

**Mr. Deputy-Speaker:** Amendments 1 and 2 have been tabled just now, both are out of order (*Interruptions*) I would draw the attention of the hon Member to article 110 of the Constitution and article 110(I)(a) refers to the imposition, abolition, remission, alteration or regulation of any tax. Then in article 117 he would see that if any reference is made to it, any law or amendment would require the sanction of the President. It has not been obtained. The hon Member, Shri Kodyan wants that taxes be levied even on newspapers. That would be an imposition of a tax and therefore, the permission of the President is necessary.

**Shri V P. Nayar:** The point raised in the amendment is not that. In the original Sales Tax Act, the words were not included. This is an amendment which seeks to bring in the particular clause the word newspaper. We want the *status quo* to be maintained.

**Mr Deputy-Speaker:** No. The Bill is there and now an amendment is being moved. The Bill seeks to impose certain taxes for which sanction has been obtained. The amendment also must have permission of the President before the tax can be varied. So, it is out of order. Similar is the fate of the other amendment also. There is also article 274(1) which says

No Bill or amendment which imposes or varies any tax or duty in which States are interested, or which varies the meaning of the expression "

15 hrs.

**Shri V. P. Nayar:** That is clear.

**Mr. Deputy-Speaker:** There are no amendments. I shall put all the clauses together. The question is

"That clauses 1 to 12, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

*Clauses 1 to 12, the Enacting Formula Title were added to the Bill.*

**Shrimati Tarkeshwari Sinha:** Sir, I move

"That the Bill be passed"

**Shri V. P. Nayar:** rose—

**Mr Deputy-Speaker:** We have to take up another item at 3 00 P M

**Shri V P Nayar:** This may be held over

**Shrimati Tarkeshwari Sinha:** No, no

**Shri V P Nayar:** I want to speak

**Mr Deputy-Speaker:** If there be no objection in taking up the other thing after ten minutes

**Shri V P. Nayar:** Let the House sit for ten minutes more. Sir because that is also equally important perhaps more important than this

**Mr Deputy-Speaker:** All right. Then this will be taken up next time. Motion moved

"That the Bill be passed"

**Shri V P Nayar:** Then I am on my legs. Sir

15 02 hrs

#### CHAUDHURI COMMITTEE'S REPORT ON PORT AND DOCK WORKERS DEMANDS

**Shri Asoka Mehta (Muzaffarpur):** Sir, I beg to move

"That the Chaudhuri Committee's Report on Port and Dock Workers' Demands and the Government's Resolution thereon published in the Gazette of India on the 21st July, 1958 be taken into consideration"

Sir, I am happy that when we take up this discussion of the situation that is today prevailing and is likely to develop in the ports and docks in our country, we have as the Minister-in-charge an old friend of mine about

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whose capacity to understand the intricacies of the situation and ability to respond in the manner desired I have no doubt.

I have suggested that we discuss on the floor of this House the Chaudhuri Committee's Report on Port and Dock Workers and the resolution that the Government have passed on it, for the simple reason that I have the impression that all is not well with our ports and our docks. The situation there is uneasy, and it is quite possible that unless prompt measures are taken we may once again be confronted with the kind of situation that we faced a few weeks back. As the Minister knows very well that I was very unhappy at that time—and I am sure most Members of this House were unhappy—I would like that such a situation is avoided, because it is likely that any dislocation or disturbance in our ports and our docks would exert severe and adverse repercussions on our food situation as well as on our foreign exchange difficulties. I have, therefore, no doubt in my mind that all sections of this House are agreed that everything possible should be done to see that the workers in the port and docks, who are manning such an important and strategic sector of our economy in a period of such difficulties through which we are passing, have no grievances left or have no reason to harbour any feeling that justice is not being meted out to them.

I feel that the way the Government have been handling the situation has not created that kind of impression in the ranks of the workers. In the last two years, the port and dock workers, their organisation, Sir, gave notice of general strike on five occasions, and only recently we witnessed the paralysis of ports and docks for eleven days. Rumbles of another strike are heard. I read with considerable amount of distress a resolution adopted by the All India Port and Dock Workers Federation at its meeting held on 21st July 1958, and in the course of that resolution—it is a long resolution, I cannot read the whole of it—

one of the sentences to which attention needs to be attracted is: "Agitation should be intensified at the ports to urge on the Government the need to reconsider their decisions." Agitation is being intensified, and when agitation gets intensified in those vulnerable areas of ports and docks anything can happen unless prompt action is taken.

It may be argued that if this Federation of Port and Dock Workers has given five notices of general strike in the past two years, and if it struck work for eleven days, it may be that this organisation functions in an irresponsible or in an intransigent manner. I would have been the very first person to criticise them and try my level best to correct them, if I was convinced that those who are today leading this organisation are either functioning irresponsibly or in an intransigent manner.

But, Sir, when I look at the record of the work of the port and dock workers under these leaders put in recent years, I cannot withhold from them my meed of praise. In the last two or two and a half years, loading and unloading has increased at the ports and docks by anything between 100 and 200 per cent. You will recollect, Sir, that a couple of years back there were constant complaints about congestion in our docks and on more than one occasion we were told that surcharges would be levied by the ships which come to our ports. We also had to pay a large amount of money to the shipping companies and a certain amount of drain was caused on our foreign exchange resources. But we find that in April 1958 in the Bombay Port—the datum line laid down for work to be done is 1,06,204 tons—the tonnage actually handled was 2,42,817 tons—an excess of 129 per cent over the datum line—and when we realise that about three years back, perhaps only 80 per cent of the datum line was reached, we have to come to the conclusion that the improvement today in handl-

ing cargo at the port is not only 129 per cent, but nearer 200 per cent.

In Madras Port, I have been told that the port authorities themselves have taken pride on the fact that world record in the rate of handling cargo has been established in that port. Here are, therefore, men of whom we can legitimately be proud. Here are people who are willing to respond to the situation through which we are passing, and I do not think we can say that those who lead the port and dock workers are necessarily functioning in an irresponsible manner.

Then why is this unrest there? This unrest is there because,—I am sorry to say, because I have great respect and personal affection for the Minister who is in charge of it; but I must say the truth—I feel, the Government has been pursuing a policy of procrastination. Assurances are given, and those assurances are often not honoured. I shall try in the limited time at my disposal to substantiate this very serious charge which I have made against the Government.

This Federation of Port and Dock Workers was formed in 1954. An All India Federation had to be formed because there are all-India problems, and those all-India problems were not attended to so long as the port and dock workers functioned on the basis of different ports. There are six major ports and I presume there must be six or probably a dozen unions working in those major ports. They have all come together and this Federation was formed in 1954. Since then, its demands are in sense hanging fire. What has been the main demand? The main demand, as far as I have been able to understand, is uniformity in pay-scales and service conditions in the major ports.

You will recollect that everywhere today this is the tendency; the Central Pay Commission sought to rationalise and make uniform, the conditions of pay and conditions of service. This rationalisation and creating uniform

conditions, or what is known as equal pay for equal work, is being adopted more and more in other industries also. This has been suggested by various committees and various commissions. That is also the accepted policy of the Government.

Shri Lal Bahadur Shastri, who was the Minister in charge of Transport, said in September, 1956, as follows. I am quoting him:

“There is no uniformity of pay-scales, leave rules, provident fund benefits, etc., in all ports of India.”

I presume he was referring to the six major ports.

“This, to my mind, is an urgent matter which should be tackled at the earliest”.

The Minister recognised in September, 1956, that this was an urgent matter which needed to be tackled at the earliest.

In order that the whole question may be thoroughly looked into, all pros and cons examined, all evidence sifted, a very senior officer of the Government was appointed. It was not a Commission. Workers were not represented. Nobody else was represented. It was a one-man Committee or Commission, whatever it is called. He was Mr. P. C. Chaudhuri, a very senior member of the Indian Civil Service. Mr. Chaudhuri was asked to submit his report within six weeks on certain points. Mr. Chaudhuri took a longer period. Now, all that the Federation is asking for is that the recommendations of Mr. Chaudhuri should be implemented. This senior officer was appointed by the Government. This senior officer spent anything between nine to 11 months. He went round and visited all the ports; he consulted all the interests concerned and he sifted all evidence and he has given quite a voluminous report—about 400 pages. As you know, he was connected with the States Reorganisation Commission also. Government evidently trust him, respect

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his judgment. He was entrusted with another important task, and he has produced a very worthy report.

Now, what the Federation asks for is that the recommendations of Mr. Chaudhuri be implemented. The Prime Minister, recently when the strike was on, sent a telegram to the Federation, saying that Government are determined to see that justice is done to the workers. On that account, on the telegram from the Prime Minister, and the friendly spirit that the Minister had evinced, the strike was withdrawn. The Government had also then assured in the course of the discussion that they had with the representatives of the Federation, that the assurances given by Shri Lal Bahadur Shastri would be implemented. It is the contention of the Federation—and I have a considerable amount of sympathy with that contention—that the recent Government resolution fails to carry out these assurances given by the highest in the land. Why is it so? The reason is, there is an ambiguity and I suggest that there is a deliberate ambiguity—the Minister will pardon me for saying so—on the position of the port and dockworkers. Sometimes, it is argued that their case has to be considered separately. Sometimes, it is argued that they are covered by the Pay Commission. The first Pay Commission never took the question or the case of the port and dock workers into consideration. The Chaudhuri Committee's report at page 70 categorically observes:

“It does not appear from the Report of the Central Pay Commission that they specifically considered the pay-scales of Bombay, Calcutta and Madras Ports whose employees were not technically central government servants”.

I have had the opportunity of working as a trustee of the Bombay Port Trust and I have also had occasion, when I was an active trade unionist,

to negotiate with the Chairman of the Port Trust in Bombay, and repeatedly I was told in the meeting of the Board of Trustees, when I used to negotiate with Chairman, that the Bombay Port Trust is an autonomous body. Whenever it suits them, it becomes an autonomous body; whenever it suits them, it is said that their case is covered by the Pay Commission. The Central Pay Commission on the last occasion did not consider the case of the port and dock workers. This time also, to the best of my knowledge, the Central Pay Commission has not invited the Federation to put forward their case. The Central Pay Commission, therefore, has neither on the previous occasion nor on this occasion, tried to look into the problems of the port and dock workers.

There are 1,25,000 port and dock workers. Only 5,000 of them are Government employees. As many as 40,000 are privately employed by stevedores and the rest are employed by these autonomous authorities. The main principles enunciated by the first Pay Commission were, equal pay for equal work and rationalisation and uniformity of pay structure. These principles have not been implemented. It is true that *ad hoc* increases have been given, but these two principles have not been implemented. In the case of the railways, whether the workshop is in Ajmer or is in Perambur or wherever it is, the pay structure is the same. In the ports and docks, people may be doing the same kind of work. But neither a common nomenclature has yet been brought about nor uniform conditions of pay and uniform conditions of service have yet been created. This particular demand was made over and over again. If the recommendations of the Pay Commission or if the principles laid down by the Pay Commission had been given effect to, then, these anomalies would not have existed, and there would have been no occasion for Mr. Chaudhuri to spend nine to 11 months of his valuable time in formulating his report.

Mr. Chaudhuri was appointed to evolve proposals. I have not been able to get hold of the terms of reference, because I find that the terms of reference are not given in the report. Probably, the Minister will be able to enlighten us on what precisely were the terms of reference. But anyway, from the report which I have tried to go through as carefully as possible, I find that he was asked to evolve proposals for service conditions and other things after consulting the interests concerned in the light of the Pay Commission's recommendations. Originally, it was suggested that this would be done in the framework of the Central Pay Commission's recommendations. But the wording was changed: from "in the framework of", it was made "in the light of". The change in the wordings, which was brought about at the instance of the Federation, suggests that Mr. Chaudhuri was asked to keep the broad recommendations of the Pay Commission in mind and reach his own conclusions. He was also expected to consider whether there are any special conditions prevailing in ports and docks, whether the workers there have any stresses and strains peculiar to their own work, and if there be any such stresses and strains, what kind of further allowances, further amenities, should be given to them.

Now, Mr. Chaudhuri, as I said, after a very careful consideration, has submitted his report. In the report, he has recommended certain wage increases. If these wage increases are given effect to, it would mean, as he has pointed out, this much increase. He has said:

"As it is, the total annual establishment expenditure on all the ports during the year 1955-56 was of the order of Rs. 12 crores. An additional expenditure of even Rs. 25 lakhs will mean about 2 per cent of the total wage bill".

What he recommended would have resulted in two per cent increase in the wage bill.

Then, he suggested that provident fund contributions be increased from basic pay plus half dearness allowance to basic pay plus full dearness allowance. He suggested that the gratuity should be 25 months instead of 15 months and it should include full dearness allowance instead of half dearness allowance as at present. He suggested that the gratuity should be given at the rate of full month's pay for one year's service as against half a month's pay, as is the case at present. About leave and holidays, also he made certain suggestions. About night work, he said that uniformly the night shift should be 6 hours and over-time payment should be one-sixth.

He made these suggestions because he came to the conclusion that "in ports and docks, the workers have exacting nature of work". He has given figures about the incidence of accidents. The incidence of accidents in ports and docks is three or four times that in other industries in the country. The type of work is exacting. For that, there is any amount of evidence available. The ILO and other organisations the world over have gone into this problem.

My hon. friend, the Minister, who has himself been a trustee and also a labour leader, who has been such a distinguished citizen of my city, knows what the conditions of work there are and because of these conditions of work, the officer on special duty suggested that certain special retiring benefits be given. All that the Government have done is this. The total amount involved in the concessions that have been conceded by the Government comes to Rs. 20 lakhs only. I can understand if the ports had not the capacity to pay. I have worked on various committees. Even today I am a member of the Central Wage Board. I was one of those who had the honour of framing our policy of fair wages. I have been connected for the last 12 years with various committees and commissions where this problem of wages had been considered. Everywhere we have said that

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if an industry has a higher capacity to pay, it should pay. The Government's argument is, how can we start with social security for one section of the people? If in that particular industry, it is possible to start that pattern that we want to create and expand through the whole of the country, why should not we do it?

With your permission, Sir, may I point out what is the capacity of our ports today? The ports have been having by and large surplus budgets. Bombay Port Trust, for instance, is having surplus budgets since 1934, in Bombay and Bombay port is very important, because it handles 45 per cent. of all the cargo in the country. Other ports also have been having a comfortable time. The port rates or the port dues have been increased only by 33-1/3 per cent. since 1934. War has come and gone; inflation has started and prices have soared everywhere, but port dues have been increased only by 33-1/3 per cent. in the last 24 or 25 years.

In Madras, since 1939, port dues have been increased by 50 per cent. In Calcutta, it is true that they have been increased by 100 per cent. But the former Finance Minister, Shri T. T. Krishnamachari advised publicly to raise the rates, because to quote his own words, "the present rates are very low". I am not suggesting that the rates be raised. I am not arguing for that. But I am saying that there is considerable amount of fat. It is not necessary for us to deny elementary justice to our employees, because, as I shall explain to you in a minute, they have contributed to the improvement of the functioning of the ports and docks in a manner whereby they are entitled to the best possible conditions that we can offer.

Ports and docks are having surplus budgets today and in case they desire a little more money, there is plenty of room, because unlike in other spheres of life, here the increases in charges have been very very nominal.

Shipping companies have said that they are willing to pay more if the turn-round is improved. For instance, the Vashist Committee, which was appointed especially to go into this and allied problems reported as follows:

"Similar opinion was expressed by a representative of another company in the following words:

'We can afford to forego these fews extra or few dollars extra or few shillings extra, but we must get better turn-round. It does not matter if the Calcutta rate goes up or the London rate drops; if the Union can prove that the workers can bring about a change in the output in the shape of increase, perhaps no company would mind spending some extra money on them, but where the expenditure does not yield any increase in output, it means that money is literally wasted—waste of labour, waste of time and that too to nobody's benefit.'

This is what an important shipping company has said, as quoted by the Vashist Committee in its report.

Since then the turn-round has improved very much. Whereas we were losing about Rs. 4,500 to Rs. 10,000 a day, now no one complains. As a matter of fact, our ports have built up a formidable reputation about the work being done there, as I quoted the instance of the Madras port. Therefore, even if it is necessary to impose a slightly higher rate, nobody is going to complain. The possibility for it is there, but as I said, there will be no need for it. The present and the potential capacity to bear any increased burden is, therefore, established.

The Government, however, have turned down the proposals of Mr. Chaudhuri on the contention that it would create repercussions as far as other Government employees are concerned. This I am unable to

understand. Here are employees whose case was specially gone into by the special officer who was appointed. He spent 11 months on this and he was a senior officer specially assigned to this job. Either he knows what he is saying or my friend, the Minister, with such advisers as he has in Delhi, knows everything. If he knows everything, why did he appoint this officer? When I say "he", I mean the Government. If they have all the wisdom under the sun and if they know sitting here whether the workers there have a higher stress or a lower strain, why did they appoint this committee? It is amazing that some sections of the workers put in 6 hours of work in the night shift—that is their full day's work—and the overtime payment is one-eighth, of the pay instead of one-sixth. These are amazing anomalies and disturbing discrepancies and the question is whether they should be removed or not and how they should be removed. The Federation did not say that its word should be accepted. But a person who knows all the implications, who, if the Minister so chose, could have been put in charge of one or all the ports in India, such a person goes there, looks into the conditions and submits a report that certain things should be done. But the Minister, sitting here, with such advice he gets, after one year's cogitation, what does he say? What a long period of incubation is needed by our Ministers! The eggs may be put there, but it takes one year to hatch and to come to any kind of decision. And, after one year, the Government decide that Mr. Chaudhuri's recommendations are, by and large, to be **rejected**.

I ask, why do the Government appoint these committees? Why should workers have any confidence after this? The Federation comes once, twice, thrice and withdraws strike notices, with very enviable faith in the good intentions of our Ministers. The officer is appointed and the impression is given that the recommendations of the officer would by and large be accepted. But what do we find? When the

officer reports, the whole thing is to be considered completely *de novo*. The Government reaches its own conclusions, without taking into consideration the capacity of the industry to pay. The result is that the port and dock workers are losing faith in the Government. It would be a sad day if that faith is lost. On the last occasion, the Prime Minister had to intervene. Are we going to permit the Prime Minister's influence, the Prime Minister's capacity to intervene and mediate, to suffer in any way? My friend, the Minister, is a dynamic and competent person, one of those Ministers about whom we can say that he is going to go very far; he has not reached the top of the ladder yet. Is this Minister going to create a feeling in the ranks of the workers that he cannot be trusted, that he can pull wool over their eyes? I hope, not. I say with all the seriousness at my command that today in the ports and docks of Bombay, Calcutta, Madras and other places, as far as our workers are concerned, this feeling is being created. The work has been increasing. Earnings have gone up. They have put in tremendous work. Things are going to hum there. The poor port and dock workers are saying: we are anxious to co-operate. But the Ministry says: no. He hums and haws. God only knows why.

The only argument that he put forward is that it will have repercussions. What are the repercussions? He said: what will happen to the 5½ million workers who are working in other Government departments? I would like to know from the Government—let them clarify their policy—are all people to be treated, are all people who are engaged in Government offices, establishments, factories run by autonomous corporations, are they all to be treated and given the same wages and scales of pay? It means the steel plants will give the same wages that we give today to the dock workers. A worker working—I can quote only figures about Bombay—in Bombay Dockyard Engineering concerns gets Rs. 134. A

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worker doing the same amount of work in the Bombay port gets only Rs. 102. The minimum wage that a Bombay port worker gets is only Rs. 92-8-0. A textile worker gets anything between Rs. 110 to Rs. 120. An engineering worker gets more than Rs. 120. I am talking about Bombay, not about Calcutta or Madras. Now I just cannot understand how you can expect the best people, the good people, who are working in the ports to accept this. Are you going to have uniform conditions of work and uniform conditions of pay even when some of these establishments are run by autonomous corporations? If that is the policy, if uniformity is to mean this kind of dead uniformity, I am afraid, we might as well rule out the map of our industrialisation. This talk of repercussions will not lead us anywhere. When the Central Pay Commission has not looked into the case of these employees, they were told that their case will be heard by Mr. Chaudhuri, and when he reports, his report is not taken into consideration and they are not being given any other opportunity. I find it very difficult to understand how this matter is going to be solved in a manner satisfactory to the workers.

One more point and I have done.

**Mr. Deputy-Speaker:** He has already taken two more minutes.

**Shri Asoka Mehta:** One word will not take more than a quarter of a minute.

The world over the port and dock workers are among the highest paid, and in India we want to see that similar conditions as created. The world over ports and docks are full of difficulties. They are very often placed where maximum disturbances take place. Thank God, in our country we have men at the helm of these organisations who are patriotic. Let us strengthen their hands. Let us make it possible for them to get for the workers, with the goodwill of the Government, wages which will be

commensurate with the needs of their requirements. All that they are asking for is that the recommendations of Mr. Chaudhuri be implemented and I hope and trust that the Government will revise their policy and will not provoke any kind of conflict in this very vital sector.

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

“That the Chaudhuri Committee's Report on Port and Dock Workers' Demands and the Government's Resolution thereon published in the Gazette of India on the 21st July, 1958, be taken into consideration.”

There are substitute motions by Shri Anthony Pillai. First I would like to find out from the hon. Minister how much time he would require.

**The Minister of Transport and Communications (Shri S. K. Patil):** The time allotted is two hours; that means, 120 minutes. A fair distribution is, I should say, two-thirds for those who want to make the case, and one-third for those persons who have got to reply to it. That is a fair distribution—80 minutes and 40 minutes. Our 40 minutes we shall divide between myself and the Minister of Shipping. The Minister of Shipping will take about 15 minutes and myself about 25 minutes. But we shall not take more than 40 minutes.

**Shrimati Parvathi Krishnan (Coimbatore):** What about those who want to support the motion?

**Mr. Deputy-Speaker:** The mover would like to say something in reply also.

**Shri Asoka Mehta:** Not very much, unless the hon. Minister is going to tell me something new.

**Mr. Deputy-Speaker:** Ten minutes?

**Shri Asoka Mehta:** Even less, because I do not think anything new is going to come up.

**Mr. Deputy-Speaker:** 35 minutes have already been taken. 40 minutes are required by the hon. Minister and another 10 minutes by the hon. Member for reply. So, out of the 2½ hours we have got, only 65 minutes remain for other speakers. Shall I fix ten minutes for each hon. Member?

**Shrimati Parvathi Krishnan:** Fifteen minutes.

**Mr. Deputy-Speaker:** I have absolutely no objection. Now there are three substitute motions by Shri Anthony Pillai. Is he going to move all of them?

**Shri Anthony Pillai (Madras North):** Yes, Sir.

**Mr. Deputy-Speaker:** Then he might move them and make a speech also.

**Shri Anthony Pillai:** I beg to move:

“That for the original motion, the following be substituted, namely:—

‘This House having considered the Chaudhuri Committee’s Report on Port and Dock Workers and the Government’s Resolution thereon published in the Gazette of India on the 21st July, 1958, is of the opinion that it is not likely to bring industrial peace to the Port Transport Industry.

This House is further of opinion that since securing the co-operation of labour for improved efficiency of Port Transport is essential for the successful execution of the Second Five Year Plan, a mediator of judicial status should be appointed, clothed with the powers of an arbitrator, to bring about an industrial truce for the Plan period, and to evolve proposals to secure co-operation of labour in increased efficiency.’”

“That for the original motion, the following be substituted, namely:—

‘This House having considered the Chaudhuri Committee’s Report on Port and Dock Workers

and the Government’s Resolution thereon published in the Gazette of India on the 21st July, 1958, is of the opinion that the Government should commend to the Port and Dock authorities for acceptance and implementation with effect from 1st July, 1956, the following recommendations made by Shri P. C. Chaudhuri:

- (a) that Provident Fund contribution and gratuity be calculated on basic wages and the whole of the dearness allowance;
- (b) that each employee should be fixed in the revised scale on the basis of one increment for every three years of service;
- (c) that the number of festival holidays and casual leave per annum should be at least 16 days and 15 days respectively;
- (d) that contract labour be reduced to 25 per cent. by departmentalising them;
- (e) that the number of shore casual registered labour be reduced to a minimum and granted an attendance allowance;
- (f) that a uniform night shift of six hours duration be adopted at all the Ports; and
- (g) that the wage rate of all casual workers be levelled up to that applicable to permanent workers’.”

“That for the original motion, the following be substituted, namely:—

‘This House having considered the Chaudhuri Committee’s Report on Port and Dock Workers and the Government’s Resolution thereon published in the Gazette of India on the 21st July, 1958, is of the opinion that in the light of the assurance given by Government concessions to labour conferring financial benefits should be given with retrospective effect

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from 1st July, 1956 and made applicable to stevedore labour as well."

In commending these substitute motions, I would like to add a few words to what has already been stated by my hon. friend, Shri Asoka Mehta. I have very short time at my disposal and so I will not cover the points already covered by him. But I would like to urge one point initially and that is this. There has been a great deal of dissatisfaction among the port and dock workers over the fact that there has been no proper implementation of the assurances given to them. In fact, the Port Workers' Federation has stated that the record bears out the allegation that Government's intervention in the Port Trust has been an unbroken series of broken promises. This final resolution of Government, published in the Gazette of India dated the 21st July, 1958, is one more link in that unbroken series.

First of all, I would like to analyse the economic consequences of this policy of ineptitude on the part of the Transport Ministry. It shows the complete lack of imagination on the part of the Transport Ministry in tackling this problem. There are three major problems, and they are: the large volume of contract labour which is employed in the docks, the question of the large volume of casual labour that is required in ports, and thirdly, the problem of disparities and anomalies in the pay and service conditions of the port workers in all the major ports. These evils, these discrepancies and these anomalies that I have pointed out have been in existence for quite some time.

In 1947 when the First Pay Commission's report was published, the Government advised the Port authorities to implement the Commission's recommendations. They were not implemented on the plea that they are autonomous bodies. Since then, there has been for the last eleven years a constant agitation on the part of the port and dock workers that there

should be rationalisation of service conditions and that these disparities should be removed. In spite of eleven years of agitation these problems have not been successfully tackled with the net result that the productivity and output of the workers in the port transport industry, which could have been multiplied several times more, as has been stated by my hon. friend, Shri Asoka Mehta, has been lost to the country. That is what I mean by saying that the economic consequences to the country by this lack of imagination is considerable. Though the port transport workers and dock workers agreed to piece-rate schemes as early as 1956, the implementation of the piece-rate schemes have not been carried out with that expedition which one would have expected. Even when consequential problems arise, namely of congestion in the transit sheds, and though Mr. Chaudhuri makes a recommendation that an incentive scheme should be instituted for those indirectly connected with the handling of cargo, a pious decision has been adopted by Government, viz., that as some industrial consultants are being employed by the Bombay Port Trust it is expected that they would submit a report very shortly. Who are these industrial consultants? They are the people whom normally the trade unions oppose. Therefore, there is not the least doubt that when these industrial consultants do submit their report, there may be further disputes as to what kind of incentive schemes should be adopted for the quick movement of cargo in the transit sheds.

There has been unnecessary delay and unnecessary procrastination about matters on which there has been full agreement on principle. It is not as though on every matter there will be repercussions. The Government, as far as the other services are concerned, liberalised leave facilities as long ago as April 1957. Government has decided only now in its Resolution of July 1958 that the same principle should apply, viz., equalisation of leave facilities for Class III and Class IV

Even in July 1957 when the Bombay strike was called off, the then Transport Minister gave an assurance that it would be implemented. It took six months for the Bombay Port Trust to give effect to that decision and then again it was not given effect to from the 1st April, 1957, as happened in other Government services.

Then, take again the question of P.T.O. facilities. Several months ago the Madras Port Trust adopted a resolution that P.T.O. facilities now obtaining in the Central Government services should be given to its employees. Up-to-date Government's sanction has not been accorded. Or, take again the question of reference of disputes to the tribunal for adjudication. In November 1956 Government gave a solemn assurance that those disputes would be referred to tribunals for adjudication. It was repeated when the strike was called off in July 1957. Up-to-date only some of the disputes have been referred to tribunals for adjudication in Bombay, and a couple of disputes in Calcutta. Surely, there is no question of repercussions here.

Then in November, 1956 an assurance was given that schemes of departmentalisation and decasualisation would be implemented in Vizag and Calcutta. It needed a strike in June 1958 for Government to announce what those decasualisation schemes would be though such decasualisation schemes already exist in Bombay, Calcutta and Madras. Where does the question of repercussions arise here? The repercussion lies in the industry here. Here, within the port industry the repercussions arise and about this they prefer to turn a Nelson's eye.

Then, take again another question, the question of casual leave, and festival holidays, for instance. What does Mr. Chaudhuri recommend? Mr. Chaudhuri recommends that the same casual leave and festival holidays facilities which obtained in the Posts and Telegraphs services should be made applicable to the port transport

workers. Where does the question of repercussion come in, in accepting this recommendation?

Then take the question of wage-fixation. I would like to mention one point. I am continuously referring to this assurance given in November 1956. In November 1956, an understanding was reached between the Government and the port transport workers on the basis of which the threatened strike was called off and, therefore, inasmuch as the strike was called off on that basis, the workers expect the Government to honour all those assurances that were given in November, 1956. Some of these assurances were repeated in the Press note that was issued by the Government after the discussion with the Prime Minister. Here is one assurance. The Federation pointed out that Shri Lal Bahadur Shastri, the former Transport Minister, had given certain assurances for rationalising the scales of pay and achieving as large a measure of uniformity as possible in the matter of pay scales and other conditions of service without any reduction of the existing scales or of any benefit. Government assured the Federation that this assurance will be implemented. You cannot find anywhere in this Resolution any reference to this assurance repeatedly given and repeated again by the hon. Prime Minister. Why is this Resolution completely silent with regard to this very important assurance?

Take the manner in which another assurance has been implemented. It was agreed during the discussions with the hon. Prime Minister that there would be an equitable fixation of employees in the revised scales of pay. Equitable cannot mean no fixation whatsoever. If they had completely denied it, one would have said that they have gone back on their assurance. Instead of that, they adopt a Resolution to the effect that an employee will be given one increment. In other words, they are just saving themselves from the accusation that this particular assurance has not been implemented. My charge is that with regard to this, there is a breach of

[Shri Anthony Pillai]

faith—a breach of faith in the sense that the spirit underlying that assurance has not been implemented.

In the November 1956 discussions it was specifically stated that one of the terms of reference to Mr. Chaudhuri would be to formulate proposals for fixing them in revised scales of pay. Nevertheless we find that once again there has been a breach of faith on this question. In November 1956, the port and dock workers were told that there need not be a judicial authority appointed to decide these disputes as the matters could be dealt with, with expedition if there was an officer of the Civil Service who could conduct this enquiry. An officer of the Finance Ministry was also associated with this enquiry so that matters could be dealt with expeditiously and that Government would be in a position to implement them without any difficulty. Despite the fact that Mr. Chaudhuri made his recommendations in September 1957, it has taken the Government very nearly a whole year to take decision on his recommendations. All that the Government has done with regard to Mr. Chaudhuri's recommendations is to merely accept the question of removing some of the disparities and anomalies in the matter of leave, in the matter of travel benefits but the major recommendations—recommendations with regard to gratuity and provident fund, with regard to decasualisation, with regard to the abolition of contract system, with regard to equalisation of wages between casual workers and permanent workers and with regard to the incentive scheme—all these have been denied and rejected. Where it is not specifically said that they have been rejected, there is no reference at all to them in the Resolution on these points.

With regard to gratuity and provident fund, I would repeat the charge that here is a refusal to accept an assurance—a refusal to honour an assurance. It was not included in

the terms of reference that Mr. Chaudhuri should devise some retirement benefit scheme, in the light of the existing Pay Commission's scheme or in the light of any other scheme of retirement benefits already applicable to Central Government servants. He was asked to devise a retirement benefit scheme taking into consideration the circumstances such as hazards, intensity of work and the turn over of labour in the Port transport industry. When the Government advised the workers to withdraw the threatened port and dock strike on the basis of this reference, there was an implied understanding that whatever his recommendations were on the question of retirement benefit, they would be accepted and honoured. I would also like to point out that in Madras both the Dock Workers representatives and the Dock Employers representatives agreed long before Mr. Chaudhuri's recommendations were out that they would accept and implement Shri Chaudhuri's recommendations on retirement benefit. In July 1957 when the Bombay strike was called off, Mr. Shastry gave a written assurance to the effect that retirement benefit would be calculated on the basis of 6½ per cent. of the total earnings of the cargo handling workers. What has happened to this assurance? Government, on the one hand, says that the Dock authority is autonomous and they will not normally interfere. Why should they now pass a resolution requiring the Dock Labour Board, Madras, not to implement Shri Chaudhuri's recommendation, when both the workers and employers have agreed, that it should be implemented.

Therefore, my humble submission is that this particular decision which does not remove any of the evils which have bedevilled industrial relations in the Port transport industry is not likely to bring about industrial peace. There is likely to be a continuation of industrial unrest. There-

fore, my humble submission is that it will be best and most advisable for some mediator to be appointed to look into all the various disputes and bring about a settlement. Surely, a mediator with judicial status is not going to ignore the question of capacity to pay, nor is he going to ignore the question of repercussions. Why should they be worried with regard to appointing such a mediator to bring about such a settlement? Have not they seen a settlement of the piece rate question at the Ports of Calcutta and Madras? If such mediation can bring about increased productivity to the tune of 200 per cent or 300 per cent in the Ports of Madras and Bombay, I do not see why a mediator should not be able to bring about a settlement which would be beneficial both to the industry and to the country and to the workers.

**Shrimati Parvathi Krishnan:** Mr Deputy-Speaker, I welcome this opportunity of discussing the report of Shri Chaudhuri on Port and Dock Workers and the Resolution which the Government has thought fit to adopt on this report I welcome it not only because this is a very important problem, which I feel should be discussed and thrashed out on the floor of Parliament, but also because, at the same time, it gives us an opportunity to put before hon. Members of Parliament the side of the workers. Because, we know, today, there is a tendency to try to make out that the workers who went on strike a few weeks ago were being misled by anti-national elements, by unpatriotic elements, by those who wished to sabotage the national effort, by those who wished to sabotage the Plan and so on. Therefore, it was very necessary and I am glad that my hon. friends Shri Asoka Mehta and Shri Anthony Pillai have both described how the dilatoriness of the Government and procrastination of the department and the Ministry of Transport and Communications is wholly and solely to blame for the events that took place, how the port workers

had been waiting for their very justified demands to be granted and the time had come when they could not be asked to wait longer.

15-53 hrs.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

We all know that ports play a very important part in our national effort and in our national life. Before Independence, what were the ports being used for? They were a part of the colonial set up in this country and a part of the colonial economy. The British imperialists who were here, built the ports in order to see that the goods that they needed to supplement their economy were exported from here and the goods that they wished to dump in the colonial market were being imported. What has happened after Independence? After Independence, all of us look at the ports as almost the heart of the economic plans that we draw, because, the ports are used for importing that material which is so necessary for us to build our heavy industry, that machinery which is so necessary for us to guarantee the fulfilment of our developmental programme. Therefore, when this basic charge is there in the very type of cargo that is being handled in the ports, one would have expected that the Congress Government would have also seen to it that the workers in those ports would also benefit from the fruits of freedom as much as the many so-called political sufferers in our country have done. But, this has not happened. Far from it. Whatever administrative set up was there during the days of British imperialism in this country, that same administrative set up more or less continues with this difference that instead of having a man with white skin as Chairman of the Port Trust, you have an I.C.S. officer who carries out blindfold, who carries out in the same rigid bureaucratic manner the same type of administration that existed even before

[Shrimati Parvathi Krishnan]

Independence. This is what we see. We see that the interests that are guarded zealously by the Port Trusts are the vested interests and paramount interest of national progress is not in the least looked at, is not cared about at all. In this background it is that I would appeal to the hon. Members and also to the Minister for whom, I must admit, I do not have even one-fourth of the sympathy as my hon. friend Shri Asoka Mehta has, and I would ask him to view the problem of the workers.

Their primary demand as I see it, is the demand of wages. In other words, what do they want? They want to have that much of money which will enable them to live the life of ordinary human beings, which will make them capable of fulfilling the work that they are called upon to do by the administration and by the country. What else do they demand? They demand conditions of service which they are entitled to according to those Directive principles of the Constitution, according to all the ideas of social equity and social justice which underline that Constitution, which we have taken an oath, when we came into this House, to honour and uphold. That is all they have demanded and this is what they are being denied.

From 1954, onwards, negotiations started and strike notices were given by the Unions and the Federation. They were withdrawn when, time and again, assurances were being given to them by the Ministry of Transport and Communications. What were they told originally? The Central Pay Commission's recommendations could not be implemented in toto; certain recommendations would be implemented. So, in a truncated form these recommendations were implemented. Where there was lack of

uniformity, where one of the main problems was lack of uniformity, further discrepancies and further anomalies were introduced. This is the Herculean task that the Ministry, performed after seven years of Independence. It is really a record that, I am sure, even they would be ashamed to come forward and defend on the floor of the House.

We are told sometimes that there has been revision from time to time of the wages of the workers. What does the report of Shri Chaudhuri itself say about this wage revision? On page 57 of the report, he says:

"Apart from these revisions, there have been piece-meal revisions on an individual basis, sometimes on account of the nature of the duties and responsibilities and sometimes mainly as compensation for the lack of avenues of promotion. The effect of these.....

These are the words to which I would like to draw the attention of the hon. Ministers who are sitting opposite.

...these piece-meal and *ad hoc* changes have, however, contributed to an increase in the number of scales and also led to other complications".

Therefore, instead of reducing complications, instead of introducing further uniformity, complications have been increased as a result of these piece-meal revisions. Shri Chaudhuri's report provides a solution for all these problems.

This report, we are told, came into the hands of the Government in September, 1957. Then, it was put into cold storage for some time. Then, when questions were asked in Parliament and the Federation moved in the matter, the various Unions were given copies of the report and told to keep it a secret and told to carry on negotiations at local levels on this report.

16 hrs.

As usual, those negotiations also were absolutely on a par with the negotiations that have been going on with the Ministry here in Delhi. In other words, there were no negotiations at all. Whatever negotiations took place were only in order to enable the Government to issue a *communiqué* in the press or to have it in their armoury to bring forward when talks come up or strikes take place to say: "There you are, we wanted them to negotiate, we told them to negotiate, we gave them even this report that we did not place on the Table of the House, this report that was even refused to all-India organisation such as the All-India Trade Union Congress when they asked for a copy of it. We gave them this confidential report. Such confidence we have got in them, and yet they go on strike." But what is the point of giving this report to them unless and until there is a seriousness about the negotiations, unless there is a serious attitude toward seeing that the differences that might crop up on the basis of these recommendations are smoothed out as a result of discussion round a table?

Then, the Ministry promised to take steps and said that if the negotiations were being delayed, they would go into it still further. Again, the same thing happened, and again there was no alternative for the Federation but to give a strike notice.

Now, what happens at a time when a strike notice is given? One would feel at least the Minister would have a sense of responsibility towards the whole matter and say again at least from his side: "Let us try once more to come to some agreement." Instead of that, he sends instructions that states of emergency should be declared, the strike is coming, and the whole country is going to collapse. This sort of attitude naturally did not help at all, and when the workers finally did go on strike the manner in

which developments took place in the various cities leaves very much to be desired, particularly in the City of Madras where within a few hours a firing takes place, six people are killed and 200 injured.

I would like to put before you what happens when the strike takes place. Ministers went around frantically saying: "The dock workers have gone on strike. They are sabotaging the national effort. Foodgrains are there in the harbour but they cannot reach the starving people of our country." This was what the Ministers were saying, but did they go there to try and bring about a settlement? Did they try to bring about any understanding? No. On the other hand, the Ministers of the Madras Government wanted to isolate the workers from the general public. Yet I would like to point out that after this particular firing in the City of Madras one saw an upsurge among the common people from every section. Those who were in business offices, clerks, hotel bearers, industrial workers, every single section rose as one man to show their sympathy to those workers who had died as martyrs and to show their solidarity for the strike. There was a *hartal* two days after and never has Madras City, even during the days of our fight for freedom, seen such a successful *hartal*. This was a spontaneous upsurge of the people of the City of Madras, and I am proud the people rose as one man to show their sympathy and solidarity for the cause of the workers. It is not only for the cause of the workers there who suffered in Madras, but they expressed their sympathy for the workers who were fighting for their lives and wages in Calcutta and Bombay, fighting against the black legs who were being introduced by the Government, fighting against the Army and the Navy that were being brought in to try and suppress this strike which was a very innocent and justified strike.

In Calcutta also there was an upsurge in support of the dock workers. Apart from that, in Calcutta

[Shrimati Parvathi Krishnan]

what else happened? In Calcutta in the docks, even the engineering personnel who are not covered by this report, participated, and we know that even the Bengal Government which normally is not quite so sympathetic towards the working class on any occasion or towards and popular movement that arises—we know what the record of the Bengal Government is—wanted to use its good offices to bring about a settlement, but our Minister here sat on his prestige and said: "This is my zamindari, and not even the Ministry of Dr B C. Roy will be allowed to interfere with it" This is what happened. That in itself proves how justified was the cause of the dock workers. When even such a Government can take up a reasonable stand for once in its history, even then we find that you have the attitude here that assurance are not lived up to and recommendations are not implemented.

I have a very short time to say the few words that I have got, but what I would like to appeal here at this stage is that those assurances that were given at the time the strike was on, before the strike was called off, assurances about non-victimisation, even those are not being implemented today.

In Calcutta you have 40 cases of victimisation. How is it that these things happen? I would like to repeat to the hon. Minister a certain passage which I have come across recently, and that is, that you can buy a man's time, a man's physical presence in a given place, you can even buy a measured number of skilled muscular motions per hour or day, but you cannot buy enthusiasm, you cannot buy initiative, you cannot buy loyalty and you cannot buy the devotion of hearts, minds and souls; you have to earn these things. In my opinion, the Minister in all these negotiations, and the Ministry throughout this period, has done nothing to earn these things

which are sacred and which are so necessary if you want to see that all sections of our people put in their will behind the national effort.

Today, unless the question of victimisation is taken up immediately, unless that assurance is lived up to, unless the recommendations of this report are implemented in all their spirit, unless that is done, unless tribute is paid to the proud record of the dock workers in this country, we are in for a very difficult period where the dock workers are concerned. In these days we talk about the shortage of foreign exchange, we talk about the building up of our industry, and when foreign visitors come, where are they first taken to? They are taken to Bhakra-Nangal, they are taken to Bhilai, they are taken to the Perambur Integral Coach Factory, they are taken to Chittaranjan, and the worker's contribution is forgotten. The workers starting from those very port workers who first discharge the cargo, and then going step by step from the railway workers and all other transport workers, right up to those very workers who are there on the spot of constructing and putting up these edifices of which we are all very justly and rightly proud, are forgotten. When you take your foreign visitors there, do you ever say to them. "Here are the demands of our workers, we are looking into them, and we will look into them" Do you ever pay tribute to the workers materially or even by word? I have never seen it done, and unless that is done, unless these recommendations are taken up in all earnestness, unless these assurances that have been given at the time of the strike are fully lived up to, certainly you will find that so far as the dock workers are concerned, we are in for a period of industrial unrest. This warning is not just a warning that can be lightly brushed aside, but the statement of the Dockworkers' Federation immediately after the Government resolution was first published in itself showed that there was dis-

satisfaction amongst the ranks of the workers, and therefore today if you want the dock workers to remain contented, if you want them to pull their full weight in the national effort in the context of the rising prices, in the context of difficulties that they have to face in their everyday life, you will have to see that these recommendations are fulfilled.

Furthermore, there is also one aspect that I would like to touch on, and that is the question of the accidents that are taking place in the ports and docks. Shri Asoka Mehta has already referred to these accidents, and it is very disturbing to see that Government's own reports give us the figures and the facts to show that ILO recommendations are not being implemented, and that various safety devices that have to be provided are not being provided. There is no time for me to quote chapter and verse, but if one reads the reports that are there of the Chief Adviser of Factories, one will see how the authorities and the administrations themselves are responsible for this absolutely callous attitude that is there towards the lives of the workers. So, on the one hand, you have the callousness towards the question of their wages and their service conditions, on the other hand, you have the callousness towards their very life itself, in ignoring this rising graph of accidents that are taking place in the ports and docks.

In concluding, once again, I would appeal to the Minister to look at this matter more sympathetically than he has done, and to look at it with more understanding, to meet the representatives of the workers and to live up at least to those assurances that were given by the Prime Minister to the representatives of the Federation

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): The opportunity provided to us by this motion is equally welcome to us. It is welcome

because it will enable this House and the country at large through this House to judge for itself the correct situation, and the rights and wrongs of the whole dispute, the unfortunate dispute as it arose, and which we very fondly hope has, after all, been amicably settled, that is still our hope

Shri Anthony Pillai: Fond hope

Shri Raj Bahadur: Charges have been levelled, and words have been bandied. We have been accused of breach of faith, of not honouring our assurances, of breaking promises, and last but not least, we have also been warned by the hon lady Member opposite that it is not a mere warning. I do not know whether in the few minutes that I have got at my disposal, I would be able to do full justice to all the points

Shrimati Parvathi Krishnan: The Minister of State can take some more minutes from the Minister's time

Shri Raj Bahadur: Let me, first of all, refer to the first observation that was made by my hon and esteemed friend Shri Asoka Mehta, that during the course of the last one year or two on as many as five occasions, strike notice had to be served by the federation, that is, the All India Federation of Port and Dock Workers, which represents a section of the workers of the ports and docks. I do not for a moment deny the accuracy of this fact. But I would place at the disposal of this House the background in a few minutes' time, and how it developed

It was in the year 1956, in September or a little earlier than that, that the first notice was served. On that, negotiations took place, and finally, it was decided that an officer on special duty would be appointed by way of a committee to go into the whole question. The terms of reference—and this is important—were settled as far back as 27th November, 1956. Hardly within a fortnight, the OSD wrote to

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the port authorities for data and also to the labour unions for memoranda; and hardly had these memoranda been submitted, but in January, 1957, the Federation resolved to strike if the OSD's report was not completed by the first week of February, 1957. It is surprising how the offer on special duty could submit or furnish his report when even the memoranda had not been submitted. However, those memoranda started coming in, and they came in about a month after the date on which the strike was supposed to be staged. They came near about the 12th March, 1957. Then, the discussions started.....

**Shri Anthony Pillai:** May I interrupt.....

**Shri Raj Bahadur:** The memoranda were received from the Federation near about that date. I have my facts, and I stand by them. The discussions started within ten days of that. The OSD started the discussion with the All India Port and Dock Workers' Federation; on 9th April, 1957, the last instalment of memoranda were received from them. Again, 27th May was the last date by which the discussions were completed. Further memoranda, were, however, received from the stevedores' association on 29th May, and lo! on 28th June, the Bombay unions again served a notice of strike for expediting the OSD's report. This was the second strike notice.

The OSD submitted his report within about a week of this, on 5th July. This was the interim report. Then, the discussions started, within hardly a week, on the same strike notice which was served, between the officers here and the representatives of the Federation, on 12th July and the strike notice was withdrawn. The new Pay Commission came into being on 21st August, 1957. The OSD submitted his final report on 1st September. Naturally, we took time to consult the port authorities and the various Ministries concerned, and to finalise,

and to think about or draw up a line of action and the procedure that we should adopt in this behalf. On 11th November, 1957, the discussions were started with the port authorities, and on 12th November, 1957, discussions started with the labour unions. The port authorities were requested to consider the recommendations on a high priority basis in consultation with the labour unions. This was an agreed solution or an agreed procedure which was to be adopted, and this was adopted. The discussions lasted for some time, and were supposed to be concluded in about a couple of months' time. But when the discussions actually started, the unions refused to sit together, and they wanted to sit separately. That again took time. Permission was then given that they might be allowed to discuss things separately.

On 26th January, 1958, however, before the discussions had even been concluded or had even been entered into earnestly, another notice of strike came. At this time, the notice of strike.....

**Shri Ranga (Tenali):** By one of the rival unions?

**Shri Raj Bahadur:** It was the All India Port and Dock Workers' Federation which gave this notice of strike. It was the same union, or the same federation. It passed a resolution in favour of a general strike if the favourable recommendations were not implemented by 28th February, 1958. It is inconceivable how in a situation of this kind the recommendations in the report could have been considered in peace, in tranquillity or with that calm that is required. However, things went on.....

**Shri Tangamani:** It is a strange argument.

**Shri Raj Bahadur:** It may look strange.

**Shri Tangamani:** The report was received in August.

**Shri Raj Bahadur:** But, I think, sometimes, the facts are more important than mere observations or fiction. It must look strange to the hon. Member, because that is so.

Then, I personally requested and approached on my own initiative the Federation and requested them, that 'Let us sit down together'. For, it was not possible for us to settle the whole thing, sitting in Delhi. After all, there were so many items which had to be settled at the port levels. We had conferences, and those discussions must conclude before the Central Government would be in a position to make up their mind in regard to the various points of disagreement; there might be many points of disagreement in regard to the recommendations. So, it was necessary that those discussions should be concluded, and we fixed that we shall conclude those discussions by the end of April. That was the agreed solution, again, which was arrived at between ourselves. But, again, on 19th March, that is, before the end of April, six weeks before that, the Federation passed another resolution fixing 7th May, 1958 as the date for serving a strike notice.

Again, this time, the Minister for Transport and Communication himself intervened, and he requested them that we should meet all together on 8th May. We did meet, and we discussed things, and I think the discussions were very amicable and were conducted with perfect cordiality on both sides.

**Shri Anthony Pillai:** Friendly but fruitless.

**Shri Raj Bahadur:** Unfortunately, however, as soon as we got out of the conference room, or the next day we came to know that a strike notice was going to come. I do not know what the Minister could do in those circumstances. We went out of the way in every case, at every opportunity, to settle down things.

In a few minutes' time, I shall try to say something about the various points that have been made. I shall leave the main points to my hon. colleague the Minister of Transport and Communications, and I shall about such points as have been made by Shri Asoka Mehta about the main basis for the setting up of this committee. He said that it was in order to achieve uniformity in scales of pay. Unfortunately, however when we came to discuss the report, we came to realise that we could not achieve that; it was agreed that we could not take a final decision in regard to all those scales, because even the Chaudhuri Committee's report did not give the scales for each category of workers; it gave some scales and left the entire thing for being settled at the administration level.

However, the viewpoint of the Federation, as it emerged at the conference, was not uniformity but maximisation, that is, wherever any particular class or category of post carries the highest scale, whether it is in Bombay, Madras or Calcutta, that should be adopted. Leave aside the framework of the 1947 Pay Commission recommendations; even the light of those recommendations was not at all cared for. So obviously we could not maximise all those scales.

About retirement benefits also, I only beg to refer to the observations that have been made by Shri Chaudhuri himself in his Report, that because the Second Pay Commission has been set up, many of his own recommendations may have to be modified or adjusted in the light of their recommendations. So even he visualised and envisaged that all his recommendations may not hold good. Imagine the situation. It is not possible for us to forestall the findings or judgment of a body of that stature and eminence which is going to give an authentic pronouncement about all these matters.

[Shri Raj Bahadur]

The second thing is about holidays. I would only say that here the Chaudhuri Report made a recommendation that a total of 15 days holidays plus casual leave plus holidays should be allowed. We have gone much beyond that; we have allowed a maximum of 21 days holidays plus casual leave. So I think we cannot be accused that we have in any way diminished the effect or extent of the recommendations in this behalf. At any rate, we have made it more liberal and we have done that despite the fact that in Madras, the position in regard to this leave and holidays was very poor, in Calcutta it was best and in Bombay it was medium. But we took it as 21 days. That was our decision.

In regard to night duty, to which reference was made, it is well known to Members opposite, particularly, to Shri Anthony Pillai, that in Bombay there was an agreed understanding and settlement concerning it. That was 6 hours. In Madras too, they have fixed it by mutual consent at 6½ hours. In Calcutta also, it has been fixed by mutual consent at 6½ hours. Was it proper for us to go beyond these agreed solutions or settlements? We could not have done it. We would have been accused, had we done it.

Then a point was made that while calculating the hourly rate, instead of 1/6 we had made it 1/8 of the daily wages. That was not our decision. When the point was taken to the Labour Appellate Tribunal, the Tribunal, considering all the pros and cons, came to that decision, keeping in view three important factors. The first factor was that because night duty was being rotated between workers, the special allowance should be discouraged. The second consideration was that since night duty of 6 hours already involved a reduction in duty by two hours, this concession was not necessary. The third point was that because night duty was only for 6 hours, on the completion of 6 hours, overtime

began. After considering the whole issue and after all the discussions and representations from the various parties and sections, they came to this decision. We could not go behind that.

Then Shri Anthony Pillai referred to the equalisation of leave facilities between class III and class IV. He knows—and he has read the Resolution—that that particular decision will take retrospective effect from 1st July 1957. He also knows very well that before we can introduce or implement this particular decision, regular rules and regulations will to be framed. The Port authorities did take their own time in framing those rules. They have now come to the Finance Ministry and I think within a week's time, they will be implemented.

He also made a reference to adjudication. He knows very well the position that, first of all, these points of dispute have got to be discussed and settled at the port level and points of disagreement—we have already agreed upon—should be referred to adjudication as the law would permit.

I would only say that in the light of these facts we fail to understand how we could have gone further than we have. I have shown that on five occasions, month after month, almost week after week, we were served with strike notices or resolutions to go on strike. We are led to one inevitable conclusion that, unfortunately, these strikes, are often used as instruments of mass political action. I would very much wish that we should put our heads together, keeping in view the difficult times we are passing through, is it not high time that we came to some agreed understanding that we shall not use labour, we shall not use this very important and very precious right of workers to go on strike for the settlement of their disputes, for our political ends.

**Shri Tangamani (Madurai):** I shall be very brief in my observations in view of the very circumstances that led to the strike, the Chaudhuri Committee Report and also the points dealt with at length by Shri Asoka Mehta and Shri Anthony Pillai. The hon. Minister of Shipping was trying to make out that from 1954 onwards there had not been any delay on the part of Government. I would like to quote only his own version. The demands were made in 1954. When the Federation came with the charter of demands in 1956, Shri Chaudhuri was appointed and the terms of reference were finalised in November. The Report of the Chaudhuri Committee was in the hands of Government in August 1957. From August 1957 to July 1958, there is a gap of 11 months. Whatever justification he might trot out now, in view of the fact that assurance was given to the representatives of labour by the then Minister of Transport and Communications that the Report of the Chaudhuri Committee would be implemented in full, Government ought to have implemented them forthwith. But Government had to wait for 11 months for coming with their decisions.

Shrimati Parvathi Krishnan was pointing out that even the Report was not made available to us earlier. It was only today that the Report and Government's Resolution of July has been placed on the Table of the House. Government were not willing to take the House into confidence. Ever since the Report was received—that was in August 1957—they were having some kind of negotiations with the representatives of labour so that when the actual action took place, the Minister could come forward and say that they had done all that was possible within their power and the strike was unjustified. I submit this is not the attitude which we must adopt towards labour. Because a strike notice is given, it does not mean that the peace of the entire Ministry is disturbed. That is something which I am learning new from the hon. Minister. Talks went on with the strike notice and

negotiations had taken place. How far have those talks carried the demands of the workers further, how far have they advanced towards implementing the original assurance given as early as August 1956? That is the whole point. Instead of meeting that point, now in a lawyer-like manner, he is arguing.

**Shri Raj Bahadur:** I am a lawyer.

**Shri Tangamani:** I submit that this approach to labour is again going to lead him to disaster, because after the publication of the July 21st Resolution, the Federation have come forward with a definite resolution that they are going to intensify their propaganda. Now the representatives of labour—of course, there are the dock workers in Madras, Vizag, Cochin, Kandla and the other two major ports—also will have to be taken into confidence. Unless and until that is done, unless and until a new approach is made, which is indicated in the resolution which has been circulated, I am afraid the unrest is likely to continue.

I would like to mention that there are certain basic points which have been more or less accepted in industrial law. Where the employer is asked to pay fair wages we are told it has been more or less agreed that we can compel the employer to pay fair wages only when he has got the capacity to pay. That point was made very forcibly by Shri Asoka Mehta.

I would like to know from the hon. Minister when he replies whether in the ports of Calcutta, Bombay or Madras or Kandla, Vizag or Cochin there is this capacity to pay the wage demanded by the workers or whether the recommendations of the Chaudhuri committee are exorbitant and they will not be in a position to pay. That is a point on which I would like to have a categorical reply, because, as Shri Pillai pointed out, probably, the Pay Commission will recommend something more.

[Shri Tangamani]

Provident Fund, as the hon. Minister knows, is nothing but compulsory saving. We want the workers to save so that, ultimately, when they retire they may have lump sums to live upon. It suggests that instead of 8.1/3 per cent on basic wage and half the dearness allowance as in the Railways, it should be 8.1/3 per cent on basic wage and full dearness allowance. That is an incentive. He is only saving from his own earnings, the incentive being that an equal amount is going to be contributed by Government or by the Port Trust, whoever is going to contribute. Can there be any difficulty in contributing this? I can understand in private industries the employers saying that they do not have the capacity to contribute 8.1/3 per cent. Now, when the worker is prepared to contribute 8.1/3 per cent of the basic pay and full dearness allowance so that, ultimately, he will have a lump sum, I would like to know why Government are opposing that.

There is another point—about gratuity. Formerly, the maximum amount that they could get by way of gratuity was 15 months' basic wage and half dearness allowance. Now, the Chaudhuri Report says that for each year of service they must have one month's full wage as gratuity so that the maximum would be 25 months' wages which has been put as the ceiling. What is the reason why this Government is opposing this modest suggestion of the Chaudhuri Report? This is what they say:

"That main argument advanced by the O.S.D. in recommending these substantial increases is that the amounts received by way of Provident Fund contribution, under the present economic conditions and in accordance with the present and anticipated price levels, will not be sufficient to ensure subsistence for the worker during the period he is expected to live after retirement. He has

contended that the pensionary equivalent of the amounts actually received by an employee in settlement of his Provident Fund account at the time of retirement is much smaller than what the employee would have got had he been on a pensionable system. He has considered the present wage level as being below the subsistence level, and has assumed that there is little possibility of the price levels falling to an extent which will necessitate reduction in the existing rates of dearness allowance. He has, therefore, aimed at increasing the corpus of the Provident Fund including the special contribution (gratuity) by recommending the inclusion of the whole of the D.A. in pay for all purposes of the Provident Fund Rules and the calculation of the gratuity at a month's pay for each year's service subject to maximum of 25 months' pay as against the present basis of  $\frac{1}{2}$  a month's pay for each year of service subject to a maximum of 15 months' pay. He has further recommended that the increase in the Provident Fund accumulations and Special Contributions should be converted into annuities of the joint and survivor type, compulsorily by legislation, if necessary."

What the Government of India say is this:

"The Government of India are not impressed by the O.S.D.'s views. His recommendations virtually amount to the provision of a scheme of old age insurance and security."

We want to give full social security to the workers. That is the labour policy which has been accepted in the Second Five Year Plan; and we are having provident fund and other social security schemes. We have already accepted some social security

schemes. Some quantum is suggested by the O.S.D. The reason given for not accepting it is something which goes contra to the accepted policy of Government. I do say it goes contra to the accepted policy of Government in formulating the Second Five Year Plan. I would also like to know whether Government is still going to stick to these reasons or at least revise them.

There are certain anomalies existing between the different types of port trust workers. I will mention some of them. Let me give one instance. There are about 300 Junior Clerks and Junior Clerks (Cargo). Shri P. C. Chaudhuri prescribes a grade of Rs. 60-3-81 and so on. He also says:

"It is also recommended that in Madras Port, where the Upper Division Grade does not exist at the moment, an equivalent intermediate Grade should be created between the Tally Clerks and the Shed Masters. The suggestion is based on the consideration that there should be some jobs for receipt and delivery work, carrying responsibilities equivalent to the Upper Grade, which in all probability is now undertaken by the Lower Division Cadre. This will provide, incidentally, an avenue of promotion for Junior Clerks for whom S.S.L.C. qualifications are not being insisted on."

The Madras Port Trust in their superior wisdom revise Shri Chaudhuri's suggestion and give not more than Rs. 55-75 on the ground that these Junior Clerks do not possess S.S.L.C. qualification.

I am just citing this one instance to show how Shri Chaudhuri was able to find out certain anomalies which are now existing which he tries to regularise. I would like to know what Government propose to do in such matters also. I will give another instance about dock workers.

A reason which was given for not accepting 1/6 of the wages for the hourly rate was a Labour Appellate Tribunal's decision. Here Shri Chaudhuri has clearly pointed out that so far as night work is concerned 6½ hours is now the practice in Madras and 6 hours in Bombay and, probably, in Calcutta also. If it is made 6 hours uniform, it will be well and good. Shri Chaudhuri says that a uniform 6 hour night duty must be imposed. And, if on the basis of that an hourly rate is to be fixed it is 1/6. Here is a new reason—the decision given by the L.A.T. It may seem to be an ordinary point but it will also show how the mind Government is working.

What the O.S.D. has suggested is that for those who are doing night work there must be some payment for conveyance; if conveyance is not provided they must be given T.A. Government say that this is going to lead to administrative difficulties. In one case, it is administrative difficulty; in another case, they say, you want to introduce social insurance and in a third case they trot out yet another reason. None of these reasons are accepted in labour jurisprudence. If there is no capacity to pay we can understand. If they say that it is going to lead to administrative difficulties I would suggest the increase in the number of members of the staff. Why should a worker who has got to go to the night shift also be put to the onerous duty of going for the night shift and also of spending out of his pocket for his conveyance? Even as late as 16th August, 1958, when the question was raised in the House in reply to a starred question No. 156, the hon. Minister has only said that all that is possible is being done and says: "We are here to do justice." Instead of these general terms, I would like the hon. Minister to reply in the same way as he did in answer to starred question No. 341 on 20.2.1958. I would like certain specific answers to various issues that have been raised. For instance he has said that in so far as Bombay was concerned, the Chair-

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man, Port Trust, had had two discussions with the three labour unions; discussions with other labour unions are proceeding; the port trust has also appointed an officer on special duty to submit recommendations on the rationalisation of the pay structure of class III and Class IV employees in the light of the report of the officer on special duty. In Madras, he has said, the Port Trust appointed a committee of the board consisting of six members including the Chairman and two trustees representing labour to make detailed recommendations; the committee has had four sittings and is expected to complete its work by the end of February, 1958. With regard to Calcutta, he has said that the Chairman there invited the views of the heads of departments as well as of the two recognised unions on the recommendations contained in the report of the officer on special duty and in agreement with the representatives appointed a departmental committee consisting of the Secretary and the Chief Accountant for examining the recommendations on rationalization of pay scales; heads of departments have also been asked to evaluate the jobs attached to various posts in class III and IV cadres and submit tentative proposals regarding the revision or otherwise of the pay scales attached to these posts. The departmental committee has held ten meetings.

In the case of the ports of Cochin, Vizag and Kandla, he has stated, the existing pay-scales are based on the scales recommended by the 1957 Pay Commission and the port authorities are, however, examining the recommendations in detail and will submit proposals for rationalization when necessary.

Lastly, I want to say that in the case of these three ports, Kandla, Vizag and Cochin, some concrete steps should be taken. Otherwise, discontent will grow. It is growing and is likely to be increased particularly in

these three ports because no machinery has been set up for really implementing the recommendations of the Chaudhuri Committee.

**Shri S. K. Patil:** Sir, I am indeed grateful to the hon. Members because they have given the Government an opportunity to explain the position of the Government and look at this question, if I may say so, this very important and vital question in a national way. I am particularly grateful to my hon. friend, Shri Asoka Mehta for the very constructive and helpful way in which he has dealt with the subject. Before going into the intricacies of this problem, I want this House to know the nature and magnitude of the problem that we are handling. It is very easy to say in a given circumstances, in a given industry what should be done. The ports and docks are not on a par with any industry or business concern. You are handling a problem which is as old as decades. Some port trusts are 60 or 70 years old; the youngest of them is about a couple of years old. Why I am stressing this background is because against that background, I shall appeal to the House to judge the position and the recommendations that have been made.

When these port trusts came into being, what was the notion then? The notion was that they were to be treated as business organisations or entities by themselves with having very little to do with the Government except the direction of policy. They were to adjust their budgets. They had to give their increments. Government were never consulted about them. I am merely saying this to show that during the last sixty or seventy years, conventions have grown, precedents have been laid, and that has led to the immense diversity that you find today in these various ports. Therefore, you cannot by any magic wand, however well-meaning a Minister or Government may be, bring about, what

my hon. friend Shri Asoka Mehta calls, a uniformity.

The principle is all right. The ideal is all right. But imagine what has happened during the last 60 or 70 years. It was never intended during any part of that period, except during the last three or four years when these matters have now come to Parliament in a kind of concerted way, because the Federation has now united on their side and that has made Government also to unite. Otherwise, the position in these different ports of Bombay and Calcutta, which are the oldest ports, and the other ports of Madras, Kandla, Cochin and Vizag, is different from each other in many respects—in their scales of pay, in their service conditions and other things. And, they were competent to do so. I do not blame them, because they were empowered to do so under the Act that this House or its predecessors had passed. Under that Act they were to act on their own, and in that almost sovereign power to look after their affairs they had made their laws. That is why there is disparity, if it exists. The responsibility of it is not either on this Government or any Government whatsoever, because it was the intention of the Government that they should be separate entities as they have been.

I said so, Sir, because I do not want to go into the history of it because it will take a long time. We, therefore, immediately come to the period to which reference was made by my hon. friend, Shri Asoka Mehta and also by those speakers who followed him. It was said that during the last three or four years there have been a cry that we must attempt some kind of rationalisation or uniformity. Big principles were enunciated. What does it mean? Equal pay for equal work—as if it is a mathematical proposition where we are merely to have the equation and it is done. I wish it was as simple as that. Then it would have been my proud privilege to implement it, if it

were as simple as that. We appointed this O.S.D., Shri Chaudhuri. No doubt, he is an experienced officer. He has done quite an excellent work of it. He is a man of very amiable disposition, and he has taken as much pain and as much care as he should have taken. Even then, if you look to the report you will find that he could not grapple with the situation because the situation, when it is spread over all these six big ports, varies from port to port, and it is so complicated that it was impossible for him even to suggest any method of uniformity.

The main features of the Chaudhuri Report—because the House must understand to what extent these recommendations have been implemented or are in the process of being implemented so far as the Government is concerned—can be classified into three categories. One is about the pay scales, the rationalisation of pay scales or the increasing of pay scales, whatever you may call it—that is one chapter. Another is about the process of decasualisation, to what extent it has been attempted, and what could be done in order to develop the scope of decasualisation. The third is, what is generally called retirement benefits—provident fund, gratuity and so on. There are two or three other things, but they are comparatively small.

Let us consider what has happened so far as these three main recommendations of Shri Chaudhuri are concerned. I may say without fear of being contradicted that so far as the first part of it is concerned, hundred per cent of whatever Shri Chaudhuri has suggested with regard to rationalisation of pay scales has been implemented. He has suggested—what more should be done is a different matter—certain pay scales possibly to bring it on a par with the 1947 Pay Commission's Report. It was, indeed, a misfortune that it was not done

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earlier It could have been done, perhaps, earlier. If those Port Trusts would have done it, surely Government would not have come in their way I would like to illustrate one point. The Port Trust of Bombay, three or four years back, went out of their way and recommended a part of the suggestion which was made by the 1947 Pay Commission They passed it, and when they asked the Government as to whether they agreed with it, we said "you are responsible and surely if you have done it, go on" So, you will see here that there was not the slightest disinclination on the part of the Government, if the Port Trusts had done something in their power, as they were competent to do, as the Bombay Port Trust did in many cases, surely they could have done it But if they did not do it, that kind of co-ordination which should have existed between all these ports was not there

I am admitting this fact, because, now, in our departments and in our Ministry, the first thing that I am attempting to do, in order that the cases of disparity should not multiply and a situation should not arise in future, is to see that there are no disparities There are many disparities and, therefore, the question of uniformity becomes a difficult one We are having some kind of machinery by which all these Port Trusts put together could act in a uniform way Such a machinery did not exist, even does not exist today It has got to be created, because through the problem that the labourers or the Federation have put before us, they make it incumbent on us that such machinery should come into being

So far as the first chapter is concerned, namely, the pay-scales and rationalisation, I once again repeat that we have accepted the pay-scales. We have got to fit them in, because there are hundreds of categories You can accept two or three main pay-

scales, as to which category that has got to get a pay-scale—I, II, A, B, C, D, etc. It is a very difficult problem. Mr. Chaudhuri has given no lead about that problem, the Federation has given no lead about that problem; we have no lead about that problem. Therefore, it was agreed between the Federation and ourselves that we should appoint a competent committee for that purpose alone—that after having accepted the pay-scales, the categorisation and classification with a view to fitting in hundreds and thousands of our employees that are there had to be done That had to be done and that has been done by mutual agreement between the Federation and ourselves So far as that chapter, which according to me is the most important chapter—the pay-scales—is concerned the Government has given hundred per cent of what the OSD or the Special Officer has recommended

I come to the second problem which is decausalisation There also I do not say that we could give hundred per cent, because there are many, many things we have to consider It is not alone a question as to what labour wants, but we get similar problems elsewhere We have got the railways and other people As Shri Asoka Mehta has said, we have got 5½ million people, Government employees, and many of them are in a similar condition Now, it is argued that, "Oh, they are doing hard work" I can say that a part of them or a section of them does quite hard work, but is it contended that all the clerks also that are in the Port Trusts do equally hard work? There are many people. You cannot apply the same standard to everybody Therefore, a responsible body like the Government of India, when it takes into consideration any change in the service conditions or the pay-scales, has got to take into consideration how those recommendations are going to affect these 55 lakhs of people, because, immediately

trouble will start in another place. "If it is given in the Port Trusts, why not give it to us?" Therefore, it becomes the responsibility of the Government to see to it—call it repercussion, call it consequences, call it common sense. I call it common sense. Every Government must possess that common sense that if they want to treat a section of their labour in a particular way, they must also be able to treat the other section also equally situated in a similar manner. This is merely the consequence or the repercussion, and is nothing beyond it. Therefore, so far as the first item is concerned, as I said, it is completely given.

As regards the second item—decasualisation—in my view more than 80 per cent of the recommendations have been accepted by us. The Federation will nod and say it is not. That way, there cannot be any unity or agreement between the Federation and the Government, but anybody who sees the recommendations of the Government and reads them carefully and compares and contrasts them with the recommendations that Shri Chaudhuri has made, can come to the conclusion that substantially or by and large, even on the point of decasualisation, the report has been implemented or is in the process of being implemented.

I come to the last item, namely, the retirement benefits. Retirement benefit is something that comes after the man has ended his work, when he comes to the retirement age. Now, if what they wanted is something which really is good, and if we could give it, the Government could give it. Why should it not be given? There the point we have got to consider is, could you, by any stretch of imagination, give to a section of your employees certain retirement benefits which are denied to the other sections of Government employees. Therefore, Government were faced with a dilemma that they cannot, even if they wanted, give anything more than what

is given in the railways or elsewhere. We have got millions of people elsewhere and we have got to consider that what is good for the ports is also good for them. Therefore, we must not create conditions by which, trying to settle difference in one way, we may create difference in hundred other ways.

Therefore, we told the Federation, wait till the second Pay Commission submits its report and we promise and guarantee—which was not done in 1947, because, as I said, there was no uniform behaviour on the part of these port trusts—that when the report of the second Pay Commission comes, whenever the Government accepts the recommendations of the second Pay Commission, automatically and on that day we shall apply them to the port trusts also. Therefore, if the second Pay Commission in their wisdom propose that the retirement benefits should be substantially more than what they are today, surely automatically all these workers in the ports and docks will qualify for that.

It was pointed out by the workers and by my hon. friend, Shri Asoka Mehta, that there are some workers in the ports and docks who do hard work—the load lifters and so on. Because they do hard work, they have to retire prematurely and they cannot work like other people. Of course, experience has shown that they carry on till 60 years and they do not prematurely retire. But it stands to reason that because of the hard nature of work, sometimes they have to retire earlier, and so they are qualified for something better and something more. Government took the view that possibly if we go out of our way to do something for that section of our employees, possibly we shall not be held up to a charge that we really acted in a sense of favouritism. So, we evolved a formula. We appealed to the Federation to give a formula, but they could not do it. Ultimately the Government evolved a formula

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that those workers who are supposed to be hard workers—the definition of hard workers is those who are piece-raters—should get something more even before the recommendations of the second Pay Commission come. That is instead of having their provident fund and gratuity calculated on the pay and half the dearness allowance, they should further get something of a processing allowance. If I describe what that processing allowance is, it will take time. But I shall give you the increase in the quantum that everybody is going to receive under this scheme.

The increase in the quantum is about 25 per cent. That means, all these piece-raters, no matter wherever they are, who do hard work, apart from what they were getting before, they will get 25 per cent more as a result of the fact that the Government have taken the view that we should liberalise the conditions so far as this particular section was concerned, because they do hard work.

**Shri S. M. Banerjee:** May I point out

**Shri S. K. Patil:** No, I am not yielding the floor. Tell that to Mr Asoka Mehta and he will tell you in his reply.

**Shri S. M. Banerjee:** The hon Minister said that they will be getting 25 per cent more. My submission is that the fixation of piece-rate is itself based on the fact that they do hard work....

**Shri S. K. Patil:** They do get it and that is also admitted by the Federation, whatever your arguments may be about it.

Therefore, in all these three matters—pay scales, rationalisation and decasualisation and retirement benefit—

the Government have stretched their sympathy as far as possible and have done whatever they could do. It is held that their work is very important and it is very vital. Surely it is very hard work that they are doing.

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If the leaders are going to have any share in that certificate, then I shall be chary of giving that certificate. But so far as the workers are concerned, they had worked hard. The leaders are working hard in their own way, but not in the same way. When the output of the worker has increased, he is out to see that strikes will increase as a result of it. When a case is made out for them, it is rather difficult to get provoked. I am not provoked and Government cannot be provoked. It is an unwise government which gets provoked because somebody has said something. But works of provocation will not help matters. We want words of conciliation, fellow-feeling, sympathy. Government has got every sympathy for this particular section of our working population. They have done excellent work.

But when the leaders come, take the credit and run away with it, saying that they have got the efficiency increased by 50 per cent or 100 per cent, may I tell my good friend, Shri Asoka Mehta, how it has increased? It has not increased all of a sudden because a spurt of nationalism or patriotism has come to them and they have decided that somehow they must work and increase the output. It has increased because they have been put on piece rate. Therefore, if they work hard, they get more money. There is a case in Bombay—that is rather a rare case, not a common case—where a man on a single day, according to the piece-rate system of pay earned Rs. 59/-. But earning Rs. 10, Rs. 15, or Rs. 20 a day is a usual occurrence.

## Demands

Hundreds of them have to pay income-tax, because they earn money, and I am glad they are earning money. They work hard and they get money. Therefore, if anybody comes and tells me that because of the request made by the Union leaders or Federation leaders, the workers are showing a better sense of responsibility and they are working harder and so they are getting more, so something has got to be done for them because a miracle has been brought about, I will say: No, sir, that way a miracle has not happened.

Now, my hon. friend, Shri Asoka Mehta has raised some very important points. He said that the principle of uniformity must be accepted. What is that uniformity? Equal pay for equal work. Looks quite good. But does that uniformity exist in any of the industries? Does a textile worker or any worker in any industry either in Bombay, Calcutta or Kanpur get the same wages? Not that he should not get it; that is a different matter. But we have got, as I said, these diverse conditions of life. Equal opportunity is a good thing. A worker must get enough food to eat, shelter and all that. I can understand it. If we can get them cheaper, well and good. A person has to pay perhaps Rs. 10-20 per month for a room in places like Bombay or Calcutta. In a smaller place like Kanpur he may get it for Rs. 2/- or Rs. 3/-; one does not know. We can lay it down as a principle. Equal pay for equal work is something which is not uniformity. It is something of an ideal which we might have as a long-range view. Not that it is a wrong ideal; I am not suggesting that. But it is not possible to bring it into force quickly.

There is another aspect to this problem. What is this uniformity? What is the uniformity according to the Federation? A worker may perchance be getting a higher wage somewhere.

Everybody cannot get that wage. But everybody wants it. It means ultimately that uniformity means the maximisation of the wages and working conditions. In other words, wherever higher wages exist, those higher wages should be made uniform. Uniformity, according to me, and according to justice, means that some of the tall things have to be brought down and the bottom things have to be raised up, so that ultimately you may arrive at some sort of uniformity. You cannot expect uniformity if you say that everything must be as tall as Mount Everest. That is not uniformity. While it is necessary that the position of the underdogs must be raised, if we have made a mistake and because of that somebody is getting more, we could not maintain uniformity at that high level. They must be prepared to make sacrifices so that we can have uniformity. But such a thing is not at all agreeable to them. They say that we should not touch anything, so far as the higher wages are concerned; we are not allowed to do that. Therefore, the Government Resolution says that although we have put down these conditions and increased the scale of wages etc., wherever higher wages exist, those people will continue to enjoy them. We have got to do that because otherwise there would have been a furore. At once, you could have said that even they have got to get down. Therefore, you see how difficult it is that this uniformity could be introduced in various ports and if at all we try to do, it may be after five years or ten or twenty years. But to say that immediately you could do so because it is a very nice principle, I wish it was so very easy and so very possible for us to do.

So far as the higher output is concerned, I have explained to you as to how it has happened. My hon. friend, Shri Asoka Mehta, has made a charge of procrastination, as also Shrimati Parvathi Krishnan. She was very charitable to me and she said that

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she does not give even one-fourth of that compliment and sympathy that Shri Asoka Mehta gave me. But I am so delighted that at least she was ready to give me that one-fourth. That means that at least I can still hope that it will become the whole or hundred per cent. But, apart from the sympathy—and I do care for her sympathy—what I am suggesting is that this particular charge of procrastination that the Government machinery is moving slowly—I may assure my hon. friend Shri Asoka Mehta—is a correct charge. I am not ashamed of it. It is a correct charge.

Really speaking, if our Government departments could act with all the speed and expedition that they are capable of, possibly all the difficulties will not be removed but some of them will be removed. But, as I explained in this particular case, we were not competent to do so because we had not that kind of right over the Port Trusts. Even now under the Act we have not got it. We have got to acquire it by amending the Act that we could tell them to do anything except in the matter of policy decision. We are not competent to tell them what they should do and what they should not do. Even the Government Resolution that has been passed has got to be endorsed by the Executive Committee of these Port Trusts in order that it becomes effective. If they are taking time it is not because that they are departments of the Government who have got to take an economy decision. Hereafter, whether you want that all these things really should be raised to the status of Port Trusts or they should be the Government departments because this question should be raised on the floor of the House time and again. You have got three Port Trusts, but in the other three ports, viz., Kandla, Vizag and Cochin we have not got the port trusts—that is a different matter which is already... (Interruption).

There is the Chairman and surely he has not delegated his responsibility to the hon. Member.

Out of the six major ports, three have got Port Trusts and the other three have not got them. Therefore, in order to bring uniformity we have got to bring uniformity either by reducing the Port Trusts to the status of Government departments or by raising the Government departments to the status of Port Trusts. These are all questions that are confronting us. They are important questions, but surely they cannot be decided in the manner we expect them that they should be so. Therefore, so far as efforts of Government are concerned, I once again repeat that we have not gone back on our promise.

Again and again it was said that Shri Lal Bahadur Shastri promised. What did he say? He said that we must attempt uniformity and it is uniformity that we are attempting. If uniformity was say 50% before, we have tried to bring it to 75%. I wish it was possible for us to bring it to hundred per cent. But it is not possible under the circumstances and conditions, which I have explained. There is no desire on our part that we shall go back on any promise.

Even the hon. Prime Minister was quoted. It was said that the hon. Prime Minister said something and that promise has not been implemented. What is the quotation? The quotation is that justice will be done to the workers. There is no other quotation. There are a lot of things that the hon. Prime Minister has said. Even Satan can quote the Bible and the Federation can quote the hon. Prime Minister. But what I am saying is that what he said was that justice will be done and surely we have done everything in our power to the satisfaction of the hon. Prime Minister that justice could be done. I am not suggesting that these things really would have

been necessary. We appealed to them, we requested them to wait till the Second Pay Commission's report came. That is the time when uniformity in a larger degree and in a larger measure could be attempted and we have tried to do so.

My hon. friend, Shri Asoka Mehta, said that why could we not give this to one section of Government employees because this section is making profit. May I tell in all humility my hon. friend—he is a great expert in economics—that it is the monopolistic business where it is in the power of Government to fix rates etc. for profit that accrued—profit which is the result of labour. Tomorrow, the people of Nasik Security Press will say that because they print currency worth Rs. 300 crores, they will collect their Rs. 300 crores and therefore their pay must be increased. Then, surely my postmen, who do not make any profit—and we are running the Posts and Telegraphs Department at a loss of Rs. 2 crores—have an equal right to say, "Why not put me in the Nasik Security Press and bring somebody to do the work of postman?"

What I am saying is this. In the case of those sheltered industries where there is a monopoly which the Government directs under conditions, any possibility of profit that we make and the actual profit that we make is not necessarily—I do not really rule out completely the share of labour in it—necessarily 100 per cent really the result of the improved work or efficiency of labour. Therefore, it cannot be contended that because these Port Trusts have been making profits, the workers should get it. What is the profit? When they require crores of rupees, as they do require, for the expansion of developmental activities, surely we have got to take loans. If it was possible to make their own money, this would not have been done. My main argument remains. If Shri Asoka Mehta could convince the Cabinet and the leadership of this

country, no matter what other conditions are, in any particular department, industry or business, if there is a profit, that profit should be immediately shared with the workers, no matter, notwithstanding, what happens anywhere else, I would be with him in suggesting these things.

17.11 hrs.

[MR. SPEAKER in the Chair]

It is a matter wholly outside the competence of the Minister of Transport and Communications. Therefore, it cannot be done. Tomorrow, if there are losses made, could it be suggested that we should take something out of labour in order to make good or make amends for these losses? It cannot be done. Therefore, the very fact that the Port Trusts are self-sufficient or may appear to have a surplus budget need not deter us from the fact that what is really good for one worker must be good for others. As I have said, these specially sheltered businesses and concerns ought not to be quoted as examples that profits must be distributed among the workers.

My hon. friend Shri Anthony Pillai can never be satisfied. He knows it and I know it. He gave notice of strike and he withdrew it. I have been a little bit a labour leader sometimes. I have not got that full qualification A Grade as Shri Anthony Pillai has got. But, he and I know how strikes are made and how strikes are withdrawn. We know how to express our satisfaction and how to express our dissatisfaction. If there is satisfaction complete, what will be the work left for my hon. friend Shri Anthony Pillai from tomorrow? If there is dissatisfaction, we must not quarrel with that dissatisfaction. Dissatisfaction is the very basis of agitation for some things worth while in life. I am not suggesting on that account that I would like my hon. friend Shri Anthony Pillai to be dissatisfied all the time. I want a smiling face which he always possesses.

[Shri S. K. Patil]

If he could make it more smiling, I would be happier. What I want to tell him is this. Satisfaction or dissatisfaction is a condition which depends on so many things. I am not introducing politics here. I wish politics was not there in any of these things. It would have been much better if politics was not there. Possibly there would be fewer strikes and greater output everywhere. He has got these amendments or whatever you may treat them. They express this dissatisfaction. Therefore, after all that I have said and explained, I am not in a position to accept any one of them, because, they go very contrary to the effort that the Government has been making in order that there may be maximum satisfaction so far as these 125,000 of our workers in the Port Trusts and docks are concerned.

Shrimati Parvathi Krishnan said something. I did not interrupt at that time because I do not like to interrupt people when they are speaking, because, the trend of their very melodious speech is sometimes interrupted and I would be guilty of a thing which I do not do ordinarily, much less in the case of an hon. Lady Member. But, she said something that Dr. Bidhan Chandra Roy suggested something to me and I did not accept. I just woke up, sat up and did everything as to what is this all that Dr. Roy suggested and I would not do. I can assure the hon. Lady Member that there was no suggestion by Dr. Bidhan Chandra Roy for any compromise or any settlement to which I did not respond. Therefore, if there is a story going round in Calcutta or somewhere that there was some kind of a difference of opinion between me and Dr. Roy on the question of a compromise so far as this strike was concerned, it is wholly incorrect and not warranted by facts.

Then she referred to a case to which I must answer. We said there should be no victimisation, and

it is true. We stand by it, and I assure this House that there has not been one case of victimisation, and I stand by it. She spoke about 40 cases but did not tell whether those 40 cases had anything to do with this formula or the compromise that we arrived at. She might perhaps say that all the people who were arrested after that compromise are all cases of victimisation so far as the Government of India are concerned.

The cases were like this, that when we came to this compromise, some very enthusiastic workers, all good workers, in Calcutta went around and they arranged a victory parade in Calcutta as if they had earned a very great victory. And there was nothing wrong if they thought it was a victory. I am glad because I gave them the victory, but as a result of that victory this is what they are alleged to have done—because these are matters in a court of law and I must not pronounce any judgment on them. These people went and blackened the faces of the persons called black legs, that was the expression used by Shrimati Parvathi Krishnan. Some of them were shaved, some of them were treated in the most heinous manner in which one can do it, and these 40 cases are not cases of victimisation. They are cases of violence in a court of law, every one of them. I liked those labour leaders, the Federation leaders in Calcutta, I honestly say so. If I could do anything to secure their co-operation, I would go the whole hog, because thereby I do not become small, and therefore I have been asking the Chief Minister of Bengal and my authorities, the port authorities, in Calcutta, if it is possible to review these cases and do something I would be very glad indeed, and what do I learn?—that all these 40 cases are in a court of law, and in every case there is an allegation that there is violence implied. If these cases come up and they are acquitted, I will have a little victory parade myself; I shall be very glad if they are vindic-

cated and there is nothing like violence, I hope so. We are not going to fight these cases as if there is anything on our side we want to do. I am merely pointing out that the House need not go away with the misapprehension that we did something by which 40 cases of victimisation still remain to be attended to. There is not a single case of victimisation that has remained.

I have taken a lot of your time, but in explanation I said what exactly has got to be done. I can assure Shri Asoka Mehta that we can solve this problem if we approach it in a constructive manner. I have told him my limitations, that I could not go beyond what I have done, I could not give the pay or the scales of wages higher than 1947 before the second pay commission reports. I could not do anything more about decasualisation than I did without affecting other similar services elsewhere. So far as provident fund and gratuity are concerned, I cannot go farther than that because it had repercussions on lakhs of workers everywhere. To the extent to which we could go we have gone, but let us wait. After the second pay commission's report, when it comes, we shall do that, and in doing that, if it is possible for us to bring in a greater measure of uniformity, I shall be pleased to do so.

One word more and I have done. They said that there is a growing dissatisfaction among the people. I would appeal to these leaders that dissatisfaction there should be for other purposes, but so far as output of work is concerned, surely it will be unpatriotic on the part of anybody to show his dissatisfaction.

My hon. lady friend there said that the Ministers went around saying that they were unpatriotic people who had started this strike. Which Minister said that I do not know, but so far as the Minister who can be hanged

for anything good or bad in this matter is concerned, that is myself, I was never guilty of an utterance of that kind. I would call it a stupid utterance if due to any provocation or in any other circumstances I could have made it. They are conscientious, good workers. They have done good work. Left alone they could do even better, but unfortunately they are not left alone. That is the case. We appeal to the Federation and to Shri Asoka Mehta to use his undoubted good offices. I used that even during the strike, but the things were beyond me and beyond him and nothing could happen in those days. I repeat that any matter approached constructively and helpfully shall have immediate response so far as the Government is concerned.

**Shri Asoka Mehta:** I have listened very carefully to what the senior and junior Ministers have said on this subject.

As far as the junior Minister is concerned, he gave us a lot of dates and other things. Naturally I am not conversant with that. All that I can tell him is that most of us sitting on this side of the House will have no sympathy with any organisation that deliberately tries to interfere with any process of settlement or negotiation by giving strike notices in season and out of season. At least I would not be guilty of supporting any such move.

There are other statements made by him. Well, probably I would differ from him or correct him. For instance, he said Shri Chaudhury suggested some 15 days' or 16 days' leave, or something like that. It is not so. There are some days of leave and some days of holidays. But I shall not go into those details, because they are not important. I have referred to those things, because I do not want my hon. friend Shri Raj Bahadur to feel that I had not listened very carefully to all that he said.

[Shri Asoka Mehta]

I would like to confine myself within the few minutes at my disposal to making a few observations on the very important and weighty observations that were made by the senior Minister opposite. I have known the senior Minister for many years.

**Shri D C Sharma** (Guidaspur) He knows the hon Member also

**Shri Asoka Mehta** Yes, he knows me also. I know his tremendous capacity of introducing clarity in confusion where he wants and introducing confusion in clarity when he desires. Unfortunately, today, he has preferred to introduce confusion where clarity could have been created. (Hear, hear) He and I have worked together for so many years that I know many red herrings he has with him and how often he could release those red herrings and blaze a new kind of trail.

May I suggest that if he is in a mood to approach these questions in a constructive manner, he should not try to confuse matters which are very simple? He talks about uniformity and asks how it can be achieved and says it would take ten years or twenty years. Sir, you will remember that when the Central Pay Commission was appointed ten or twelve years back,—probably you were in this House at that time—there was a veritable jungle of pay scales in the country. The Pay Commission, I think, in a year or so were able to do their work. Our friend Shri Gadgil and our friend Shri N M Joshi were among the important members of the commission, perhaps, there were others also from this House. They were able to straighten out everything and I believe, the Pay Commission was able to give us uniform, and by and large, satisfactory scales of pay within a very short period. I believe it is the intention of Government to appoint after the Central Pay Commission's work is over, a pay commission for the States. The pay scales in the States are also a veritable jungle. Surely, a group of men

will be found who will be able to hack their way out of this jungle. Is it so very difficult that this cannot be done?

Both the Ministers have said, oh, look at these port and dock workers they are not asking for uniformity, they are asking for maximisation. It is very wrong. All that the federation is asking for, to the best of my knowledge—I do not know as much as my hon friend Shri Anthony Pillai or the Ministers—is that the recommendations of the Choudhury Committee be implemented, not maximisation. They will be satisfied with that, and if they are not satisfied with that we on this side of the House will join the Minister in bringing them and pulling them to order.

**Shri S K. Patil** I hope he will do so

**Shri Asoka Mehta** If you look at the terms of the Choudhury Committee's report—Shri Anthony Pillai has been good enough to give them to me—you will find that the first term of reference is

'to enquire into the disparities and anomalies in the scales of pay and allowances of class III and class IV employees of the major ports, and to make recommendations for the rationalisation of the pay structure of the various categories in the light of the recommendations made by the Central Pay Commission. The recommendations were to aim at bringing about as large a measure of uniformity as possible "

Is this so difficult that it will take twenty years before it can be achieved? Why was this then the very first term of reference? How is it that after this matter has been gone into, Government are not prepared even to go as far as Mr Choudhury has gone? The Ministers refused to answer that point.

The second point is this He says that after the recommendations of the Second Pay Commission are out, he would be the very first person to go and give them whatever benefits had accrued to them I am happy to hear that But why should these people be governed by the recommendations of the Pay Commission when they are not given an opportunity to place their case before them, when a different committee was appointed for them? Why should they be governed by the recommendations of a commission before which they had no access and they were not given an opportunity to present their case? The Minister said, and I am grateful to him for saying that, that I understand a little bit of economics and all that He says 'Does my hon friend Shri Asoka Mehta want to suggest that if in a sheltered industry, a lot of profits are being made, they should be handed over to the workers?' Of course not I do not want it On many labour questions, I have dared to take up an unpopular position which even the Treasury Benches have not done What is being suggested is that these people are doing a hazardous kind of work, which has been established not by Shri Chaudhuri alone but by innumerable committees and commissions the world over—that this is a hazardous type of work—and they should be given some kind of special benefit That is what Shri Chaudhuri suggested and that is what Government have refused to do You cannot say 'No matter what kind of work you are doing you will be treated equally' That kind of statement shows lack of appreciation, lack of understanding and lack of courage on the part of the Treasury Benches The Minister should have the courage to go to the workers and say 'You, workers, I believe deserve a different treatment' If he is not satisfied, it is a different matter; let him give an answer that Shri Chaudhuri is wrong, ILO is wrong, the whole world is wrong and only he is right, that this type of work is not a hazardous work He said—we have given those who are

doing hard work some kind of allowance'. What does it work out to? Rs. 80 to Rs 100 at the end of his full span of work Retirement benefit or gratuity will increase by Rs 80 to Rs. 100 in Bombay, and in Madras—Shri Anthony Pillai tells me—by Rs 180

**Shri S. K. Patil:** They are wrong figures

**Shri Asoka Mehta:** If they are wrong figures, all that I can say is that people who are working in their midst have not understood your scheme They are the people with whom the Minister sits down and negotiates, those whom he accepts as the spokesmen of the port and dock workers with whom those long-drawn-out negotiations are carried on They tell me—and I have only their word to rely on—that the concession given is a minimum of Rs 60 at the end of 20 or 30 years and the maximum is Rs 180

**Shri S. K. Patil:** I would disprove it to his satisfaction It is wholly an under-estimate There is no comparison

**Shri Asoka Mehta:** This is matter of facts which can be gone into

Therefore, may I end up by appealing to the Minister to accept not the amendment that Shri Anthony Pillai has moved but his suggestion to have some mediator someone who will try and see whether a solution is not possible He knows—very often he tries to have a convenient memory—that in Calcutta the workers refused to accept a solution The whole matter was referred to some tribunal or other body Nothing came out of it Then the whole thing was referred to a very good friend of ours Shri Jeejibhoy and he was able to settle it I am sure the Minister knows about it, the Federation people also know about it, that an amicable settlement has been reached simply because the matter was referred to a person who was able to bring about an agreement where due to some mis-

[Shri Asoka Mehta]

understanding, agreement had not been reached. These are things where it is possible to reach an agreement; these are things where the Minister said he wanted me to go and convince the Cabinet. If the Cabinet will give me an opportunity to meet them, I am quite willing to do my share of the work. But I know that there are such distinguished members in the Cabinet as my hon. friend, the Minister opposite; so no such responsibility need devolve on me. He is completely capable of carrying conviction to his distinguished colleagues in the Cabinet

The trouble is that he is not willing to do it. My whole difficulty arises from the fact that he is unwilling to do what he is capable of doing; if he is willing to fulfil his share of responsibility, I can assure him that to the extent of the little influence that I am able to exert in the ranks of the port and dock workers, I shall exert to the full; I can assure him, I am not prepared to assure on behalf of the extreme section of the House, but as far as my hon. and stalwart friend, Shri Anthony Pillai, is concerned, I have no hesitation in saying that if, as the Minister is very very fond of saying, he will come 49 per cent, he will find that Shri Anthony Pillai is moving 51 per cent. to meet him.

**Mr. Speaker:** Which amendment is to be put to vote?

**Shri Anthony Pillai:** No. 1.

**Mr. Speaker:** The question is:

That for the original motion, the following be substituted, namely:—

“This House having considered the Chaudhuri Committee's Report on Port and Dock Workers and the Government's Resolution thereon published in the Gazette of India on the 21st July 1958, is of the opinion that it is not likely to bring industrial peace to the Port Transport Industry.

“This House is further of opinion that since securing the co-operation of labour for improved efficiency of Port Transport is essential for the successful execution of the Second Five Year Plan, a mediator of judicial status should be appointed, clothed with the powers of an arbitrator, to bring about an industrial truce for the Plan period, and to evolve proposals to secure co-operation of labour in increased efficiency”.

*The motion was negatived\**

**Mr. Speaker:** The House will now stand adjourned to meet tomorrow.

17.31 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 28th August 1958.*

\*Substitute motions No. 2 and 3 are deemed to have been withdrawn.