

THE DOCK WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT BILL—Contd.

श्री हरिकेश बहादुर (गोरखपुर):सभा-पति महोदय, 1948 से यह एक्ट लागू हुआ है, 32 साल लगभग बीत चुके हैं, लेकिन वेलफेयर फंड का इस्तेमाल वहीं डंग से अभी तक डाक वर्कर्स के हित में नहीं हुआ है। अभी माननीय सदस्यों ने इसका जिक्र किया, श्री इन्द्रजीत गुप्ता ने विस्तार से बताया कि आज भी हम इन कर्मचारियों को, डाक वर्कर्स को इंडस्ट्रियल लेबरर्स की श्रेणी में नहीं लेते हैं। अगर इंडस्ट्रियल लेबरर्स की श्रेणी में रखें तो उनको जिस प्रकार कलाभ मिलते हैं, वह सभी लाभ इनको भी मिलेंगे। इसलिए मैं मंत्री महोदय से अनुरोध करूंगा कि डाक वर्कर्स के साथ जो इस प्रकार का व्यवहार हो रहा है, जिससे वे सब प्रकार की मुविधाओं से वंचित हैं, जो कि उन्हें मिलनी चाहिए उस व्यवहार को समाप्त करना चाहिए। उन्हें इंडस्ट्रियल लेबर की श्रेणी में शामिल करने की आवश्यकता है।

उनके सामने खास तौर से कठिनाई है रहने के मकानों की, इतने वर्गों में उन्हें आवास सम्बन्धी कोई मुविधा नहीं दी गई है। इस लिए सरकार को इस दिशा में शीघ्र कार्यवाही करनी चाहिए। जहां सरकार इन कर्मचारियों को रहने के लिए मकान बनवा कर दे, वहां उसे उन लोगों को मेडिकल फैसिलिटीज भी देनी चाहिए। मेडिकल फैसिलिटीज के मामले में उनकी स्थिति बहुत खराब है। मैं मंत्री महोदय से अनुरोध करूंगा कि वह उन्हें बे सब मुविधायें दें, जो कि पोर्ट वर्कर्स को दी जाती हैं। पोर्ट वर्कर्स को बहुत मुविधायें दी जाती हैं, लेकिन डाक वर्कर्स को कोई मुविधा नहीं दी जाती है। इस कारण उनमें आपस में कटुता भी उत्पन्न हो सकती है और डाक वर्कर्स एजीटेशन तथा आन्दोलन

भी कर सकते हैं। इस स्थिति से बचने के लिए यह आवश्यक है कि डाक वर्कर्स को मुविधायें दी जायें।

डाक वर्कर्स दूर दूर से काम पर आते हैं, इस लिए उन्हें ट्रांसपोर्ट फैसिलिटीज भी दी जानी चाहिए जैसी कि तमाम दूसरी किस्म के इंडस्ट्रियल लेबर को प्रोवाइड की जाती है।

कलकत्ता बन्दरगाह के बारे में ग्राम तौर से कहा जा रहा है कि वह लूट-पाट का अड्डा बना हुआ है। अभी एक माननीय सदस्य ने ठीक ही कहा है कि वहां रेलवे के वेंगन्ज को तोड़ कर उनके पुर्जे गायब कर दिये जाते हैं। इन कार्यवाहियों को रोकने के लिए प्रभावी कदम उठाये जाने चाहिए और वहां पर व्याप्त भ्रष्टाचार को समाप्त करना चाहिए।

यह बहुत ही दुःखद बात है कि कलकत्ता डाक लेबर बोर्ड की एडमिनिस्ट्रेटिव वाडी का निलम्बित कर दिया गया था। वह आज भी निलम्बित है। सब कर्मचारी मंथ उस एडमिनिस्ट्रेटिव वाडी के विरुद्ध हैं। लेकिन ऐसा कहा जा रहा है कि कुछ लोग, एम्प्लायर्स वगैरह, सरकार पर यह दबाव डाल रहे हैं कि उस एडमिनिस्ट्रेटिव वाडी को रीइन्स्टेट किया जाये। अगर उसको रीइन्स्टेट किया गया, तो चूंकि सभी लेबर यूनियन्ज उसके खिलाफ हैं, इस लिए उसके विरोध में आन्दोलन और हड़तालें होंगी। इस लिए मंत्री महोदय से मरा विशेष अनुरोध है कि जिस एडमिनिस्ट्रेटिव वाडी के खिलाफ एनक्वायरी हुई है और जिस के खिलाफ भ्रष्टाचार साबित हो चुका है, उसको फिर से रीइन्स्टेट न किया जाये।

अन्त में मैं फिर अनुरोध करूंगा कि डाक वर्कर्स को पोर्ट वर्कर्स की तरह सब फैसिलिटीज दी जायें और उन्हें इंडस्ट्रियल लेबर की श्रेणी में रखा जायें।

THE MINISTER OF SHIPPING AND TRANSPORT AND TOURISM AND CIVIL AVIATION (SHRI A. P. SHARMA): Mr. Chairman, Sir, the scope and purpose of this Bill is very limited. It has been pointed out by some of the friends that as a matter of fact, through, this amending Bill, we cannot going to do anything new. The funds we have collected were levied on the employers but there was no specific provision in the Act and as per the recommendation of the Committee on Subordinate Legislation, this Bill has been brought before this House.

In the course of the discussion on this Bill many friends have said many things. Mr. Saha from the Opposition and Mr. Xavier Arakal from Congress (I) have made a point that this Act is not applicable to the dock workers of all the ports. That is not correct. This act is applicable to all the major and minor ports. The only difference is this. With the exception of seaports, Paradip, New Mangalore and one more port, out of ten major ports, this is applicable to seven major ports and the administration of fund is being done through the Dock Labour Board.

Let me first of all make it clear that the Bill is applicable to all the ports, major and minor. But the responsibility for administering the act is with the State Governments. The only point remains to be clarified is this. Why is this not applicable to the other three major ports? There was a Committee set up by the Government of India under the chairmanship of Mr. N. M. Chatterjee in 1975 to review the decasualisation of the scheme. This Committee has recommended the abolition of Dock Labour Board and unification of the cargo handling and labour in the Port Trust. This is the recommendation of the Chatterjee Committee and therefore, in these three major ports, we have not introduced this system. As a matter of fact or as a matter of expediency, as pointed out by several hon. Members, it is not good. About the functioning

of the Labour Boards, it is all there provided under the Act. They are functioning. I want to make it clear here that this Act is applicable to all the major and minor ports.

Shri Vyas and other friends have raised several points in which they have made so many suggestions. The intention of the Bill is this. The scope is very limited. But, if my friends suggest that the whole act should be amended, that is entirely a different matter. Presently, I am not on that subject. I again reiterate that the scope of this Bill is very much limited. On one or two points, I would like to clarify. My hon. Friend, Shri Indrajit Gupta is a very experienced trade unionist leader. I do not know how he got this idea that the Port and Dock workers are not treated as industrial workers. For his information, I may tell him that they are treated as industrial workers and, under the Industrial Housing Scheme, sixty houses are presently under construction at Calcutta for the Dock workers.

SHRI INDRAJIT GUPTA: Is the housing accommodation adequate?

SHRI A. P. SHARMA: I do not say that the housing accommodation for these workers is adequate. I do agree that it is not adequate. The position of Calcutta is very bad in this respect. I may tell this hon. House that 18.15 per cent of the workers are provided with housing accommodation in Bombay; in Calcutta it is 4.26 per cent; in Cochin it is 34.85 per cent in Kandla it is 10.8 per cent; in Madras it is 38.6 per cent—it is the highest, not highest, last but one; and in Marmugao it is 30.6 per cent; in Vizag it is 39.9 per cent. That is the highest. But, Sir, I have quoted the percentage of the housing accommodation for Dock Labour Workers. I do not want to say that the position is satisfactory. It is a fact that the dock workers are not adequately housed. It is also a fact that the dock workers are not getting the same amount of facilities as the Port Trust workers. That is

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correct. It will be my endeavour to see that that is brought about, subject, of course, to the availability of funds. (*Interruptions*). I would say that it is within the funds that are available for the welfare measures.

Sir, I would like to say only one thing more. So far as we are concerned we do take notice of the points raised by the hon'ble Members and I want to assure that as regards the administration of these funds wherever there are irregularities and shortcomings we will definitely see to it that they are corrected.

Sir, my friends Shri Harikesh Bahadur and Shri Indrajit Gupta pointedly said about the administrative of Calcutta dock. It is correct that the administration body of Calcutta dock labour board has been suspended and suspended for certain reasons. So far as we are concerned we are not keen that it must be restored but we have difficulty and the difficulty is that Calcutta cannot be administrated in a special way. It has to fall in line with the major parts and that is the difficulty. I have explained to my friend, Shri Indrajit Gupta, that until and unless dock labour boards of major parts are abolished...

**SHRI INDRAJIT GUPTA:** Why? Nobody has asked for the abolition. We have asked for an administrative body of the board.

**SHRI HARIKESH BAHADUR:** This administrative body has been suspended. It is said that some employers are pressuring the Government to reinstate that body. Is it a fact that the government is being pressurised by some employers?

**SHRI A. P. SHARMA:** This Government is not going to be pressurised by anybody.

Sir, I was trying to explain my difficulty, that either all the six major ports are to fall in line with Calcutta or Calcutta has to fall in line with

them. I have explained my difficulty to Shri Indrajit Gupta. So far as the mal-practices or short-comings of Calcutta are concerned we will definitely try to see that they are removed and even at any point of time whatever we do we will do in consultation with our friends. Even if we are going to restore the administrative bodies at Calcutta which were functioning earlier, but not well, even if we restore them we will see to it that they function properly and the reasons for which they were suspended are no longer there.

श्री नारायण चौबे (मिदनापुर) :  
इसका मतलब है कि आप इस को चालू करेंगे।

**SHRI A. P. SHARMA:** My friend Mr. Choubey does not understand my point. I said that either I have to introduce that system there in Calcutta or I have to suspend in 6 other places. Therefore, I want to make it clear that the purpose of this Bill is very limited. If my friends feel that a comprehensive Bill is necessary for amendment of the Act, that is entirely a different matter. If that is the type of amendment put before the House we can definite take note of them. I think in view of what I have stated my friends will pass this Bill. So far as the Housing accommodation of workers is concerned, as I have already said, within the overall availability of resources we are trying our best to improve the position. With these words I request the hon. House to pass this Bill unanimously. Thank you.

**MR. CHAIRMAN:** The question is:

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

*The motion was adopted.*

**Clause 2—(Amendment of section 3)**

**MR. CHAIRMAN:** Clause 2. Mr. Shamanna, are you moving your amendment No. 1?

SHRI T. R. SHAMANNA (Bangalore South): Yes, Sir, I beg to move my amendment. Although for 3 days we have been discussing this, not a word has been said by me.

I beg to move my amendment No. 1 to Clause 2. I beg to move:

"Page 1, line 11,—

add at the end—

"and the fund to be so created will consist of—

(i) grant or contribution to be given by the Government;

(ii) contribution to be made by the Dock Labour Board;

(iii) contribution, if any, to be contributed by the dock workers.

Provided that Government may fix the respective shares of the bodies as referred to in this clause." (1)

Sir, the original Act was passed in 1948. Later on, amendments have been passed in the year 1951. Now it is 23 years or 24 years since the Labour Welfare Fund has been created. I do not know how the fund is collected and how the fund is functioning. These things have not been made clear. It is not known who has to pay for it. It is not known how this Fund is created, who has contributed to it, how much they have contributed, and how they are going to utilise the amount of the Fund. From what I have been able to make out from the reading of this Bill, this Bill is intended to validate the creation of the Fund and the money collected so far and the validity regarding the legal action therefor about any commission or omission in the functioning of this Fund. That is all. We do not find any details here. Sir, a few days back we passed the Mica Mines Labour Welfare Fund Bill. There it was clearly stated that they will collect 6½ per cent cess, towards this Fund. They said that very clearly.

Also it has been stated that the Fund will be utilised for the following purposes:

(i) For the health and sanitation of the labourers;

(ii) for water supply for the labourers;

(iii) giving facilities for the labourers, improving working conditions of labourers; and

(iv) transport of the labourers; and so on.

16 hrs.

So, these details have been given. I am sorry to note that here, though the Fund has been created, it has not been made clear as to how the Fund is to be utilized hereafter, and how it is to be collected. It has not been given even in the amended Act. We don't find as to how the amount is to be collected, and who has to pay for it. All these details have not been provided. I would have been happy if details had been given. How the Fund is to be created, is not given here. It is left to the Government to work out the details. I would urge upon the Government to see that when such measures are brought, they are brought in a proper manner, so that there is no litigation later on, and the Fund may also be of use to people for whom it is meant. With these words, I want that the amendment moved by me, may be accepted.

SHRI A. P. SHARMA: I am surprised to hear the statement of my hon. friend, Shri Shamanna. He has raised 3 questions, viz. how the Fund is going to be collected; how it is going to be utilized, and for whom it is going to be utilized. All the 3 things are there. It is collected from the employers; it is administered by the Dock Labour Board, and it is used for the welfare of the workers. These are the 3 things mentioned here; and I do

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not know how it escaped his notice. I don't think I have to say anything more.

MR. CHAIRMAN: Mr. Shamanna, are you going to withdraw your amendment, or do you want to press it?

SHRI T. R. SHAMANNA: Let it be withdrawn. I do not press it.

MR. CHAIRMAN: Is it the pleasure of the House that the amendment moved by Shri Shamanna be withdrawn?

*Amendment No. 1 was, by leave, withdrawn.*

MR. CHAIRMAN: For clause 2, Mr. Banatwalla has given an amendment. But he is not here. The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3 was added to the Bill.*

*Clause 4 was added to the Bill.*

*Clause 5 was added to the Bill.*

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

MR. CHAIRMAN: Now the Minister.

SHRI A. P. SHARMA: Sir, I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

16.04 hrs.

RE. ADJOURNMENT *SINE DIE* OF  
LOK SABHA ON AUGUST 12, 1980

DR. FAROOQ ABDULLAH (Srinagar): Sir, the House has been called again for the 14th. I hope Government would not mind, because the business has probably been completed. If there is still a little more business to be completed, I would request that tomorrow, we don't have the lunch-break, but the House adjourns tomorrow and does not meet again on the 14th—if Government does not object to my requesting for this.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI BHISHMA NARAIN SINGH): If the House is agreeable, I will cooperate with everybody.

DR. KARAN SINGH (Udhampur): Will it adjourn tomorrow then?

SHRI BHISHMA NARAIN SINGH: It will adjourn *sine die*. If it has to adjourn tomorrow, it will adjourn *sine die*.

श्री रामावतार शास्त्री (पटना) : कुछ डिमिक्शन होने की बात थी। बाढ़ के बारे में भी—

श्री श्रीधर नारायण सिंह : कल बाढ़ पर कर लें, मुझे आपत्ति नहीं है।

श्री रामावतार शास्त्री : 16 को करिये या 18 को करिये।

श्री श्रीधर नारायण सिंह : अध्यक्ष जी सहमत हों और कल बाढ़ पर चर्चा हो जाए तो मुझे कोई आपत्ति नहीं है। अध्यक्ष महोदय की अगर अनुमति हो तो कल ही बाढ़ पर वाद-विवाद हो जाय, मुझे कोई आपत्ति नहीं है।

सभापति महोदय : ठीक है।