

The Architects of (Amendment) Bill, 1980

THE MINISTER OF EDUCATION AND SOCIAL WELFARE (SHRI S. B. CHAVAN): Sir, I beg to move for leave to introduce a Bill to amend the Architects Act, 1972.

The question is proposed.

श्री शिव चन्द्र झा (बिहार) : उप-सभापति महोदय, यह जो वास्तुविद (संशोधन) विधेयक है, इस पर मैं यह आपत्ति करने जा रहा हूँ कि सर्वाइनेट लेजिस्लेशन कमेटी जो हमारी है उसने जो सिफारिश की है कि जो रूल्स एण्ड रेगुलेशंस बनाए जाएं काउंसिल के और आर्किटेक्ट्स के, वह सदन में रखे जाएं। बात छोटी-सी है परन्तु उसके मुताबिक रूल्स एण्ड रेगुलेशंस सदन-पटल पर रखने की परिपाटी पहले नहीं थी। मैं जानना चाहता हूँ, कितने ऐसे सरकारी विधेयक हैं जिन सबको मिला कर एक कॉन्ग्रि-हेंसिव रूप में लाकर सदन के पटल पर रख दिया है, अर्थात् बहुत से ऐसे विधेयक होंगे जिनके मातहत रूल्स एण्ड रेगुलेशंस सदन-पटल पर रखे जाने चाहिए थे लेकिन यह तो कुम्भकर्ण की नींद में सरकार है और श्रीमन्, कभी-कभी इसकी नींद टूट पड़ती है और इस विधेयक में भी उसकी नींद से आँखें खुलीं। तो मैं जानना चाहूँगा कि इसके साथ-साथ और विधेयक जो भी हैं क्या उनके संबंध में भी रूल्स एण्ड रेगुलेशंस सदन-पटल पर सरकार रखेगी? इन्हीं बन्दों के साथ मैं स्थान ग्रहण करता हूँ।

MR. DEPUTY CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Architects Act, 1972."

The motion was adopted.

SHRI S. B. CHAVAN: Sir, I introduce the Bill.

The Dock Workers (Regulation of Employment) Amendment Bill, 1980

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI BUTA SINGH): Sir, I beg to move;

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

The question was proposed.

MR. DEPUTY CHAIRMAN: Shri Bhabhra... Not there. Mr. Kalyan Roy.

SHRI KALYAN ROY (West Bengal) : I thought I would be the last speaker on...

MR. DEPUTY CHAIRMAN: I think nobody will speak.

The question is:

"That the Bill further to amend the Dock Workers (Regulation of Employment) Act, 1948, as passed by the Lok Sabha, be taken into consideration." *The motion was adopted.*

MR. DEPUTY CHAIRMAN: Now we shall take up clause by clause consideration of the Bill. There are no amendments.

Clauses 2 to 5 were added to the Bill.

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

SHRI BUTA SINGH; Sir, I move:

"That the Bill be passed"

The question was proposed.

SHRI KALYAN ROY: Sir this Bill has been debated in the other House and I would only repeat some of the points which were emphasised in the

other House puis the new problem which we are facing today. Sir,, we are discussing today the problems of the dockers and the welfare of the dockers whose number is about two lakhs, who are in a key sector and on whom depends the entire loading and unloading and the export and import. When we are discussing the Bill today, the dockers' trade unions have decided to go on an indefinite strike from the 28th of November. And a strike, Sir,, seems inevitable because of the arrogance, because of the obstinacy,, because of the die-hard and provocative attitude not only of the Shipping Ministry but also of the Bureau of Public Enterprises which is sabotaging the bilateral talks between the leaders of the dock trade union movement and the management. Sir, the dockers already had a raw deal in the country. When you give concessions, you give concessions to the sugar millowners. You give concessions to the plantation-owners. But these are the key people who want a neutralisation for the rise in prices for which they are not responsible. That has been denied. They have been denied even the minimum wages for which they have been agitating for the last ten years. So, what is the use of discussing the labour welfare today when you are not prepared to give even the minimum wages to the dockers,, when you are not prepared to build a single house for them or an extra hospital for them and allow the prevailing system of stevedores to loot the workers to continue? Sir, I hope the Minister would personally initiate to bring about a settlement on the eve of the dock strike. Otherwise, the strike is going to take place on the 28th, and we are going to have an adjournment motion on the 28th,, and the whole loading and unloading activities will be disrupted. And I have seen the dockers marching in procession in Calcutta, in Madras, in Bombay, in Paradip and elsewhere. I would like to know what is his answer to that. Secondly, Sir,, this is subordinate legislation and I know **that**

MR. DEPUTY CHAIRMAN: This is only a subordinate legislation.

SHRI KALYAN ROY: That is not enough, Sir. You see the dimension of the neglect which the dockers have faced so far. I hope Mr. Buta Singh would agree with me that not even two per cent of the dockers have any housing. The housing system for the Calcutta dockers has been totally neglected, and not a single quarter has been built for them.

Secondly, Sir very unfortunately, the dockers are not being treated even today as the industrial workers. The ID Act is not applicable to the dockers in the country as a result, Sir, now no scheme of financial assistance in housing is applicable to the dockers. Side by side, the port workers are entitled to the facilities because they are covered under the I D. Act. That is my second point. Thirdly, Sir, I do not understand why there is so much love for the stevedoring system, which is an absolutely archaic and medieval institution and which does not contribute either to production or productivity or to the welfare. It is on record that there was a committee which totally recommended the abolition of the stevedoring system, whose pernicious effects are felt more in Calcutta than elsewhere. Sir, there was a study team of the international association of ports and harbours ^{and} there was a commission on major ports and a committee on plan projects of the Planning Commission. They all recommended unanimously that the stevedoring system must go, it is not helpful at all. As a matter of fact, Sir, I can point out that once upon a time when Mr. Trivedi was the Minister-in-charge he agreed that there were more malpractices there and that the malpractices were so much that they had to suspend the administrative body of the Calcutta Dock Workers Board and I think Mr. Buta Singh would agree with me not to revive that Board which is also being opposed by the AITUC, the CITU, the INTUC and the HMS. It does not help either the dockers or us at all. From the experience that we have*

[Shri Kalyan Roy] gathered the stevedoring system has not been helpful. From the experience that we have gathered this system leads to more malpractices and more irregularities. From the experience we have gathered, this administrative body, which does not contain any representative of the trade unions, has no function at all and it should not be revived.

With these words, Sir, while I support the Amending Bill I, once again, with all my emphasis demand that dockers should not be continued to be treated as second class citizens, not even one per cent of whom has got quarters.

Lastly, Sir, I will be failing in my duty, if I do not point out to you one most important fact, namely, that the rate of accidents in the docks is increasing year after year. And, Sir, I can quote from the Hindustan Standard, which points out that of all the Indian ports, the Calcutta port is most prone to serious accidents. Sir, this is the reply of Mr. J. B. Patnaik, given on the 25th March, 1980, wherein he has stated that in 1979 the total accidents in all the docks, Calcutta, Bombay, Madras, Cochin, Visakhapatnam, Kandla, Tutocorin, Paradip, New Mangalore, Muramgao came to 1569—fatal and non-fatal. Out of that Calcutta has 545 cases. In other words, one-third of the total accidents in docks are taking place in the Calcutta port, while the volume of export and import is steadily declining. This is because of the sheer negligence, total negligence of the management, which never cares to make any inquiry into the fatal accidents or serious accidents. I hope this one point he will take into consideration when he goes deep into the matter and try not only to collect the funds—funds are being collected—but also provide the dock workers with quarters so that at least one per cent of dock workers in the country get quarters, which is not there now at all.

श्री नरसिंह नारायण पण्डेय (उत्तर प्रदेश) : उपः सभापति महोदय, जो मांगें

डॉक वर्कर्स की हैं, उन से मैं सहानुभूति रखता हूँ और मैं चाहता हूँ कि सरकार उन मांगों के प्रति अपना रवैया ऐसा रखे कि जिससे बैठ कर बातचीत डॉक वर्कर्स यूनियन के बीच में हो सके और एक शान्ति के वातावरण में उनकी समस्याओं का हल हो सके।

श्रीमान्, हमारे देश में आज जो परिस्थिति पैदा हो गई है प्राइतेज की और प्राइस राइज की, इसके बारे में मेरा सदन के माननीय सदस्यों से, चाहे वे उधर बैठने वाले हों, चाहे उधर बैठने वाले हों, निवेदन है कि जो इसको एक राष्ट्रीय समस्या मानते हैं और चाहते हैं कि चीजों के दाम न बढ़ने पाये, यह उनके लिए भी आवश्यक है कि वे डॉक-वर्कर्स को इस प्रकार की सम्मति दें कि वे सही तरीके से अपनी मांगों को रखें, शान्तिमय तरीके से उनको सुलझाने में सरकार की मदद करें बावजूद इसके कि उनमें कॉन्विकेशन पैदा करें और स्ट्राइक या दूसरी तरह की चीजों का आश्रय लें। यह मैं माननीय सदस्यों से कहना चाहता हूँ। और चाहता हूँ कि उनकी जो जेन्युन मांगें हैं उनकी मांगों को जरूर माना जाना चाहिये लेकिन स्ट्राइक की जो काल दी गई है या स्ट्राइक करने के बारे में जो आज विभिन्न तरह के यूनियन के लोग उनको उकसाने या प्रोत्साहन देने का काम करना चाहते हैं उनको आज की राष्ट्रीय परिस्थिति और आर्थिक परिस्थिति को देखते हुए उन्हें अपनी जिम्मेदारी को अच्छी तरह से देखना चाहिए, चेतना चाहिये। उनको यह राय देनी चाहिए कि ऐसी कोई भावना पैदा न हो जिससे पीसफुल सेटिलमेंट में कोई बाधा उत्पन्न न हो। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

श्री उपसभापति : श्री शिव चन्द्र झा ।

श्री शिव चन्द्र झा (बिहार) : कितना टाइम मुझे देते हैं ।

श्री उपसभापति : तीन चार मिनट में अपनी बात खत्म करिये (Interruptions)

श्री शिव चन्द्र झा : मैं इतने समय में अपनी बात नहीं कह सकता । मैं इस विधेयक का समर्थन करता हूँ । यह कह कर मैं अपनी बात समाप्त करता हूँ ।

SHRI PATTIAM RAJAN (Kerala): Sir, I support this Bill, but I would like to bring two-three points to the notice of the Government. Sir, the original Act was passed in 1948 but that has not been so far implemented in all the major ports. In many major ports, especially Mangalore and Tuticorin, this Act has not been so far implemented. In Tuticorin, the slavery system is still being continued. It is because of non-implementation of the Act There, workers are being made to work for 24 hours a shift, they are paid only Rs. 10 to Rs. 16 whereas at certain other ports where the provisions of this Act are implemented, workers are paid Rs. 24 for 8-hour working. You can understand how exploitation is going on in that area and there the slavery system still continues. In that port, there is one Chairman by the name Mr. Sundaraan who is an accomplice in it and he is the source for providing all the repressive machinery for the slave traders. Therefore, I would request the hon. Minister to go into the matter.

Another point I would like to bring to his notice is about the overtime wages which are not allowed to the dock workers. **If you take the case** of port trust workers you will find that the workers get overtime payment after putting in 8 hours of work whereas under this Bill it has been provided that the shift will go for 16 hours without the payment of overtime wage. Therefore, I request the hon. Minister to bring in an amendment to the effect that overtime wages are paid to the workers who work for more than 8 hours.

With these words, Sir, I conclude.

श्री हरी शंकर भास्कर (राजस्थान) :
उपसभापति जी, क्योंकि आपने मुझे दो मिनट का समय दिया है इसलिये मैं दो मिनट में केवल एक ही समस्या की ओर मंत्री महोदय का ध्यान आकर्षित करना चाहूंगा और वह यह है कि गोदी कर्मचारियों की समस्याओं को लेकर जो बार-बार हड़ताल होती रही है उसके कारण न केवल कर्मचारियों को परेशानी होती है बल्कि हमारा जो एक्सपोर्ट बिजनेस है खास तौर से टी बिजनेस, बहुत ज्यादा सफर कर रहा है । हमारी मार्केट गोदी कर्मचारियों की हड़ताल की वजह से इतनी कमजोर हो रही है कि इन्टरनेशनल मार्केट में हमको कंपीटीशन करने में बड़ी कठिनाई हो रही है । हम समय पर अपना माल सप्लाई नहीं कर पाते हैं जो हमारा रेगुलर एक्सपोर्ट है वह भी टूट रहा है । इन्टरनेशनल मार्केट में बहुत ही टाइट कंपीटीशन है । जहां तक गोदी कर्मचारियों का सवाल है जो उनकी बाजब मांगें हैं हमें उनको ठीक करने के लिए इस एक्ट में व्यवस्था करनी चाहिए । अगर वह ओवरटाइम करना चाहते हैं तो वह भी सुविधा देनी चाहिए । इस समस्या को इस तरह से सुलझाना चाहिये ताकि बार-बार वह स्ट्राइक न करें । हमारे पास एक्सपोर्ट का माल पड़ा हुआ है लेकिन सप्लाई नहीं हो रही है । यह सब स्ट्राइक के कारण है । इस समस्या की ओर मैं मंत्री महोदय का ध्यान खास तौर से खींचना चाहता हूँ । धन्यवाद ।

SHRI BUTA SINGH: Mr. Deputy Chairman, Sir, I am indeed grateful to the hon. Members who have participated in this discussion because all of them have unanimously supported the provisions of this Bill. A few Points which have been raised by hon. Members need some clarification. Shri Kalyan Roy mentioned about the threatened strike by the dock labour workers' unions. As is quite evident, the question of the wage structure of the port and dock workers has been

[Shri Buta Singh] engaging the attention of the Government right from the day we assumed power. It was, in all earnestness, that in the month of January, the Government took up this question to devise some method for the revision of the wages of the dock and port workers. Some time was taken by the various unions and federations because of their inter-union controversies and some rivalries. But the Government was very keen that this question should be sorted out as soon as possible. A machinery was evolved known as the bipartite machinery and this machinery also took some time to work out the terms of reference and a broad spectrum of their functions. Unfortunately, this machinery could not function and they ultimately came to the Government and requested the Government that this question should be taken up by the Government itself and the federations, the national federations, should be involved. Earlier, after the machinery had failed, the labour federations had declared that they would go on strike on the 18th of this month. But with the intervention of the hon. Minister, the talks were held in Delhi in which it was agreed upon between the federations and the Government that the Government will take the initiative and that with the co-operation of the national federations, they will try to reach an agreement, some solution. The federations have agreed to this. The next meeting of the leaders of the unions is fixed for the 26th of this month, when the hon. Minister will be back from abroad. Till then, the federations have postponed their declared industrial action and I hope, with the involvement of all the labour federations of the dock and port workers, an agreeable solution will be found well in time so as to avoid any unhealthy or controversial situation. I am also grateful to Shri Pandey who has made an appeal to all the workers engaged in the ports and docks to help the Government and the Port Trusts in handling the trade on the sea shore in the most critical days which we are facing, I am sure, Sir, with this spirit, the dock

workers and their federations will sit with the Government to find a solution for the better working of the ports

Sir, some issues which have been raised by Shri Kalyan Roy and others have been taken note of and we shall see they are redressed. Shri Rajan mentioned about the Tuticorin Port. In Tuticorin, the stevedore system is in vogue. He has brought out some facts where he has tried to spell out that the wages given to the workers at Tuticorin are much below the minimum wages. We shall certainly look into this problem and if this situation is prevailing, we shall try to see that the workers at Tuticorin are not unnecessarily harassed. Coming to the other point, a mention was made about housing facilities for the port workers. Sir, Shri Kalyan Roy said that there is no scheme with the Government for the housing of the dock workers. It is not true. A housing scheme for the dock workers was introduced sometime back and at the moment, the Dock Labour Boards are entitled for the financial assistance from the Central Government in the shape of subsidy to the extent of 25 per cent and loan to the extent of 50 per cent for the construction or the prescribed ceiling cost, whichever is less. So far, the following number of houses have been constructed by various Dock Labour Boards with the financial assistance under the Central Government. This scheme is being extended to other Boards also. At the moment the Marmagao Dock Labour Board has constructed about 18 houses from out of their own funds. In the revised estimates of 1979-80 a provision for Rs. 54,000 was accepted. The amount has already been released. A sum of Rs. 3.46 lakhs had to be surrendered because either the scheme could not be taken in hand due to unavoidable reasons or the progress of the work was not such as to enable the Dock Labour Boards to draw the subsidy. The provision made in the Budget Estimate of 1980-81 is of the following order. Sir, there are various schemes at the moment with various Dock Labour Boards for the construc-

tion of houses, for providing the subsidy and also for extending loans to their workers.

Sir, the present Bill is for the Dock Workers' Regulation of Employment Act, 1948, which did not contain any express provision authorising the Dock Labour Board established thereunder to create funds and administer them for the welfare of dock workers and other purposes. For this specific purpose, the present Bill is being brought before the House and I am grateful to the hon Members for extending their support to this Bill. This will go a long way. (Interruptions).

MR. DEPUTY CHAIRMAN: But you were absent, Mr. Kalyan Roy. He has already replied to your points.

SHRI BUTA SINGH: I am sorry, he was not in the House, I started with his observation. I have already explained to the House _____ (Interruptions).

MR. DEPUTY CHAIRMAN: No, no, I will not allow this. Please do not reply to that part when the Member makes an observation and walks out of the House. (Interruptions). Not walked out of the House, but you went out of the House. (Interruptions). He has already dealt with your points at length. Also he has replied to Mr. Rajan's point. (Interruptions). No, no, not that.

SHRI KALYAN ROY: 'Walked out' has a different meaning. I did not walk out. I should have walked out on other reasons. (Interruptions).

MR. DEPUTY CHAIRMAN: All right, all right. Now, I will put the question.

SHRI NARASINGHA PRASAD NANDA (Orissa): Of course, to the points raised by the hon. Members he has given his reply, but the point is, the Major Port Trust Act governs of all these ports* and what is happening, is under the provisions of that Act the initial rules are framed by

the Central Government and the ports are authorised to amend the regulations framed by the Central Government which are published in the Gazette of the appropriate state Government where the particular port is situated. What happens in that case is since it is a Central statute, neither are those regulations laid on the Table of either House of the State Legislature, are they laid on the Table of the either House of the Parliament. That creates a lot of difficulty and affects the rights of the dock workers.

May I know from the hon. Minister whether he would be prepared to bring forward suitable amendments in the provisions of the Major Port Trust Act so that those amendments will be notified in the Gazette of India also and at the same time they will be laid on the Table of either House of the Parliament? This is point number one.

Secondly, I would submit that though the provisions of this Bill are sought to be for the benefit of the workers, and since they have come forward with this amendment ----- have they taken care to see that, while regulating this fund when they make the rules, they ensure that the dock workers' representatives are brought within the scheme of administration of this fund. There are the two points which I want to raise.

SHRI BUTA SINGH: There are two categories of ports—one is the major ports and the other is the ports which are more or less governed by the maritime States. So far as the major ports are concerned, this Bill will be applicable to all the major ports, and the rules framed under the Act will be laid before each House of Parliament. And on the recommendations of the Committee on Subordinate Legislation, it has now been provided that the scheme framed under the Act should also be laid before each House of Parliament.

SHRI NARASINGHA PRASAD NANDA: I am talking about the regulations which are being framed by the Boards in the major Port Trusts.

SHRI BUTA SINGH: All those rules and regulations are notified locally in that State and objections are invited. When the objections are received, they are again sent to the Ministry for being looked into. And after the approval is given, these rules are...

SHRI NARASINGHA PRASAD NANDA: But they escape your scrutiny. They escape Parliament's scrutiny.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

ALLOCATION OF TIME FOR DISPOSAL OF GOVERNMENT AND OTHER BUSINESS

MR. DEPUTY CHAIRMAN: I have to inform Members that the Business Advisory Committee at its meeting held today, the 20th November, 1980, allotted time for Government Legislative and other Business as follows:

<i>Business</i>	<i>Time Allotted</i>
1. Consideration and passing of the following Bills as passed by the Lok Sabha:--	
(a) The Company Secretaries Bill, 1980.	1 1/1 hrs.
(b) The Dock Workers (Regulation of Employment) Amendment Bill, 1980.	2 hrs. (But it has been passed in half-an-hour and I must congratulate the hon. Members for this cooperation).
2. Motion for reference of the Visva-Bharati (Amendment) Bill, 1978 to Joint Committee.	30 mts.
3. Consideration and passing of the following Bills:--	
(a) The Rampur Raza Library (Amendment) Bill, 1979.	30 mts.
(b) The Khuda Bakhsh Oriental Public Library (Amendment) Bill, 1979.	30 mts.
4. Consideration and passing/return of the following Bills, as passed by Lok Sabha :	
(a) The Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Bill, 1980.	30 mts.
(b) The Territorial Army (Amendment) Bill, 1980.	1 hr.
(c) The Hotel Receipts Tax Bill, 1980.	1/1 hrs.
(d) The Ear Drums and Ear Bones (Authority for use for Therapeutic Purposes) Bill, 1980.	30 mts.
5. General discussion on the Assam Budget for 1980-81 and Consideration and return of the Appropriation Bill relating to Demands for Grants (Assam) for 1980-81.	2 hrs. on Wednesday, the 26th November, 1980.