

[Shri Narayan Datt Tiwari]

efforts. So, we are sure that not only the non-aligned countries but all countries, even the rich countries, will come forward to the help of the front-line States to help substantially, to contribute substantially to the Africa Fund, and then, thereupon this Africa Fund Committee, under the chairmanship of India and vice-chairmanship of Zimbabwe—there is a committee of eight or 10 members—will frame rules as to how the funds have to be distributed. ... (Interruptions) ... Zambia is the Vice-President. This committee will frame rules as to how the funds will be disbursed. I am sure the unanimous voice expressed by this august House will certainly be reflected in full measure in the determination of the people of this country to fight apartheid.

We fought apartheid all these years. Since 1946 we have comprehensive economic sanctions, even though there are more than one million people of Indian origin in South Africa, against that country. This great Parliament and we are united to fight apartheid and let us hope that the countries the world over will join us.

I myself said what Nirmal Babu has said in his speech, that there are vested interests; they might be multinationals or non-multinationals. Whoever it might be, there are vested interests in many countries who are now supporting apartheid. It is a shame that in some countries of the world there are forces which are still living in a world of their own, a racist world. We condemn that. But we have to move peacefully. We have no option but to move peacefully ahead. The only peaceful option left is to have these mandatory economic sanctions. I also think that this matter will come up before the United Nations also in the near future at an appropriate occasion when this question will be debated upon in the United Nations itself that manda-

tory economic sanctions should be applied under the UN Charter. With these words, Sir, I am very grateful to the honourable Members for their response and their support to our proposals.

## THE DOCK WORKERS' SAFETY, HEALTH AND WELFARE BILL, 1985—CONTD

SHRI P. N. SUKUL (Uttar Pradesh): Mr. Vice-Chairman, Sir, I rise to support this very welcome piece of legislation. I call it "welcome" because, on the one hand it is going to reduce the multiplicity of existing laws concerning dock workers and, on the other, the definition of "dock worker" is now being slightly amended so as to enlarge its scope to cover a larger number of workers under this Bill.

To be precise, this enactment proposes to replace (1) the Indian Dock Labourers Act, 1934, (2) the Dock Workers (Regulation of Employment) Act, 1948 and (3) the Dock Workers (Safety, Health and Welfare) Scheme, 1961. So, now there will be one single enactment in place of there, and it is a really welcome step because, as I said, the multiplicity of laws on the subject is going to be reduced.

Sir, as regards the Bill, it is all right except at a few places. For example, in clause 2 where definitions are given, under sub-clauses 2(e) and 2(f), while defining "dock worker" and "employer", the phrase "whether for remuneration or not" is used. This phrase "whether for remuneration or not" occurs at both these places. Why should somebody work for no remuneration, without remuneration? And if somebody works without remuneration, then, he is not a wage-earner. And if he is not a wage-earner, then, he cannot be covered under the definition of "worker". To that extent the very enactment becomes meaningless. So, I think,

[Shri P. N. Sukul]

this is totally redundant, and from the definition should be deleted "whether for remuneration or not". It should always be remuneration. We are not going to be an exploiting agency. We cannot contemplate a situation in which workers work without remuneration. And if one is not paid remuneration, then, why should he work? I think, may be because in the existing laws this phrase occurs, and that is why it has been included in this enactment also. But personally I do not think that this kind of definition should apply to a worker. A worker must work for certain wages, for remuneration.

In section 3 it is given that the appropriate Government, meaning the State Government, concerned, can appoint Inspectors and Chief Inspectors who are going to do the major work under this Act. But, their qualifications, their mode of recruitment are not mentioned anywhere in this Act. I tried to go through this entire legislation to find out how an Inspector or a Chief Inspector is going to be appointed, what his qualifications will be. But nowhere in this Bill could I find this out. Not even in the Aims and Objects. It was only in the Financial Memorandum that I could find something on the subject. In the Financial Memorandum, para 2, it is given.

"At present, the aspects regarding, safety, health and welfare of dock workers engaged in dock work, in so far as the major parts at Bombay, Calcutta, Madras Cochin, Kandla, Paradeep, Mormugoa, Vishakhapatnam, New Mangalore and New Tuticorin are concerned, are enforced through the Dock Safety Inspectorates under the organisation of the Directorate General of Factory Advice Service and Labour Institutes, Bombay. The provisions of the proposed legislation are also to be enforced in the Central sphere by the same Dock Safety Inspectorates..."

That is in the Central sphere. What about the State sphere? If the appropriate Government is the State Government, then, what will be done? In the Central sphere, you can go on following that process, but in the State sphere what will be done? You have not mentioned it. You have mentioned it—that the appropriate Government meaning the State Government concerned, will appoint these inspectors and Chief Inspectors. But now? Whome? What will be the security of job for them? What will be their service conditions? Nothing is clear. Also it is not mentioned even under the rules and regulations how they will be recruited. There is no scope. I have gone through this entire legislation. There is nowhere given any provisions that under the rules or under the regulations it will be done. Even that is not mentioned. That is not permissible.

As regards the constitution of the Advisory Board, mention has been made in section 20 (d) that this procedure will be followed. But as regards the appointment of Inspectors and Chief Inspectors, nothing is said. It is a great fallacy. I think, when most of the provisions of this Act will have to be fulfilled or will have to be ensured to be fulfilled by the Inspectors and the Chief Inspectors, there must be specific mention about their appointment, about their mode of appointment, about their qualifications. Any Tom, Dick and Harry cannot be appointed Chief Inspector or Inspector. There must be certain basic minimum qualifications. Leaving it to the State Governments concerned means there will be no uniformity. One State Government can appoint a matriculate as an Inspector, the other Government will decide only graduates should be there and the third can prescribe certain technical qualifications. So, it means it is such an absurd piece of legislation in this respect only that there will be absolutely no uniformity throughout the country and anybody can be appointed. It will

[Shri P. N. Sukul]

be at the sweetwill of the State Government. But when a Central legislation is coming, all these things must be thrashed out properly and prescribed. So, I request the hon. Labour Minister kindly to look into this aspect also and try to amend things, if necessary.

Now, I come to section 8 where there is a provision for appeal within 15 days from the date on which the order is communicated. Although there is a proviso in this connection saying that the Chief Inspector or such authority may entertain the appeal after the expiry of the said period of fifteen days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time, this period of fifteen days looks insufficient. Sometimes what happens is in writing you communicate, but it does not reach in just, recently we saw a news item saying that one letter of the Prime Minister took a very long time in reaching Shantiniketan. When the Prime Minister's communication can take so much time to reach the person concerned, what about the orders communicated to other persons. So, instead of fifteen days, it should be one month so that the man has adequate time to submit his appeal against that Order. That is my humble request.

In section 9, it has been provided that the Advisory Committee shall include an equal number of members representing (i) the appropriate Government, (ii) the dock workers, and (iii) the employers of the dock workers and shipping companies. So, all the three parties concerned are going to be represented in the Advisory Committee and all will be represented in an equal number. It is something very good and is a welcome step.

Now, as regards the appointment of the members of the Advisory Committee, as I have said earlier, provision for rules being made for the purpose is there in Section 20D.

Now, I come to Section 10(4) concerning power of appropriate Government to direct inquiry into cases of accidents or diseases. The procedure to be followed in inquiries under this section shall be such as the appropriate Government may prescribe by rules under section 20. It means even in this case also things may differ from State to State. One State Government can prescribe something, the other State Government can prescribe an entirely different thing and the third may give a different prescription. So, efforts have not been made to ensure that there is uniformity in the whole country for the purpose where procedures are to be followed or where certain things are going to be prescribed for the purpose. In this case there must be uniformity. If the Central Government is not going to ensure this uniformity, who is going to ensure it. So, in the larger interest of the workers and all concerned, efforts should be made to ensure appropriate uniformity in this regard also.

Now, power to exempt is given in Section 12. Any port or place, dock, wharf, quay etc. can even be exempted by the appropriate Government for the purpose of application of this enactment that is going to be there. In the proviso it is written provided that the appropriate Government shall not grant exemption under this section unless it is satisfied that such exemptions will not adversely affect the health, safety and welfare of dock workers. Now, the Government has to grant exemption. Before granting the same it has to be satisfied. So this will be rendered almost meaningless. If the Government has to do it, then, it is natural that the Government will do it only on being satisfied about certain things. So

the exemption will be granted only when the Government is satisfied, in my humble opinion, and so this is almost redundant.

Coming to determination of responsibility, the same is laid down in section 15. Here it is provided that where a firm, association or company has given notices in writing to the Chief Inspector and the Inspector of the port where any dock work is being carried that it has nominated—in the case of a firm, any of its partners; in the case of an association, any of its members and in the case of a company, any of its directors. In such a situation only the nominated person will be held responsible for the offences. Why not the whole company? Why not the whole firm? The nominated person will be acting as a delegated authority and the company will be forcing him to do certain unliwful things. He has to do it or he should quit his job. Naturally, he will be made to do certain things by the company or firm. Then the whole firm or company goes scot free. Only that nominated person will be punished. So it is not a very sound arrangement. I feel the whole company should be punished and a method should be devised so that the nominated person alone is not punished.

Now coming to prosecutions, section 17(2) says that no prosecution for any offence under this Act or the regulations shall be instituted except by or with the previous sanction of an Inspector. If there is an aggrieved person, he should also be allowed to file a suit. Why he should do it only after the sanction of an Inspector? So to that extent, this should also be amended.

Sir, now, I do not know after the passage of this Bill, what will happen to the Directorate of Dock Safety. In the whole Bill it has not been mentioned anywhere that what will happen to this Directorate. I want to know whether it will exist or not? If the Directorate is going

to exist, these Inspectors, Chief Inspectors and other Advisory Members will also be appointed. Will it not amount to a dual administration? There will be dualism in administration. This Bill is absolutely silent on this aspect. So I want the hon. Minister to explain whether the Directorate of Dock Safety is going to remain as it is or some changes are contemplated or what will be the actual position?

Mostly these dock workers don't get fair wages. They don't live in hygienic conditions. Even the Bombay Port Trust workers, I think, 88 per cent of the workers live in the slum areas. You know that Bombay is one of the richest ports in the country. Our hon. friend, Shri D'saiji was mentioning this through a special mention in this House. (*Time bell*). So it must also be ensured that proper housing facilities are provided to these workers. Similarly, educational facilities and economic facilities should also provide for their children and these dock workers have been agitating for quite some time at different places for house rent allowance or for city compensatory allowance. These allowances should be paid to them at par with public sector undertakings. You cannot ensure safety, health and welfare of these workers unless you pay them well, unless you grant them need-based minimum wage and good hygienic living conditions. Without them, it may not be expected that you will be able to ensure their full safety and health. So, in the best interests of the welfare of these workers, these amenities should be provided to them—may not be under this Act but it should be taken note of and things should be done to help these workers in matters of housing, in matters of medication, in matters of education of their children etc. and there must be uniformity in recruitment and service conditions. These service conditions, these rules of recruitment should not differ from State to State. (*Interruption*).

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): Please conclude.

SHRI P. N. SUKUL: So, with these words, I support this Bill but I will say that a more comprehensive legislation is needed on the subject and I earnestly hope that the Government will come up with a more comprehensive Bill on the Dock Workers of the country.

SHRI ALADI ARUNA alias V. ARUNACHALAM (Tamil Nadu): Mr. Vice-Chairman, Sir, I extend my qualified support to this Bill. The object of the Bill is, no doubt, remarkable and laudable but the manner in which it has been drafted has failed to satisfy its own object. The parent Act, the Indian Dock Labourers Act, 1934 has applied only to the workers engaged on board. It did not cover any work other than ship and dock. It did not provide any facility for health and welfare of the workers. So, subsequently, the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) and the Dock Workers (Safety, Health and Welfare) Scheme, 1961 attempted to plug many of the loop-holes in the parent act of 1934, but this act also failed to provide measures for safety, health and welfare of the workers and to protect the interests of the labourers. Therefore, this Bill has been brought for the consideration of this august House, repealing the parent Act of 1934. Sir, it provides for safety, health and welfare of the workers in respect of ports and ships. It has widened the scope of this Act by enlarging the definition of the words dock workers and dock work. It has made provisions for appointment of Chief Inspector and the Inspector for Safety and for the constitution of Advisory Committee has also empowered the appropriate Government to order the direct inquiry into the cases of accidents and diseases.

Sir, these are the important features of this Bill. At the same time,

I would like to point out some of the defects in this Bill. Under the Section as mentioned by my earlier Speaker 17(2), prosecution can be instituted only by the sanction of the Inspector. Workers are not in a position either to get the permission of the Inspector or to influence him. Steamer-owners are having their necessary sources easily to influence the inspector. Therefore, in practice, it is very difficult for the workers to get the sanction from the inspector but at the same time, it easy for the management or the steamer owners to get the permission from the inspector.

Sir, Sections 12 and 14 deal with the obligation of the dock workers failing which they are punished with imprisonment. It is against the interest of the labour and against the norms of interest of the labour. Clause 9 provides for the constitution of an Advisory Committee. The clause deals elaborately with the nature of the Committee, but not about the powers of the Committee. What are the powers of the Advisory Committee? Nothing has been mentioned in the Bill. Even the constitution of the Committee itself is optional because the word "shall" has not been used; instead the word "may" has been used in the clause.

Sir, another defect of the Bill is that it provides for exemption under clause 12 to any port or place, dock, wharf, quay or similar other premises, subject to certain conditions. Certain conditions have been prescribed by the Government itself in the Bill, no doubt. But the exemption itself is an avenue to the vested interests to escape from the liability. I do not know what is the need of extending the exemption under clause 12.

Sir, the hon. Minister may agree with me that dock workers are most exploited by the stevedoring system. For loading and unloading of a ship, there are three agencies: the owner of the ship, the stevedoring agency,

and the dock labour board. The stevedoring agency is working as a middleman or a broker. What is the need for it when there is the dock labour board? The dock labour board can directly contact the steamer owners. There is no need of a middleman; there is no need of a middle agency. It will only pave the way for exploitation. That is why in Calcutta port, I think, it has been abolished. I emphatically request the hon. Minister to bring a Bill or issue an order abolishing the stevedoring system for loading and unloading so that the dock labour is much benefited. With these words, I conclude.

SHRI CHIMANBHAI MEHTA (Gujarat): Mr. Vice-Chairman, Sir, I welcome this Bill because it is comprehensive and it plugs the loopholes that were there in the previous Act and it also repeals the previous Act. But I agree with hon. Members that there are certain things which are desirable to be done. And one of the important things is that the contract system that goes in the name of stevedoring or in any other name must be dispensed with. Contract labour in a permanent type of work is not required. And it has been advocated by every section of labour that the contract labour system must end. Now what is the position here? I know there is some difficulty because here the work culture also comes into play. A contract labourer works to the maximum when he is under a contractor. But once he is employed by the State or by a semi-State authority, the work is slowed down because he is confirmed permanently and, therefore, he is also guaranteed his wages or salary. Now this is a tragic aspect when we talk about abolition of the contract labour system. I am a worker in the labour field and I have been working in the labour field since the last several years. Still I am bringing to your notice this important question. Having faced this difficulty we can improve the work culture of the dock labour. Now the question is why it is not done. One

of the things is in the appointment of chairmen of the port trusts or the labour boards or the advisory committee which is going to come into existence now, preference is not being given to non-officials. Sometimes they are IAS, sometimes they are technical people. Now this work culture has to be improved upon. Of course, I respect a section of the bureaucracy; I have no hatred for anyone. But the work culture can be improved upon only by public workers, non-officials. Therefore, the argument that comes against abolition of contract labour is that once you abolish it, work will be slowed down when the people are confirmed and their wages are guaranteed. But I say this is a unitary system. If anybody studies how the dock workers work, the heavy work they have, how they work in dust, everyone will realise why they contract TB and other fatal diseases. As has been pointed out by Shri Sukulji, they live in slums, they work up to midnight, they have no fixed working hours. In such a situation the institution of contract labour contributes a lot to the deterioration of the conditions of labour. Even in this Bill so many things are left for drafting of rules and regulations afterwards. This is just a bare Act. I do not know why they are resorting to this kind of a practice where things are left for framing later on. The rules and regulations and some of the vital things have not come into the Bill. Who are the people who are going to frame those rules and regulations? This is a very important aspect. I appeal to the Minister that this work of framing of rules and regulations should be done with speed, expeditiously, because this legislation was passed by Lok Sabha in November last year and it has taken almost one year for it to cross the distance of the Central Hall. I do not know how much time it will take now by the time we start framing the rules and regulations. These are some of the important aspects to be looked into. There are, of course, limitations, there are some

[Shri Chimanbhai Mehta]

positive features of this Bill. I am happy that this comprehensive Bill has come and conditions would improve as compared to the past. Thank you.

SHRI P. BABUL REDDY (Andhra Pradesh): Mr. Vice-Chairman, I thank you for giving me this opportunity. I rise to support this Bill though not very satisfactory. This Bill, when it becomes an Act, would constitute mere bones and flesh and blood have yet to be supplied. In the power to make rules and regulations also I don't think Government is competent to supply in full measure the flesh and blood needed. I will point it out a little later. The object is no doubt laudable. Lakhs of workers are working in minor ports and major ports in this country and in very pitiable conditions. I have myself seen in Bombay and Madras; most of them live on pavements; they do very hazardous tasks. A measure aimed at bringing some solace to them, some benefit to them, cannot but receive support from every right-thinking man. Fortunately for dock workers at least, as the honourable Minister himself who moved the Bill in Lok Sabha said, they have got a very powerful union. And, Sir, they can take care of their interests. But, of course, the full interest was not taken care of. I would commend, taking this opportunity, to the Minister in charge of Labour to think of some positive measures for the hapless agricultural workers in the rural areas. Sir their position is very pitiable. They do not have medical facilities, they do not have any house rent allowance; and they do not have any leave travel concession. Unfortunately, they are born there and they die like flies in the villages; you might have seen it. Some serious thought should be given to this. After all, why is it that a worker in this country who is producing food for the nation is considered inferior to a worker who is working in a factory or a person who is producing coal in the Singareni collieries? I am not

saying that their interests should not be taken care of. But, at least, equal interest should be evinced in the case of the hapless agricultural labourers. The minimum is that medical facilities should be given. Sir, if an MP or a Judge or somebody falls ill, you pay two lakhs and fifty thousand rupees to him to go to America to have an open heart surgery. But even twenty-five paise worth of medicines you cannot give to these agricultural labourers. This may not be falling under the subject under discussion. But, as I said, I have taken the opportunity to bring this to your notice. A serious thought should be given to improve their lot and realise the importance of the work they are doing to produce valuable food for the nation.

Even this, Sir, as my friend who just now mentioned, is a measure for the welfare of the workers. But what is the urgency we have shown? A year back, Mr. Anjaiah, the then Minister, moved the Bill in Lok Sabha. He ceased to be the Minister and he disappeared from the earth also. Now, only the Central Hall intervenes between the Lok Sabha and the Rajya Sabha and yet it took exactly one year for us to consider the same Bill. Bills which have not one-tenth of importance of this Bill have received very great attention at the hands of the Government, but not this Bill. Sir, the object of the Bill, as it has been said both in this House and in the other House, is to replace the old law and to codify the law into one Act. Earlier, there were two Acts, namely, the India Dock Labourers Act 1934 and the regulations made under that Act in the year 1948, and the Indian Dock Workers (Regulation of Employment) Act, 1948 and the scheme made under it in the year 1961. Now, the safety, welfare and the other things are being taken out of the Dock Labourers Act by amending it and by the repeal of the Dock Workers (Regula-

tion of Employment) Act of 1946. So far, so good. Sir, I may point out that there are certain good provisions in the Act before I point out the bad provisions.

Now, under clause 5(2) even an Inspector can issue a notice to stop work in a dock, in a place where that work is going on. He has to issue a notice and a copy of the notice would be sent under this clause to the Chief Inspector who may modify or cancel—this is what it says—may rescind the orders without waiting for an appeal. The Inspector serving the order under sub section (1) shall endorse a copy of that to the Chief Inspector who, without waiting for an appeal, may rescind or cancel the order. This is a very wholesome provision which I wanted to point out.

Then, Sir, I come to clause 22(1). This is a requirement to make previous publication of the rules and regulations that are made under the Act. But there is a defect in this provision and I will read out the provision:

"The power to make rules and regulations conferred by sections 20 and 21 is subject to the condition of the rules and regulations being made after previous publications."

This is good. But what is missing here is the previous publication calling for representations from the parties interested and after considering those representations the rules must be finalised. That is the normal formula for the previous publication and that is missing. This is an empty formula if it is merely published without giving opportunities to the parties interested for representation and the obligation to consider those representations. Otherwise it becomes an empty formality. This lacuna must be removed.

Then, I come to clause 17(2). Some of our friends say that clause 17(2) must be omitted because this requires the consent of the Inspector for prosecution. It would be a wholesome provision if it is restricted to prosecution by third parties, not by the parties interested. The parties interested are workers, employers and contractors. If they want to prosecute for any omission on the part of the workers, because there are some obligations for workers, they can prosecute them. But it may be restricted to third parties, otherwise they may use this provision to harass or to wreak private vengeance. This provision should be contained.

Sir, I said at the outset that this Act is mere bones; flesh and blood are to be provided. There are two provisions for this, but these provisions are not sufficient. One is section 20 to make rules; another is 21. Here you may see, unlike the usual provision, for the purpose of the Act, power is not there. Rules can be made only for matter specifically enumerated. I will read section 21:

"The appropriate Government may be notification in the Official Gazette, make regulations...for all or any of the following purposes, namely:..."

The purposes are mentioned in (a) to (f). Only for these six purposes, the rules can be made. Here the importance of Mr. Sukul's point is that the qualifications required by the Chief Inspector or Inspector cannot be supplemented even by the Rules. If a rule is made prescribing qualifications for the inspector or Chief Inspector it would be *ultra vires* of the powers of rule-making authority, because it is not a blanket power to implement the purposes of the Act. It is only for the purposes mentioned in (a) to (f). So what remains now and is lacking in the Act is not prescribing the qua-



[Shri Chimanbhai Mehta]

fications or the manner in which these posts are to be filled up, very important posts of Chief Inspector and Inspectors. That cannot even be supplied by the rules and regulations, because rules can be made only for purposes mentioned in (a) to (f). So it would leave a blanket power in the hands of the executive. The words used are "...person as he thinks fit". This is an excessive delegation of law-making power. Therefore, my submission is that this should be seriously taken note of by the Minister in the rule-making power. Rule-making power is subordination legislation. When once rules are made, Government has an obligation to observe the rules just like the provisions in the Act. It should not be vague; it should not be fanciful. One should know who is eligible. This is a very serious mistake in the Act for the serious consideration of the Minister.

With these remarks, I take my seat.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): Mr. Vaduthala.

SHRI T. K. C. VADUTHALA (Kerala): Mr. Vice-Chairman, Sir, I thank you very much for giving me an occasion to speak on this very important Bill.

At the outset, I am really glad to mention that this Bill which provides various measures for the safety, health and welfare of dock workers is a progressive one in spirit. I feel it would have been more clear and appealing to the workers if definitions of the provisions made in the Bill were laid down. For example, take Section 5 of the Bill. It states that an Inspector is empowered to serve on the owner or on the person in charge of such place of work, an order prohibiting any dock work at such place which may be dangerous to the life, safety and health of the dock workers. But one will be anxious to

know the conditions that are to be fulfilled by the owner or the person in charge of the place of work.

Power of appropriate Government to direct an inquiry, as per Section 10 of the Bill, into the cases of accidents or diseases is, of course, a healthy measure, if implemented strictly. Many of the accidents are due to dangerous working conditions and to avoid such calamities, this section will help the workers a lot.

Sir, I have my doubts about certain provisions in the Bill. Since many of the hon. Members have referred to them, I will mention here some matters of general interest to the workers as well as to the authorities. The importance of ports to the nation's economy needs no emphasis. Ports play a very important role in the international trade and in the economic growth of the country. Therefore, the workers engaged in the task of handling cargo occupy an enviable position in the sphere of dock activities. The creation of better environments and adequate incentives are the pre-requisites for the efficiency of labour. Feeble, neglected and unsatisfied labour force will prove nothing but a liability.

The development of science and technology paved the way for new inventions. Thus the manual labour is supplemented by mechanised labour and as a result of that, the labourer is subjected to more risks. According to a report of the United Nations, a total of 1,80,000 workers die every year throughout the world as a result of accidents and occupational diseases. Another 110 millions suffer non-fatal injuries. Possibilities for both calamities are very much in the dock area.

The concept of occupational diseases has been accepted by the Government in principle in the Factories Act, 1978. The present Bill provides

regulations for safety, health and welfare of dock workers who are subjected to a number of risks. Since Cochin Port is one of the major ports in the country and I hail from that port area, I feel it quite appropriate on my part to speak on behalf of the dock workers employed in Cochin Port. Though many a requirement were placed before the authorities, very few have been sanctioned. In the light of the present Bill, it is natural on the part of the workers to hope for better safety, health and welfare activities to be taken up by the authorities.

The Cochin Dock Labour Board came into existence in the year 1962 with a strength of 1800 labourers. But the present strength is only 800 workers. The reduction in strength is attributed to several factors and mainly due to the diversion of cargoes to other ports. The Cochin Port is a major natural port and is connected with rail, road and water transport facilities and hence there is ample scope of handling any amount of cargoes. Even then the coal vessels are diverted to other ports and shipment of tea and coffee is also done elsewhere. If this process is continued, slowly and steadily the importance of Cochin Port is likely to vanish from the international trade scene. This aspect deserves serious consideration of the Government of India.

[The Vice-Chairman. (Shrimati Kanak Mukherjee in the Chair).]

The people of Kerala proudly used to call the Cochin Harbour as the Queen of Arabian Sea. Alas! we have the history of dethroning kings and queens and in a manner similar to that, the Queen of Arabian Sea appears to be losing her throne. Presently there are two wharves in Cochin Port, one at Ernakulam and the other at Mattancherry. These wharves are not provided with proper working facilities. Resting places and canteen services are very much in

wanting. For those who are working in Reefer cargo, no arrangements are made for the supply of tea and milk at the works spot. The bulk cargo such as sulphur, rock phosphate, zinc concentrates, murate of potash, etc. are handled by the workers without any protective devices. In this case, supply of respirators and goggles will be essential. The general impression conveyed by medical experts is that respiratory diseases are quite common among such workers. Possibilities are also there for the workers contracting dreadful diseases like asthma and T.B. This calls for introducing better protective measures. Government may also consider making appropriate rules in pursuance of this Bill to conduct occupational health studies so as to enable the workers to get in touch with health information. Of course, it is an accepted policy of the Government to provide employment for the dependants of the employees dying in harness. But it seems that this policy is not being implemented by the Cochin Dock Labour Board. Because of pressure from outside, a few tally clerks were recruited recently from the dependants of the dock workers who died while in service. Besides the regular workers, there are more than 600 photo pass-holding casual workers and 400 men out of them have been absorbed in the regular category so far. The remaining men still continue as casual labourers so that they are denied all the benefits that are given to regular workers. Provision may be made in the rules to absorb them too in the regular category.

Madam, supply of provisions to the workers at subsidised rates will minimise their financial burden. A workers' co-operative society is functioning already there. But it is not able to supply provisions to the workers at reduced prices since subsidy is not given to the society on establishment charges. Similarly, water coolers in the resting sheds is

[Shri T. K. C. VADUTHALA]

a long pending demand of the workers.

These are the few points of discrepancy that I would like to bring to the notice of the Government. In spite of all these drawbacks, I find this Bill a progressive one and hence I have the pleasure to support it wholeheartedly. Thank you.

**SHRI B. SATYANARAYAN REDDY** (Andhra Pradesh): Madam Vice-Chairman. I rise to welcome this Dock Workers (Safety, Health and Welfare) Bill, 1985 because it provides for the safety, health and welfare of dock workers. In this connection, I would like to say that though they thought it to be a comprehensive Bill, it lacks something which goes against the interests of the workers. It will not provide all the facilities that are necessary for the dock workers. Madam, the motion moved by the hon. Labour Minister, Mr. P. A. Saṅma on the 5th November, 1986, in this House was "that the Bill to provide for the safety, health and welfare of dock workers and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration." Now the Lok Sabha passed this legislation in the month of November last year. Now, it has come to this House after one year. If the Government was really interested in the welfare of the dock workers, their health and their safety, why so much of time has been taken to bring it before this House is not known. My dear friend, kindly pay attention to what I am speaking.

May I know from the Minister why have you moved this motion on the fifth of this month in this House after one year of its passing in Lok Sabha? This Bill has been passed by the Lok Sabha in the month of November last year. It has taken nearly one year for you to bring this Bill before this House. So, I wonder whether you are really interested to safeguard the interests of the workers, their health

and their security. You should have taken early steps. Why so much of time has been wasted, I do not understand. Kindly throw some light on this. If you take so much of time to pass a Bill, to introduce a Bill here which has been passed by the Lok Sabha one year back, then I feel that even if you pass this Bill in this House and even if it becomes an Act, I am not sure whether it will be implemented seriously. That is the problem before this House. So, I would like to know from the Minister whether whatever legislation you may bring before Parliament, whether you are seriously interested to implement it. That is the most important thing. Of course, previously also you have passed so many Acts and the present condition of the dock workers still, throughout the country, is very miserable. The employment agencies are there. The workers have been directly employed in some cases and the agents are also there. They exploit the dock workers and there are major ports in this country like Bombay, Calcutta, Visakhapatnam, Madras, etc., where thousands of workers are engaged by these private agencies. Their condition is very miserable and even they exploit their labour. They do not see to their safety or the well-being of their children or their families. So, it is good that the Government has thought of bringing a comprehensive legislation to protect their health and their safety. Previous to this Bill there were three other legislations, namely, the Indian Dock Labourers Act, 1934, the Dock Workers Act, 1948, and the Dock Workers Safety Health and Welfare Scheme, 1961, framed under the latter Act. All these Acts were there. But in spite of all that, the exploitation was going on. So, in order to have a comprehensive legislation all these Acts were brought into one Act. That is your intention. That is good. But, as I said earlier, even in the existence of these legislations, the exploitation was not ended. There was no safety of health or security of workers. I would like to know when you pass this

legislation, whether you will take appropriate measures again to implement this legislation.

Then, coming to some of the provisions in the Bill, I would like to draw the attention of the Minister to certain clauses in it. So far as the appointment of the inspectors is concerned,—of course, there must be somebody to look after it, but at the same time—we have to see that enormous powers, unlimited powers, should not be given to the inspectors at the cost of the workers. In that case, they may be misused. They may come under the influence of the management. They may go against the interests of workers. In section 17(2) it has been stated “No prosecution for any offence under this Act or the regulations shall be instituted except by or with the previous sanction of the inspector”. So, it all depends upon his mercy. So, what are you going to do to protect the workers against the arbitrary actions of inspectors? If the inspector is good, then it is all right. If not, may be influenced by other forces. So, what safety measure you are going to take?

Similarly, section 5 gives sweeping powers to the inspectors. I feel there must be a check on these inspectors so that an inspector may not either go against the workers or in favour of the management. (Time bell rings). It is an important Bill; it is the interest of the workers, the peasants, the labourers where we have to devote more time. We speak for hours on unnecessary things but on the question of problems faced by workers and peasants, we cannot devote time.

**THE VICE-CHAIRMAN (SHRI-MATI KANAK MUKHERJEE):** You have already taken eight minutes against five minutes allotted to you.

**SHRI B. SATYANARAYAN REDDY:** Then clause 14 deals with penalties. Here also, it is the same thing. Some deterrent measures are to be provided here because it is very

easy for the management to pay the fine and come out. It is not difficult for them to pay fine of Rs. 5000 and come out. Our courts give punishment both in terms of fine and also imprisonment. But they prefer to pay up the fine mostly and come out easily. We have to see whether this provision is sufficient.

Then section 20 deals with rules making. Of course, this point has been explained by my friend and I shall not repeat it. But we have to see whether this can be further improved. Same is the case with section 21. It is only the delegated power given under these sections 20 and 21. I would like to impress upon the Labour Minister that this may not be as helpful to the workers as we intend. We cannot provide that relief to the workers as we intend to do by this Bill because you are only delegating powers. So, we do not know how much time it will take and how they are going to implement these provisions. That is the whole trouble. I would request the Minister to go into the provisions of these sections carefully and provide such other measures that are possible to see that this Bill which we are going to pass is properly implemented for the purpose for which we are enacting this legislation for the health, safety and welfare of the Dock workers working in all ports in the country.

**श्री सुब्रह्मदेव प्रसाद (उत्तर प्रदेश) :** आदरणीय उपसभाध्यक्ष महोदया, हमारे लेबर मिनिस्टर साहब ने डाक वर्कर्स हेल्थ, सेफ्टी और वेलफेयर के संबंध में जो बिल प्रस्तुत किया है, मैं उसका स्वागत करता हूँ। श्रीमान, बिल कोई भी ऐसा नहीं होता जो अपने आप में पूर्ण हो। उसमें कहीं न कहीं खराबियाँ रहा करती हैं और इम्प्लीमेंटेशन के वक्त लोगों के सामने जब परेशानियाँ आती हैं तो उनको दूर करने के लिये गवर्नमेंट उसमें संशोधन लाया करती है और इस तरह से उस डिफेक्ट को दूर किया जाता है। इस संबंध में, महोदया, हमारे चाहे विपक्ष के माननीय सदस्य हों,

[श्री सुखदेव प्रसाद]

चाहे हमारे सत्ता पक्ष के सदस्य हों, सभी सदस्यों ने एक स्वर से इस बिल का समर्थन किया है। हाँ, इसके अन्दर कुछ खामियाँ जरूर बतलाई हैं, जिनके बारे में मैं समझता हूँ कि हमारे माननीय मंत्री जी रूल्स एंड रेगुलेशंस बनाते वक्त जरूर विचार करेंगे। महोदया, जैसे कि इसकी धारा में व्यवस्था की गई है कि सीनियर इंस्पेक्टर और इंस्पेक्टर की नियुक्ति राज्य सरकार या केन्द्रीय सरकार, जिसकी यह फिट समझे वह कर सकती है। महोदया, यह व्यवस्था जो इसमें की गई है यह एक व्यापक तरीके की है। इसका मतलब अलग-अलग तरीके से लगाया जायेगा। ज्यादा बेहतर यह होगा कि रूल्स बनाते वक्त इसकी एक ऐसी व्याख्या की जाय जिसमें उसके लिये एक मिनिमम क्वालिफिकेशन की, जैसा कि अभी हमारे सुकुल जी ने कहा, उसका प्रावधान होना चाहिए। दूसरी चीज, जो मैं कहना चाहता हूँ वह यह है कि जो हमारे डाक कर्मचारी हैं उनके लिये रहने का समुचित व्यवस्था अभी तक नहीं हो पायी है। चाहे वह हमारे बड़े बड़े डाक यार्ड हों या छोटे डाक यार्ड हों, गवर्नमेंट इस संबंध में जो व्यवस्था कर पाई है वह पर्याप्त नहीं है। अभी भी बहुत ज्यादा तादाद में ऐसे लोग हैं जो शोपइंस्ट्रियों में रह रहे हैं, जिनके लिये पानी की समुचित व्यवस्था नहीं है, जिनके लिये सफाई की, सेनेटरी की व्यवस्था नहीं है। मुझे आशा है कि गवर्नमेंट इस संबंध में समुचित ध्यान देगी और जहां तक हो सकेगा इस ओर आवश्यक पग जल्दी से जल्दी उठायेगी।

महोदया, एक चीज, जिसका जिक्र हमारे माननीय सदस्यों और खासतौर से सुकुल जी ने किया कि अग्रील की मियाद जो 15 दिन की रखी गयी है वह मेरे ख्याल से भी सफिसियेंट नहीं है। इसको कम से कम एक महीने किया जाना चाहिए ताकि वह अपने केस को ठीक ढंग से प्रस्तुत कर सके और उसको मुनासिब फैसला मिल सके। जहां तक हेल्थ और दूसरी चीजों का

सवाल है, आप भी ऐसा महसूस करती होंगी कि हमारे मुल्क में जिस तरीके से गज्दरों के साथ या कर्मचारियों के साथ हेल्थ के बारे में रवैया है वह बहुत संतोषजनक नहीं है। फिर भी गवर्नमेंट अपने लेबल पर बहुत कुछ कर रही है जिसको कि हमें अप्रिसियेट करना चाहिए। हम इस बात को क्यों भूल जाते हैं कि और भी देश में ऐसे लोग हैं जिनको ये सुविधायें उपलब्ध नहीं हैं। हम लोग डाक वर्कर्स और दूसरे कर्मचारियों के बारे में चिंतित हैं लेकिन देश के अंदर करोड़ों की तादाद में हमारे खेतिहर मजदूर हैं, जिनके बारे में अभी यहां पर जिक्र किया गया, उनके बारे में कोई भी इस तरह का कम्प्रहेंसिव बिल नहीं बनाता और न उनके बारे में आज तक कुछ किया गया है वे आर्गनाइज्ड लेबर नहीं हैं और न उनका कोई ख्याल करने वाला है। प्रश्न इस बात का है कि अगर वे अपनी बात नहीं कह सकते, उनका कोई संगठन नहीं है तो क्या हमारा ध्यान उनकी तरफ नहीं जाना चाहिए? मेरा ख्याल है कि उनकी तरफ हमारा ध्यान जरूर जाना चाहिए और सरकार को उनकी तरफ भी ध्यान देना चाहिए। चाहे वे बोलें या न बोलें, उनका संगठन कुछ बोलें या न बोलें, लेकिन सरकार को कुछ ऐसी व्यवस्था जरूर करनी चाहिए जिससे जो हमारे खेतिहर मजदूर हैं, जो खेतों में दिन रात काम करते हैं जिनके लिए शोपड़ी भी उपलब्ध नहीं है, पीने के पानी की व्यवस्था नहीं है, शिक्षा और स्वास्थ्य सुविधाएं उपलब्ध नहीं हैं इसलिए उधर भी जरूर ध्यान देना चाहिये। हमारे लेबर मिनिस्टर इस बारे में सक्षम हैं, वे भी एक छोटे तबके से आते हैं तथा उन्होंने सारी चीजों की गरीबी को देखा है इस बारे में वे जरूर ध्यान देंगे, ऐसी मेरी मान्यता है। कोई न कोई कभी किसी न किसी बिल में रह जाती है और वह कभी सम्भवतः इस बिल में भी हो लेकिन इतना तो मानना है कि इन सारी बातों को देखते हुए महसूस होता है कि सरकार इस ओर डाक वर्कर्स के बारे में पूरी

तब से सचेत है उस ने इस बात को महसूस किया है कि उसके सामने दिक्कत पेश हो रही है लिहाजा उसने एक ऐसा बिल पेश किया है जिससे उनकी बहुत सारी कठिनाइयां दूर हो जाएंगी। यह मानी हुई बात है। मैं यह भी कहना चाहता हूँ कि माननीय मंत्री जी इस बिल के पास हो जाने के बाद जितनी जल्दी हो सके रूल रेगुलेशंस फ्रेम कर के इसको जल्दी से जल्दी लागू करें। इन शब्दों के साथ मैं पुनः श्रम मंत्री महोदय को इसके लिए धन्यवाद देता हूँ।

**SHRI GHULAM RASOOL MATTO** (Jammu and Kashmir): Madam Vice-Chairman, I rise to support the Bill. It is my conviction that any measure that is brought about for the welfare of the labour must be welcomed by all sections of the people. The simple reason being that is a concept in the direction of the well-being of the labour. There may be lacunae, there may be difficulties in implementation of the measures, but these could be rectified, but the fact is that the Bill has been brought in for the dock workers' safety, health and welfare, and therefore, we should all support it.

Madam, now I have to make one or two small suggestions. There is a provision for Advisory Committee. Previously also when another Bill was brought in, the hon. Labour Minister had made a mention about the same advisory committee. My knowledge is that no advisory committee is being constituted. The Central Labour Ministry should see to it that the advisory committees are constituted as a matter of rule. This is important because this is a forum where all the problems can be brought in and if there are any difficulties in implementation these can be pointed out in the advisory committees. In connection with the advisory committee for the dock workers, I would like to bring to the notice of the hon. Minister that there is one section who have direct connections with dock workers. These are clearing agents who are playing an important role in clearance of the goods either for export or for import. I know of certain cases where the clearing agents

take a receipt for Rs. 30 from a worker and actually pays him Rs. 20. This has got to be the duty of the Chief Inspector envisaged in the Bill to see that the amount mentioned as payment to the dock workers in the register—there is a provision for the maintenance of a register also—is actually paid to them and no fictitious bills are made. Number two, I would also request the hon. Minister that along with the representatives of labour, the representatives of the clearing agents should also be associated with the Advisory Committee, if not for any other reason, for the simple reason that they are a party to the decision that the Advisory Committee takes and they have to implement it. This is very essential and it needs to be gone into.

There is a provision for health care of the port workers. I am afraid there is nothing that the Minister said about one thing. After all there is a huge complement of workers working in the docks. Why should not there be a separate dispensary or hospital entirely for the dock workers? Take the instance of Calcutta or Bombay. If there is a hospital or dispensary in the dock area, in my opinion it will be frequented more by the people living in that area than the dock workers for whom it is meant. I would request the Minister to see to it that the hospitals and health-care clinics are made exclusively for the dock workers. This thing should be taken into consideration.

I do not understand why the provision for exemption has been made. I hope the Minister will explain this in his reply. It is provided here that the appropriate Government may exempt any port or ship from the provisions of the proposed legislation, subject to such conditions as it thinks fit. This clause about exemption should not be there. If there is a dock workers' union, why should there be exemption whether the ship that is coming is of the State Government or of the Central Government or any other Government? The treatment should be the same for all the workers who are working in the dock.

These are my suggestions and I hope that the implementation part of these pro-

[Shri Ghulam Rasool Matto]

visions will be taken care of very minutely because all welfare measures, all our Bills that we bring in about the welfare of the workers are thwarted or sabotaged at the implementation stage. I would like the Minister to tell me what effective steps he proposes to take to implement the provisions of this Bill. With these observations, I support the Bill.

**SHRI SHANKARRAO NARAYANRAO DESHMUKH** (Maharashtra): Madam Vice-Chairman, I would like to support the Bill as it is in the interest of dock workers who do manual work, live in hardship and dwell in such places as slums. As the Bill seeks to arrest the exploitation and hardship of the dock workers, it is welcome.

The terminology of the legislation is not very satisfactory, as can be seen from the present debate. I would first draw your attention to sub-clause (2) of clause 17. It says:

"No prosecution for any offence under this Act or the regulations shall be instituted except by or with the previous sanction of an Inspector."

Therefore, the highest authority regarding this Act is the Inspector. And who is this Inspector? It is defined in clause 3 as:

"The appropriate Government may, by notification in the Official Gazette, appoint such person as it thinks fit to be the Chief Inspector of Dock Safety and such persons as it thinks fit to be Inspectors subordinate to the Chief Inspector for the purposes of this Act at such ports as may be specified in the notification".

Therefore, these are the highest authorities concerning this Bill. And what powers have been given to them? There are two very important powers. Clause 7 says that all the records in the possession of either the Chief Inspector or the Inspector in relation to dock work is confidential; no body has got any access to it. Secondly, sub-clause (g) of clause 4 says that an Inspector shall "hold an inquiry into the

causes of any accident which he has reason to believe was the result of the collapse or failure of lifting machinery, transport equipment, staging or non-compliance with any of the provisions of this Act or the regulations." So these are very-wide powers. He is not only controlling everything but is also controlling the inquiry. And how is he controlling the inquiry? I would draw your attention to sub-clause (d) of clause 4 which says, "take on the spot or otherwise such evidence of any person which he may deem necessary. So, taking only the evidence in his presence is all right. But whatever he takes is all right. He may take one thing but the worker or the person concerned may have something else in his mind. And the statement taken by any Inspector is not required to be signed. If it is not required to be signed, then it has no evidentiary value, and if it has no evidentiary value it is useless for the purposes of inquiry. The person concerned making a statement may change it at any time he likes because it is not signed. Therefore, this is a very peculiar terminology in this legislation.

There is another thing which I would like to point out in this Bill. Under clause 10 which speaks of inquiries says that "The appropriate Government may, if it considers it expedient to do so, appoint a competent person to inquire into the causes of any accident occurring in connection with any dock work or into any cases where a disease specified by regulations as a disease connected with dock work has been or is suspected to have been contracted by dock workers and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry." Therefore, this is a special provision because now the Inspector goes away. The State Government or the Central Government comes in and says, "All right, we have appointed this person to inquire into this disease." Therefore, it is a different procedure altogether. Under this Bill you are contemplating two things: one to be inquired into by the Inspector or Chief Inspector of Docks and another by the Government, if it appoints a commission, and that too with the help of the assessors.

Now let us come to clause 5. It says:

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

This clause 5 is entirely connected with the person owning the machinery or the place and the provision of appeal in clause 8 is given for this only and not for the purposes of the workers who are dissatisfied with the decisions of the Inspector or of the inquiry commissions. Therefore, this piece of legislation really has got very bad terminology, if I may say so. What is the provision for it, Sir?

Regarding the rules-and-regulation making power, the rule-making power has been created under clause 20, and the regulation-making power has been created under clause 21. Specific items have been given therein. In the regulation-making power, medical health and all other things have been given. But nowhere has it been described throughout the Bill what the qualification of such a high person as the Chief Inspector of Dock Workers would be or that of the Inspectors subordinate to the Chief Inspector would be. Unless he is a very competent person who knows some legislation regarding labour, workers, industry, he will not be able to appreciate the difficulties of the dock workers. Therefore, what I submit is, while making the rules or regulations, attention should be paid to remove all these lacunae which are apparent very patent in the Bill. Therefore, I submit that this may be looked into and proper attention should be given to these items.

Thank you very much.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): Prof. Asima Chatterjee not present. Mr. Rayka not present. Mr. Minister.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): Madam Vice-Chairman, I am grateful to the hon. Members for having welcomes and supported this Bill unanimously.

Sir, at the moment, there are mainly two Acts which govern the safety, health and welfare of the dock workers—the Indian Dock Labourers Act, 1934 and the rules framed thereunder, and the Dock Workers (Regulation of Employment) Act, 1948 and the rules framed thereunder. In the course of the implementation of these Acts, Sir, loopholes have been noticed. The National Commission on Labour went into the working of these Acts and the rules framed thereunder and made specific recommendations and suggested that there should be a comprehensive law to deal with the safety, health and welfare of the dock workers. Therefore, it is as a result of this report of the National Commission on Labour and also the experience gained in the last many years of the implementation of these Acts that the Government has come forward with this comprehensive legislation.

Some of the hon. Members have pointed out that this Bill is not comprehensive enough. I thought it was quite comprehensive enough. But I do admit that there could be some loopholes here and there. As we go on implementing the Act and as we come across the defects, we will be willing to come back to the House and rectify those defects, as Mr. Matto has rightly pointed out.

Madam, this Bill deals purely with the safety, health and welfare of workers working in the loading and unloading process in the ports. So, it is limited to that activity. Hon. Members while participating in the debate had gone much beyond the scope of this Act to suggest quite a few things regarding the minimum wages, regarding housing schemes, regarding medical facilities, regarding casual nature of the work i.e. the contract labour. All sorts of things have been mentioned during the debate, but, as I already pointed out, this Act confines only to the safety, health and welfare of workers while they are



[Shri P. A. Sangma]  
working in loading and unloading of goods.

As I have mentioned it while making the preliminary remarks in the beginning that this Act has attempted even to widen the scope and definition of dock work and dock workers, in my view it is very comprehensive, but I am not saying that what the hon. Members have said here are irrelevant. They are very very relevant. I think it is an occasion for us to discuss about the problems in general that have been faced by the dock workers. It is not that the Government is not doing anything in those areas. In fact, there are many other Acts, which govern those aspects. We have Contract Labour Regulation and Abolition Act and we have the Minimum Wages Act. Many other Acts are in operation and they do look after the aspects which have been pointed out by the hon. Members.

As far as the welfare measures that are being carried on are concerned, I must mention that there are a number of welfare measures which are already in force, like minimum wages are guaranteed for them in a month there is an attendance allowance which is 1/68th of the monthly wage, there is a weekly off with wages, leave with wages, holiday with wages. Pension or a contributory provident fund is also in operation. Gratuity is also in operation for them. They are entitled to free medical aid. They also are entitled to house rent allowance. They also have canteen facilities, uniform facilities, games and sports facilities. The children of the dock workers get education, scholarships and school uniforms. Like that there are many other schemes of welfare activities which are already in operation.

Regarding the provisions of the Act, quite a few things have been pointed out. One point where the whole House was unanimous was about too much of power having been given to Inspectors and we normally talk about Inspector Raj. I am inclined to agree with the view of the House that Inspectors should not be given too much of power. In this Bill it has been said no complaint can be lodged or no

case can be proceeded against without the permission of the Inspector. That provision has already been made.

As Mr. Reddy has already pointed out this bill was passed by the Lok Sabha last year and after one year we are coming to the Rajya Sabha. During the last one year, many things have happened even in the thinking of the Government. If you kindly recollect the Bill on the Child Labour (Abolition and Regulation) Act, I have pointed out in the House that powers of the Inspectors have been taken away and the powers of the Inspectors have been given to every citizen of the country. Like that there is another Act which is coming as an amendment to Equal Remuneration Act or some other Acts particularly in the un-organised sector where we have progressively taken away the power of the Inspectors. But since this Act was drafted more than a year ago and passed by the Lok Sabha, I can only say I am inclined to agree with the hon. House that we should not have given that much power to the Inspector. But let us see how it goes. Depending on how it goes we will come back, may be if necessary, even to remove the power of the Inspector in future.

SHRI NIRMAL CHATTERJEE (West Bengal): You could have amended it here, if you agree, and sent the amended one to the Lok Sabha.

SHRI P. A. SANGMA: Well, it takes some time. It has to undergo certain procedures. I do not want to explain that. But I am admitting that. In other laws which we have brought in the last one year especially since when I have been in this Ministry, this has been done away within many of the Acts. Now, one specific question was asked: what will happen to the Directorate of Dock Safety? Whether there will be duplication of work? Will the Directorate of Dock Safety continue? Madam, the powers of the Inspectors which is contemplated in this Bill shall be vested with the Inspectors in the present Directorate of Dock Safety.

One hon. Member has asked about the safety and wanted to know the present

position. Madam, the incidents of reportable accidents in our ports in various parts of the country, fortunately, have been coming down in the last few years. In 1983, the reportable accidents that took place in the country was 1,560—in 1984 it came down to 1,379 and in 1985 it came down to 1,155. I hope with the passing of this Bill today the incidents of reportable accidents will come down, because we have provided for more stringent punishments than it was there in the earlier Act. It is with this hope, I can assure the hon. Members, that we will implement this Bill with all earnestness.

With these few words, I once again thank the hon. Members who have participated in the discussion on this Bill.

**THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE):** The question is:

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

*The motion was adopted.*

**THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE):** Now we shall take up the clause-by-clause consideration of the Bill.

*Clauses 2 to 25 were added to the Bill.*

*Clause 1, Short title, extent, commencement and application.*

**THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE):** In clause 1, there is one amendment. Mr. Sangma.

**SHRI P. A. SANGMA:** Madam, I move:

“That at page 1, line 4, for the figure “1985” the figure “1982” be substituted.”

*The question was put and the motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

**THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE):** There is one

amendment to the Enacting Formula. Mr. Sangma.

**SHRI P. A. SANGMA:** Madam, I move:

“That at page 1, line 1, for the word “Thirty-sixth” the word “Thirty-seventh” be substituted.”

*The question was put and the motion was adopted.*

*The Enacting Formulas, as amended, and the Title were added to the Bill.*

**SHRI P. A. SANGMA:** Madam, I move:

“That the Bill as amended, be passed.”

*The question was proposed.*

**SHRI SATYA PRAKASH MALAVIYA:** Madam, I want to make one submission. The name of this amending Bill in English is known as the Dock Workers (Safety, Health and Welfare) Bill, 1985 and the Hindi version of the Bill reads as— डाक कर्मकार (सुरक्षा, स्वास्थ्य और कल्याण) विधेयक, 1985

Now, there is also an Act known as Posts and Telegraphs Act and the Hindi version reads as— डाक तार अधिनियम. You know that postal employees are known as डाक कर्मचारी in Hindi. So there is a confusion in the Hindi version. Therefore, I would request the Minister to get in the Hindi version of the Bill “डाक” word corrected. “डाक कर्मचारी” means postal employees also.

**SHRI P. A. SANGMA:** We will do it.

**THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE):** The question is:

“That the Bill as amended be passed.”

*The motion was adopted.*