

**DOCK WORKERS (REGULATION OF  
EMPLOYMENT) AMENDMENT BILL**

[*English*]

MR. CHAIRMAN: We go to the next item — Consideration of the Bill further to amend the Dock Workers (Regulation of Employment) Act, 1948, as passed by Rajya Sabha.

Shri Rajesh Pilot.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): Mr. Chairman, Sir, with your permission, I would like to say a few words while moving the Dock Workers (Regulation of Employment) Amendment Bill, 1988, as passed by the Rajya Sabha, for consideration and passing of the same. The Dock Workers (Regulation of Employment) Act, 1948 does not contain any express provision for Annual Reports of Dock Labour Boards being sent to the Government or for laying of the Annual Reports and the Audited Reports of these Boards before the two Houses of Parliament.

The Committee on Papers Laid on the Table of the House (Seventh Lok Sabha) had in its Twenty-first Report presented to the Lok Sabha on 14.8.1984 recommended as follows:

"The Annual Reports and Audited Accounts of all the Dock Labour Boards should in future be laid on the Table of the House along with review of the Government within 9 months of close of accounting year and if necessary amendment may be made in the Dock Workers (Regulation of Employment) Act, 1948 or the rules if any, made thereunder in that regard."

The Committee also recommended that the annual reports and audited reports for the years 1977-78 to 1982-83 should be placed on the Table of the House. This was implemented. Thereafter both the annual reports and audited accounts of the Dock

Labour Boards for the period from 1983-84 have been placed on the Table of both the Houses.

Now a specific provision is being made in the Dock Workers (Regulation of Employment) Act, 1948 to provide that the Dock Labour Boards shall submit to the Government, Annual Reports of the working of the Schemes. Provision has also been made for the laying of Annual Reports and Audited Accounts on the Table of the Houses of Parliament or the State Legislature, as the case may be. In the case of Major Ports, the Central Government is the appropriate Government. The respective State Governments are appropriate Governments in respect of the minor ports.

The Bill has already been passed by the Rajya Sabha on 10.8.1988.

I beg to move:

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

MR. CHAIRMAN: Motion moved:

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

Kumari Mamata Banerjee.

✓ KUMARI MAMATA BANERJEE (Jadavpur): Sir I rise to support the Dock Workers (Regulation of Employment) Amendment Bill. I would like to congratulate the hon. Minister on bringing forward this Bill. This Bill is really a revolutionary Bill and this is the first time that the Government has brought forward this Bill to control and check the irregularities in the Dock Labour Board, in every port. Sir, Dock Labour Board has been set up under the Dock Workers (Regulation of Employment) Act, 1948.

Now, I can tell you, from our side that the

[Kumari Mamata Banerjee]

function of the Calcutta Port, which is a pioneer port, is not up to the mark. Many financial irregularities are there. They are not even submitting their annual reports and audit reports. The workers are not convinced how the management is dealing with all this audit report. People do not know what is happening. There are some lacunae in the provisions. That is why, for the first time, the Minister has brought forward this Bill, at least to convince the people, convince the workers and to convince the Members of this House as to what is the function of the Dock Labour Boards, what is their expenditure; and how they are going to develop ports and other things. I support this Bill from the core of my heart. But I want to tell one thing to the hon. Mion Minister.

Calcutta port is an important Port. It is in our State. There is a feeling in the people that Calcutta Port is deteriorating day by day, though you have taken some important measures to modernise the Calcutta port. That is why, I request the hon. Minister to set up at least monitoring committee or monitoring cell consisting of local MPs, MLAs and other representatives and the other technical experts to look after the grievances of the workers for which I shall be grateful to him.

Secondly, in Calcutta Dock Labour Board, you must appreciate one thing. So far as my knowledge goes, 8000 died in harness case. The present Chairman of Calcutta Port has cancelled all the list. These people are waiting for 10 years, 15 years. In the case of those who had died in harness, their dependants were assured that they will be given a job. But after 15 years, the present Chairman has cancelled all the List. These people started a hunger strike in my Constituency. I personally met the Chairman. I request the Chairman to consider this matter and also if you are going to set up a new strategy or ideologies, then you start from now. I requested the workers to withdraw the strike because I talked to the hon. Minister. With the List pending and with the people waiting for a long time, why are you going to cancel the present List? I would like to re-

quest you to save Calcutta port and the workers. At the same time, you start negotiations with the union to improve the lot of dependants of those who had died in harness.

Regarding modernisation, there is a feeling among the people that Calcutta Port is deteriorating. That is why, I would request you to take strong measures to modernise this Calcutta Port. You should set up one monitoring committee and involve the local MLAs, MPs and technical experts also. Please give them opportunity to work because it is our moral duty. I can take one decision one day. But I have to see whether this decision will affect the people or not because politics is for the people. Politics is not for the individual. That we have to maintain. That is why, I am rising my voice. I believe and I am optimistic that you will at least consider my point of view.

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Chairman, I support this Bill, the Dock Workers (Regulation of Employment) Amendment Bill. I congratulate the hon. Minister for having come to the House with this Bill which seeks to provide for the submission of annual reports of the Dock Labour Boards, to the Government and also for laying of the annual reports together with the audited accounts on the Table of the House of Parliament or the State Legislature, as the case may be.

As you know, in this land where we are having the largest democracy of the world functioning, it is the Parliament that is supreme and naturally the annual reports and the audited accounts necessarily should be placed before these Houses so that Members, the representatives of the people, could know about the activities that are being carried on in ports, and docks, as pointed out by my previous speaker, Kumari Mamata Banerjee, so that if there are irregularities, the House could come to know about it and also would suggest remedial measures.

As regards the problems and sufferings of the Dock workers, as you know, we have

got the Dock Workers Safety and Welfare Act. It was passed by Parliament three years back in 1985. But although long three years have elapsed, meanwhile as far as I understand, by and large, the welfare measures, as incorporated in this Act, are yet to reach the dock workers. There is a lot of gap between the lip and the cup.

We are quite happy and we are proud that we are quite a progressive country and we have a large number of progressive regulations in our statute books. While coming to the implementation part of it, we are pained to observe that the implementation is not being made in different States in the fields with the spirit with which such Bills are brought forward. The seriousness is lost somewhere. Therefore, all these things should be ensured properly. I would request the hon. Minister to be very particular about it.

There is another thing. There is no adequate housing scheme for the dock workers in different docks and ports. Sir, you hail from Bombay. You know about it. There is no adequate housing scheme there for the dock workers in Bombay also, which is the biggest port. Of course, there are some houses in Bombay. But, I think in Calcutta and Madras it is not there. There are some houses constructed in Paradip, that too after a strike. But that is not adequate. They are below the requirement.

Every year, large number of dock workers meet with accidents. They suffer from accidents. Therefore, it calls for strict safety measures to be taken. Accident is accident. We have to take all precautions to see that accidents do not take place. But when there is some accident, we should be very careful and over-cautions to see that the victims are properly treated and proper medical treatment is given to them. Also, they should be duly compensated. Adequate compensation should be paid to them because in the course of discharging their duty, while they are working for the nation, they meet with accidents. That way, emphasis should be laid to see that they get adequate compen-

sation.

Next, I would come to the workers participation in management. It is a very lofty ideal. We are harping on it day-in-and-day-out that workers participation should be ensured. At least in Government undertakings, to start with and in ports and docks, we have to see that this is implemented. A great number representatives of the workers should be there in the Advisory Committee, in other committees so that they themselves can decide the issues effectively or meaningfully. They can play a meaningful role in deciding their own problems. This should be done.

Sir, it is painfully observed that there is a great disparity between the service conditions and working conditions among port workers and dock workers. Different kinds of facilities are given to the port workers and dock workers. Port workers are somewhat placed in a better position. Those facilities enjoyed by the port workers should be extended to the dock workers also. This is my earnest request. Why should there be any distinction or discrimination when they are working almost together on the dock? There are two sets of rules. This is not fair. Further, a number of casual workers, apprentices etc. are there without enjoying the security of jobs. They don't have security of job. That should be provided. Medical facilities should be extended; educational facilities should be extended not only to the workers but also to their children and family etc. I don't like to take much time. I would emphasise that workers participation in the Dock Labour Board should be ensured. Our hon. Minister is dynamic. He has progressive views. Therefore, he should consider this aspect as to how these workers could participate meaningfully, effectively in all these organisations, in all these bodies like the Dock Labour Board etc. It will be better if an Expert Committee is appointed to look into the problems and sufferings of the dock workers. And the Report that they would be submitting should be sympathetically considered and implemented. I understand that this amending Bill will apply to seven major

[Sh. Sriballav Panigrahi]

ports. But we have ten major ports. Why should these three ports be left out? This Bill should equally and uniformly apply to all our major ports. This is definitely an improvement on the existing law. As I said, there is much more scope for improvement particularly in respect of working conditions, service conditions of the port workers and the dock workers. The disparity that is existing between these two types of workers should also be done away with. All the facilities that are presently enjoyed by port workers should be extended to dock workers also. With this, I give my support to this Bill and I conclude.

**SHRI CHINTAMANI JENA (Balasore):**  
Hon. Chairman, Sir, I rise to support a very useful amendment brought by our Hon. Minister. This Bill provides for fixing of responsibility and accountability of the persons who are involved in strikes and also bringing the functioning of the dock into a standstill position. It is a very good and useful measure for which I once again congratulate the Hon. Minister. But I would like to speak rest of my speech in Oriya, my mother-tongue for which interpretation may kindly be arranged.

[*Translation*]

\*Mr. Chairman Sir, I rise to support the Dock Workers (Regulation of Employment) Amendment Bill. This is a very useful and important Bill. This Bill seeks to fix accountability on the workers or any other person responsible for organising illegal strike and thereby causing losses to the ports. This Bill also seeks to regulate the employment of the workers. Therefore I congratulate the Honourable Minister for bringing this Bill. But, I would like to speak in my mother tongue Oriya.

Sir, at the outset, I would like to express my thanks to the Honourable Minister for making some important provisions in the Bill

which will go a long way in providing certain benefits to the workers. The illegal strikes can be curbed. Accountability would be fixed on the persons organising such strikes. In the process the ports will not suffer any loss. The illegal strikes continue for days together and cause huge losses to the ports and it has an adverse impact on our economy. Such type of situation can be averted. The Honourable Member Miss Mamata Banerjee was speaking about the problems of the Dock Workers in Calcutta Port. I hope it will not be improper if I say a word about the problems of the dock workers who are working in that Port from Orissa. Sir, 80% of the total dock workers in Calcutta port are from Orissa. They did not join the trade Unions set up by the leftist parties in Calcutta Port. Therefore the leftist trade Unions put pressure on the Calcutta Port Trust to remove those workers. Now they are thrown out of Employment and have gone back to Orissa. They are sitting idle as no other work is available for them. The misery of those workers is beyond description. Sir, those workers were working in those parts since long. Even their forefathers were working in that port. But I am sorry to say that the poor and hard working workers were removed from the port due to political pressure. This is the situation not only in Calcutta Port. It happened in Paradeep Port too. The loading and unloading activities in Paradeep Port came to a standstill due to inter-union rivalry. The port work remains suspended for months together. The ships were stranded at the port for days together. Finally they were diverted to Vizag Port. This was the situation in many ports. However, I am grateful to the Honourable Minister for bringing this Bill with a view to avoid such irregularities.

Now I would like to speak on the problems of dock workers working in various major ports and then I would like to give some suggestions to the Govt. to resolve their problems. There are two kinds of dock workers. Some dock workers work under the Port Trust and other kind of workers work

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\* Translation of the speech originally delivered in Oriya.

under the Dock Employees Board or Dock Workers Board. The workers in Port Trust Board get higher wages than the workers working under the Dock Employees Board. The pay scale/wages etc. of the workers in Port Trust Board is equivalent to the pay scale/wage rate of the Central Govt. Employees. On the other hand the wages given to the workers working under the Dock Employees Board is much less than what the workers of port trust get. All the other ports have docklabour Boards that ensure atleast one thing that the workers on the roster of the dock labour board get atleast a minimum level of wage every month whether they do any work or not. But there should not be disparities on the payment of wages. I hope the Honourable Minister will look into this aspect and adopt a system to remove the disparities. But provision has been made in our Constitution for equal remuneration for equal work. Sir, the basic problem of the ten major ports is that they lack a proper manning scale and norms. The manning norms were formulated and agreed upon in the sixties when there was little mechanisation and have remained unchanged ever since. Moreover, the wages paid to Madras Port Trust Workers are more than the wages paid to the workers of Bombay Port Trust. The workers of Paradeep Port Trust get less wages than the Bombay Port Trust workers and the workers working in Calcutta Port get much less than what the workers of Paradeep Port get. I do not know why the difference is so much between one port and the other. In this context, I would like to suggest the Minister to introduce uniform wage structure for the workers in all the 10 major ports.

Sir, the Shipping Industry is being modernised. About 60 to 70% of the total Cargo in different ports are being loaded and unloaded mechanically. The magnetic cranes can handle upto five times the volume of Cargo handled manually. As a result of adopting mechanised Cargo handling in different ports under the modernisation programmes, the workers engaged in manual handling were thrown out of employment. So, under the present labour practices the

workers are sitting idle. On the other hand it is often observed that the mechanised cargo handling operation fail due to mechanised error. In such cases the Cargo handling activities remained suspended for days together. The Port Trust has to pay a huge amount to the foreign Shipping Companies as demurrage charges. In order to avoid such situation and to save the Port Trust from losses, I would like to suggest the Govt. to keep some port workers as reserved workers by giving them some amount of wages. In such situation they can be engaged in Cargo handling work. But, I do not object to the introduction of the modernisation programme. It is a good sign for the development of the ports.

Finally, I would like to say a word about the welfare of the dock workers. I am sorry to say that the Dock Workers Boards are not paying adequate attention to provide proper housing and medical facilities to the workers. The Co-operative societies under the Dock Labour Board are not functioning effectively. I request the Honourable Minister to see that the Co-operative societies function well and meet the need of the dock workers. As shelter is the basic need of the human being, the housing problems of the dock workers should be solved on priority. The medical facilities should be provided to every worker as they are under the impression that provision of medical facility is the primary responsibility of the Central Government.

With these words I thank you very much for giving me the opportunity to speak and conclude my speech.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): Mr. Chairman, Sir, as I have mentioned, this is only the implementation of the recommendations of the Committee of the House which had said that we should lay the papers on the Table of the House. Hon. Members have pointed out a few suggestions and points in their

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speeches. Kumari Mamata Banerjee has mentioned about the Calcutta dock labour Boards annual reports. They have been giving the accounts. Only to counter all this, we have brought the legislation that they should be laid on the Table of the House.

She has also mentioned about the Calcutta port modernisation. I have, off and on, replied in my answers in this House that Government is aware of the problems of the Calcutta port. Whatever efforts Government could put, we are on it.

She also mentioned about some people who have died in harness as a result of the accident. This is a particular case. I will get the details and would let the hon. Member know about it.

Mr. Jena has pointed out about the workers' participation in the Board. He is not here. There are 12 members on the Board. Out of the 12, 4 are from the labour. So, there is a participation of the workers on all the Board's activities.

Shri jena has also pointed out about the housing facilities at the ports. It is a fact that we do not have the full facilities for all the workers. But we have, up to some ratio, houses in each port. Housing is a very burning problem in all the ports. The Government is paying considerable attention to this problem.

We have the hospitals in most of the ports. The port hospitals are one of the good hospitals. I have visited them myself. They are well maintained. All facilities are available in the port hospitals.

Another point was about differences in the wages of the dock workers at different ports. It is not true. The wage settlement is common for all the major ports. Of course, their house rent allowances and other piece rate earnings certainly differ. There are differences in the working culture also. In Madras port, there is a gang of 4 which handles a container or which handles one

particular cargo. In Bombay, it is a gang of 22. A job is done at Madras port by four people. The same job is done by 22 at Bombay. This culture is there. We are looking into it very seriously. We had discussions with the labour unions. Recently, we have introduced a system for port labour that bonus at the port will be linked with the productivity. We have some data for assessing the productivity in each port. I hope that with the productivity-linked bonus, the efficiency at the ports will go up. Some uniformity will be prevailing in various sectors of the ports.

I once again thank all the Members for their kind suggestions about the Department. As I have said, it is just an implementation of the Committee's recommendations which we have brought forward to the House. With these words, I once again, thank the Members.

PROF. N.G. RANGA (Guntur): The point he raised was parity of treatment between dock workers and port workers. What have you to say?

SHRI RAJESH PILOT: The hon. Member has also said about the various differences between the DLWs and the port workers which are existing. I agree with this. We had discussions. One of the reform committees which was appointed for the ports, even recommended that we should abolish the DLBs. But we have to take a balanced approach in the discussion with the labour and the Government policy. We are on the job of discussion.

MR. CHAIRMAN: The question is:

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

*The motion was adopted*

MR. CHAIRMAN: The House will now take up clause by clause consideration of the Bill. There are amendments by Shri Anadi

Charan Das. He is not present. So, I put clause 2 to the vote of the House. The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted*

*Clause 2 was added to the Bill*

MR. CHAIRMAN: The question is:

"That Clause 1, the Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted*

Clause 1, the Enacting Formula and Long Title were added to the Bill.

SHRI RAJESH PILOT: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

15.50 hrs.

#### AUROVILLE FOUNDATION BILL

[English]

MR. CHAIRMAN: Now we will take the next item — Auroville Foundation Bill.

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRI. L.P. SHAH): On behalf of Shri P. Shiv Shanker, I beg to move:

"That the Bill to provide for the acquisition and transfer of the undertakings of Auroville and to vest such undertakings in a foundation established for the purpose with a view to making long-term

arrangements for the better management and further development of Auroville in accordance with its original charter and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

Sir, at this point of time, I would like to make a very brief statement about the provisions made in the Bill. Auroville was conceived out of a charter proclaimed by Mother in 1968. It aims at international understanding, peace, progress and bringing humanity together. For a few years thereafter, that is, upto 1973, things went on very well but after the Mother left this world, differences arose between the society and the Auroville resulting in greater controversy, sometimes in criminal litigation and thereafter Government of India had to intervene and bring an Act in 1980. As things could not settle down, this Act had also to be extended in 1985 and 1987. Now we are placed in a position when it has been found that the society and the Auroville are not pulling on well with each other. Therefore, there is a proposal for Auroville Foundation before us. This Foundation has three basic elements. One is the International Advisory Council. The other is the Governing Board and the third is the Residents' Assembly for day-to-day working. These three bodies will work in future towards attainment of the goal of Auroville. In the meantime, after 1980, things have been straightened to some extent and efforts were made in Auroville towards afforestation, soil conservation, water conservation, agriculture, integrated rural development, educational research, scientific research, cottage industries and computer technology. The residents of Auroville have also developed a self-organising system. All this needs to be encouraged and consolidated. The Bill which is before us has certain special features as I have already pointed out.

Now, in order to avoid all controversies getting perpetuated in the Governing Board, the Government has decided in principle that none of the existing societies or trusts