



REPORT

OF THE

COMMITTEE FOR FRAMING A SCHEME FOR REGULATING EMPLOYMENT OF DOCK LABOUR AT BOMBAY PORT.

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X4288:92.231.N4t
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PRINTED IN INDIA BY THE MANAGER
GOVT. OF INDIA PRESS, NEW DELHI 1948
Price Re. 1 As, 8 or 2s. 3d.

REPORT

OF THE COMMITTEE FOR FRAMING A SCHEME FOR REGULATING EMPLOYMENT OF DOCK LABOUR AT BOMBAY PORT.

1. Introduction.—By Government of India, Ministry of Labour Memorandum No. LR-21(3) dated the 26th February 1948 we were appointed as a Committee for framing a Scheme for regulating employment of dock labour at the Bombay Port in pursuance of the terms of settlement dated the 22nd November 1947, arrived at between the Bombay Stevedores' Association and the Bombay Dock Workers Union. We have been asked to draw up a comprehensive scheme regarding the registration of stevedore labour, their employment in rotation, fixation of their wages and other matters mentioned in items (3) and (6) of the said terms of settlement. A copy each of the said memorandum and terms of settlement is annexed as Appendix I to this Report.

2. Procedure.—The first meeting of the Committee was held on 6th March 1948. In all we held 24 sittings, all in Bombay.

As some of the workers working under the stevedores were not members of the Bombay Dock Workers' Union and as a few stevedores were also not members of the Bombay Stevedores' Association—whose representatives are members of the Committee, we decided to issue a general notice inviting memoranda on the relevant points from persons and parties interested in this question. The notice was published in the local papers and copies were pasted at all work-places in the docks and also distributed amongst the workers. A copy of the notice is annexed as Appendix II.

3. The Committee had the advantage of comprehensive memoranda, covering relevant points, from the Bombay Stevedores' Association and the Bombay Dock Workers' Union. Similar memoranda were also received from both, dealing with the various points which were discussed and settled by the Committee and circulated to them. These memoranda considerably helped our discussions and conclusions.

4. The Committee visited the docks for local inspection and obtained information regarding the operations of loading and unloading of cargo in and from the ships and of handling of cargo on the shore.

5. Interim Report.—The Committee was able to arrive at tentative conclusions on a large number of points both of principle and detail. As there was some difficulty in regard to the actual set up of the Board and/or bodies to control, supervise and regulate the working of the scheme as also the authority that should be entrusted with the responsibility and actual administration of the schemes and as it was felt desirable to give immediate effect to some of the important points, which had been discussed and agreed upon pending the actual introduction of the scheme the Committee, on April 24, 1948, submitted an Interim Report, to which the terms of the agreement were annexed as Annexure 'A'.

6. Port Transport Service.—The Port Transport Industry includes a variety of operations. They are performed not by the same agency but by different agencies employing separate sets and categories of workers. Such agencies include services of the Port Trust, stevedores, shipping companies, owners of barges and lighters and coaling and other contractors. The classes of workers also differ according to the type and nature of the cargo to be handled.

7. The work of loading, discharging and handling of cargoes, except coal, into and from the ships and on the shore in the Bombay Port is ordinarily done partly by the workers employed by the Port Trust and partly by those employed by the stevedores. The Port Trust labour, called the shore labour, handles cargoes on shore. The stevedore labour handles cargoes while and so long as they are in the ship. However, the loading discharging or handling of the cargoes is one continuous process and a breakdown or stoppage in one section affects the other section also.

8. It may be mentioned here that in the Bombay Port some shipping companies have been allotted preferential berths for their ships. The work of loading, discharging and handling of cargoes on shore at these berths is being done at present by the labour employed by the shipping companies concerned.

9. Port employment essentially casual.—The work in the Bombay Port, as in any other port in India and elsewhere, is essentially such that it creates sudden and considerable fluctuations in the demands for dock labour. Workers are called for work at a short notice. There are occasions when a considerable number of workers has to be without employment. Port traffic is not always steady, depending as it is on a large number and variety of factors. Some of these factors are beyond the control of the Industry. They are to some extent uncontrollable and have to be accepted as an unavoidable feature of the port transport work. They are mainly responsible for making the employment of labour in port both casual and irregular unlike the well-ordered and continuous process of manufacture, which may afford to the individual workers continued and regular employment at fixed hours.

10. Need of strong and steady workers.—The work in a port is both strenuous and hazardous. For efficient performance of such work it is desirable to have a body of capable, strong and steady workers. They should, therefore, be provided, as far as possible, with stable employment and regular livelihood. It must be obvious that a service cannot be wholly efficient in so far as the workers experience continual uncertainty in their earnings.

11. Port Employment and Labour Problem.—The employment and labour problems in ports have been succinctly stated by the Committee of Inquiry on Port Labour appointed in 1930 by the British Ministry of Labour. We cannot do better than to quote here a few extracts from their Report. In paragraphs 14 and 15 at p. 12 the Committee observe as follows:—

In essentials the problem of port employment is that of co-ordinating the irregular demands, which are largely uncontrollable, and of regulating the supply of labour. Inevitably the more irregular the demands become the more difficult it is to regulate the supply and maintain its suitability and good order. When this fundamental irregularity of demand is applied to human beings who form the supply, the result, in the absence of any system of regulating the labour, engenders a serious social and economic problem, an outstanding feature of which is uncertainty. A floating reserve of unemployed workers in industry generally is entirely different from a pool of workers whose common experience is continual under-employment. The reserve is a minority; the pool is the majority."

For a proper appreciation of the port labour problem it is also important to note that the large variety of commodities handled in the ports, the existence of many different types of mechanical appliances and of special processes connected with loading, discharge and

storage of goods all create many varied demands for workers with special knowledge or skill. Thus, while there is always a large demand for unskilled labour, the pool of port labour in the aggregate must include the necessary quota of specialists competent to meet a complex demand and ensure the efficient and expeditious performance of the various types of port work. This definitely precludes the achievement of decasualisation by the simple process of a purely numerical adjustment of the labour supply."

12. Stevedoring work in Bombay Port.—The stevedoring work in the Bombay Port is done by the stevedoring firms numbering about 20. They are required to obtain a Licence from the Trustees of the Port. According to the Docks Bye-laws of the Bombay Port Trust, no stevedore is allowed to work on board any vessel in dock unless he holds a special licence. The Trustees may at their pleasure, revoke, cancel or suspend any such licences". Such licences are generally annual licences.

13. The total number of workers employed by the stevedores in Bombay is about 2,500. Appreciating the desirability of encouraging a supply of specialised labour to cope with the regular work, some of the stevedores maintain a small nucleus of permanent or regular labour force. In addition, they have certain workers, who are given preference in employment with them over other workers. Nonetheless such workers are in fact only casually employed and their preference does not extend to work with other stevedore employers. When there is no work with their employer they accept work from other stevedores, if offered. The problem of irregular and casual employment of the stevedoring labour and their under-employment still exists in the Bombay Port. Regulating the employment of such labour is, therefore, in the interest and to the benefit of everybody.

14. Dock Workers (Regulation of Employment) Act, 1948.—The Dock Workers (Regulation of Employment) Act, 1948, aims at solving the problem of dock labour by regulating the employment of dock workers. Under the Act, the Government is empowered to notify a scheme providing for the registration of dock workers with a view to ensuring greater regularity of employment and for regulating the employment of dock workers in any port. In particular, the scheme has to provide for matters specified in the various clauses of Sub-section (2) of Section 3 of the said Act. The Act is generally on the lines of the British "Dock Workers (Regulation of Employment) Act, 1946", being 9 and 10 Geo. 6, Chapter 22. The British Act provides that "any body corporate shall have power, under any enactment, order, charter, memorandum or articles of association or other document regulating the powers and duties of the body corporate, to perform the functions conferred on the body corporate by or under a scheme". A corresponding provision is not to be found in the Indian Act.

15. Important provisions of the British Dock Workers (Regulation of Employment) Scheme, 1947.—Under the British Act a scheme called "the Dock Workers (Regulation of Employment) Scheme, 1947" has been embodied in the Dock Workers (Regulation of Employment) Order, 1947 dated June 16, 1947. The Scheme is comprehensive and general and relates to the ports specified in Appendix I to the said Order. We would like to refer to some of the salient features of the British Scheme:

(a) A National Dock Labour Board, which is responsible for the administration of the Scheme in all the ports to which the Scheme relates, is constituted under the Scheme.

(b) The Scheme also constitutes a Local Dock Labour Board for each port to which the Scheme relates.

(c) The Scheme contemplates delegation of the functions of the National Dock Labour Board to the Local Dock Labour Boards: Paragraph 3(2) of the British Scheme is as follows:—

“With a view to ensuring the efficient and harmonious working of the Scheme in the ports and of promoting and stimulating local interest in the successful administration of the Scheme it shall be the duty of the National Board to delegate to the local boards, as many as possible of the functions of the National Board, being functions which, in the opinion of the National Board, can appropriately be so delegated and to consult fully with the relevant local board on all such matters as it considers appropriate, so, however, that the final determination under paragraph 1(c) of this Clause shall not be so delegated.”

(d) A registered dock worker in the reserve pool, who is available for work, shall be deemed to be in the employment of the National Board [*vide* Clause 8(2)]

(e) The payment of wages in respect of unemployment or under-employment or for holidays with pay as also the grant of annual holidays to such dock workers is to be made by the National Board [*vide* Clauses 14(1) and 13].

(f) As regards rates of remuneration and conditions of service, the Scheme provides that “it shall be an implied condition of a contract between a registered dock worker available for work and a registered employer that the rates of remuneration and conditions of service (including conditions as to holidays and pay in respect thereof) shall be in accordance with the national or local agreements for the time being in force” (*vide* Clause 12).

(g) The cost of operating the Scheme shall be defrayed by payments made by the registered employers to the National Board in the manner stated in Clause 21(1) of the Scheme.

16. British Scheme followed in the main.—The British Scheme has been framed after many years of experience of the various attempts made to regulate the employment of dock labour in that country. “In our view, a scheme for regulating the employment of dock labour in this country” should contain the principal features of the British Scheme, to which we have made a reference. Accordingly we have followed, as nearly as possible, the British Scheme with such modifications as, in our opinion, are necessary to suit the conditions of work and workers in the Indian ports.

17. Separate Dock Labour Board for each Port.—For all the ports in the United Kingdom there is only one Scheme, which is national in character and its administration is vested in the National Dock Labour Board. The conditions of work and workers in the different Major Ports of India are such that, in our opinion, while it may be possible to have one general scheme applicable to all the Major Ports, it may not be desirable to vest the administration of the schemes in respect of all the ports in one National Dock Labour Board. In our opinion, at the earlier stage at least, for each Major Port a separate statutory Dock Labour Board should be appointed. In that case a suitable machinery for co-ordinating the work of such Boards functioning in the different ports will be useful. Such a machinery may be in the form of a Central Advisory Committee, having representatives of all the Boards.

18. Desirability of simultaneous introduction of Schemes in Major Ports.—It is apprehended that introduction of a scheme for regulating the employment of dock workers only in one port may lead to repercussions on the work and labour in other ports. In our opinion, therefore, it would be better to introduce simultaneously Schemes in all the Major Ports in respect of the same class and category of work and workers.

19. Scheme general in nature.—Our Scheme, though applicable only to the workers of the stevedores in the Port of Bombay, is a general one and is so framed that it can, without much difficulty, be extended to all classes of dock labour in this Port and may also be notified, without suitable modifications, to other Ports.

20. Recommendations on matters relating to working of Scheme.—We have considered the various points and matters relating to the actual working of the Scheme in connection with the stevedore labour in the Bombay Port. Our recommendations on such points are embodied in Appendix IV.

21. Settlement regarding wages, allowances, etc.—The questions relating to rates of wages and allowances, hours of work and other conditions of service were discussed and a settlement was reached between the representatives of the stevedores and workers. The terms of settlement, which will be found in Appendix V are, in our opinion, fair and reasonable.

We would like to make a brief reference to some of the important points in our Scheme:—

22. Dock Labour Board should have corporate status.—The administration of the Scheme should be entrusted to a Dock Labour Board which, in our opinion, will be the appropriate authority for the purpose. The Board shall be responsible for the final determination of matters of policy (*vide* Clause 6 of the Scheme). The main functions of the Board will be to ensure regularity of employment of dock workers as provided in the Dock Workers (Regulation of Employment) Act, 1948. For that purpose the Board will require funds. The Board may also hold property. The Board should, therefore, have a corporate status. We feel diffident as to how such status can be secured for the Board. It may perhaps be possible to get the Board registered as a body corporate not intended to make profits under the Indian Companies Act or under any other law for the time being in force. If such a course is not feasible, it may perhaps be necessary to amend the Dock Workers (Regulation of Employment) Act.

23. Constitution of the Board.—We have provided that the Board shall consist of not more than 15 members representing in equal numbers Government, dock workers and employers of dock workers. But so long as the functions of the Board are confined only to regulating the employment of stevedore labour in the Port of Bombay, the number of members of the Board may be not more than nine. The number should be increased as and when the Scheme is extended to other categories of dock workers in the Port of Bombay.

24. Administrative Body.—For securing efficient working of the Scheme, it is desirable to have a separate Administrative Body. Most of the functions of the Board could and should be delegated to this body. We have, therefore, provided for the creation of an Administrative Body, consisting of a person or persons. This body will, however, be subordinate to the Board which, as stated above, shall be responsible for determining all matters of policy. In our opinion, the Bombay Stevedores' Association will be the proper authority to which the actual administration of the Scheme for the Bombay stevedore labour can be entrusted. We, therefore, recommend that the Bombay Stevedores' Association should be appointed as the Administrative Body for the purposes of the Scheme.

25. Registration Committee.—For registering the workers and employers it may sometimes be desirable to have a separate Registration Committee. We have, therefore, provided that the Board shall, if necessary, appoint a Registration Committee, to which it may delegate its duties relating to registration (*vide* Clause 9).

26. Port workers to be in the employment of Board.—Dock workers registered under the Scheme other than those who are employed on monthly basis will be in a common pool. With a view to securing even and equitable distribution of the available work, workers in the common pool will be allotted to employers by rotation. Workers in the pool should be employed under one and the same authority, namely, the Board, which would be responsible for the payment of their wages, allowances, attendance money and for the grant of holidays, leave and other privileges.

27. Appeal Tribunal.—If a dock worker on an employer of dock workers feels aggrieved by a decision or action of the Dock Labour Board or the Administrative Body, he should be entitled to seek relief from an independent authority. We have, therefore, provided for the constitution of an Appeal Tribunal in our Scheme, consisting of not more than three persons, not being members of the Dock Labour Board or the Administrative Body (*vide* Clauses 8 and 19).

28. Registration of workers and employers.—The objects of the Scheme can only be secured by registration of employers and workers and by restricting employment to registered workers by registered employers. Unregistered workers can be employed only in exceptional cases. The Scheme, therefore, imposes obligations on registered workers and registered employers and puts restrictions on the employment of workers on dock work (*vide* Clauses 10, 11 and 12).

29. Wages, Allowances and other conditions of service.—The rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service are, as stated before, matters which have to be regulated by agreement or by other methods. We have, therefore, made a general provision in the Scheme that these matters shall be in accordance with the agreements between the parties or otherwise (*vide* Clause 14).

30. Wages for unemployment or under employment.—For regulating employment and ensuring stability to the workers they should have an assurance of getting monetary relief in respect of any wage period when they are available for work but employment or full employment is not available. Provision has, therefore, been made in the Scheme for payment in respect of unemployment or under-employment. The responsibility for such payments is that of the Board. The rate at which such payments are to be made will vary from time to time according to the agreement in that behalf. Similarly, the circumstances subject to which a dock worker will be entitled to such payments have been provided for in the Scheme (*vide* Clauses 15 and 16).

31. Disciplinary procedure and termination of employment.—A provision has been made in the Scheme for disciplinary action and termination of employment (*vide* Clauses 17 and 18).

32. Cost of operating the Scheme.—The funds for operating the Scheme have to be provided by the employers of dock labour. Their liability should be related to the gross wages of workers employed by them. The authority to fix rates of such contributions or levy is vested in the Board, which may fix percentages for different categories of work or workers. The same percentages must, however, apply to all dock employers who are in like circumstances. The maximum percentage of levy which the Board shall be authorised to impose has been fixed at 60 per cent of the gross wages.

33. Extent of additional expenditure.—The very high percentage of levy on the gross wages is principally due to the provision of new amenities and privileges to the workers. They include, among others, holidays with pay, leave, provident fund and gratuity. The employers and workers have come to an

agreement with regard to these matters. The terms of agreement which are set out in Appendix V, include privilege leave for 15 days, sick leave for 15 days on half pay, casual leave for 10 days and 12 holidays with pay in a year. The additional costs on this account will be equivalent to wages for 44½ days in a year or 20·6 per cent of the gross wages. At present there is neither provident fund nor gratuity for the stevedore labour. It has been agreed that the stevedore worker will be entitled to these benefits on the lines of the schemes that exist in the Bombay Port Trust. The amount that will be required to meet the additional expenses on account of these concessions, including liability for compensation under the Workmen's Compensation Act, comes to nearly 15 per cent of the gross wages. The additional expenditure directly due to the introduction of the Scheme will be in regard to the payment of the attendance money, including the minimum guarantee and the expenditure on office establishment of the Board and the Administrative Body. The first item will require about 8 per cent and the second about 7 per cent of the gross wages.

34. In addition to these, it is proposed to make provision for welfare measures and other amenities to the workers both at their places of work and residence. Further, in our opinion, it would be better to build a reserve fund to meet unforeseen contingencies. These may require about 10 per cent of the gross wages.

35. Thus the total levy on the employers will be about 60 per cent of the gross wages, of which only 15 per cent will be directly due to the introduction of the Scheme. Appendix VI contains a statement showing the approximate costs of the Scheme and of the additional benefits and privileges to the workers to be recovered from the employers by way of levy under the Scheme.

36. Application of Scheme to Tally Clerks and Coal Workers.—In the Schedule annexed to the Scheme in Appendix III, Tally Clerks are not included among the workers to whom the Scheme is to apply. Although Tally Clerks are employed by the stevedores in the work of loading, unloading and discharging of cargoes, they have been excluded from the operation of the Scheme, as they are often employed by the Shipping Agents for their own work. When the Scheme will be extended to other categories and classes of dock workers, it will be possible to include the Tally Clerks in the Scheme, and we strongly recommended their inclusion at that time. Similar is the case of the workers employed in the handling of coal. They too deserve to be included in the Scheme as early as possible.

37. Office accommodation for Board and Administrative Body.—At present there is no central place for booking the stevedore workers and for paying them wages, as they are employed by different employers. Under the Scheme, the Administrative Body will have to set up an office for registering the workers, for booking them for work from day to day and for paying their wages. It will, therefore, be necessary to provide suitable office premises within or near the docks for both the Board and the Administrative Body, including call-stands for booking the workers and a central hall as pay office.

The accommodation problem is very acute in Bombay. No suitable accommodation is available for the purpose. We, therefore, recommend that the Government should take early steps to requisition suitable premises for the purpose, so that the offices of the Board and the Administrative Body could be established before the Scheme comes into operation.

38. Application of the Scheme to Port Trust labourers.—It may be noted here that the Port Trust representative on the Committee has concurred with this Report and the Appendices, including the Scheme (Appendix III), on the assumption that the Scheme will not be made applicable to the shore labourers

employed directly by the Bombay Port Trust. It was for this reason that the views of the Trustees of the Port of Bombay thereon have not been obtained. The Port Trust has recently abolished the system of employing dock labourers through middlemen called Toliwallas, and the Trustees have under their consideration a scheme for decasualisation of this labour. In case, however, the Government desire, at any time, to make the scheme applicable to the Port Trust labourers also, it is presumed that they will obtain the views of the Board of Trustees.

39. Acknowledgments.—The Committee has great pleasure to place on record the very valuable assistance given to it by the Honorary Secretary of the Bombay Stevedores' Association, Mr. S. C. Sheth, who was good enough to attend all its meetings and help in its deliberations. Mr. Batuk H. Mehta, Chief Labour Officer of the Bombay Port Trust, attended our meetings as the nominee of the Chairman of the Port Trust. We are grateful to him for the very valuable advice and help that he gave us throughout.

Bombay, dated this 10th day of July 1948.

1.

S. C. JOSHI,
Chief Labour Commissioner.

2.

V. S. BHIDE,
Chairman, Bombay Port Trust,
(Representative of the Bombay Port Trust).

3.

K. A. DUBASH.

4.

DONALD J. HILL,
(Representatives of the Bombay Stevedores' Association).

Members.

5.

G. H. KALE.

6.

P. D. 'MELLO,
(Representatives of the Bombay Dock Workers' Union).

APPENDIX I
GOVERNMENT OF INDIA
MINISTRY OF LABOUR

No. L. R. 21(3).

Dated New Delhi, the 26th February 1948

From

N. C. Kuppuswami, Esq., B.A. (Hons.),
Under Secretary to the Government of India.

To

The Chairman, Bombay Port Trust,
Bombay.

SUBJECT: *Appointment of a Committee for framing a scheme for regulating employment of dock labour at Bombay Port.*

Sir,

I am directed to say that the Government of India are pleased to constitute a Committee to go into the question of registration of stevedore labour, their employment in rotation, fixation of their wages and other matters mentioned in items 3 and 6 of the terms of settlement dated the 22nd November 1947 (copy enclosed) between the Bombay Stevedores' Association and the Bombay Dock Workers' Union and to draw up a comprehensive scheme covering the above points. The composition of the Committee will be as follows:—

Chairman

Mr. S. C. Joshi,

Chief Labour Commissioner (Central).

Members

1. Chairman, Bombay Port Trust or any Port Trust Officer nominated by him.

2. Mr. P. D'Mello }
3. Mr. G. H. Kale } Representing the Bombay Dock Workers' Union.

4. Mr. Kaikhushru Ardeshir Dubash }
5. Mr. Donald J. Hill } Representing the Bombay Stevedores' Association.

2. The Government of India desire that the Committee should complete their work and submit their report to this Ministry as early as possible.

I am,

Sir,

Your most obedient servant,

N. C. Kuppuswami,

Under Secretary to the Government of India.

Demands of the Bombay Dock Workers' Union

Terms of settlement arrived at between the Bombay Stevedores' Association and the Bombay Dock Workers' Union.

(1) The Association agree in principle to decasualise the stevedore labour working in the Bombay Dock with a view to assuring the labourers maximum employment.

(2) The Bombay Stevedores' Association will request the Government of India to appoint a Committee envisaged in the Dock Workers (Regulation of Employment) Bill for the preparation of a comprehensive scheme for ensuring regular employment of Stevedore workers under Section 3 thereof. The Committee will be requested to frame the scheme as early as possible and not later than 31st March 1948.

(3) Subject to the provisions of the proposed Dock Workers (Regulation of Employment) Bill, the scheme referred to above will deal with questions of registration of stevedore labourers, their employment in rotation, the fixation of their wages and their other conditions of employment.

(4) Pending the preparation of the scheme as above, the Members of the Stevedores' Association agree as an interim measure to pay the following rates of daily wages to their workers:—

<i>Category</i>	<i>Day or night</i>	<i>Half day</i>	<i>Half night</i>
(a) Winchmen, Hatch Foremen, Khalasis	3-4-0	1-12-0	2-4-0
(b) Stevedore labour	3-0-0	1-8-0	1-12-0
(c) Tally Clerks	3-8-0	3-8-0	3-8-0
(d) Gang Tindal	4-0-0	2-8-0	3-0-0

(5) The wages of the monthly-paid stevedore labourers will be increased *pro rata* in accordance with the increase granted to the stevedore daily-paid labourers as mentioned in paragraph 4(b) above.

(6) The conditions of service of the supervisory and Foremen staff engaged by the stevedoring firms will be investigated and settled by the Committee to be appointed by the Government of India and referred to in paragraph (2) above.

(7) The Bombay Stevedores' Association assure the Union that there will be no victimisation or harassment of any stevedore worker as a result of the strike. Any dispute between any stevedore firm and the Union in the matter of victimisation will be referred to the arbitration of the Regional Labour Commissioner (Central).

(8) The Union undertakes to call off the strike of the stevedore labourers with immediate effect.

For the Bombay Stevedores' Association

S. C. Sheth,

Hon. Secretary, 22.11.47.

For the Bombay Dock Workers' Union.

P. D'Mello,

Secretary, 22.11.1947.

S. Marathe,

General Organiser.

APPENDIX II

NOTICE

It is notified for general information that the Government of India have constituted a Committee to go into the questions of registration of Stevedore labour, fixation of their wages and other matters.

The point of views of the Bombay Stevedores' Association and the Bombay Dock Workers' Union are before the Committee.

Any stevedores or workers desirous of submitting views on this subject to the Committee for consideration should do so in writing on or before 12.00 noon on Saturday, the 13th March 1948, to the undersigned at the office of the Regional Labour Commissioner (Central), Southern Zone, Haroon House, Bazar Gate Street, Fort Bombay.

S. C. JOSHI,

CHAIRMAN.

*The Bombay Dock Labour Employment
Regulation Scheme Committee.*

Bombay, 6th March 1948.

APPENDIX III

THE BOMBAY DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1948.

1. **Name of Scheme.**—The Scheme shall be called the Bombay Dock Workers (Regulation of Employment) Scheme, 1948 and is hereinafter referred to as "the Scheme".

2. **Objects and Application.**—(1) The objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

(2) The Scheme shall relate to the Port of Bombay and it shall apply to such classes or descriptions of dock work and dock workers as are set out in the Schedule hereto:

Provided always that the Scheme shall not apply to any dock worker unless he is employed or registered for employment in connection with the loading, unloading, movement or storage of cargoes or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving port.

(3) The Scheme shall apply to registered dock workers and registered employers.

3. **Interpretations.**—The following expressions shall have the meaning hereby respectively assigned to them unless the context otherwise requires:

- (a) "the Act" means the Dock Workers (Regulation of Employment) Act, 1948;
- (b) "Cargo" and "dock worker" have the meanings respectively assigned to them in the Act;
- (c) "daily worker" means a registered dock worker who is not a monthly worker;
- (d) "dock employer" means the person by whom a dock worker is employed or to be employed;
- (e) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;
- (f) "employer's register" means the register in the port kept under the Scheme of dock employers;
- (g) "Government" means the Central Government;
- (h) "monthly worker" means a registered dock worker who is engaged by a registered employer under a contract which requires at least one month's notice for its termination;
- (i) "register or record" means the register or record in the port kept under the Scheme of dock workers;
- (j) "registered dock worker" means a dock worker whose name is for the time being entered in the register or record.
- (k) "registered employer" means a dock employer whose name is for the time being entered in the employer's register;
- (l) "reserve pool" means those registered dock workers who are available for work, who at any time are not in the employment of a registered employer;
- (m) "week" means period between midnight on Saturday night and midnight on the succeeding Saturday night.

4. Establishment of Bombay Dock Labour Board and functions thereof.—(1)

There shall be a Bombay Dock Labour Board (hereinafter referred to as the Board) which shall be responsible for administration of the Scheme. The functions of the Board shall include all such activities and operations as further the objects of the Scheme as set out in Clause 2 hereof and in particular but without prejudice to the generality of this clause:—

- (a) ensuring the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turnaround of vessels and the speedy transit of goods through the port;
- (b) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers to registered employers;
- (c) determining and keeping under review in consultation with the Administrative Body the size from time to time of the registers or records and the increases or reductions to be made in the numbers in any such registers;
- (d) keeping, adjusting and maintaining the employer's registers, entering or re-entering therein the name of any person by whom dock workers are or are to be employed and where occasion requires it, removing from the register the name of any employer, either at his own request or in accordance with provisions of the Scheme;
- (e) keeping, adjusting and maintaining the registers or records of dock workers including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body that may from time to time be found necessary and where occasion requires it, removing from any register or record the name of any dock worker either at his own request or in accordance with the provisions of the Scheme;
- (f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the dock worker;
- (g) making satisfactory provision for the training and welfare of dock workers including medical services, in so far as such provision does not exist apart from the Scheme;
- (h) levying and recovering from registered employers contributions in respect of the expenses of the Scheme;
- (i) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

(2) With a view to ensuring the efficient and harmonious working of the Scheme in the Port, it shall be the duty of the Board to delegate to the Administrative Body or Bodies as many as possible of the functions of the Board, being functions which in the opinion of the Board, can appropriately be so delegated and to consult fully with the relevant Administrative Body on all such matters as it considers appropriate, so, however, that the final determination under paragraph (c) of this clause shall not be so delegated.

(3) The income and property of the Board whencesoever derived shall be applied solely towards the objects of the Scheme and no portion thereof shall be

paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of benefit to the members of the Board; provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let by any member to the Board.

(4) The Board shall cause proper accounts to be kept of the costs of operating the Scheme and of all receipts and expenses under it and make and submit to the Government an annual report on the working of the Scheme and audited balance-sheet.

5. Constitution of the Board.—(1) The Board may sue and be sued as “the Bombay Dock Labour Board” and may for all purposes be so described.

(2) The Board shall consist of not more than fifteen members and shall include an equal number of members representing—

- (i) the Government,
- (ii) the Dock workers,
- (iii) the employers of dock workers.

The Board shall appoint a Chairman and Vice-Chairman, but every such appointment shall be subject to the subsequent approval of the Government.

(3) The persons representing respectively dock workers and employers shall be appointed by the bodies of persons appearing to the Government to be representative of such workers and such employers.

(4) There shall be paid to the members of the Board such salaries, fees and allowances as may be determined by the Board from time to time.

(5) The members of the Board shall be appointed for three years and shall be eligible for reappointment, and a member appointed to fill a casual vacancy shall be a member of the Board for the unexpired period of the appointment of the person whom he succeeds.

(6) The Board may act notwithstanding any vacancy in the number of the Board.

(7) The procedure and quorum of the Board shall be such as the Board may from time to time determine.

(8) For the purpose of the Scheme, the Board may appoint and pay such officers and servants as it thinks necessary.

(9) A resolution of the majority of the members of the Board present and voting as regards any matter arising under, or for the purposes of, the Scheme shall be the resolution of the Board.

6. Administrative Body.—(1) The Government shall, in respect of the class or description of dock work to which and the dock workers to whom the Scheme shall apply, appoint by notification in the official Gazette and subject to such conditions as it may require, a person or persons to act as an Administrative Body, which shall be responsible for the administration of the Scheme in respect of such class or description of dock work and dock workers.

(2) The same person or persons may be appointed to act as an Administrative Body for more than one class or description of dock work and dock workers.

(3) The Administrative Body shall be appointed for five years and shall be eligible for reappointment.

(4) For the purpose of the Scheme, the Administrative Body may appoint and pay such officers and servants as necessary.

(5) The Administrative Body shall cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under it; and shall make and submit to the Board an annual report and audited balance-sheet.

7. Functions of Administrative Body as to registers and other matters.—(i) Subject to and in accordance with the provisions of Clause 4(2) hereof, the Administrative Body shall be responsible to the Board for the administration of the Scheme in respect of the class or description of dock work or dock workers for which it has been appointed, and in particular but without prejudice to the generality of this Clause:—

- (a) the keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any person by whom dock workers are or are to be employed, and where occasion requires it, removing from the register the name of any employer, either at his own request or in accordance with the provisions of the Scheme;
- (b) the keeping, adjusting and maintaining the register or record of dock workers, including any register or record of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body that may from time to time be found necessary, and where occasion requires it, removing from the register or record the name of any dock worker either at his own request or in accordance with the provisions of the Scheme;
- (c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;
- (d) the grouping or re-grouping of registered dock workers in accordance with instructions received from the Board in such groups as may be determined by the Board;
- (e) the allocation of registered dock workers who are available for work to registered employers in doing which the Administrative Body shall—
 - (i) be deemed to act as agent for the employer,
 - (ii) make the fullest possible use of registered dock workers in the reserve pool,
 - (iii) keep the record of attendance at call stands or control points of registered dock workers,
 - (iv) provide for the maintenance of the records of employment and earnings;
- (f) (i) the payment as agent of the registered employer to each daily worker of all earnings properly due to the daily worker from the employer, and the payment to such daily workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;
- (ii) the payment of the employer's contribution to any scheme of insurance constituted under any Act in respect of daily workers and the custody and stamping of their insurance books or cards,

(iii) the payment of the employer's contributions to any scheme of provident fund established for daily workers;

(g) such other functions as may from time to time be delegated to it by the Board.

8. Appeal Tribunal.—(1) The Government shall appoint one or more Appeal Tribunals for the purposes of appeal under the Scheme.

(2) The Appeal Tribunal shall consist of not more than three persons, not being members of the Board or the Administrative Body.

9. Registration Committee.—The Board shall, if necessary, appoint one or more Registration Committees, to whom it may delegate such duties as it may think fit in relation to the registration both of dock workers and of employers of dock workers.

10. Obligations of registered dock workers.—(1) Every registered dock worker shall be deemed to have accepted the Obligations of the Scheme.

(2) A registered dock worker in the reserve pool who is available for work shall be in the employment of the Board.

(3) A registered dock worker who is available for work shall not engage himself for employment by a registered employer unless he is allocated to that employer by the Administrative Body, or unless he is engaged as a monthly worker.

(4) A registered dock worker available for work in the employment of the Board shall carry out the directions of the Administrative Body and shall—

(a) report at such call stands or control points and at such times as required,

(b) accept any employment in connection with dock work, or any other work agreed by the Administrative Body for which he is considered by the Administrative Body to be suitable.

(5) A registered dock worker who is available for work when allocated by the Administrative Body to employment by a registered employer shall carry out his duties in accordance with the rules of the port or place where he is working.

11. Obligations of registered employers.—(1) Every registered employer shall be deemed to have accepted the obligations of the Scheme.

(2) A registered employer shall not employ a daily worker other than such worker who has been allocated to him by the Administrative Body in accordance with the provisions of Clause 7(1)(e).

(3) A registered employer on the engagement of a registered dock worker who is available for work shall obtain his record book and stamp it in respect of each period of work and return it to him at the conclusion of his engagement, unless otherwise directed by the Administrative Body.

(4) A registered employer shall submit in accordance with arrangements made by the Administrative Body all available information of his current and forward labour requirements.

(5) A registered employer in accordance with directions given by the Administrative Body shall lodge with the Administrative Body a return of the gross wages (including overtime and allowances and without deductions of any kind) due from him to each registered dock worker in respect of the period covered by the return.

(6) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the total amount of the gross wages due to daily workers contained in the return made under the preceding paragraph.

(7) A registered employer shall keep such records as the Board may reasonably require, and shall produce to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto, as may be set out in any notice or direction issued by or on behalf of the Board.

12. Restriction on employment.—(1) No person other than a registered employer shall engage for employment or employ any worker on dock work nor shall a registered employer engage for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this Clause—

(a) where the Administrative Body is satisfied that—

(i) dock work is urgently required to be done, and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work,

the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker.

(b) in the case referred to in sub-paragraph (a) hereof, the person so employed as aforesaid by a registered employer shall, for the purposes of Clause 11(5), (6) and (7) and Clause 14, be treated in respect of that dock work as though he were a daily worker.

13. Circumstances in which Scheme ceases to apply.—(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this Clause shall affect any obligation incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

14. Wages, allowances and other conditions of service.—It shall be an implied condition of the contract between a registered dock worker available for work and a registered employer that—

(a) the rates of wages, allowances and overtime, hours of work rest intervals, holidays and pay in respect thereof and other conditions of service shall be in accordance with the agreements between the registered employers and registered workers or their organisations:

(b) the fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act.

15. Pay in respect of unemployment or under-employment.—(1) Subject to the conditions set out in this and the next following Clause, when a registered dock worker is in respect of any wage period when he is available for work but employment or full employment is not available for him, he shall be entitled to receive from the Board the amount (if any) that is appropriate for that dock worker as may be fixed from time to time by the Board.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that—

- (a) he attended as directed at the call stands or control points or was excused from attendance;
- (b) his attendance or his excused attendance was recorded.

16. Disentitlement to payment.—(1) A registered dock worker available for work who while in the reserve pool fails without adequate cause to comply with the provisions of Clause 10(4)(a) or (b) hereof, or fails to comply with any lawful order given to him by or on behalf of the Board, may be reported in writing to the Administrative Body.

(2) A registered dock worker available for work who while in employment to which he has been allocated by the Administrative Body fails without any adequate cause to comply with the provisions of Clause 10(5) hereof, or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the reserve pool, and, whether or not he is so returned may be reported in writing to the Administrative Body. When a registered dock worker is so returned to the reserve pool, his record book shall be returned to the Administrative Body.

(3) The Administrative Body shall consider any written report received under paragraph (1) or (2) hereof and if, after investigating the matter the Administrative Body notifies the registered dock worker that it is satisfied that there has been such failure or behaviour as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment as the Administrative Body thinks fit under Clause 15 hereof in respect of the wage period in which such failure or behaviour occurred or continues.

17. Disciplinary procedure.—(1) Where a registered employer fails to carry out the provisions of the Scheme, his name may be removed from the employers' register, subject to the approval of the Board, after one month's notice in writing given to him by or on behalf of the Administrative Body, and thereafter the name of that employer shall not be re-entered in the employers' register for a period of three months or such less period as the Administrative Body may determine.

(2) Where a registered dock worker available for work fails to comply with any of the provisions of the Scheme, then without prejudice to and in addition to the powers conferred by Clause 16 hereof, the Administrative Body may take any of the following steps as regards that worker:—

It may—

- (a) determine that for such period as it thinks proper he shall not be entitled to any payment under Clause 15 hereof;
- (b) give him a warning in writing;
- (c) impose a fine;

- (d) suspend him without pay for a period not exceeding three days;
- (e) give him one month's notice of termination of employment if he is monthly-rated and fourteen days' notice of termination if he is daily-rated;
- (f) dismiss him summarily.

(3) Before taking action under sub-clauses (1) or (2) hereof, the person concerned must be given an opportunity to show cause why action should not be taken against him.

18. Termination of employment.—(1) The employment of a registered dock worker in the reserve pool who is available for work shall not be terminated except—

- (a) by summary dismissal in the case of serious misconduct; or
- (b) by giving of fourteen days' notice in writing; or
- (c) so as to enable the worker to be employed in accordance with the provisions of the Scheme.

(2) A registered dock worker in the reserve pool who is available for work shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board or so as to be employed in accordance with the provisions of the Scheme.

(3) Where the employment of a registered dock worker by the Board has been terminated under paragraph 1(a) or (b), or under paragraph (2) hereof after notice given by him, his name shall forthwith be removed from the register or record.

19. Appeals.—(1) If a registered dock worker who is available for work is aggrieved because—

- (a) he is not entitled to any payment under Clause 15 hereof by reason of any of the matters set out in Clauses 16 or 17; or
- (b) he has been suspended from the Scheme; or
- (c) of his grouping or re-grouping in the register or record; or
- (d) his name has been removed from the register or record under paragraphs 1(a) and (3) of Clause 18; or
- (e) he has received notice to terminate his employment in accordance with paragraphs 1(b) and (3) of Clause 18,

he may, within seven clear days of being informed that he is not so entitled, or has been so suspended, or has been grouped or re-grouped in a particular manner, or within seven clear days of notice given to him of such removal or termination, lodge an appeal in writing with the Appeal Tribunal;

Provided that no appeal shall lie where due notice has been given preceding the removal of the name of the registered dock worker from the register or record in accordance with the instructions of the Board, if the grounds of removal are that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof, so, however, that an appeal may nevertheless be made upon the ground that the registered dock worker alleges that he does not belong to that class or description.

(2) The Appeal Tribunal shall, as soon as may be, hear the appeal and if the appeal is allowed, shall have power to order that the registered dock worker shall be entitled to receive any payment or proportion thereof which may be due under Clause 15 hereof, but subject to the conditions contained in that Clause, or shall be grouped in accordance with the determination of the

Tribunal, and the Administrative Body may in a case of summary dismissal, restore to the register or record the name of the dock worker as from such date, not being later than the date of the determination of the appeal as the Tribunal may decide and the dock worker shall be treated as if he had not ceased to be a registered dock worker as from that date and in any other case the Administrative Body shall retain the name of the dock worker on the register. In all cases the Tribunal shall have power to vary modify or alter the penalty imposed so, however, that it shall not have to be represented by a representative of the registered trade union of which he is member or by his fellow-worker.

(4) The decision of a majority of an Appeal Tribunal shall be the decision of the Tribunal.

(5) A registered employer who is aggrieved by reason of the fact that he has received notice under Clause 17(1) hereof that his name will be removed from the employers' register, may, within seven days of the issue of such notice, lodge an appeal with the Board, who shall forthwith refer the matter to the Government, who shall make such provision for its determination as may appear to them appropriate.

20. Suspension of notice in case of certain appeals.—Where in any case notice has been given that the name of a registered dock worker or a registered employer is to be removed from the register or record (as the case may require), the employers' register, or where a registered dock worker has received notice of suspension from work or from the provisions of Clause 15 hereof, and an appeal is lodged in accordance with the provisions of Clause 19 hereof, the operation of the notice (except in the case of summary dismissal and in a case of the disentitlement under Clause 16 hereof) shall be suspended pending the hearing of the appeal and if the appeal is allowed, the notice shall be treated as ineffective, but otherwise the notice shall be treated as effective.

21. Cost of operating the Scheme.—(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board in the manner following:—

Every registered employer shall pay to the Board—

- (a) such levy, whether by way of percentage on the gross wages set out in Clause 11(6) hereof or as otherwise agreed, together with and at the same time as the payment of those wages; and
- (b) at the same time as the payment under sub-paragraph (a) hereof, such levy whether by way of percentage on the gross wages shown as due to monthly workers in the return made under Clause 11(5) hereof or as otherwise agreed;

as the Board may in either case from time to time notify by public notice.

(2) In determining what payments are to be made by registered employers under paragraph (1) of this Clause, the Board may fix different percentages for different categories of work or workers, provided that the percentages shall be so fixed that the like percentages will apply to all dock employers who are in like circumstances.

(3) Before sanctioning a levy exceeding sixty per cent. of gross wages the Board shall report the matter to the Government and shall not sanction such a levy until it has taken into consideration any observations received from the Government within fourteen days of the receipt of the report by Government.

(4) A registered employer shall on demand make a payment to the Board

by way of deposit, or provide such other security for the purposes of the payment of the gross wages set out in Clause 11(6) hereof, and the percentage payments set out in paragraph (1)(a) and (b) of this Clause, as the Board may consider reasonably necessary.

(5) The Administrative Body shall furnish from time to time to the Board all such statistical and other information as may reasonably be required relating to the operation and finance of the Scheme.

SCHEDULE

Classes or descriptions of dock work and dock workers to which the Scheme applies

1. Stevedoring work other than coal work.
2. The following categories of stevedore working:—
 - (I) Foreman;
 - (II) Chargeman;
 - (III) Stevedore Tindal;
 - (IV) Winchman;
 - (V) Hatch-Foreman;
 - (VI) Khalasi;
 - (VII) Stevedore Worker;
 - (VIII) Cleaning Tindal;
 - (IX) Cleaning Worker.

1. S. C. JOSHI,
(Chief Labour Commissioner)—Chairman.

2. V. S. BHIDE,
Chairman, Bombay Port Trust (Representative of the Bombay Port Trust).

3. K. A. DUBASH,

4. DONALD J. HILL,
(Representatives of the Bombay Stevedores' Association).

5. G. H. KALE,

6. P. D'MELLO,
(Representatives of the Bombay Dock Workers' Union).

} *Members.*

Bombay, dated this 10th day of July 1948.

APPENDIX IV

Questions relating to actual working of the Scheme for regulation of employment of Bombay Stevedore Labour.

RECOMMENDATIONS OF THE COMMITTEE

1. **Stevedore's Register.**—(1) There shall be a Register of Stevedores.

(2) Every stevedore, who is licenced by the Bombay Port Trust at the time when the Scheme comes into operation and who has worked as a Stevedore in the Port of Bombay at any time during the preceding two years, shall be entitled to be registered under the Scheme; but no such person shall be so entitled unless he applied for registration on or before the date fixed by the Bombay Dock Labour Board (herein after referred to as the Board) for this purpose.

(3) Persons other than those registered under the above sub-clause shall not be registered as stevedores unless the Board considers it expedient and necessary to do so and in no case shall a person be registered until he has been licenced in that behalf by the Port Authority.

(4) A registration fee of rupees five hundred shall be payable to the Board by every stevedore.

2. **Workers' Registers.**—The registers of stevedore workers shall be as under, namely—

(i) *Monthly Register.*—Register of workers who are engaged by each stevedore on a contract of monthly basis known as monthly workers.

(ii) *Reserve Pool Register.*—Register of workers other than those on the Monthly Register. This register shall include a pool of junior stevedore workers to fill casual vacancies in gangs.

3. **Classification of Workers in Registers.**—In each of the registers, workers will be classified into the following categories, namely—

Foreman Grade I.
Foreman Grade II.
Foreman Grade III.
Chargeman.
Stevedore Tindal.
Winchman.
Hatch Foreman.
Khalasi.
Stevedore Worker—Senior.
Stevedore Worker—Junior.
Cleaning Tindal.
Cleaning Worker.

4. **Fixation of Number of Workers in Gang.**—The Stevedore tindal and stevedore senior and junior workers ordinarily work in a gang. Each cargo gang should consist of one tindal, three senior workers and four junior workers. A cleaning gang consists of one tindal and five workers. All other workers work singly. Normally cargo is to be handled by one gang per hook and in no case less than one gang per hook is to be employed. In handling heavy or special type of cargo, more than one gang may be employed, as may be decided by the Administration Body from time to time. Additional gangs for whatever purpose employed may, if so desired, be split up into parts.

5. **Fixation of Number of Workers on the Register.**—The total number of workers in each category shall be determined by the Board in consultation with the Port Authority.

6. Registration of Existing Workers.—Subject to the fixation of workers under clause 5, who are working at the time when the Scheme comes into force and who are registered by the members of the Bombay Stevedores' Association upto July, 31st 1948, shall be registered and placed into the categories which they respectively belong at that time.

7. Registration of New Workers.—(1) New workers will be selected for registration by the Registration Committee. The criteria for such selection should be age not exceeding thirty years, physical fitness, capacity and/or experience. Preference will be given to those possessing Indian nationality.

(2) New workers to be selected for registration will be on probation for a period of three months before being placed on a permanent basis in the registers.

8. Transfer of Workers.—(1) A vacancy in the category of worker in a register shall ordinarily be filled up by promotion of a worker from the next lower category.

(2) A vacancy in each category of the Monthly Workers shall be filled up by transfer of a senior worker in a similar category of the Reserve Pool Workers.

Explanation.—The criteria for promotion or transfer shall ordinarily be the following, viz.,

- (a) Seniority,
- (b) merit and fitness for work in the category to which promotion is to be made,
- (c) record of past service.

(3) The services of a monthly worker are terminated by the employer otherwise than in pursuance of disciplinary action in accordance with the provisions of the scheme, he shall be entitled to registration in the Reserve Pool in a similar category and his previous service should be reckoned for all benefits in the Reserve Pool. The employer shall contribute to the Board such amount as may be appropriate towards the workers leave that may be due to him at the date of such transfer.

9. Medical Examination.—If the Administrative Body deems it necessary, a worker will have to undergo medical examination by a Medical Board to be constituted by the Board.

10. Facilities for Training.—Adequate facilities for training shall be provided for workers.

11. Registration Fee.—A registration fee of rupees two shall be payable to the Board by each worker. Provided however that the fee for workers registered at the commencement of the Scheme shall be Rupee one.

12. Supply of Cards.—(1) Every registered worker shall be supplied, free of cost, with the following cards in the forms prescribed by the Board namely—

- 1. Identity Card,
- 2. Attendance Card,
- 3. Wage Card.

(2) In case of loss of a card a fresh card will be issued, but the cost thereof, which will be fixed by the Board, shall be payable by the worker concerned.

13. Surrender of Cards.—A worker's card shall be surrendered to the Administrative Body in the following cases and circumstances, namely—

- (a) when proceeding on earned leave,
- (b) when retiring from service,
- (c) when dismissed or discharged from service,
- (d) when temporarily suspended,
- (e) on death.

14. Employment of Workers.—(1) Workers on the Monthly Register attached to a stevedore employer shall be entitled to be employed by that stevedore in preference to any worker in the Reserve Pool Register.

(2) For the remaining available work, workers on the Reserve Pool Register will be employed.

15. Employment in Shifts.—(1) Workers will be employed in two shifts, namely, day shift and night shift.

(2) Workers will not ordinarily be employed in two consecutive shifts in a day and in no case will workers on Monthly Register be employed on a second shift so long as workers in a similar category are available on the Reserve Pool Register for work in that shift.

(3) Workers of each category on the Reserve Pool Register shall be allotted work by rotation.

(4) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.

16. Filling up of Casual Vacancies.—Casual vacancies in the Monthly and Reserve Pool gangs will be filled up in the following manner:—

When a tindal is absent, the senior man in the same gang will work as a tindal.

In the vacancies of workers in the gangs, workers from the Leave Pool will be employed by rotation.

17. Guaranteed Minimum Wages.—A worker on the Reserve Pool Register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs, even though no work is found for him for the minimum number of twelve days in a month.

18. Attendance Wages.—Subject to the provisions of the Scheme, a worker on the Reserve Pool Register who is available for work but no work is found for him, shall be paid Attendance Wages at the rate of rupee one per day for the days on which no work was found for him in the course of a calendar month. No attendance wages will be payable for any day for which full wages, inclusive of Dearness Allowance, have been paid.

19. Employment for a Shift.—No worker in the Reserve Pool Register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift, he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period.

20. Disappointment Money.—When a worker in the Reserve Pool presents himself for work and for any reason beyond the control of the employer, the work for which he has attended cannot proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he will be entitled to disappointment money equal to half the wage rates, inclusive of dearness allowance, appropriate to the category to which he belongs.

21. Welfare, Medical and Housing.—Welfare measures, including canteen, rest sheds, recreation and medical facilities on approved lines shall be provided for the workers. The Board shall make such arrangements in this behalf as it may deem expedient and necessary.

22. Standing Orders.—Standing Orders framed by the Board as required by the Industrial Employment (Standing Orders) Act, 1946, shall apply to all workers.

23. Works Committee.—Works Committees shall be constituted under the provisions of the Industrial Disputes Act, 1947.

24. Periodical Discussions with the Unions.—Periodical joint discussions between the Employers and the Workers' Union will be held.

H. C. JOSHI

Chairman

G. H. KALE

P. D'MELLIC

K. A. DUBASH

DONALD, J. HILL

V. S. BHIDE

APPENDIX V.

Terms of Agreement between the Bombay Stevedores Association and the Bombay Dock Workers' Union in the presence of the Chief Labour Commissioner (Central), the Chairman of the Committee appointed for preparing a scheme for regulating the employment of Dock Labour in the Port of Bombay.

It is hereby mutually agreed that on and after the date on which the Scheme for regulating the employment of Dock labour in the Port of Bombay will come into force, the terms and conditions regulating the wages, allowance, hours of work, holidays, leave, old age benefits, and other conditions of service shall be hereinafter stated and that the same will continue till they are modified by mutual agreement:

1. **Rates of Wages.**—The basic monthly pay and daily wages of the different categories of workers shall be as follows:—

Category	Basic monthly pay	Basic daily wages
	Rs.	Rs.
Foreman Grade I	320-20-440	..
„ „ II	220-15-310	..
„ „ III	140-10-200	4-12-0
*Chargeman	95	3-8-0
Stevedore Tindal	90	3-6-0
Winchman	65	2-6-0
Hatch Foreman	65	2-6-0
Khalasi	65	2-6-0
Stevedore Worker Senior	65	2-6-0
„ „ Junior	55	2-0-0
Cleaning Tindal	..	2-8-0
„ Worker	..	1-6-0

*The category of chargeman is to continue only with those stevedores where it exists at present and so long as the present incumbents are in service.

Note:—A monthly worker who at the date of the introduction of the Scheme is in receipt of basic pay more than the amount stated above against each category shall continue to be paid the difference as personal pay.

2. **Stream Allowance.**—Where work is carried on ships in 'stream', workers will be entitled to a 'Bhatta' allowance for each shift at the following rates, namely—

Category	Rate of allowance
	Rs.
Foreman, Grades, I, II & III	2-0-0
Chargeman	1-0-0

Category	Rate of allowance.
Stevedore Tindal	1 0 0
Winchman	
Hatch Foreman	
Khalasi	
Stevedore worker, Senior	
Junior	0 8 0
Cleaning Tindal	
" Worker	1 0 0
	0 8 0

3. **Dearness Allowance.**—Workers will be paid a dearness allowance at the rates and on the basis fixed by the Central Government for their employees in the City of Bombay. The present rates of dearness allowance are as stated hereafter.

Pay	Dearness Allowance
Rs.	Rs.
Up to 50	25 p.m.
51 to 100	35 "
101 „ 150	40 "
151 „ 200	45 "
201 „ 250	50 "
251 „ 300	60 "
301 „ 500	70 "

In the case of workers on daily wages, the rates of dearness allowance per day will be as under:—

Category	Dearness Allowance
	Rs.
Foreman Grade III	1 4 0
Chargeman	1 6 0
Stevedore Tindal	1 6 0
Winchman	1 6 0
Hatch Foremen	1 6 0
Khalasi	1 6 0
Stevedore Worker, Senior	1 6 0
" " Junior	1 6 0
Cleaning Tindal	1 6 0
Cleaning Worker	1 0 0

4. **Overtime Rates.**—Overtime work is work done in excess of normal working hours of a shift. For overtime work, wages will be paid at $1\frac{1}{2}$ times the hourly basic wage rate for every hour worked.

5. **Wages for Work on Holidays with Pay**—For work done on holidays with pay, wages will be paid at overtime rates in addition to the normal wages.

6. **Hours of Work.**—The normal working hours will be eight for day shift and six for night shift exclusive of rest intervals.

7. **Permissible Extent of Overtime.**—(1) The normal maximum permissible extent of overtime will be four hours in the docks and six hours in the 'stream'.

(2) In case of work in 'stream', intervals will be allowed for meals and rest and the normal rest and meal intervals shall not be paid for.

8. **Days of Rest.**—Sunday shall ordinarily be observed as a day of weekly rest and for work done on that day the wages will be at the overtime rate in addition to the dearness allowance at the usual rate.

9. **Holidays with Pay**—Holidays notified by the Bombay Port Trust as holidays with pay for their workers doing work on shore will be observed as holidays with pay for all stevedore workers.

10. **Leave.**—(a) All workers shall be entitled to grant of earned leave with pay, inclusive of dearness allowance, at the rate of $1\frac{1}{4}$ days for each completed month of continuous service, subject to accumulation up to a maximum of 30 days.

(b) All workers shall be granted leave on medical certificate on half pay for 15 days in calendar year (non-cumulative).

(c) All workers shall be entitled to grant of casual leave for 10 days in each calendar year, provided however that not more than 5 days shall be granted at one time or in any one month.

(d) The Bombay Dock Labour Board (hereinafter referred to as the Board) shall frame rules governing the grant of earned, medical and casual leaves. These rules shall also be observed by employers of monthly workers.

11. **Provident Fund.**—(a) The Board shall constitute a Provident Fund for the Reserve Pool and Monthly Workers to which each worker shall have to subscribe monthly at the rate of $8\frac{1}{2}$ per cent of his basic wages, inclusive of attendance wages. The Board in the case of Reserve Pool Workers and the employers in the case of monthly workers shall make an equivalent contribution at the end of each year.

(b) The Board shall frame rules for the Provident Fund.

12. **Special Contribution to the Provident Fund (Gratuity).**—(a) All workers who have put in 15 years continuous service, which in the opinion of the Board has been good, efficient and faithful, shall be granted at the date of retirement or death a special contribution equal to half month's basic wages for each completed year of service subject to a maximum of 15 months wages.

(b) The Board shall frame rules for grant of special contribution to the Provident Fund and fix the amount to be recovered from employers of monthly workers.

S. C. JOSHI

Chairman

V. S. BHIDE

Chairman, Bombay Port Trust

G. H. KALE } Representatives of the Bombay
P. D' MELLO } Dock Worker's Union

K. A. DUBASH } Representatives of the
DONALD J. HILL } Bombay Stevedores'
Association

APPENDIX VI.

Statement showing the approximate costs of the Scheme and the additional benefits and privileges to the workers to be recovered from the employers by way of levy under Clause 21 of the Scheme.

(a) No. of workers on Reserve Pool Register	..	2500	0	0
(b) Average Daily Basic Wage	..	2	6	0
(c) Average Daily Dearness Allowances	..	1	6	0
(d) Attendance allowance	..	1	0	0
(e) Average number of shifts worked by each worker in the month	20			
(f) Average number of workers absent for leave etc. (say 10%)	250			
(g) Average number of worker available for work	2250			
Total Basic Wages per month.	Rs. 2-6-0 = 20×2250	=	106,875	
Total Dearness Allowance per month.	Rs. 1-6-0 $\times 20 \times 2250$	=	61,875	
Total Wages chargeable to Employers per month			168,750	
Attendance Money (6 days)	= Rs. 1-0-0 $\times 6 \times 2250$		13,500	
Average total monthly income of a worker	= Rs. 3-12-0 $\times 20$ + Rs. 1-0-0 $\times 6$	=	81-0-0	
Average basic monthly income of a worker	= Rs. 2-6-0 $\times 20$ + Rs. 1-0-0 $\times 6$	=	53-8-0	
<i>Monthly Expenses of Scheme.</i>				
(i) Leave Expenses and Holidays with pay.				
Privilege Leave	15 days.			
Sick "	7½ " (15 days at half pay).			
Casual "	10 "			
Holidays with pay	12 "			
	44½ "	per annum.		
Average per month	= Rs. $\frac{3-12-0 \times 44.5 \times 2500}{12}$	=	Rs. 34,766	20.6
(ii) Provident Fund Contribution	= Rs. $\frac{53-8-0 \times 2500}{12}$	=	Rs. 11,146	6.6
(iii) Special Contribution (Gratuity).	15 days per year of service (basic pay)			
Average per month	= Rs. $\frac{2-6-0 \times 15 \times 2500}{12}$	=	Rs. 7,422	4.4
(iv) Workmen's Compensation Insurance 3% on total wages =				
Rs. 81-0-0 $\times 2,500 \times \frac{3}{100}$		=	6,075	3.6
(v) Attendance Money		=	13,500	8.0
(vi) Office Establishment Salaries and wages	Rs. 8,000			
Provident Fund, Leave, etc.	2,000			
Rent.	1,000			
Stationery and Audit	750 =			
			11,750	7.0
(vii) Provision for Welfare measures, medical facilities, housing &c.			16,537	9.8
(viii) Provision for a Reserve Fund				
			101,196	60.0

Percentage levy on wages charged to employers

$$\frac{101196}{168750} \times 100 = 60\%$$

The 10th July 1948

S. C. JOSHI,
Chairman.