

The mam amendments proposed by the Committee relate to Rule-t 25 and 28 of the Rajya Sabha Rules and concern the .•procedure regarding Private Members' Bl te. According to the existing procedure, all pending Private Members' Bills in res* pect of which no further motion has been made or carried are arranged in groups in the order of their dates of introduction and the relative precedence witnin each group is determined by draw of lot. Not more than 10 Bills in the order of priority in respect of which no ices of next motions have been received are included in the list of Private Members' Business for a particular day. This procedure causes a lot of frustration amongst members whose Bi's even though introduced later, may be . rich in content but if delayed, may lose . j their relevance. Some of them may not v even be taken up if the member concern- ed retires or otherwise ceases to be a »member.

With a view to making this procedure more rational, the Committee has recom- mended that instead of Bills being ballot- ted, as at present, the names of persons io charge of the Bills should be bal'otted and the Members securing the first ten places in the ballot should be asked to choose their Bills. We already fol'ow this practice in respect of Resolutions. At the , same time it has been clarified that no member should move mor^ than one Bill for consideration in the same session. By this method, the Committee hopes that more Bills will be taken up during the Pri- vate Members' time given for the Bills. So far as the part discussed Bill is con- cerned, it is suggested that i. wiH have pre- cedence and it need not go through a bal- lot again.

Ws have a very important Committee of the House, namely, House Committee, having been in existence almost since the inception of the House itse'f. However, it dose not find a pi ice in the Rules like other Committees. The Rules Committee has recommended that the Rules should contain provisions for 'he House Com- mit'ee. A new Chanter—XVT'C has ac- cordingly been suggested. Madam, Ru'es 25 and 28 have been amended. Plus a

I new Chapter—XVIIC haa been included in respect of the House Committee.

I commend these amendments for the acceptance and approval of the House.

The questions were put ond the motions were adopted.

MOTION FOR MODIFICATION IN THE DOCK WORKERS (REGULA- TION OF EMPLOYMENT) AMEND- MENT SCHEME, 19*5

THE VICE-CHAIRMAN [DR. (SHRI- MATI) SAROJINI MAHISHI]: Now, we take up another Motion for modifica- tion in the Dock Worker* (Regulation of Employment) Amendment scheme, 1985. Dr. Shanti G. Patel.

DR. SHANTI G. PATEL (Maha- rashtra): Madam Vice-Chairman, I i beg to move, the following Motion:—

"That this House resolves that in pur- suance of section 8A of the Dock Workers (Regulation of Employment) Act, 1948, the Schedule to the Dock Workers (Regu'a'ion of Employment) Amendment Scheme, 1985, published as Notification No. S.O. 4958 in the Gazette of India, dated the 26th Octo- ber, 1985, and laid on the Table of the House on the 4th December, 1985, shall be amended as follows:—

I. The existing entry in item (i) un- der column (3) against SI. No. 1, shall be substituted by the following en- try, namely:—

"(i) the first proviso to clause 6 shall be omitted."

TI. The existing entry in item (i) un- der column (3) against SI. No. 2 shall be substituted by the following entry, namely:—

"(i) the first proviso to clause 6 shall be omit'ed,"

HT. The existing entry in item (i) un- der column (3) against SI. No. 4 shall

tDr. Shanti G. Pa.ei]

be substituted by the following entry, namely:—

"(i) the first proviso to clause 6 shall be omitted,"

IV. The existing entry in item (i) under column (3) against SI. No. 5 shall be substituted by the following entry, namely:—

"(•) the first proviso to clause 6 shall be omitted,"

V. The existing entry in item (i) under column (3) against SI. No. 6 shall be substituted by the following entry, namely:—

"(i) the first proviso to clause 6 shall be omitted,"

VI. The existing entry in item (i) under column (3) against SI. No. 7 shall be substituted by the following entry, namely:—

"(i) the first proviso to clause 5 shall be omitted,"

VII. The existing entry in Item (i) under column (3) against SI. No. 8 shall be substituted by the following entry, namely:—

"(i) the first proviso to clause 5 shall be omitted,"

VIII. The existing entry in item (i) under column (3) against SI. No. 9 shall be substituted by the following entry, namely:—

"(i) the first proviso to clause 6 shall be omitted,"

IX. The existing entry in item (i) under column (3) against SI. No. 10 shall be substituted by the following entry, namely:—

"(i) the first proviso to clause 5 shall be omitted,"

X. The existing entry in item (i) under column (3) against SI. No. 11

shall be substituted by the following entry, namely:—

"(i) the first proviso to clause 6 shall be omitted,"

XI. The existing entry in item (i) under column (3) against SI. No. 12 shall be substituted by the following entry, namely:—

"(i) the first proviso to clause 6 shall be omitted,"

XII. The existing entry in item (t) under column (3) against SI. No. 13 shall be substituted by the following entry, namely:—

"(i) the first proviso to clause 5 shall be omitted,"

XIII. The existing entry in item (i) under column (3) against SI. No. 14 shall be substituted by the following entry, namely:—

"(i) the first proviso to clause 5 shall be omitted,"

XIV. The existing entry in item (t) under column (3) against SI. No. 15 shall be substituted by the following entry, namely:—

"(i) the first proviso to clause 5 shall be omitted," and that this House recommends to Lok Sabha that Lok Sabha do concur in this resolution.^{1*}

While doing so, I would like to make a few observations on the scheme itself. This is a matter seeking modification of this scheme particularly affecting the creation of posts and appointment to these posts, under the scheme certain pay limits have been fixed which authorise certain authorities to create posts and make appointments to the posts. In certain cases, the power rests with the Government and no creation or no appointment could be made without the previous approval of the Central Government. Now, this is something which comes in the way of efficient functioning of the administrative bodies which are constituted under the scheme. As such here is a scheme

which is framed to benefit the workers, the absence of some officers, particularly, at the administrative level cause certain difficulties and come in the way of efficient functioning. I would, therefore, suggest that this particular amendment may not be insisted upon and the whole pay limit idea or the approach should be completely dropped. There is no reason why this needs to be done. This whole dock labour body whether it is in Calcutta, Bombay or any other part is presided over by no less a person than the Chairman of the Port Trust who is a senior I.A.S. officer, a man of experience. Also I see no reason why this Board should not be trusted. Again, the whole membership of the Board is decided upon by the Government itself. They choose such representatives who can discharge their duties and responsibilities to the best of their abilities and I am sure to the satisfaction of the Government also. So there is no reason whatsoever to insist upon pay limits and thereby come in the way of autonomous working and efficient functioning.

I would also like to refer to another important aspect which in my opinion is the most vital aspect of the scheme and I have to say that is, the Dock Workers Regulation of Employment Act was enacted. While this particular Act came into existence, I may refer in this context to the Statement of Objects and Reasons, right back in 1948. I quote:

"The demand for dock labour is intermittent depending on the arrival and departure of vessels, the size and nature of their cargo as well as seasonal and cyclical fluctuations. In the ports, therefore, there is usually labour in excess of minimum requirements and the general tendency on the part of employers is to ensure larger reserves than necessary in order to provide ample margin against emergencies. The main problem connected with dock labour is to devise measures so as to reduce the hardship due to unemployment or under-employment to the utmost extent possible. The Royal Commission on Labour recommended as far back as

1931 that a policy of decasualisation should be adopted with a view "to regular the numbers of dock labourers in accordance with requirements and to ensure that the distribution of employment depends not on the caprice of intermediaries, but on a system which as far as possible gives all efficient men an equal share." Government had accepted the recommendation and efforts were made to induce Port Trusts to formulate necessary schemes of decasualisation. The voluntary attempt was not, however, a success and a scheme for compulsory registration was formulated in 1939 but was not proceeded with due to the outbreak of war.

2. Although the operation of certain measures introduced during the war, such as rationing and organised distribution of food supplies, facilitated the registration of labour at major ports, the problem, in the main, has remained unsolved. It is now proposed to undertake legislation giving power to the Central Government in respect of major ports and to the Provincial Governments in respect of other ports, to frame a scheme for the registration of dock workers with a view to securing greater regularity of employment and for regulating the employment of dock workers whether registered or not, in a port.

7.00 p.M.

"In particular, the scheme may provide *inter alia* for the terms and conditions of employment of workers whether registered or not, including rates of remuneration, hours of work and conditions as to paid holidays. It may also provide for payment to registered workers of minimum pay for days on which work may not be available to them and for their training and welfare."

Madam, in spite of this laudable objective I am very sorry to say that I have been associated with dock labour for last 40 years that a large section of workers are still not decasualised, still not covered by the Act, not covered

(Dr. Shaati G. Patel) toy this particular scheme. The hon. Minister knows this very well. When I visited the port of Bombay on the 1st November, 1986, there was a large gathering and I am really grateful to him that he went and met them and heard their grievances. And he promised that he would look into them and try to redress them at the earliest, may be discussions with me or with other persons concerned. And who were these people? They were watchmen, over 1600, coming mostly from UJP. As it happens in the ports, we have persons coming from all over the country but in the port of Bombay mainly from Calcutta. Now these people are being employed by 29 contractors. You can understand what their plight will be. They get hardly 15 days' work in month. Then there is no security of employment. There is no guarantee of wages being paid in time. They have been suffering all along. There is a system of pool in Calcutta and Cochin. I see no reason why the Government should take so much of time to de-casualise this particular section of workers. There is another section of casual worker? This is a sad commentary, Madan.. How can they work for only three to four days in a month? You just give them a card with the photograph of the persons concerned, a xerox copy of the card. There are 300 workers like this. Or, worse, now the number has reduced. They are required to offer themselves for work. If there is work, they are given work. Otherwise, they say "go home" and nothing is paid, while there is another section which gets attendance allowance and other benefits. Why is this discrimination being perpetrated? They are doing the same work whenever employment is given. Why should they not be given the same treatment which this particular statute wants to give? In other words, the statute is more on paper than in practice. Only certain persons have been able to take advantage of this particular statute.

The worse thing is that other workers are kept on overtime, are given double shift, while these persons are being discriminated against. This is something which is, to say the least, very unjust and unfair and needs to be removed.

Now these persons who possess the Pink-coloured entry permit issued by the Bombay Stevedores Association are being refused to be registered on pretext of the other. I would request the Minister to look into it. I am sure, with the dynamism that he possesses, he would be able to remove these grievances earlier than I expect.

Similarly at the port of Visakhapatnam, there are a number of categories like chipping and painting workers who are de-casualised in other ports. There are shift watchmen, 'gani' watchmen, boatmen and so on. I am mentioning these categories so that the Minister can take note and ask the persons concerned as to why this injustice is being perpetrated in spite of the law being there and whether it is possible to remove this particular injustice. There are over 500 people. There are such persons in other ports. I do not want to take more time of the House by giving details of every port, whether it is Calcutta or Kandla or any other port. But it is a pity that this exploitation has to have ended, to which this Government is committed through a law. It must act quickly and should not allow this exploitation to go on because some officer will give some excuse or reason. Ultimately the law is there for implementation and it must be in accordance with the provisions of the law. The worst part is that the administrative body of the statute the Bombay Dock Labour Board, has been empowering these people casually giving them work only for three to four days in a month. Is it fair? I ask the Minister. It is under the Ministry

of Surface Transport. This is being done by the Bombay Port Trust, this injustice is being done by the Bombay Port Trust and such other ports also. The worst thing is that these port authorities under the Ministry Of Surface Transport Not merely in Bombay, in other ports also they are behaving in this manner. I know there is some committee appointed on decanalisation. Probably the Minister may voter to it. Why should a committee be necessary? Here the provisions are very dear. They are casual workers and nothing needs to be identified. Watchmen have been declared as dock workers by the Industrial Tribunal right back in the year 1977. So, this contractor's raj which still exists under the present Government should go, it has to be exterminated for all time* to come, and I am sure the present Minister would apply his mind and will not leave the House in doubt as to his intentions and will sure this House that he will end this scheme of exploitation and have a rule of fairness and justice all round.

The question was proposed.

SHRI P.N. SUKUL (Uttar Pradesh); I would only take just half a minute. I want to endorse the point made by Dr. Shanti Patel so far as casual workers are concerned. Their working conditions, their living conditions, are really miserable no job security, no medical facilities. So I support his viewpoint a! regards mail workers and they must be brought under the purview of the scheme

• SHRI M. A. BABY (Kerala); Thank you, Madam Vice-Chairperson, I do not want to take much time. The honourable Member who moved the motion has spoken enough. A few minutes back we had a discussion on protection of wild life. Now, as has been narrated by the honourable Member all of us are aware that the con-

ditions of some workers in our country are more gruesome and intolerable than those of even wild life. We should rightly protect wild life. At the same time the plight of the workers should also be considered seriously. As has been correctly pointed out by our honourable Member, it correctly puts the Government in the dock, that they have failed in solving the problems of dock workers. While associating myself with all the points raised by the honourable Member, I would like to take the opportunity to demand that representation of workers on the Dock Labour Board should be strictly on the basis of secret ballot election. I do not understand why those who are speaking high of democracy, of representative democracy, fail to accept this demand. There are so many complaints that proper workers-representation is not ensured in the Dock Labour Boards. For example, in Cochin the most powerful, the most representative, labour unions have been ignored and unfortunately some labour unions without having much following among workers but who are having connections with the ruling party there they manage to get representation in the Dock Labour Board. This is unfortunate and without taking much time of the House I emphasise this point that unless proper democratic representation of workers is ensured in the Dock Labour Boards, their problems cannot be solved, their problems cannot be properly discussed. Once again I demand that the problems of the dock workers should be properly understood and a! that need to be done to ameliorate their plight should be done by the honourable Minister.

SHRI S. W. DHABE (Maharashtra): Madam Vice-Chairperson, • • • Vem is that there is a recruitment ban in the public sector undertakings and the Government is not removing the ban. Secondly, the Government talk

[Shri S. W. Dhabe]
of the abolition of labour contract, but in spite of the Abolition of labour Contract Act, during the last 16 years we are finding that in the public sector this system is growing. Twenty nine contractors are playing havoc with the dock workers. Therefore, I suggest that the contract system should be terminated and the workers should be put on regular establishment.

In sugar industry there is a provision for retention allowance for the idle days. I suggest that if you really want the casual labour to give its best, the same principle should be adopted here. Give them security. I hope that the hon. Minister, instead of giving reasons for not accepting the motion of Dr. Shanti Patel, will accept the motion and implement it in letter and spirit.

THE VICE-CHAIRMAN (DR,
(SHRIMATI) SAROJINI MAHISHI:
Hon. Minister.

THE MINISTER OF STATE IN
THE DEPARTMENT OF SURFACE
TRANSPORT (SHRI RAJESH PI-
LOT); Madam Chairperson, I am
thankful to the hon. Member and a
colleague of mine. Dr. Patel, who has
been really taking very keen interest
in the welfare of the labour specially
the port labour, not only in Parlia-
ment but also he is writing letters
suggesting a lot of good things, some
of which we have been implementing
whenever they are within the po-
licy of the Government. Today
through his motion he has insisted on
two factors*. First, he desires to have
unfettered powers rather unlimited
powers, to the DLB for creation and
filling up of posts. Secondly, his mo-
tion indicates that the Central Gov-
ernment should not intervene or
interfere in this matter. That is the
thrust of his motion.

I take back the hon. Member prior
to the amendment scheme which was
introduced in October 1985. The limit

was Rs. 1630/-; up to Rs. 1650/- the
Port of Dock Labour Board could fill
and create posts. Above that the Cen-
tral Government permission was re-
quired. With the revision of pay of
Class I and Class II in August 1982
and Class III and Class IV in January
1984, we felt that the limit should be
increased, and on the suggestion from
all Dock Labour Boards and other
concerned people the Central Govern-
ment raised the limit to Rs. 2000; up
to Rs. 2000 the Dock Labour Board
and Port Trusts can create posts and
above that the Central Govern-
ment's permission was required for
such posts. The reasons are very
clear: the Government would like
to have administrative control and
check on expenditure. This is the main
cause. Secondly, Madam, from 1950
till the scheme was in existence nei-
ther the labour has felt much problem
nor the Government felt any problem
for the last three decades. It has been
functioning very smoothly and it has
been giving fruitful results. We find
no complaint about this scheme. The
provision on similar lines for obtain-
ing prior permission is also mentioned
in the Port Trusts Act. So it is not
something which we are bringing on
our own; it is already in the Act
which we are implementing.

Today he has pointed out in his ob-
servations on efficiency that because
of restriction, efficiency has gone. Effi-
ciency has gone down. I think, if you
take the Port records, you will see
that our efficiency has increased, and
even where we have tried to moder-
nise some machines or introduce
some mechanical device we have
made sure that the labour is not affec-
ted, the labour is not reduced. If you

[Mr Deputy Chairman in the
Chair.]

take Paradip Port where mechanisa-
tion took place, we made sure that
minimum payment for minimum days
that is required for labour is paid.

Therefore, even with the mechanisation of the Port, we will mak*? sure that the labour is not affected at ail- That is why in some of ihe ports we ar_e* getting into losses. But we are making -sure that the labour is paid. Labour welfare is on our top priority.

He has said about trust. A_s far as trust i? concerned, we_e have full faith in ou_r labour. We have full trust in cu_r officers who are managing the ports. I a_m talking of faith and the people whom you mentioned. We have faith in our IAS officers who are nai^d- Ung the ports. We_e have full faith in them. It is because of their hard work and efficiency that ou_r tonnage has gone u-) in spite of recession in the world. India is keeping alive in the shipping industrv. The other countries are having recession. We are not that I in comparison to other parts of the world. So, that faith is there and that is why wo are moving very smoothly

About casual labour, I would say that it is a very valid point. Wo have Mt it I have sone to most of the ports. I have felt il. I have talked to them. The Government is very serious about it. We are trying to find out some way. Now, a Committee was a"so appointed. The Additional Secretary who is heading the Committee has gone abroad due to personal reasons. His daughter is sick.

He has taken her for operation. As soon as he comes back, we will try to get his recommendations. We are waiting for th", recommendations of the Committee. That Committee is known as Abraham Committee. We will certainly give a very serious thought to it and devise ways whereby casual labour is not affected.

Another point that you mentioned is about exploitation. We are getting reports from different sources. As T have mentioned earlier, welfare of labour is on the too priority of 'he Government ;ind we will make sure that no e<plc't->tion of labour by any agency is done. You have

mentioned, about Bombay .Port. I will certainly enquire into it. It is a particular case and I wou'd go back to the hon. Member, if necessary, for his observation*--

Mr. Sukul has mentioned about casual labour and workers. I have just mentioned about it in my earlier remarks.

Another hon. Member, Mr. Baby (I don't know whether I am pronouncing his name properly. It looks a very lovely name) mentioned about representation in the DLB There is a procedure. I do agree that there could d be some wrong calcula'ions. We do our best fo verify the strength of each union and we give representation only after verification. You mentioned about the connection with the ruling party. One party is ruling in one Staie and another party is ruling somewhere else. I do not think it is mere effective in Calcutta or West Bengal or it is less effective in Bombay. But we verify the figures and only after that the representations are given. If you have any incident in your mind or if you fl*I that injustice has been done, you can bring it to my notice. I will enquire into it and see that real justice fc done.

Mr. Dhabe mentioned about 'he ban. It is Government's policy because of economy factor. The Government has taken some decision to ban the creation of more posts. Another point 'hat he mentioned was about contractors. I have not understood very clearly what his complaints is. He has mentioned 29 complaints. I will take the complaints from ihe hon. Member.

SHRI S. W. DHABE: Abolish ihe contract system. The workers will get more benefits.

SHRI RAJESH ILOT: It is under consideration. It has worked well in some of the ports. We wi'l 'eok into your suggestion. We will make sure that labour is not affected and no exploitation is done.

Madam, Oh! I am sorry. I did not notice the change in the Chair. I was busy in my answer. Mr. Deputy Chair-

[Shri Rajesh Pilot]

man. Sir, I oppose this Motion because A is not in the interest of labour and it is not in the national interest for the economic factors.

With these words, Sir, I oppose the Motion.

DR. SHANTI G. PATEL: Mr. Deputy Chairman Sir, I was expecting that some assurance will be forthcoming regarding the abolition of the casual labour and the workers who are not being regularly employed. Sir, may I submit for his consideration that I made a reference particularly to the casual labour? They have been working with the Bombay Dock Labour Board and no enquiry even by the Decasualisation Committee of the Abraham Committee is necessary. In another case, I have said that the Industrial Tribunal itself has said many years back that they are dock workers and no enquiry needs to be made. I would, therefore, hope that earlier than what he has said today, instead of waiting for the report he would act on the matter because this is something, as I said, I need not repeat. But I would certainly like to emphasise that this is a matter of ending an exploration. In such a matter, let us not try to wait for the Committee's report and all that. If the facts are obvious, let us accept them and act on them. And I hope and trust that he would do it soon.

MR. DEPUTY CHAIRMAN: Dr. Patel, are you pressing your Motion?

DR. SHANTI O. PATEL: I am pressing it Sir.

MR. DEPUTY CHAIRMAN: I shall now put to vote the Motion for Modification in the Dock Workers (Regulation of Employment) Amendment Scheme, 1985.

The Motion was put and negatived.

MR. DEPUTY CHAIRMAN: Now, Shri Gadgil to make a statement.

STATEMENTS BY MINISTERS

Action taken in respect of recommendation made by Second Press Commission

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI V. N. GADGIL): Mr. Deputy Chairman, Sir, as the hon. Members are aware.... (Interruption)

श्री हुसमदेव नारायण यादव (बिहार) : मेरा व्यवस्था का प्रश्न है। मेरा व्यवस्था का प्रश्न यह है कि हम को हिन्दी भाषा में जो बयान दिया जा रहा है इसकी प्रति नहीं मिली है। एक बार नहीं अनेक बार मैं इस प्रश्न को सदन में उठा चुका हूँ और मुझे हमेशा यह आश्वासन मिलता रहा है। यह पहली बार नहीं हुआ है। यदि इस तरह से हिन्दी की उपेक्षा जारी रहेगी तो पता नहीं आगे क्या होगा, मुझे सत्याग्रह करना पड़ेगा, सदन में धरना देना पड़ेगा या अनशन करना पड़ेगा (व्यवधान) अगले सेशन से क्या आई एक बार नहीं अनेक बार हो चुका है, आश्वासन दिया जा चुका है कि हिन्दी के साथ अंग्रेजी करेंगे। आप बयान देते हैं कि अंग्रेजी को कार्पा के साथ साथ हिन्दी की प्रति भी दी जानी चाहिये। या यह साफ कहिये कि हिन्दी नहीं चलने देंगे और आप नियमावलि में या जो संविधान में संशोधन कर दीजिये तो इन हम यह प्रश्न नहीं उठायेगे। इस तरह से आप बयान देते रहे तो हम क्या करें, इस पर क्या कहा जाये? (व्यवधान)

श्री कल्पनाथ राय (उत्तर प्रदेश) : आप अंग्रेजी में बोलिये (व्यवधान)

श्री हुसमदेव नारायण यादव : हम अंग्रेजी ही बोलेंगे, हम को लैंग्वेज पोल्यूशन नहीं करना है। मैं यह चाहता हूँ कि मेरे व्यवस्था के प्रश्न पर कुछ कहा जाये।

MR. DEPUTY CHAIRMAN: Please sit down. The Minister will be careful » future, if it is not supplied. Yes, Mr. Minister.