they will take them otherwise no. So, it is always better that this clause is modified, because the contractor can act in a way which is detrimental to the workers.

As far as Clause 5 is concerned, it is a peculiar thing. It says :

“If it appears to an Inspector that any place at which any dock work is being carried on is in such a condition that it is dangerous to life, safety or health of dock workers, he may, in writing, serve on the owner or on the person in charge of such place an order prohibiting any dock work in such place until measures have been taken to remove the cause of the danger to his satisfaction.”

By this clause you have given enormous powers to the inspector. If the inspector thinks that there is some danger for the work, he can immediately give a notice to the management to stop the work. Inspectors are after all small officers. They can be manoeuvred, they can easily be purchased by them. It adds to the detriment of the workers. If inspectors merely think that there is nothing there, it is finished. He appears to be the total authority. The wide powers given by clause 5 to the inspectors can be used either to the detriment of the management or if the inspector is taken over by the management, they can be used for the detriment of the workers. So, Clause 5 results in a lot of damage to the workers.

Then we go to clause 6. If the inspector is supposed to go and inspect, the management has to produce all the books to him

for inspection. If he does not see, what is going to happen ?

A man is punishable under Clause 14. It says :

“...shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees or with both.”

Does this act as a substantial deterrent ? This punishment is not deterrent. He can, after all, pay Rs. 5,000 easily. Whenever a sentence is there “either fine or imprisonment”, the court usually grants only the fine, He can easily pay Rs. 5,000. So, this sentence is not a deterrent. It is better to make it slightly more deterrent. Even for the second offence also, it is punishable with double the punishment, that means one year imprisonment or Rs.10,000 fine. Because that “or” is there, a man can escape with the payment of fine. Under these circumstances, the substantial deterrent is not there. This section does not deter a man, does not act as a deterrent for the man not to act. Suppose he can pay Rs. 5,000 and allow the inspector to go and inspect the ship, he can catch hold of the books and do something in favour. So, this clause must be made more deterrent. Otherwise it cannot serve the purpose for which it is meant.

The inspector is given the powers to prosecute, conduct or defend a case. As far as these things are concerned, when a man is to defend a case or conduct a case, is it correct to give this under 4(i) ? In order to safeguard the rights of the workers, under Clause 9 an Advisory Committee has been contemplated to be constituted. What are the powers of the Advisory Committee ? This committee is supposed to advise the Government as to the rights of the workers and as to the nature of the things that are going on and to improve the lot of the workers. Now I feel that this Advisory Committee is very, very toothless and no definite work is allotted to it. What is the Government going to do if the Advisory Committee says that in such and such dock there is a defect and it has to be removed ? Then the Advisory Committee’s recommendations are not binding on the Government. There is no clause there that their advice is to be looked into, that it

will be considered and that it will be favourably implemented. When such a clause is not there, clause 9 may become superfluous.

DOCK WORKERS (SAFETY,
HEALTH AND WELFARE)
BILL—*Contd.*

[*English*]

In this Bill, we have resorted to a lot of delegated legislation. This is an Act whereby most of the workers' rights are curbed. Suppose something takes place and the dock workers feel agitated over it and they adopt a position to do something, then it is not possible and their activities are also assailed. When such is the case, under delegated legislation, wide powers are given to the government under clauses 12, 20 and 21 to frame rules. The executive authority has been clothed with wide powers. If the executive authority does not frame the rules favourable to the workers, what are the workers to do? Usually they are to be placed before Parliament for 30 days and they will remain there and after the expiry of 30 days they will be an automatic law. When the Parliament finds out and tries to amend it, both Houses have to agree. There, this delegated legislation has to be looked into further.

One thing more. As far as pre-publication under clause 22 is concerned, it is a very good provision because where the workers' rights are taken away, the clause has enjoined that there must be pre-publication and for 45 days they will remain there and so the workers may know what is there and they may make any representation if they want and they can be modified. So this provision regarding pre-publication before framing the rules is a very good provision.

With these words, I support this Bill.

13.02 hrs.

*The Lok Sabha then adjourned for
Lunch till Fourteen of the clock.*

*The Lok Sabha re-assembled after
Lunch at ten minutes past
fourteen of the Clock*

[MR. DEPUTY SPEAKER *in the Chair*]

PROF. K. V. THOMAS (Ernakulam) :
Mr. Deputy-Speaker, Sir, I congratulate the Hon. Labour Minister, Anjiah Ji for bringing forward a very comprehensive Bill for the safety, health and welfare of the dock workers. The Bill has plugged many of the loopholes in the previous Acts. The Hon. Minister has taken pains to see that the loopholes pointed out by many other trade unions are completely plugged.

In the present Bill, there is a clear definition given for the dock work, dock workers employer, principal employer etc. Two new posts of Inspector and Chief Inspector have also been created so that these officials can go to the various parts of the ports, see the problems for themselves and take suitable action. Any trade union man connected with the ports can very well see that this is one of the major piece of legislation to help the port workers.

In this connection, I would like to point out a very serious problem faced by our Dock Labour Boards. Almost all the Dock Labour Boards in the major ports are facing a crisis due to the heavy financial losses suffered by them. What is the reason? The reason is that there is a three-tier system in our ports. One is the steamer agents representing the ship owners, then the stevedoring agents, and then the Dock Labour Boards. The stevedoring agents enter into an agreement with the steamer agents for the loading and unloading of the cargo on the basis of the tonnage of the cargo handled. Then the same stevedoring agents take the workers on the basis of gangs and they make payment to the Dock Labour Boards on the basis of the number of gangs taken. The stevedoring agents get money on the basis of the cargo and they pay to the Dock Labour Boards on the basis of number of workers taken. There is a serious complaints against the workers that they are taking the ghost or 'speed' money. What is the reason? The reason is that these stevedoring agents who want to speed up their work on the basis of tonnage go to the workers through the back door and pay them a little more. That is the

[Prof. K. V. Thomas]

'ghost' or 'speed' money, and they complain to the general public that the workers are harassing them.

Though it does not come in your portfolio, my suggestion is that this system of stevedoring has to be completely stopped. The agreement should be between Dock Labour Boards and the Steamer Agents. In Calcutta, a decision was taken by the Port that for the import of cement and the export of gunny, the agreement should be on the basis of tonnage and not on the basis of number of gangs given between the DLB, Calcutta and this stevedoring agency. But this stevedoring agency disagreed. So, these middlemen, i.e. the stevedoring agency has to be completely removed. Then only, the port will be saved more cargo traffic will be there and workers will be getting better benefits.

Many of the DLB workers finish their work after midnight. They have to go back to their houses which are very far away from the Port. But there is no transport facility and even the night-shelter provided for them is not adequate. The canteen facilities are also not adequate.

There is another problem. If you make a survey, you will find that a large number of these dock workers are suffering from tuberculosis. What is the reason? They are handling materials which are dusty and they are inhaling lot of dust. That is why many of them are suffering from tuberculosis. Effective measures are to be taken against this. But what about the hospital facilities? Even though the workers connected with the Port Authorities have better facilities in the hospitals, these DLB workers do not have any such facilities. We should have efficient and better hospital facilities for the DIB workers. Look at the plight of the hospitals in our ports. You may be having MBBS doctors there, but if you want specialists, you cannot find them anywhere, in the hospitals in the port area. The reason is, if you want to have a FRCS man or if you want to have a specialist, they have to be given better salaries; but you are not giving better salaries. So the specialists do not want to go and work in the port hospitals, and there is no post-graduate doctor or a specialised doctor

there. I would like to suggest that for better health programmes of the workers, specialists ought to be brought into the hospitals of the port.

My another suggestion is that at least one dependent of the DIB worker should be given employment in the vacancies arising in the ports. Similarly, 'the dying in harness' cases should be given the top most importance. In my constituency, in the Cochin Port, which is a major port, the 'dying in harness' cases are pending for years. These cases should be viewed sympathetically.

Another point is, we have not made any scientific study on the manpower requirements for each port. There are a very large number of casual workers. We should make a scientific study on the manpower requirements and then on the basis of that study, wherever possible, these casual workers should be made permanent. Thousands and thousands of casual workers everyday go to the port and there they are told that there is no work. So, they go back. This is a very pathetic situation. Therefore, a proper study has to be made. One year ago, a study was conducted by the Secretary, Shri Abraham. The recommendations of that study have been sent to the Ministry of Transport and the Ministry of Labour. These recommendations have to be gone through and implemented. With these words, I support this Bill which has been put forward by the Hon. Minister.

[*Translation*]

*SHRI R. JEEVARATHINAM (Arakonam): Hon. Mr. Deputy Speaker, Sir, I rise to say a few words on the Dock Workers (Safety, Health and Welfare) Bill, 1985. I wholeheartedly welcome this Bill. I also welcome the repealing of the outdated Dock Labours Act, 1934. I hope that very soon the necessary amendments would be brought to the Dock Workers Regulation of Employment Act.

Sir, the Dock Workers Safety, Health and Welfare Scheme was started in 1961. Though this scheme was in force during the past 24 years, it has not done good to the

*The speech was originally delivered in Tamil.

dock workers. It is common knowledge that the dock workers are engaged in hazardous jobs. They have to unload heavy and sophisticated machinery and equipment and raw material meant for industrial development of the country and then to take them to godowns. Similarly, they have to load our export commodities also. They have to clean the ships and make them ready for sailing. I have seen personally how they do such hazardous jobs in Madras harbour.

We have the Dock Labour Board, but unfortunately this Board is not able to deliver the goods. The dock workers are employed with the assistance of workers. These contractors swallow a substantial portion of the wages of the dock workers. Most of the dock workers sleep on the footpaths outside the Ports. These contractors do not provide housing facilities for them. I take this opportunity to demand that the contractors system should be abolished. The Port trust should set up a separate organisation for this purpose. This organisation should provide housing facilities for the dock workers. The Port Trust should provide them with necessary money for this purpose.

The International Shippers Organisation has been complaining that the ships are detained for a long duration by our country. One of the reasons might be that the harbour itself lacks in adequate berthing facilities, leading to this delay. The other reason is that on account of lack of primary and basic facilities for the dock workers they are not able to exert themselves effectively. They do not have houses; they do not get medical facilities. They do not get nourishing food. They are exploited by the contractors. During rainy seasons they load and unload goods without any cover. How do you expect them to work for 8 hours in these adverse circumstances?

It is not enough that we appoint the Chief Inspector and Inspectors for ensuring their welfare. Arrangements must be made for installing modern safety equipment in the ports. It must also be ensured that such equipment is operated properly. They must be constantly supervised. The dock workers must get immediate medical attention if they are injured. The compensation to the families of workers who die in harness must be given without delay. Those contractors

who do not provide the dock workers with primary facilities must be punished deterrently. Such contractors should be removed from the rolls of the Port Trust. The punishment for them should also be enhanced.

Our Hon. Labour Minister should also formulate the Dock Workers Accident Insurance Scheme. Sir, our Hon. Labour Minister, Shri Anjiah is the real representative of the workers of the country, as he himself was a worker. There is no doubt that he will implement the provisions of this Bill for the benefit of the dock workers. We should bear in mind that the dock workers play a vital and significant role in the industrial development and in the economic development of the country. We should not hesitate to provide them with basic facilities for their living. In the major ports of Calcutta, Madras, Cochin, Kandla, Paradeep, Marmagoa, Visakhapatnam, New Mangalore and New Tuticorin several thousand dock workers are giving their blood and sweat for the industrial growth of the country. I demand that concerted attempts must be made to raise their standard of living and to provide them effective safety in their day to day work. Their welfare programmes must receive the highest priority in the hands of the Government.

With these few words, I welcome this Bill and conclude my speech.

[English]

SHRI AJOY BISWAS (Tripura West) : The main purpose of this Bill is to incorporate provisions of the previous three Bills. My point is that the provisions for safety and welfare for the dock workers were also there in the previous Bills, but actually the government or the management was not interested in implementing those Bills properly.

If we see their working conditions, we will find that they are very bad, as far as safety and health is concerned, in spite of those acts of omission and commission. Generally, the loading and unloading from the ships is being done by the middle man, the clearing agents. They engage thousands of casual workers and they have to work under severe conditions. The Central Government have announced that they are

[Shri Ajoy Biswas]

interested in removing the contract system, but in the dock the same system is actually prevailing. When the main functions of the dock are being done by the middle man, the plight of the thousands of casual workers knows no bounds. I have definitely an objection against this Bill.

There is no attempt on the part of the government to change their service conditions. In every sector, the middle man system or contract system is now being abolished. So, I request the government to bring forward another Bill so that at least the conditions of the dock workers improve and the bonded labour system should go.

The canteen facilities are very meagre. There should be some provision in the Bill by which canteen facilities and other type of facilities can be extended to the dock workers. No doubt doctors are there, but their health condition is serious. The doctors do not provide any service for the dock workers. The management engages the doctors. But actually, the workers are not getting the benefits.

PROF. N. G. RANGA (Guntur) : If there is no dispensary what is to be done ?

SHRI AJOY BISWAS : Dispensary is there, but actually the facilities are meagre. I, therefore, request the Government to provide more facilities and more dispensaries to ensure that the facilities are available to the dock workers.

With these words I conclude my speech.

MR. DEPUTY-SPEAKER : Shri Shanti Dhariwal.

[Translation]

SHRI SHANTI DHARIWAL (Kota) : Mr. Deputy Speaker, Sir, I fully support and welcome the Bill presented by the Hon. Labour Minister for the safety, health and welfare of the dock workers. I also want to thank the Hon. Minister that he has put in a lot of labour in preparing this Bill intended to improve the living standard of the dock workers and ensuring their safety and welfare.

While welcoming the Bill, I would like to ask the Hon. Minister whether before bringing this Bill, any survey was conducted to know about the condition of the dock workers and the problems afflicting them in relation to their safety welfare and health ? If any such survey was conducted, then mention should have been made of their problems in the Statement of Objects and Reasons. This Bill has been brought forward quite belatedly. There were many shortcomings in the Dock Workers Acts of 1934 and 1948. The definition of 'Dock work' and the 'Dock Worker' was also very narrow. These have now been made comprehensive through this Bill, which is a welcome step, because with the widening of the definition the rights of the dock workers will now be protected more effectively and the people violating the law will get suitable punishment.

In this Bill provision made for appeal against the orders of the Inspector and the Chief Inspector is also a laudable step and constitution of an Advisory Committee on administrative matter is also a welcome step. But I would like to submit to the Hon. Labour Minister that in these Advisory Committees the representatives of the labour unions must be included.

It has been provided in clause 12 of the Bill that exemption to any port, dock or wharf where traffic is small or to the fishing vessels will be given only after the notification in the Official Gazette has been published. Instead of doing this, a survey should have been made first to know as to which are the ports, dock and wharfs where safety health and welfare of the dock workers would be adversely affected and where small ships and fishing vessels are used or where traffic is small, and those places should have been exempted through this Bill itself. In the absence of this, the people working in small ports, docks and wharfs will have to run to the Ministeries of the Government and will have to face difficulties unnecessarily and rules relating to big docks will be imposed on them also.

I, therefore, hope that the Hon. Minister will consider my suggestion. On the whole I welcome this Bill. It is a very good Bill.

[English]

MR. DEPUTY SPEAKER : Shri K.S. Rao.

There is lot of time for you because all of them are concluding quickly.

SHRI K.S. RAO (Machilipatnam) : Mr. Deputy Speaker, Sir, I support this Bill. It is known that the Hon. Minister Shri Anjiah had on many an occasion brought several legislations in favour of the workers to this House. Now he is bringing this Bill for the welfare of the dock workers also. Particularly to think of the health and safety of the dock workers in a comprehensive way and making provisions in the Bill, is admirable. But I am only a little sceptical about some of the clauses.

In clause 2(e) it is incorporated that the "dock worker" means a person employed or to be employed directly or indirectly. If the intention of the Hon. Minister is to safeguard the health and welfare of a person who suffers injury or accident irrespective of the fact whether he is employed there or not, it is commendable. But in case a stranger, whether with permission or without permission, comes to the area and suffers some injury, then he will also have to be paid as per this Bill. But if a bad element were to take advantage of this and tries to extract money, then it will be a great burden on the exchequer.

In clause 4(d) the Bill has given enough powers to the Inspectors to stop work if they feel that it is dangerous. It is good. This will help in prevention of such dangerous things or accidents. But in the proviso of the same clause it is mentioned that no person shall be compelled to answer any question or give any evidence tending to incriminate himself. I do not think anybody will answer questions unless compelled or forced. So, the Inspector must be permitted to get evidence even if it requires compulsion; otherwise nobody will come forward to give evidence. I request the Hon. Minister to think on this aspect also.

I am happy that in one way he is doing a great help to the entire working community. His heart is for their health and safety. But

at the same time, he must also see to the other side. I mean, he must make enough provisions to prevent workers not to do wrong things. In clause 11(1) it is mentioned that no worker shall wilfully interfere with or misuse, neglect, etc. Obviously this will keep the workers conscious of their duties as well as with their privileges. They will know that they will be penalised in case they go on the wrong side. In fact, this attitude is necessary for implementing the policy of the Government. It is not just blindly supporting one side or the other but every caution must be given to both sides that in case they go out of their way, they will be punished.

In clause 7(3) there is a provision for secrecy information of given about defects or irregularities or breach of any legal provisions. Even if the Government agency fails to find out the defect or breach of provisions, this section enables the Government to know of the defects through informants. But I request the Minister to find out whether any incentive can be given to the people who inform about the breach of provisions or defects or irregularities. These incentive will help the authority in knowing them and rectifying them in time.

I wish extensive publicity also must be given among the workers about these provisions so that they may know where to go and when to go and what will be the results of it. It is not enough simply to make an Act and keep it to ourselves or bring to the notice of the employers alone. These things must be published or kept on the notice board for giving extensive publicity among the workers.

As regards the Advisory Committee, provision is made for the appropriate Governments, dock workers and the employers of the dock workers. That is good. But all these people are connected with the working of docks in one way or the other. Even if there were to be some mistakes in their day to day work, they might not be able to express their minds openly to get those things corrected. Therefore, I wish if an outsider from public who is a man of integrity, rational thinking and boldness, having special knowledge of these things, could be included among the members of the Advisory Committee so that the real purpose of the Advisory Committee could be achieved.

[Shri K. S. Rao]

As regards the disclosure of secrecy, if the secrecy is disclosed, six months imprisonment is provided for the Inspector and three months for the worker, if he goes wrong. This clearly indicates the favour shown to the workers rather than to the Inspector or an officer or an employee. It is good that the worker must be given the advantage, but then this should not be taken lightly by the worker, or it should not be in his mind that the Government will not act seriously on these things. Strict implementation of these things, both by the workers and the employers, will certainly give dividends. It is in the interest of both. The Minister and the concerned officials must keep it in their mind and see that the results are achieved.

[*Translation*]

*SHRI R. ANNANAMBI (Pollachi) : Hon. Mr. Deputy Speaker, Sir, I am grateful to you for giving me this opportunity to speak on behalf of All India Anna Dravida Munnetra Kazhagam on the Dock Workers Safety, Health and Welfare Bill, 1985. Sir, this Bill is the reflectinn of the commitment of our Hon. Labour Minister for the welfare of dock workers whose sweat and blood contribute substantially to the country's economic and industrial development.

Sir, you are aware of the fact that the workers are the backbone of the country and if the workers' interests are neglected then naturally this backbone gets weakened with the consequence of irreparable damage to the nation as a whole. I am proud and in fact I am honoured to extend my wholehearted support to this Bill which seeks to provide safety, health and welfare to the dock workers. Our Hon. Labour Minister, Thiru Anjiah, is the genuine representative of the workers of the country and starting his life as a worker he has become now the saviour of the workers. He knows the problems of workers of this country and I am sure that he will usher in an era of contentment and joy for the workers of this country. This Bill reflects truly his concern for the dock workers, as I mentioned at the outset.

In the major ports of Bombay, Calcutta, Madras, Tuticorin, Visakhapatnam, Cochin,

*The speech was originally delivered in Tamil.

New Mangalore, etc. thousands of dock workers are engaged in doing jobs for the progress of the nation. Annually our import-export trade is to the tune of several thousands of crores. In this the role of dock workers cannot be minimised. If the dock workers go on strike, the economic and industrial activities come to a standstill. This is known to all of us and we have experienced this on several occasions.

In 1961 the Dock Workers Welfare Scheme was started. After 24 years we have come to realise that this scheme has not delivered the goods to the dock workers. This has necessitated the introduction of this Bill. I want to emphasise that we should not take another 24 years to find out that the provisions of this Bill have not been successfully implemented. In other words, I want that the Hon. Labour Minister should ensure expeditious implementation of the laudable provisions of this Bill.

We cannot refute that the dock workers are engaged in hazardous work. On account of lack of berthing facilities in the harbour, the ships are berthed on the high seas. The dock workers go in their boats and unload the previous plan and machinery for industrial development of the country. Similarly, they are also loading precious exports, which earn valuable foreign exchange. You can imagine the freight which we get when we look at the sea from the shore. These people weather all the storms and deliver the goods. When the ships are berthed in the ports, through cranes huge packets are brought on the shore. They are carried on the heads and on the backs by the dock workers to the godowns. I have seen the dock workers becoming the beasts of burden in Madras Port. But they do not get the basic minimum facilities. They do not get nourishing and nutritious food. They do not have pucca houses to live. They do not have places to rest after the day's hard work. This compels them to sleep on the payements outside the Port. They are also being exploited by the contractors. I demand that the contracting system must be abolished in regard to the employment of dock workers. The Port Trust should prepare muster rolls of these workers and employ them for loading and unloading. Then only they will get proper wages for their hard work. The Hon. Minister should also bring forward a comprehensive Dock

Workers Accident Insurance scheme on all-India level. The dock workers should get medical attention in the ESI hospitals, as the Port Trust hospitals are unable to meet their full medical requirement. The employers and the companies which do not provide them basic minimum facilities should be given deterrent punishment.

Before I conclude I would refer to another important issue. The dock workers elect their chosen leader for highlighting their genuine problems with the concerned authorities. The formation of Union is their discretion. This practice is prevalent in many Ports. All such Unions must be given recognition by the authorities. When labour problems arise, the leaders of all such Trade Unions must be invited for talks and resolution of the problems. But in Tamil Nadu, at Madras Port the authorities prefer to invite only certain select leaders of favoured Unions for settling the labour disputes. I want to draw the attention of the Hon. Minister to this aspect of the working of the authorities. Naturally some time the demands raised by the workers whose Unions have not been invited for talks are not heeded to and this creates discontentment in the minds of such workers. They resort to strike for fulfilling their demands. The result of such strikes is the loss of several lakhs of rupees in a day, which the Government has to bear. Our experienced Labour Minister, who was once upon a time a worker, knows the consequences of not inviting all the leaders of Unions for talks for resolving the labour problems. I take this opportunity to demand that all the Labour Unions must be given recognition and their leaders must be invited for talks when labour disputes arise. Then only there will be overall satisfaction and contentment among the workers. I want that the Hon. Labour Minister must issue directives to the concerned authorities in this matter so that the interests of the workers are safeguarded.

Our Hon. Chief Minister, Dr. M.G. Ramachandran epitomises the hopes and aspirations of the workers in the State. Our Chief Minister has been advocating the concept of one union-one industry which alone will protect the interests of the workers, who are the backbone of the country. I wonder why this concept should not be accepted as a national concept. If the concept of one

union-one industry is implemented throughout the country, this will definitely usher in an era of amity among the workers, industrial peace and harmony and an atmosphere of unity among the workers for the good of the country. This will also create a new work ethos among the labour. With these words I conclude my speech.

[English]

SHRI SHANTARAM NAIK (Panaji) : Mr. Deputy Speaker, Sir, at the outset you may recollect that last time when the Bill regarding the Children's Employment was moved, I had suggested that as far as possible we should have one uniform legislation dealing with all aspects of labour. It is a tremendous task, I agree; we will not be able to have it so soon. But, as far as the Dock Labour is concerned, at least, we should have one common legislation. If you go through the objects of the Bill, you will find that ultimately the Indian Dock Labour Act of 1934 will be repealed no doubt but still the Dock Workers (Regulation of Employment) Act of 1948 still remains. We have this Act now for the purpose of Dock Labourers. There should be at least one Act and one legislation. There is no need for keeping that Dock Workers (Regulation of Employment) Act of 1948 separately and this one separately. All these things could be incorporated in one Act. Ultimately, when we pass this legislation, are we providing for safety and welfare in this legislation? No, Sir. It is not the case.

I will just take you to this clause 21. It says :

- (1) The appropriate Government may, by notification in the Official Gazette, make regulations consistent with this Act for providing for the safety, health and welfare of dock workers.
- (2) Such regulations may provide for all or any of the following purposes, namely... .." The list is given.

That means, ultimately for safety, health and welfare, we will be issuing some regulations and all the measures will be mentioned

[Shri Shantharam Naik]

in those regulations. So, this Act contains nothing. When we are discussing it, we find that it contains nothing. Ultimately the regulations will contain all those safety measures. Who will issue these regulations? The appropriate Government. The appropriate Government is the Central Government as far as major ports are concerned and various State Governments as far as other ports are concerned. That means, there are 22 States and there will be 22 regulations, plus one regulation issued by the Central Government, plus the rules framed under this. That means, the entire law relating to health, safety and welfare will be contained in this Act, plus 22 regulations, plus one regulation by the Central Government, plus the rules. This is the state of affairs. You will agree with me—I am not saying with respect to Labour Ministry or any other Ministry. In fact, this is the aspect which will have to be considered at least by the Ministries. We are framing all new policies under the leadership of Shri Rajiv Gandhi. To implement and enforce these policies we will have to enact new legislations for times to come and in the forthcoming Session there will be immense legislation work done in Parliament. Therefore, we should consider whether we are going to follow the same structure of legislation or we are going to make suitable changes. As a result now, the highest supreme body of the Legislature is not able to enact laws on important matters. We are leaving the matters to rules and regulations. This is not fair. Therefore, it is very difficult to know what are the safety measures. If we have come to know about this, we would have discussed them here, but they are not here. You will see that the rules and regulations will provide for all these things. The regulations will be enacted for these measures and as such, we do not know exactly what measures will be taken, what exactly will be health and safety aspects.

SHRI T. ANJIAH : All are mentioned here.

SHRI SHANTARAM NAIK : If they are mentioned here, what is the need for regulations?

SHRI T. ANJIAH : You read the Bill properly.

SHRI SHANTARAM NAIK : I have seen the entire legislation. Nowhere they are mentioned. All these measures will be in the rules and regulations, not in the main Act. If they are in the main Act, there is no need for regulations. If they are mentioned in the main Act, what will contain in the regulations? We are providing the major things in the rules and regulations and some broad principles are there in the Act. I have said time and again, the major portion of the law should contain in the Act and some minor things should contain in the rules and regulations. The major thing, that is, 75 per cent, should be enacted in the law.

Secondly, as far as Marmagoa Port Trust is concerned, it is one of the leading international ports. We celebrated recently the 100th year of its existence. It is one of the important ports. Unfortunately, there the welfare of the dock workers was never considered. Hundreds and thousands of rupees were spent on celebrating the 100th year. Ultimately what is accrued to the workers is not given. They were not even given bonus. This is the state of affairs. So, you kindly look into the matter and the other suggestions which I have made.

15.00 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

Seventh Report

[English]

SHRI R.P. SUMAN (Akbarpur) : I beg to move :

“That this House do agree with the Seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 26th November, 1985.”

MR. DEPUTY-SPEAKER : The question is :

“That this House do agree with the Seventh Report of the Committee on