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REPORT

OF THE

STUDY GROUP FOR PORTS AND DOCKS

NATIONAL COMMISSION ON LABOUR

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FOREWORD

The National Commission on Labour appointed the Study Group for Ports and Docks in its attempt to assess the changes in working and living conditions of workers in Ports and Docks since Independence and the working of the Dock Workers (Regulation of Employment) Schemes. The Study Group was required to examine in particular the measures adopted in Ports for improving the efficiency and productivity of workers. This was one of the series of Study Groups set up by the Commission for reviewing the changes in conditions of labour in different industries. The Study Group was required to analyse the available information and project its thinking on problems relating to Port and Dock workers in the years to come.

The views expressed in the Report are the views of the Study Group. In examining them for framing its final recommendations, the Commission will attach due importance to these views coming as they do from knowledgeable persons. In the meanwhile, the Report is being published by the Commission with a view to seeking comments on it from persons/institutions interested in the development of Ports and Docks.

The Commission is grateful to the Chairman and Members of the Study Group individually for completing their work within the time limit fixed for them. The Commission is also grateful to all institutions/persons who may have helped the Study Group in reaching conclusions.

P.B. Gajendragadkar
Chairman

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National Commission on Labour

REPORT OF THE STUDY GROUP FOR PORTS AND DOCKS

INTRODUCTORY

The Government of India set up, on December 24, 1966, the National Commission on Labour to review the changes in the conditions of labour since Independence and to make recommendations, *inter alia*, on the levels of workers' earnings, standard of living, social security, labour legislation, and existing arrangements for labour intelligence and research, etc., which may serve as guidelines for the future. In April 1967, the Commission issued a comprehensive questionnaire for eliciting the views, with statistical support, of the Central and State Governments, employers' and workers' organisations, and institutions/persons working in the field of labour-management relations. In view of the comprehensive nature of the enquiry and the need for tapping the expertise available within the country on labour problems in different industries, the Commission set up a number of Study Groups.

2. The National Commission on Labour constituted, on August 1, 1967, a Study Group for Ports and Docks consisting of the following members:

(1)	Shri L. M. Nadkarni, I. C. S.	(Chairman)
(2)	Shri S. M. Dikhale	Representatives of Employers
(3)	Shri S. K. Ghosh	
(4)	Shri S. C. Sheth	Representatives of Labour
(5)	Shri S. R. Kulkarni	
(6)	Shri Makhan Chatterjee	
(7)	Shri R.K. Guha	Independent Members
(8)	Dr. C.K. Johri	
(9)	Shri N.S. Mankiker	
(10)	Shri Batuk H. Mehta	(Secretary)

The Study Group has been asked, *inter alia*, to—

(a) ascertain facts from available literature ;

(b) draw conclusions and suggest solutions to the problems posed by the Study Group for the consideration of the Commission;

(c) review the working of the Dock Workers' (Regulation of Employment) Schemes; and

(d) undertake a thorough examination of the measures adopted in the ports for improving the efficiency and productivity of the workers.

The relevant Notification of the Commission is at Annexure I.

3. At the preliminary meeting of the Study Group held on August 31, 1967, it was decided that the Group should make an objective assessment of the prevailing conditions and practices in the ports including identification of major problem areas, diagnosis of the problems, and indicate the directions in which the solutions of these problems could be suggested to the Commission; for the speedy completion of its task the emphasis was to be on the interpretation of existing data and not on collection of additional information. However, with a view to be of real help to the Commission on the important points required to be dealt with by it, the Study Group requested Port Trusts, Dock Labour Boards and other employers of Dock labour to furnish information on different points in the *proforma* at Annexure II. Of the 74 employers to whom the *proforma* was sent, only 20 furnished the information. The members of the Group studied the replies in detail before making their recommendations.

4. The Study Group held two sessions, of two full-days each, in September and October 1967, when the members discussed in great detail the subjects contained in the different sections of the Commission's Questionnaire Shri P.K. Bhaumik, Joint Director of the Commission, also participated in the discussions by invitation. The Study Group has framed, in the following paragraphs, its recommendations based on the knowledge of the working and living conditions of port and dock workers in the country and the other information which was made available to it. The members, representing labour and employers, had full opportunity of assessing in an impartial and objective manner the merits and demerits of each problem, and every endeavour was made to secure unanimity as far as possible ; on a few issues on which unanimity had not been possible, a clear statement of the points of difference has been recorded in this report.

I. RECRUITMENT AND INDUCTION

RECRUITMENT

5. The mode of recruitment followed at the different ports is that the Port Trusts and the Dock Labour Boards generally engage their Class III and Class IV employees from those registered with the Employment Exchange, but other employers in the ports engage them directly. The labour members desired that all private employers at each port should engage the different categories of workers only through the Employment Exchange; for that purpose the Employment Exchange at each port should register and maintain a special pool of dock workers. In the alternative, they suggested that in view of the national character of the port industry and the very large field of employment available at all ports, there should be a Service Commission constituted at each port so that it could advertise the different vacancies of technical and other posts available in the port with the different employers giving detailed particulars of the requirements of the posts concerned and recruit the best available men for the respective jobs. The representatives of employers held different views as there were practical difficulties in adopting the suggestions made by the other side. While it was obligatory on the employers to notify all vacancies to the Employment Exchange, it was not incumbent upon them to select men recommended by the Employment Exchange. The requirements of private employers at each port varied from day to day depending upon the work available with each, and men were required for jobs at different points from day to day. Instead, therefore, of making it incumbent upon the private employers to obtain all their requirements of labour through the Employment Exchange, a pool of dock workers, category-wise, should be established and the employers should be enjoined to draw their requirements of labour from such pool. In so far as the Port Trusts were concerned, recruitment to the different cadres of their employees were normally made through staff selection committees; it would therefore suffice if private employers at each port were required to obtain first their labour requirements through the Employment Exchange and only if the latter were unable to meet them, they should be permitted to make their own arrangements. On the other hand, there were shortages of a few specialised

categories, such as Motor Mechanic, Electrician, Winchman, etc., and the Employment Exchange was unable to meet the requirements. Various other suggestions made by the members were considered and the Study Group decided to make the following unanimous recommendation in the matter :-

"A man-power budget should be prepared for each port, particularly for those categories of workers in short supply, keeping in view the future requirements of all ports. A pool of all available technical staff, including those in the categories in short supply, should be maintained for all ports so that any port can draw upon the pool for filling its vacancies, subject, however, to workers concerned agreeing to inter-port transfer. Arrangements should also be made for training all existing personnel in technical jobs and those performed by the particular categories in short supply. The training should not be restricted to particular trades, but should encompass a broad and general knowledge of port working with a view to developing in the trainees a sense of belonging to the port and inculcating in them a pride for the port industry."

6. **Migratory Character of Labour :** A large number of workers employed by different stevedores usually migrated every year during the three months of April, May and June; they even took leave without pay. This adversely affected port working and was keenly felt in the important categories of Winch Drivers and Hatch Signalmen. The problem did not arise in the case of shore workers as all vacancies occuring during the harvesting season were filled in from amongst the casual labour. The suggestion that each stevedore should maintain a sufficient leave reserve was not practicable, being uneconomical. The only solution to the problem was to encourage inter-changeability of stevedore workers in the different categories ; the Study Group, therefore, recommended that a sufficient number of workers in the stevedore gangs should be trained as Winch Drivers and Hatch Signalmen so that they could be available for work in these categories.

7. **Casual Labour :** The Study Group took note of the fact that employment of some casual workers was unavoidable in the working of any port as the demand for labour in the port, particularly for those categories which were directly engaged in cargo handling work, was fluctuating by nature depending as it did on many factors such as arrival and departure of vessels, volume and nature of cargo handled, seasonal and cyclical fluctuations, etc. The representatives of labour on the Study Group were, however, of the view

that the nature of work in the port industry was such that all workers required for employment should be made permanent and that no person should be kept as casual as the existence of casual workers developed a casual attitude towards work and industry. A separate note containing the views of Sarvashri S.R. Kulkarni and Makhan Chatterjee, labour members of the Study Group, regarding employment of casual labour in the ports is at Annexure X.

INDUCTION

8. **On-the-job Training :** The consensus amongst the members was that "on-the-job" training of workers should be introduced, as far as practicable, with a view to minimising the difficulties caused by seasonal absenteeism. A suitable suggestion has been made by them in their recommendation on "recruitment" in para 5 above.

9. **Facilities for Improving Skill Outside Place of Work :** While the members of the Study Group were in favour of extending to the port and dock workers, wherever necessary, facilities for improving their skill outside place of work, they were of the view that the concession should not be taken advantage of by the workers to the detriment of the interests of the employers in particular and of the port industry in general. It was, therefore, decided to make the following recommendation :-

"Normally, facilities for improving skill should not be made available to an employee outside his place of work in the port; if, however, the port industry required certain employees to be trained in a particular job and facilities therefor were not available in the industry itself, the employees concerned should be permitted to avail of facilities for such training outside the place of work and for that purpose they should be encouraged by the employers without any monetary loss to the employees."

10. **Promotion Policy :** On the question of following a rational promotion policy for the different categories of port and dock workers, the consensus amongst the members was as follows : for ordinary posts the basic principle for promotion of workers should be seniority-cum-suitability ; for posts requiring special skill, knowledge, or a high degree of efficiency, promotions should be made mainly on the basis of merit, such merit being determined by record of work of the employee concerned coupled with written and/or oral examination as the case may be or trade test depending upon the nature of the higher post.

II. CONDITIONS OF WORK

WORKING CONDITIONS

11. **Holidays** : In the matter of national and festival holidays, the members were generally of the view that the number of holidays for all port and dock workers, throughout India, should be uniform after taking into account the festival holidays and the number of days of casual leave; the question as to how many holidays and how much casual leave should be prescribed for all workers at all ports should be left to be settled by collective bargaining subject to the proviso that their number and extent should be equal at all ports and should be fixed consistently with the requirements of port efficiency. The number of holidays on which the port work was closed should be kept to the barest minimum. The labour members were of the view that in the matter of the quantum of paid holidays and casual leave and all other types of leave there should be no discrimination between one employee and another employee and the quantum thereof should be decided by collective bargaining.

12. **Contract Labour and Labour Employed by Contractors** : The Study Group was of the unanimous view that, wherever possible, works of a continuing nature should be carried out departmentally and in cases where contractors had to be engaged, the relative work contract should include a more comprehensive "Fair Wage Clause".

13. **Implementation of Statutory Benefits** : The members representing employers were of the view that trade unions and employers should be able usefully to participate jointly in the implementation of statutory benefits/provisions through Works Committees, the growth of which should be encouraged at lower levels However, except at the Madras Port, it had not been possible to constitute Works Committees at the other Ports. The representatives of employees on Works Committees could be sponsored by the Unions and they could jointly with the employers' representatives play a useful role in implementing various statutory benefits/provisions in respect of (a) conditions of work such as ventilation, lighting, and sanitation, (b) amenities such as drinking water, canteens, rest rooms, medical services, etc., (c) safety and accident prevention, occupational diseases, and protective equipment, (d) fixation of festival and national holidays,

and (e) administration of welfare and fine funds. The members representing labour held very strong views in the matter ; they felt that Works Committees would not be useful in the port industry as employers would use them as a handle to undermine trade unions. In their opinion, it was only the function of a labour union to take up direct with the employers all labour matters including grievances.

SAFETY AND HEALTH

14. **Statutory Provisions :** The safety, health and welfare of the port and dock workers are covered by (1) the Indian Dock Labourers' Regulations, 1948 framed under the Indian Dock Labourers Act, 1934, and (2) the Dock Workers (Safety, Health and Welfare) Scheme, 1961 framed under the Dock Workers (Regulation of Employment) Act, 1948. The Regulations apply to all stevedore workers employed on board any vessel within the limits of a port and also to shore workers doing work "alongside" a vessel. The Scheme applies to all "Dock Workers" employed in, or in the vicinity of any port, on work in connection with loading and 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 leaving port. The provisions of the Indian Dock Labourers' Regulations, 1948 cover all the technical provisions of the I. L. O. Convention No. 32 (Revised), such as safety and lighting of work-places and approaches, safe transport of workers to or from a ship by water, provision of life saving appliances, first-aid and ambulance carriages, washing facilities, safe access between shore and ship, from ship to another vessel, and between dock and hold of a ship, safety in the use of hatches of ships, safety of lifting machinery and gear on board ships or on shore, and safety of operations carried on board ships. The health and welfare provisions of the Dock Workers (Safety, Health and Welfare) Scheme, 1961 are on the lines of those under the Factories Act, 1948 and include provision, by the port authorities, of drinking water, latrines, urinals, spittoons, lighting, ventilation, washing facilities, first-aid and ambulance rooms, ambulance carriage, canteens, rest sheds, etc. The safety provisions of the Scheme are on the lines of those in the I. L. O. Code of practice on safety in dock work and include safety of wharves, quays, yards, approaches, warehouses, and storage places, safety of lifting machinery and gear and of transport equipment and operations, safety while handling

cargoes, particularly those containing dangerous substances, and safety in construction and use of ladders, staging, etc. The administration of the two statutes has been entrusted by the Government of India to the Director General, Factory Advice Service and Labour Institutes; an Inspector, Dock Safety, has been appointed at each port whose duties include inspection of ships and of cargo handling and other facilities in the port area, investigation of accidents and dangerous occurrences, and advice to port authorities and to employers of dock workers and their unions on matters concerning the safety, health and welfare of the workers. The Study Group was of the view that clauses 12(2) 16, 19, 20, and 21 of the Dock Workers (Safety, Health and Welfare) Scheme, 1961 relating to lighting in docks, provision of ambulance room, canteens, and rest sheds, and appointment of Welfare Officers, which had not been brought into force so far, should be made operative as early as possible.

15. **Consolidation of Safety Legislation :** The Dock Workers (Safety, Health and Welfare) Scheme, 1961 covers health and welfare of all port and dock workers and also safety of those workers as are not covered by the Indian Dock Labourers' Regulations, 1948 ; the scheme covers only those workers who are not governed by the Regulations. Although the Regulations and the Scheme are not in conflict legally, some confusion has been experienced in the administration of their respective provisions, particularly with regard to their applicability to shore workers ; some of them when carrying on processes alongside the ships are covered by the Regulations and the rest of the workers carrying on operations in other parts of the port are covered by the Scheme. Further, there are many common provisions in the two statutes relating to safety of workplaces and approaches, testing of lifting machinery and gear, and notification of accidents and dangerous occurrences. The Study Group, therefore, decided to recommend to the Commission that a comprehensive common statute should be enacted bringing together the various provisions of the Regulations and the Scheme. The consolidated statute should contain clauses assigning responsibility for compliance of the different provisions by the parties concerned ; new provisions should be included therein to cover modern methods introduced in ports for lifting, carrying and transporting cargoes by mechanical means. The members of the Group were of the view that the fines imposed by Courts for breaches of the provi-

sions of the Regulations and the Scheme were low and should be enhanced in the new legislation.

16. **Rate of Accidents and their Causes :** The total number of accidents reported under the Indian Dock Labourers' Regulations, 1948 at the different ports during the years 1949 to 1966 is given in Annexure III. The rate of accidents increased till 1956 and since then it remained more or less steady ; since 1961 there has been a decrease in the rate at the Ports of Calcutta and Bombay. The sharp increase in the number of accidents at Cochin since 1963 was due to better reporting of accidents with the formation of the Dock Labour Board at the Port. The classification of the accidents, reported under the Regulations, by main causes during the years 1962 to 1966 is shown in Annexure IV, which also gives the five year average percentage of the total number of accidents under each cause. Accidents which occurred through "handling of cargo"aceounted for the highest percentage, *viz.* 34.65 ; the second highest percentage of 17.2 was for accidents due to "handling of articles other than cargo". The third highest number of accidents occurred under the head "struck by falling bodies" which constituted 12.6 per cent of the total and "stepping on or striking against objects" accounted for 12.2 per cent. The total number of accidents reported under the Dock Workers (Safety, Health and Welfare) Scheme, 1961 at the different ports during the years 1962 to 1966 is given in Annexure V; their rate has increased from year to year due to better reporting. The classification of the accidents, reported under the Scheme, by main causes during the years 1962 to 1966 is shown in Annexure VI, which also shows the five year average percentage. Accidents due to "handling of cargo" were the highest, the average during the five year period being 20.8 per cent; those under the head "struck by falling bodies" were the second highest, *viz.* 19.1 per cent, followed by 17.2 per cent of accidents under the cause "persons falling". The accidents which occurred due to "handling of articles other than cargo" constituted 12.6 per cent of the total. The accidents which are reportable under the Regulations are not required to be reported under the Scheme. It may be seen from the figures given in Annexures III and V that although the rate of accidents under the Regulations has stabilised, that under the Scheme has continued to rise ; this is due to the fact that the reporting of accidents under the Scheme, which was introduced in 1961 has progressively continued to improve.

17. **Training in Dock Work and Safety** : The satistics given in Annexures IV and VI prove that half of the total number of accidents were caused during handling of cargo and of other articles ; investigations into these accidents by the Dock Safety Inspectorate showed that many of these were caused by failure of human element due to lack of training. The members of the Study Group were of the view that a large number of these accidents could be prevented by careful handling of cargo under proper supervision; this could be achieved by training dock workers, supervisory staff and employers in safe methods of handling of cargo and other articles. Accidents to workers who were struck by falling bodies also constituted a large number and these could be reduced if slings were not overfilled and if hoisting and lowering of cargo were done carefully. Barring the safety programmes, conducted since 1955 by the Dock Safety Inspectors at different ports, consisting of a series of talks on safety in dock work, for the benefit of the supervisory staff of the port authoritities and the stevedores, there has been no organised effort for training the workers in dock work and in safety methods. The Study Group decided to recommend as follows :

"(1) It should be made obligatory on all port employers to engage supervisory personnel properly trained in dock operations ; and

(2) A training school should be set up at each port; it should be staffed with qualified and experienced instructors and should be equipped with demonstration models of different types of cranes, derricks, mechanical handling gear, etc., and other audio-visual aids. The training to be imported by the School should comprise the following courses—

(a) Basic Training in dock work and safety methods to all dock workers including the leaders of their respective gangs.

(b) Training of Specialists—to cover special categories of workers such as hatch-foremen, winchmen, crane drivers, tally-clerks, etc.

(c) Training of Supervisory Staff—to cover foremen and supervisors employed on board ships and other supervisory staff employed on shore.

(d) Refresher Courses—to be organised periodically for all dock workers and supervisory staff

with a view to keeping them posted with changes and developments in cargo handling methods."

18. **Safety Consciousness :** With a view to arousing and maintaining safety consciousness amongst port and dock workers and their employers, Dock Safety Committees comprising representatives of Port Trusts, Dock Labour Boards, stevedores, and workers, have been set up in different ports ; their principal functions include periodical inspection of workplaces with a view to detecting unsafe conditions and practices, planning and organising safety propaganda through the media of posters, literature, film shows, safety talks etc., constituting safety awards for workers and employers, organising 'safety weeks', and study of accidents. While the Committees have attained a certain measure of success in making the dock workers safety-conscious, much more is left to be done in the matter ; the Study Group was of the view that more concerted efforts should be made by the Committees.

19. **Welfare Measures :** The Dock Workers (Safety, Health and Welfare) Scheme, 1961 requires the port authorities to provide welfare measures such as latrines, urinals, spittoons, washing facilities, first-aid facilities, ambulance carriages, ambulance rooms, canteens, rest-sheds, etc. In 1964, the Government of India constituted a Committee, with Shri N.S. Mankiker as its sole member, to enquire into the welfare facilities available to dock workers at the different ports and to recommend what further amenities should be provided. The Committee has, in its Report, complained about the inadequacy of certain welfare facilities and about the poor maintenance and general lack of supervision of the existing facilities ; the various defects and deficiencies found by the Committee in the existing welfare facilities at each port have been given in the Appendices to its Report. The Study Group was of the view that the recommendations of the Mankiker Committee on Welfare Measures should be implemented by the port authorities and other employers concerned. In particular, in some ports, acute shortage of water supply was felt on account of inadequate supply by Municipal Authorities and they should be exhorted to improve the water supply arrangements at these ports.

20. **Safety (Protective) Equipment :** The Indian Dock Labourers' Regulations, 1948 and the Dock Workers (Safety, Health and Welfare) Scheme, 1961 require that if by reason of work being carried on by dock workers dust, fumes or

other impurities are given off, which are of such nature and extent as are likely to be injurious or offensive to the workers, they should be provided with suitable protective equipment. The Regulations and the Scheme also require that if during any process involving the handling of a caustic or corrosive substance there is likelihood of any spillage or leakage of the substance, no worker should be allowed to work without wearing suitable protective clothing or other equipment. Gloves, goggles, dust respirators, aprons, etc., manufactured in the country are not comparable in quality and design to those available abroad and the workers have not found them comfortable for use. The Study Group, therefore, decided to recommend that a factory should be set up, if necessary in the public sector, for the manufacture of protective equipment required for the dock workers, preferably in collaboration with a foreign manufacturer so that his long experience in the suitability and design of such equipment could be of great advantage. The resistance of the dock workers to the use of protective equipment due to traditional habits, could be overcome by proper education and training; a short course on the subject could be imparted to them by the Training School recommended in paragraph 17 above. The Study Group also suggested that a list of hazardous and dusty cargoes and the type of personal protective equipment to be used should be circulated to the dock workers at all ports in the regional languages understood by them. The Study Group further recommended that a fully qualified Safety Officer should be appointed at each Port to advise on the precautionary measures to be taken in connection with the loading, unloading, storage, and handling of hazardous and dangerous cargoes.

III. TRADE UNIONS AND EMPLOYERS' ORGANISATIONS

FEDRATIONS OF EMPLOYERS' AND WORKERS' ORGANISATIONS

21. **Attitudes and Role of Trade Unions/Employers' Organisations :** During the last decade the attitudes of trade unions and employers' organisations in the ports towards each other and towards Government had undergone a change in the direction of reaching bipartite agreements. The Study Group was of the view that bipartite agreements in the port industry were a welcome feature. While industrial peace at a particular port might be secured by settling disputes at the local level without the intervention of Government, there could be repercussions at other ports and that factor had to be borne in mind both by the port employers and the labour leaders settling the dispute unilaterally and by the Government which was responsible for the planned development and proper functioning of all ports in the country ; although each Port Trust was an autonomous body constituted under an Act of Parliament, it was not fully autonomous, as beyond a prescribed limit, Government was vested with financial control over its affairs. If a particular demand involving substantial financial commitment was pressed by the federation or the union concerned at a particular port, it was likely to be taken up by other unions at other ports ; while one port may have the capacity to meet the demand, others might not have it without seriously impairing their development plans. The independent members of the Study Group endorsed the views of the employer-members, particularly in view of the difficulties involved in settling disputes unilaterally at local levels, and commended that the all-India labour leaders should keep before themselves the broader perspective of the establishment of a socialist society and of achieving planned economic development of the country as a whole and co-ordinate this wider outlook with the interests of the workers in the ports sector. The consensus amongst the members of the Study Group was that "there should be, in all major disputes, a joint consultation between the various employers' organisations and the labour federations, without prejudice to the right of labour to have bipartite consultation at each port level". The eight major Port Trusts, unlike the all-India Federations of Labour, had

not formed any federation ; only a consultative body of all Port Trusts, called the "Ports Consultative Organisation" had been set up for facilitating exchange of views between them. The Study Group agreed that there should be prior discussion of all major labour problems between the recognised labour federations and the Inter Port Consultations Organisation ; this principle should also apply to other employers of port and dock workers.

TRADE UNIONS CONSTITUTION AND FINANCE

22. **'Closed Shop' or 'Union Shop' System** : The system of 'closed shop' in which only members of a union in good standing were hired or retained as employees, and that of 'union shop' in which the employer had agreed to keep only union men on pay-roll were not prevalent in any of the ports. The employers' representatives and the independent members were of the view that in our country with a democratic set-up every worker should have the right to join any union of his choice and the adoption, therefore, of 'closed shop' or 'union shop' practice in the ports sector was out of question.

23. **'Check off' system** : The employer-members of the Study Group were not in favour of the introduction of the 'check off' system, in which the employer deducted the union's dues from pay and handed over such deductions to the union, as there were many unions in the ports and each worker had a right to join any one or more of them at a time.

TRADE UNION—LEADERSHIP AND MULTIPLICITY

24. **Outsiders in Trade Unions** : Section 22 of the Indian Trade Unions Act, 1926 restricted the number of "outsiders" who could be office-bearers of a trade union to one-half of their total number; the other half were required to be persons actually engaged or employed in an industry with which the trade union was connected. The employers' representatives were of the view that the impact of political parties on the pattern of trade union development in the country was considerable; in the ports, some trade unions had generally developed as handmaids of political parties and there had been considerable outside influence on their activities. They were, however, conscious of the fact that in view of the peculiar conditions under which the trade union movement had developed in the country, if only employees in an industry were permitted to become office-bearers of a

union, it would not be possible to develop healthy employer-employee relations in that industry. The labour members clarified that the term "outsiders", in so far as the unions in ports were concerned, should exclude those leaders who had spent the best part of their trade union career in looking after the interests of the port and dock workers. The Study Group decided to make the following unanimous recommendation :-

> "Progressively, the number of 'outsiders' as office-bearers of a trade union should be reduced and instead internal leadership should be encouraged; even among the 'outside' office-bearers, only professional trade union leaders and not political workers should be permitted to hold office in the 'executive' of a trade union".

25. **Multiplicity of Trade Unions :** Under Section 4 of the Trade Unions Act, 1926, seven persons were necessary for the formation of a union and upon their subscribing their names to the rules of the trade union and complying with the provisions of the Act with respect to registration they were entitled for registration of their union under the Act. It was, however, felt that there should be some obligation on the part of employers to recognise trade unions which were only representative; with that end in view the Trade Unions (Amendment) Act was passed in 1947 but its provisions have not yet been brought into force by the Government. The Amendment Act provides for obligatory recognition of representative trade unions and for reference to an industrial court of any dispute about the representative character of a particular trade union. By an amendment of the Industrial Disputes Act in 1965 an individual workman had been given the right to raise a dispute regarding his dismissal, discharge, or retrenchment by his employer before an industrial court notwithstanding the fact that no other workman nor any trade union of workmen was a party to that dispute; this right undermines the influence of a representative union and should therefore be taken away. The Study Group decided to recommend to the Commission as follows :—

> "(a) The Indian Trade Unions (Amendment) Act, 1947 should be enforced with such modifications as might be deemed expedient for recognition of representative unions, and rules under the amen-

ded Act for the recognition of unions should be properly framed.

(b) Section 2A of the Industrial Disputes Act, 1947 (incorporated by Act 35 of 1965) should be deleted."

TRADE UNION RECOGNITION

26. **Representative and Recognised Unions :** The Code of Discipline in Industry has not been adopted in the port industry; for the purpose of adopting the Code certain conclusions were reached at the joint meeting of representatives of Port Trusts and labour federations held in November 1964 and only the criteria for recognition of unions in the ports were left to be finalised by a Sub-Committee, but it had not been possible to reach any agreement. According to the criteria, as envisaged in the Code, a union may claim to be recognised as a representative union of a particular port if it has a membership of at least 25 percent of all workers of that port authority. With a view to obviating the possibility of having three other representative unions, each having 25 per cent membership, it was necessary to amend suitably the criteria for recognition of unions to ensure that only one union at a time was declared a representative union at each port. The members representing employers were of the view that for securing industrial peace in the ports the criteria for recognition of unions, as envisaged in the Code of Discipline, should be accepted. If that were done there would be at each port two categories of unions—a representative union and one or more recognised unions; while the former would have the right to represent all workers of the port authority as the sole bargaining agent, the other union or unions, having each a membership of 50 per cent or more of the workers in a particular department or section of the port authority, would have the right, as recognised in the Code, to deal with matters of purely local interest, such as, for instance, the handling of grievances pertaining to its own members. The representative union need not necessarily have 100 per cent membership to qualify as the sole bargaining agent; it should suffice if the representative union represented a fair proportion of the workers of each category in each section of the port so that in case a few workers, who were not represented by it, stopped work, the others loyal to the union would ensure that the port's work in that particular section was not affected. The object to be achieved was that, once a union was made the sole bargaining agent, it was the duty of the employers to resolve all disputes

across the table with that agent, and it was equally the duty of the agent to ensure that there was no stoppage of work. While the employers should have no mental reservation and should give their unqualified support only to the representative union as the sole bargaining agent, the latter must ensure that, even if a certain small section of disgruntled workers stopped work, the other workers carried on with the job. The labour representatives were of the view that there should be a single union at each port to be recognised by the employers as the sole bargaining agent; such union should be the real representative union so as to enable it to deliver the goods, the goods being stable industrial peace.

Theoretically, such an arrangement would presuppose cent per cent workers rallying round the single representative union, but in actual practice there would always be a few workers who might stay away from the single representative union recognised as the sole bargaining agent. While the union during the period it was the sole bargaining agent would try for industrial peace in all sections of the port, it might not be possible to avert stoppage of work by a few recalcitrant workers, but the labour members were confident that such stoppage would not last long and the workers by and large would always rally round the sole bargaining agent. For achieving this end, the employers must give their fullest co-operation to the sole bargaining agent and their suggestion, therefore, that besides the sole bargaining agent other union or unions having a membership of 50 per cent or more of the workers in a particular department or section of the port should have the right to deal with matters of purely local interest, such as individual grievances, was not feasible as such union or unions would constantly strive to extend their influence resulting in conflicts between employees in the different sections.

27. **Method for Selection of Sole Bargaining Agent :** The representatives of employers and the independent members of the Study Group were of the view that the method to be adopted for selection of a representative union to be recognised as the sole bargaining agent should be by secret ballot and that the election should be held by the port authority. Two of the three representatives of labour had no objection to secret ballot by an independent authority subject to the condition that the union so elected as the representative union was declared the sole bargaining agent for all

workers at the port for a prescribed period, say for two or three or five years, and all the other unions were debarred from representing the case of any workman on any issue during that period. They were not in favour of the employers' suggestion, in the foregoing paragraph, of one representative union simultaneously functioning with other recognised unions at each port; they preferred that the employers should only deal with the representative union recognised as the sole bargaining agent in respect of all industrial matters in the port including grievances of individual workers and groups of workers to the complete exclusion of any other union or unions. The third representative of labour on the Study Group held a different view; while one union for one industry was desirable as it would help effective collective bargaining, he was afraid that in the context of the prevailing conditions in our country it was not practicable to have a single, strong, healthy and well-conducted trade union for the port industry as a whole. He, therefore, suggested that instead of election by secret ballot, the sole bargaining agent should be selected by ascertaining the membership of the different unions at each port through union verification to be carried out by Government agency, say for a period of the preceding 12 months.

(A separate note containing the views of the labour members, Sarvashri S.R. Kulkarni and Makhan Chatterjee, on the different subjects dealt with in paras 21 to 27 above is at Annexure XI.)

IV. INDUSTRIAL RELATIONS

28. **Role of Mediation Service :** In the Industrial Truce Resolution, there was provision for both arbitration and adjudication. The consensus amongst the members of the Study Group was that while arbitration might be advantageous in some cases, adjudication could not be ruled out in resolving disputes in the ports sector. Disputes involving substantial financial commitments were not suitable for being referred to arbitration ; only matters such as interpretation of rules or awards of tribunals should be referred to arbitration and basic disputes, such as wage claims, must be decided by an independent judicial authority such as an industrial tribunal. Similarly, disciplinary cases were not fit for arbitration and should be referred to adjudication. The Study Group took note of the fact that labour generally objected to adjudication as industrial tribunals took unduly long time for making awards, and suggested the remedy of having more adjudicators and of prescribing a time limit of three months within which the tribunals should make awards, it being extended to six months in exceptional cases and to a further period of six months by agreement between the parties to the dispute.

29. **Role of Labour/Personnel Officers :** The Study Group was of the view that qualified and/or experienced Labour/Personnel Officers should play an impartial consultative role in preventing disputes and maintaining harmonious employer-employee relationship ; all matters relating to recruitment, induction, training within industry, promotions, and disciplinary action should be referred to such officers, who would be best suited to advise high executive officers in top management on such matters. In the Port Trusts, there was a settled procedure for taking disciplinary action and principles of natural justice were invariably adhered to by the Executive Officers concerned ; at the different Ports, Labour or Personnel Officers dealt with all labour problems including disputes at initial stages in close consultation with the sectional heads concerned.

30. **Model Standing Orders :** The labour members suggested that the exemption granted by Government to the Port Trusts from the provisions of the Industrial Employment (Standing Orders) Act, 1946 should be withdrawn; the unions had not been consulted before framing the Standing

Orders nor was the certification procedure enjoined in the Act complied with. The facts, as stated by the employer-members, were that the port Authorities concerned had already framed, much earlier, different sets of rules relating to the matters set out in the Schedule to the Act; the Government had, therefore, exempted them from the operation of the Act subject to the condition that consolidated rules relating to the matters set out in the Schedule to the Act were published in a pamphlet form in the language understood by a majority of the workmen and a copy thereof was supplied to each workman. The members of the Study Group agreed to recommend that the port employers should adopt, in principle, the Model Standing Orders suggested in the Industrial Employment (Standing Orders) Act, 1946.

31. **Model Grievance Procedure and Grievance Arbitration :** The Model Grievance Procedure evolved under the Code of Discipline had not been adopted in the Port Trusts as the Code was not applicable to the port industry. There was, however, a grievance procedure obtaining at each port, under which a machinery for the representation of grievances of the workers and their redressal existed ; every employee who was aggrieved about his conditions of service can approach the head of his department through the normal official channel and, if he was not satisfied with the result he had the right of appeal to the Chairman. Instead of having recourse to grievance arbitration, the Study Group recommended that except disputes or grievances relating to matters such as wages, dearness allowance, etc., the settlement of other grievances which had no substantial financial implications should be pursued at local levels and with that end in view, powers should be delegated to senior officers.

32. **Training in Industrial Relations :** The existing facilities for training management and trade union personnel in industrial relations were very limited in the country and there were none in the ports sector. The members were of the view that training should not only be confined to industrial relations but should cover the broader subject of human relations and industrial relations should only form a part of it. The Study Group recommended that the Central Labour Institute, established by the Government of India at Bombay, should conduct suitable courses for training executive officers of Port Trusts and leaders of unions in industrial relations with particular emphasis on ports and personnel management.

33. **Collective Bargaining :** Collective bargaining had by and large succeeded to a great extent in resolving a large majority of industrial disputes in the ports since Independence. A brief historical review of industrial relations in ports since Independence is given in Annexure VII. The labour members were of the view that, for securing permanent peace, collective bargaining should only take place between the two parties to the dispute without recourse to a third party ; they were also of the view that for resolving major disputes ports should not be treated as separate units because uniformity in the service conditions of workers at all ports had been achieved since 1957. The employer-members also desired settlement of major disputes on an all-ports level ; the labour unions at all ports had formed federations and if a particular dispute were settled across the table at a local level at one of the ports, the federation concerned was likely to ask for similar concession for workers at the other ports through the respective unions affiliated to it. The consensus amongst the members of the Study Group on collective bargaining in ports was as follows :—

> "There should always be a genuine and earnest desire between port employers and trade union leaders to settle all disputes across the table without any mental reservation and without any prior intention on the part of any party to the dispute to have recourse to a third party, including the services of an adjudicator. However, there might be some disputes, or some aspects of a particular dispute, on which, even with the best intentions of the parties, no agreement through collective bargaining may be possible, and only such cases should then be taken up for arbitration or adjudication as might be expedient."

JOINT CONSULTATION

34. **Works Committees :** No works committees have been set up at any port except at Madras; the labour members of the Study Group were opposed to the setting up of works committees, as envisaged in the Industrial Disputes Act, 1947 for reasons stated in paragraph 13. At the Madras Port, only one Works Committee, comprising 10 elected and 10 nominated members, was set up in 1948 and it has been functioning satisfactorily. The members of the Study Group agreed that, as an alternative to works committees, there should be periodical joint consultations with

the union leaders concerned at different levels of the administration. Joint Consultative Committees should be constituted at each port for different departments or for groups of departments and the representatives of the union or unions concerned should be invited to participate in such committees. The functions of the Joint Cosultative Committees should be those as suggested for works committees by the Tripartite Committee on Works Committees at the 17th session of the Indian Labour Conference (1959) with such additions as might be mutually agreed upon between port employers and labour unions, such as efficiency, economy, productivity, etc. The members also suggested that heads of departments at each port should hold periodical meetings, with a view to resolving disputes at the local level and establishing close and cordial relations between workers and management at the plant/section level ; at such meetings, if it was not possible for the joint participation of all the unions concerned, the head of department could separately meet leaders of the different unions concerned.

35. **Joint Management Councils and Emergency Production Committees :** No joint management councils or emergency production committees have been set up in any port. The Study Group was of the view that the functions of such councils and committees could well be looked after by the joint consultative committees to be set up at each port as recommended in the preceding paragraph.

CONCILIATION

36. **Conciliation Machinery :** On the set-up and working of the conciliation machinery of the Central Labour Ministry under the Chief Labour Commissioner (Central) the Study Group decided to place before the Commission, for its consideration, the following suggestions : the officers of the machinery should be adequately trained and remunerated ; there were too many and too frequent transfers of officers of the machinery from one region to another with the result that, before they gained sufficient experience and knowledge of the problems of a particular port, their utility was lost.

37. **Conciliators as Arbitrators :** The representatives of employers and independent members of the Study Group were of the view that conciliators should not be named as arbitrators in disputes handled by their colleagues : the labour representatives held the opposite view.

ADJUDICATION

38. **Criteria for Adjudication :** The views of the Study Group as regards adjudication are contained in paragraphs 28 and 33 ; the consensus amongst them was that all disputes at different ports should be settled, as far as practicable, across the table through joint consultation and collective bargaining between the port employers and the labour union leaders concerned and resort to adjudication should only be had in rare cases. If a certain dispute at a particular port was referred to adjudication by an industrial tribunal, a similar dispute at any other port should, the members agreed, be referred by the Government to the same tribunal.

39. **Labour Appellate Tribunal** : The Study Group was of the unanimous opinion that the revival of the Labour Appellate Tribunal of India would help in expeditious settlement of disputes.

ARBITRATION

40. **Voluntary Arbitration** : As regards the areas of industrial disputes where voluntary arbitration could be preferred, the employer-members of the Study Group were of the view that issues involving financial commitments and discipline cannot obviously be referred to voluntary arbitration in preference to adjudication ; the labour members were unable to accept the view.

41. **Arbitrators** : On the question of what professional group should provide the best arbitrators, the Study Group was of the view that arbitrators should be men of integrity having knowledge of the industry and law ; they should be eminent persons in their own right and capable of giving impartial judgment. It was not necessary that arbitrators should belong to any particular profession, such as lawyers, academicians, businessmen, trade unionists, technicians, etc. ; by and large, lawyers were not likely to be best suited as arbitrators, but judges would be ideal.

GENERAL

42. **Public Utilities :** Public utilities in the context of a planned economy should, in the opinion of the members of the Study Group, be defined as industries which are natural monopolies either because of limited market or scarcity of raw materials or economies of scale and for these reasons are regulated by the Government in respect of output, rate structure and expansion plans. Their shut-down involves considerable external diseconomies besides resulting in

severe financial losses to themselves. Ports and docks, in their view, belonged to such industries due to their semi-monopolistic position, large-scale investment, and the dependence of the national economy upon their efficient working. For these reasons, the ports have been nationalised and run as autonomous undertakings under over-all Government supervision. The services rendered by the port and dock workers covered supplies essential for the life of the community and were a vital link in the country's economy ; the ports handled essential cargoes including foodgrains and defence stores. Therefore, any service in, or in connection with the working of the major ports, has been declared by Government as "public utility service", under the Industrial Disputes Act, 1947. As regards special provisions for avoiding work stoppages in public utilities, it was suggested that, there should be compulsory adjudication of all disputes in the ports with a prohibition of strike ; or there might be automatic referral of disputes to arbitration or adjudication depending upon the nature of each case. The labour members were of the view that the "right to strike" of the labour cannot be taken away as it was their fundamental right. The employer-members did not agree with this view : the Constitution had not included the "right to strike" as one of the fundamental rights of the citizens and the directive principles of State Policy in the Constitution only mentioned about the "right to work". The right to strike, which has been qualified by prior notice, in the case of public utility services, is provided in the Industrial Disputes Act, 1947.

(A separate note containing the views of the labour members, Sarvashri S.R. Kulkarni and Makhan Chatterjee, on the subject of "Industrial Relations" is at Annexure XII)

V. WAGES

PRINCIPLES OF WAGE FIXATION

43. The Government of India constituted, in 1964, a Wage Board for evolving a wage structure for the port and dock workers at major ports based on the principles of fair wages as set forth in the Report of the Committee on Fair Wages; it is an expert body consisting of representatives of employers and workers and three independent members including the Chairman. The work of the Wage Board is nearing completion and a new wage structure for all port and dock workers will shortly be recommended by it. The members of the Study Group, however, discussed the general principles of wage fixation including the principles of payment by results; they also considered the main components of the wages of the workers. It was obviously not possible for the members to make any unanimous recommendation on all aspects of wage fixation; the views of the respective members are, therefore, recorded briefly. The independent members took note of the fact that the Second Pay Commission had not accepted the recommendations of the Indian Labour Conference regarding need-based minimum wage; the Pay Commission had expressed the view that the minimum wage of the size implied in the Fifteenth Labour Conference recommendations was not feasible economically and financially. There were large sections of workers in the country whose wages did not come up to the standard envisaged by the Fifteenth Indian Labour Conference and it would not be correct, according to the independent members, to create a privileged class of port and dock workers by granting them a much higher wage. Further, the need-based minimum wage was calculated on the food and other requirements of a working class family consisting of three consumption units and the prices thereof varied from time to time; a basic wage fixed on such consideration would not, therefore, be a rational method of wage fixation in the port industry. It was suggested that the total earnings of a worker and not only his minimum wage should be taken into consideration. The total wage packet of a worker should consist of the following three main components :

(1) a basic wage which should in fact be a fall back wage not in any way related to the worker's output

and which should be evolved after taking into account the prevailing basic wages of corresponding categories in the region of each port ;

(2) a dearness allowance on percentage basis linked to the cost of living index; if the index for a particular region increased, say by 5 per cent in a quarter, the quantum of dearness allowance payable to the different categories of the workers should also be increased say between 3 and 5 per cent—5 per cent to the lowest category of workers with a view to giving them 100 per cent neutralisation in the rise of the cost of living and 3 per cent to the highest category of workers calculated on their respective basic wages; and

(3) a certain amount by way of incentive related to the worker's output for which a uniform procedure should be evolved where output of individual workers could reasonably be measured and, in case it was not so possible, a group incentive should be fixed for all workers collectively for doing a certain job.

The labour representatives were not in agreement with the principles of wage fixation enunciated above. The opinion expressed by the Second Pay Commission on the need-based minimum wage formula evolved by the Fifteenth Indian Labour Conference was not binding on the Study Group ; the recommendations of the Indian Labour Conference were tripartite in character and were unanimous. They did not agree that by giving them higher wages, the dock workers would become a privileged class in the country ; agricultural labour existed on subsistence or below subsistence level and that did not justify the continuance of low wages to the workers in the port industry and the proper remedy was to bring up the wages of the agricultural workers to the level of the norms laid down by the Fifteenth Indian Labour Conference. The suggestion to relate the dock worker's wages to the lowest wages obtaining in other industries and undertakings in the region was also not acceptable to the representatives of labour ; in their view, for the evolution of a rational wage structure for the port and dock workers, the special factors obtaining in the port industry, such as strain of work, disagreeableness of the task, hazards of the occupation, fatigue, requirements of higher skill, etc., inherent in port working should be taken into consideration.

As admitted by the Das Commission on Dearness Allowance, the national *per capita* income was affected by factors like unemployment, under-employment, etc. ; it would, therefore, not be correct to offer a minimum wage to the dock worker by comparing him to other low paid industrial and non-industrial workers in the port region. There was no country in the world, including the socialist countries, where equal wages prevailed in all industries ; there was always a national minimum below which no wage could be depressed, but the minimum wages differed from industry to industry in all countries. The labour members wanted that the dearness allowance component of the wage packet of the dock worker should take care of 100 per cent neutralisation of any increase in the cost of living. On the question of the incentive component of the wage packet of a dock worker they held the view that as a result of the introduction of piece-rate systems of payment the workload of all employees in the port transport industry had gone up ; it was, therefore, in the fitness of things that all the employees, including clerical, supervisory and technical staff, should be adequately compensated for increase in the volume of work and the workload by evolving suitable piece-rate/incentive/group-incentive schemes. The labour members were of the view that it was feasible to assess the quantum of the workload, etc. In the piece-rate schemes obtaining at Bombay and some other ports for loading and unloading cargoes there was a fall back wage, a daily wage, and a processing allowance for calculating the piece-rate earnings of each gang of workers ; however, subsequent increases in the quantum of dearness allowances as also other allowances granted to the dock workers later had not been taken into account for processing the piece-rates and to that extent their real wages had fallen. In the final analysis, the labour members of the Study Group wanted that the wages of the port and dock workers, at all ports, should be fixed on the following principles :—

"Each port and dock worker should be assured of a minimum basic wage which should be the same as a decent living wage and which should not be in any way related to his output ; wherever reasonable norms of output could be fixed, in consultation with the workers concerned, adequate incentive wages should be paid to them. Living wage was a wage which was somewhat above the "need-based minimum wage" as unanimously recommended by the Fifteenth Indian Labour Conference and which was more comprehensive than

the "minimum wage" defined in the Fair Wages Committee's Report. The basic wages of port and dock workers should not be fixed on regional basis from port to port, as it would give rise to unfair competition between ports ; their wage structure should be uniform for all ports on the principle of equal pay for equal work".

The members representing employers, on the otherhand, held the view that a basic wage should be fixed for each port and dock worker not directly related to his outturn but with an assumption that a minimum output was expected of him against such basic wage. In addition to the basic wage, dearness allowance should be paid to the worker based on the cost of living index. With a view to achieving efficiency and higher productivity in the ports, an incentive wage, related to output, should be paid to the individual worker or to a group of workers. In the existing piece-rate schemes evolved for the dock workers handling cargo, there was provision for a fall back wage which was slightly lower than the basic wage. The former was assured to the worker even if he produced something less than the minimum output expected of him. However, it would not be correct to give enhanced dearness allowance towards neutralisation of the dock worker's higher cost of living and also to process the extra amount for his piece-rate earnings thereby giving him a double advantage.

44. **Wage Differentials :** Without a scientific evaluation it was impossible to determine the relative weightage to be assigned to the various wage differential factors mentioned in the Report of the Committee on Fair Wages, *viz.*, degree of skill, strain of work, length of work, training requirement, responsibility undertaken, mental and physical strain, disagreeableness of the task, hazards of work, and fatigue. It was, therefore, desirable to undertake such evaluation keeping in view the progressive mechanisation of different types of work at the ports. The Study Group suggested that a selected number of jobs at each port should be rated and then proper differentials fixed between them with the object of reducing the number of grades as also the wage differentials.

45. **Methods of Wage Fixation :** The Central Wage Board for Port and Dock Workers would shortly evolve a wage structure for all ports ; thereafter, there may arise, from time to time, issues regarding wage fixation of an all-India character. One suggestion was that for settling such issues

there should be an all-India negotiating body comprising representatives of employers and labour ; if any particular dispute could not be resolved by that body it should be referred to arbitration/adjudication.

46. **Wage Policy :** The Port Trusts were public utilities charged with the duty of providing services to users of the ports and therefore the question of profit motive did not arise in their case ; surpluses, if any, of the Port Trusts were to be ploughed back for the development of the ports. They had to be utilised for paying fair wages to the employees and for providing services to shipping and for improving the port facilities. The labour representatives felt that the major ports should be run on sound commercial principles and the quetion of providing fair wages and adequate amenities and benefits to the employees and of protecting their real earnings should be taken care of in fixing the port charges ; provision should also be made for neutralising any rise in their cost of living by incorporating escalation clauses in the port charges. With the improvement in the productivity of labour consequent upon modernisation, the resultant benefits should allow commensurate improvement in the wages and conditions of service of the employees. These principles should apply *mutatis mutandis* for fixation of wages of the workers of all other port and dock employers.

47. **Mode of Wage Payment :** Wages to employees in ports were not paid in kind and the Study Group was of the view that it was not practicable to introduce a system of payment to them in kind.

48. **Minimum Wages Act :** The labour members wanted that the provisions of the Minimum Wages Act, 1948, which were only applicable to employees of Port Trusts, should, with advantage, be extended to stevedore workers under the Dock Labour Boards and also to all other port and dock workers employed by private employers. However, the independent and the employer members held the opposite view ; the application of the Minimum Wages Act, 1948, to statutory bodies like Port Trusts was not well-conceived. The Act was clearly intended for sweated labour employed in the private sector where there was a possibility of exploitation of the workers; its application to Port Trusts had been unduly expensive and it had created a number of difficulties in its implementation. The provisions of the Act applied only to certain sections of Port Trust employees and it was not desirable to have different sets of staff governed by different sets

of rules ; the benefits available from the provisions of the Act, particularly those relating to payment of overtime, had led to invidious comparisons being made and brought in discontent among the staff. Undue advantage was taken of the payment of overtime, at double rate, which was only a deterrent provision under the Minimum Wages Act, and many Port Trust employees coveted it as if it was their legitimate subsidiary wage ; in fact, the Factories Act prohibited overtime working except in special cases for emergent work and that too with the previous sanction of the Factories Inspector. They were of the view that overtime, in such circumstances, was a great evil and the Minimum Wages Act should, therefore, not be made applicable to Port Trust employees and other port and dock workers.

VI. INCENTIVE SCHEMES AND PRODUCTIVITY

49. **Productivity :** The members of the Study Group discussed in great detail the problem of 'productivity' in ports in the context of 'technological development' and 'job performance' of the port and dock workers. Their views on the subject are recorded as follows. In the highly competitive world of today, it is the aim and endeavour of every industry, much more of the port industry, to increase its productivity. If per capita production in the ports goes up, the cost of handling cargo comes down and this brings the goods to the market at attractive prices to the consumer ; it likewise helps the export drive. Factors which affect productivity are, therefore, important both to employers and workers in the port industry and have to be studied in detail to ensure maximum improvement. Productivity has been defined as the product of 'technological development' and 'employee's job performance'. As technology advances, productivity increases; similarly, factors which increase the job performance of the employee result in a corresponding increase in productivity. The relative importance of technological development and employee's job performance in increasing productivity would, of course, differ from industry to industry but both these factors are responsible for ensuring output in any undertaking. In the port industry where the individual effort of the worker is comparatively more important, the 'employee's job performance' would have a much greater bearing on productivity than technological development. Since the Second World War, more and more emphasis has been laid on developing technology in the working of ports, particularly in the methods of handling cargo with a view to achieving faster turnround of ships ; mechanisation is being progressively introduced in a big way at all ports. With all this concern for improving technology, it is impossible to think of improving productivity in the ports without taking into consideration the factors which have a bearing on 'employee's job performance'. This, in turn, depends on the 'ability' of the worker to do his work and the 'motivation' which makes him do it. Each factor by itself is not enough to produce optimum performance and both must be present before good results can be achieved ; employee's job performance is, therefore, a product of his ability and motivation.

The factors mainly responsible for 'employee' motivation' are (a) physical conditions of work, (b) individual's needs, and (c) social conditions. Physical working conditions, such as good lighting, adequate ventilation, and reasonably comfortable thermal environment are factors which could improve or impair an employee's job performance. It is, therefore, important that the management does not ignore physical working conditions as it is necessary that the employee is made to feel that the employer has done all he can to improve his conditions of work. Individual needs of the employee are physiological, psychological and social; physiological needs include basic requirements such as air, water, food, housing and clothing, and psychological and social needs include contact with others, friendship, team work, etc. The physiological needs are met mainly through money and security of the job ; it is essential that the worker is paid a fair wage and the system of payment is such as to provide sufficient incentive for him to work better. Relationship of the worker with other people on or off the job is important in determining his motivation and if these social needs are satisfied, they are likely to improve his job performance. Social conditions can play a very important part in determining the motivation of an employee. These conditions, in turn, are determined by the formal and informal associations to which the employee belongs and the type of leadership he works under. It is the responsibility of the employers to ensure an atmosphere where workers will have the desire to do more work. The Study Group, therefore, recommended that surveys of socio-economic conditions of the workers, including their nutritional, housing, medical care, and other related aspects, should be undertaken in all ports ; such surveys should be repeated as often as may be necessary. It will then be possible to develop policies and practices for creating the atmosphere for highest motivation and thereby increase the employee's job performance and productivity.

50. **Incentive Schemes :** In the port industry, since Independence, the need for greater and speedier turnround of shipping and consequently for increased productivity in loading and unloading cargoes had been stressed for the general benefit of the community, the users of ports, and the workers. In that context, rationalisation, that is, better utilisation of manpower with the assistance of mechanical aids had assumed great importance. Incentive/piece-rate schemes for cargo handling work were, therefore, introduced in many ports and

with a view to assisting the piece-rated workers several mechanical aids, such as fork-lifts, platform trucks, mobile cranes, tractors, evacuators, etc., had been put into use without any increases in the datums for their output. The independent members and the representatives of employers suggested that some method should be evolved for judging the "productivity" due to the efforts proper of the cargo handling workers and that due to the help of mechanical aids. They also wanted introduction of suitable incentive schemes in other establishments in the ports, including workshops, with a view to increasing the productivity of labour and giving them an opportunity of earning more. In their view all incentive schemes should be evolved on sound principles and there should be periodic reviews of such schemes *vis-a-vis* productivity of the workers and cost to the employers with a view to their modification, wherever justified. The National Productivity Council had evolved a formula for sharing the gains of productivity in the ratio of 60:40 — 60 per cent to labour and 40 per cent to employers. Productivity sharing agreements were in existence in many industries in the U. S. A. and the U. K. and labour and employers had provided in such agreements for the abandonment of output restrictive practices including reduction of overtime working and non-splitting of gangs; the cost of mechanical aids, including depreciation, was deducted from the gains of productivity and the balance was related to the efforts of labour and shared between employers and labour. The consensus amongst the members was that the Study Group should recommend the sharing of gains of productivity, if any, on a 50:50 basis, the details being left to be worked out between the parties through collective bargaining; for that purpose, one or the other of the different formulae for productivity schemes recommended by the National Productivity Council should be adopted in the ports with such modifications as might be decided upon by mutual agreement between the workers and the employers.

51. **Roles of Labour, Management and Government in raising Productivity :** The independent and the employer-members were of the view that both labour and management were primarily responsible for raising productivity; it was the responsibility of the management to give labour its dues and to create healthy conditions conducive to higher production and the labour on its part had to put in best efforts to help in maximising output. The Government should encourage

modern methods of handling cargo in the ports, such as palletisation, containerisation, etc., which had already been introduced in other leading ports of the world. The labour members had no objection to mechanisation and even to automation in the ports provided there was an assurance of higher earnings to the existing labour force and provided further that mechanisation afforded better employment opportunities and created an employment potential for the port and dock workers in one or the other sectors of the port industry.

52. **Absenteeism and its Effects on Productivity :** Absenteeism was seasonal among certain sections of port and dock workers employed by Port Trusts and Dock Labour Boards, but it did not seriously affect their productivity as the labour had largely been decasualised. However, there was a large number of private employers in the ports who were faced with high incidence of absenteeism amongst their workers during the harvesting season.

VII. SOCIAL SECURITY

53. **Social Security Schemes :** All the benefits, except unemployment benefit, referred to in the Convention on Minimum Standards of Social Security adopted by the International Labour Organisation, namely, medical, sickness, old age, employment injury, family, maternity, invalidity and survivor's benefits, were available to employees of the Port Trusts and the Dock Labour Boards. The effect of these benefits had been on the whole good as they had secured for the employees a permanent (stable) employment and had resulted in the establishment of cordial industrial relations between the employers and the workers. There was, however, a large body of workers employed by private employers in the ports who did not enjoy any social security benefits such as those available to the workers employed by Port Trusts and Dock Labour Boards; only the clearing and forwarding agents had lately covered their workers under the Employees' Provident Funds Act, 1952. The Study Group therefore recommended that both the Employees' State Insurance Scheme and the Employees' Provident Fund Scheme, under the respective Acts, should be made applicable to the port and dock workers employed by all private employers not covered under the Dock Workers' (Regulation of Employment) Schemes.

54. **Insurance Cover to Members of Provident Fund :** The employees of Port Trusts and Dock Labour Boards at the different ports contributed to their respective Provident Funds and the consensus of the Study Group was that a portion of the Fund of the employees should be earmarked for contributing to unemployment insurance. A large number of workers of private employers in the ports, however, had no Provident Funds. They faced the problem of acute unemployment during certain periods when the employers concerned had no work; the latter were obviously not in a position to maintain throughout the year a large labour force to provide for both busy and slack periods. The employer-members suggested that a separate Unemployment Insurance Fund, to be managed either by Government or by a central agency, should be constituted to which both the private employers and their workers should contribute equally; the labour members agreed to the suggestion subject to the

condition that only the employers were asked to contribute to such Fund.

55. **Lay-off and Retrenchment Provisions:** The existing provisions relating to lay-off and retrenchment provided in the Industrial Disputes Act, 1947 to employees against the hazards of job insecurity resulting from temporary employment and other fluctuations, in so far as Port Trusts and Dock Labour Boards were concerned, were adequate. However, the labour members were of the view that the existing provisions in these respects were inadequate and required liberalisation. In the case of some of the private employers in ports the position was sometimes difficult; there were instances when some employers had failed to pay lay-off and retrenchment compensation to their employees. The consensus amongst the members was that, in so far as private employers in ports were concerned, a central fund should be created by Government for the purpose of paying lay-off and retrenchment dues to the workers concerned, into which a small levy, say, 1/8th per cent, should be paid periodically by each employer.

VIII. LABOUR LEGISLATION

56. **Labour-Management Relations :** As regards the extent to which labour-management relations in a planned economy should be governed by legislation/collective bargaining, the Study Group recommended that there should be a duty cast upon employers and workers, by law, to resort to collective bargaining in good faith in all industrial disputes between them and only in extreme cases, upon failure of such bargaining, resort should be had to intervention by a third party. In the U. S. A. the National Labour Relations Act (popularly known as Wagner Act) enjoined the employers and workers first to have recourse to collective bargaining in good faith; the law also laid down a procedure for the selection of a sole bargaining agent through secret ballot.

57. **Implementation of Labour Laws :** In the ports, labour laws, so far as they were applicable, had by and large been implemented and the purpose and objectives for which they were enacted had consequently been achieved to a large extent. In Holland, there was an Incomes Committee, a statutory body, which was charged with the duty to ensure that any agreement between employers and workers in any industry did not militate against national interests. The consensus amongst the members of the Study Group was that there should be an independent authority which should ensure that all bi-partite agreements entered into from time to time between employers and workers conformed to National Plans.

58. **Exemptions from Labour Laws :** In public sector undertakings like the Port Trusts, labour legislation had been enforced to the same extent as in the private sector and exemptions from the applicability of certain provisions of particular labour laws had been granted by Government only in those cases where the relevant benefits to the employees of the Port Trusts under their own schemes were equal to, if not better than, those provided in the labour laws concerned. The labour members were of the view that labour unions and others concerned in the ports should be consulted by Government before granting any exemption.

IX. LABOUR RESEARCH AND INFORMATION

59. **Statistical Information :** The members of the Study Group recommended that each Port Trust should create a statistical section and publish periodically important statistics bearing on all matters of port working including *inter alia* conditions of service, etc., of all port and dock workers.

60. **Manitenance of Registers and Sending of Returns under Different Labour Laws :** There was unnecessary duplication and a good deal of unproductive work on account of the statutory requirements of maintenance of different registers and sending of different filled-in returns under different labour laws as their administration had been entrusted to different officials ; for instance, the stevedore employers were required to maintain separate registers and forms under the Shops and Establishments Act, Payment of Wages Act, etc., although most of the items were common to both. The consensus amongst the members of the Study Group was that a Committee should be appointed by Government to go into the question fully with a view to reducing and also simplifying the number of registers and forms required to be maintained and the number of filled-in returns required to be sent under the different Labour Acts.

61. **All-India Consumer Price Index :** The employer members were of the view that the all-India Consumer Price Index Number reflected adequately price changes affecting the workers in the ports ; it had been accepted by the Central Government for adjusting the rates of dearness allowance sanctioned for its employees posted in different parts of the country and the Port Trusts and the Dock Labour Boards had done likewise. The labour members felt that the all-India index was not compiled on a scientific basis and suffered from various defects. The cost of living in the port cities was generally higher than elsewhere and as such a separate index for the port cities should be compiled on a scientific basis. The Central Wage Board for Port and Dock Workers, on which three members of the Study Group were represented, was already considering the question.

62. **Statistical Data in respect of Work-stoppages :** Statistical data at present collected in respect of work-

stoppages were confined to actual stoppages due to strikes and lockouts in the ports ; they did not take note of other forms of industrial unrest and, therefore, did not reflect fully the position prevailing in this regard from time to time. The consensus amongst the members was that separate statistics should be maintained for illegal/irregular, lightning and stay-in strikes as well as for 'go-slow', 'work-to-rule', etc., measures adopted by the workers which adversely affected port working ; all work stoppages for whatever reason should be included in such statistics.

63. **Data on Social and Sociological Aspects of Workers' Life :** The Study Group was of the view that for understanding the social and sociological aspects of workers' life, which have been comparatively neglected hitherto, the Port Trusts and the Dock Labour Boards should conduct *ad-hoc* socio-economic surveys of their respective workers periodically, say, every five years. The Bombay Port Trust had recently requested the Tata Institute of Social Sciences to carry out a socio-economic sample survey of about 2,000 employees ; similar surveys might be undertaken, with advantage, at other ports.

X. MECHANISATION

64. The Study Group considered in great detail the problem of mechanisation in ports in all its aspects. Both the independent members and the representatives of employers were of the view that mechanisation will not prove worthwhile unless labour co-operated by giving higher production as the huge cost of mechanisation cannot be subsidised by the port industry unless it was off-set by higher output. It was necessary to decide as to the extent to which mechanisation was possible in the ports and in respect of which types of cargo and for which of tho cargo handling processes. The movement of cargo in large containers has been growing rapidly in the United States and Western Europe and is likely to gain acceptance in Asian waters before long. United such time properly equipped container berths were provided at the different ports, arrangements for handling any small traffic in containers. which may develop in the near future, will have to be mede. Committees, with representatives of the various interests involved in the inter-modal transportation of containers, and pallets, havc been set up in Bombay and Calcutta to make recommendations in regard to the handling of traffic in unit load and their reports are expected shortly. The employer-members took note of the fact that and London and other Ports, where mechanisation had been introduced in a large measure, the strengths of the gangs had been reduce ; however, in their view, it was too early to consider the question of reduction of the work force in Indian Ports as a result of mechanisation and this and other questions including adjustment of wages should be left to be settled mutually between employers and representatives of labour after sufficient experience of mechanisation had been gained. The question for immediate consideration was an assurance to labour that there would be no reduction in the existing employment in the ports if mechanisation, such as containerisation, were introduced and that any labour found to be surplus would, in fairness, be rehabilitated in gainful employment in other establishments The representatives of labour on the Study Group expressed their willingness to accept mechanisation provided the existing earnings of the port and dock workers were not only safeguarded but were sufficiently increased with a view to giving them an equitable share in the gains of the higher output resulting from mechanisation. In their view it was not

worthwhile to mechanise the process of loading or unloading general cargo, but they had no objection to the handling of certain types of bulk cargoes mechanically by a system of conveyor belts provided the number of workers in each gang was not reduced and they were paid piece-rates on the existing output datums. In brief, the stand of the labour members of the Study Group on the subject of mechanisation was : "The port and dock workers will not oppose mechanisation, such as palletisation or containerisation, in the ports provided the existing level of their employment was not adversely affected and their earnings were progressively improved as also the employment potential of the future was adequately safeguarded keeping in view the overall unemployment and economic conditions of the working class generally in the country".

XI. REVIEW OF THE DOCK WORKERS' (REGULATION OF EMPLOYMENT) SCHEMES

65. The Study Group had also been requested by the Commission to make a comprehensive review of the working of the Dock Workers' (Regulation of Employment) Schemes, obtaining at the different ports, with a view to effecting improvements in the light of experience of their working and to undertake a thorough examination of the various measures adopted for improving the efficiency and productivity of the stevedore workers. A Committee of three members of the Study Group, Sarvashri S.C. Sheth, S.R. Kulkarni and S.M. Dikhale, was requested to undertake the review and its report is at Annexure VIII. The following recommendations of the Committee were accepted by the Study Group :—

(1) By and large the Dock Workers (Regulation of Employment) Schemes at the major ports are working satisfactorily excepting for some complaints at Calcutta and Mormugao.

(2) The Schemes should be amended to provide for the grant of subsistence allowance to a registered worker suspended from duty at 1/2 the daily time-rate wage instead of the existing rate of 1/4th of his daily time-rate wage or attendance money whichever was higher.

(3) The Schemes should provide for a right of appeal to an employer against the decision of the Labour Officer.

(4) The definition of 'dock worker' in Section 2 (b) of the Dock Workers (Regulation of Employment) Act, 1948 is vague ; the Central Government should be requested to amend the Act with a view to making it more explicit.

(5) By and large the Administrative Bodies of the employers at all Ports, except at Calcutta, are working statisfactorily.

(6) The existing provision in the Schemes regarding payment of disappointment wages should be modified to provide for payment of full daily-time-rate wage to a worker if he was returned to the call stand by an employer for circumstances beyond his control and if he remained at the call stand for being allocated to any other employer during the course of the shift.

(7) The Schemes should be amended to give powers to the Dock Labour Boards for extending to such categories of dock workers as are not covered by the Schemes and to whom the Employees' Provident Fund and the Employees' State Insurance Acts do not apply, the benefits of Provident Fund, Gratuity, medical, canteen and other facilities on payment of charges or contribution by the employers as may be fixed by the Dock Labour Boards.

(8) The Dock Workers (Regulation of Employment) Act, 1948 and the Schemes framed thereunder should be amended to provide for the constitution of a bi-partite Board at the national level, with an independent judicial Chairman to be nominated by the Central Government, for settlement of major disputes.

(9) The Schemes should be amended to make it obligatory on the employer, who has been granted exemption from registration of his permanent employees, that the conditions of service given to such employees are not less favourable than those enjoyed by the registered reserve pool workers.

(10) If a worker worked for more than one shift in a day, the additional shift should not count towards Minimum Guaranteed Wages.

(11) The Calcutta Scheme should be amended to provide for taking disciplinary action against workmen by appointment of a Labour Officer under the Administrative Body as at other Ports.

(12) The period between the introduction of the Unregistered Dock Workers (Regulation of Employment) Schemes, commonly known as Listing Schemes, and the implementation of the decasualisation Schemes should not generally exceed two years.

(13) The Government should be requested to raise the powers of the Dock Labour Boards authorising them to appoint officers and to create officers' posts upto a maximum pay of Rs. 1,000.

SUMMARY OF RECOMMENDATIONS

66. A brief summary of the recommendations and conclusions of the Study Group is given in Annexure IX.

ACKNOWLEDGMENTS

67. The Study Group wishes to place on record the valuable co-operation and help extended to it by Shri P.K. Bhaumik, Joint Director, National Commission on Labour at Bombay, and Shri I.B. Das Gupta, Officer on Special Duty, Bombay Port Trust, who participated in the discussions by special invitation, and by Shri Batuk H. Mehta, Chief Labour Officer of the Bombay Port Trust, in collecting and examining the material for the deliberations of the Group and in drafting the Report.

68. The Study Group did not have a staff of its own and all help needed was given by the staff of the Labour Department of the Bombay Port Trust ; the Study Group records its appreciation of the hard work put in by them, and in particular the services rendered by Smt. V.S. Shah, Labour Inspector (Wage Board Section) and Shri K.V. Paranjape, Special Grade Stenographer.

This Report, signed by the Study Group on the 17th day of January 1968, will now be transmitted to the National Commission on Labour, Government of India, New Delhi.

L.M. Nadkarni
(Chairman)

S.M. Dikhale

S.K. Ghosh

S.C. Sheth

S.R. Kulkarni

Makhan Chatterjee

R.K. Guha

C.K. Johri

N.S. Mankiker
(Members)

Batuk H. Mehta
(Secretary)

Annexure I

No. 3 (7)/67-NCL (para 2)

Government of India

National Commission on Labour

D-27 New Delhi South Extension, Part II

New Delhi-3 the 1st August 1967

Subject : Constitution of Study Group for Ports and Docks

Reference : Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) Resolution No.6/14/66-I & E, dated the 24th December 1966.

The National Commission on Labour appoints the following persons to constitute the Study Group for Ports and Docks, Head Quarters : Bombay :—

1. Shri L.M. Nadkarni, Chairman
   Chairman, Bombay Port Trust, Administrative Offices, Ballard Road, Fort, Bombay.
2. Shri S.M. Dikhale, Member
   Deputy Chairman, Bombay Dock Labour Board, Krupanidhi, 9, Wittet Road, Ballard Estate, Bombay-1.
3. Shri S.K. Ghosh Member
   Deputy Chairman, Calcutta Port Commissioners, 15, Strand Road, Calcutta.
4. Shri S.C Sheth, Member
   The Eastern Bunkerers Limited, Scindia House, Dougall Road, Ballard Estate, Bombay.
5. Shri S.R. Kulkarni, Member
   President, All India Port & Dock Workers' Federation, D, Mello Bhavan, P.D'Mello Road, Bombay-1.
6. Shri Makhan Chatterjee, Member
   General Secretary, All India Port & Dock Workers' Federation, Port Shramik Bhavan, 26, Dr. Sudhir Basu Road, Calcutta 23.

7. Shri R.K. Guha, Member
Secretary, Indian National Port & Dock Workers' Federation, 10, Mohan Chandra Road, Calcutta-23.

8. Dr. C.K. Johri, Member
Associate Director, Shri Ram Centre for Industrial Relations, 5, Pusa Road, New Delhi-5.

9. Shri N.S. Mankiker, Member
Director General, Factory Advice Service & Labour Institutes, Central Labour Institute, Off Eastern Express Highway, Sion, Bombay-22 (DD).

10. Shri Batuk H. Mehta, Secretary
Chief Labour Officer, Bombay Port Trust, Administrative Offices, Ballard Road, Fort, Bombay.

The Study Group will, in regard to the subject allocated to it, ascertain facts from available literature on the subject, draw conclusions and suggest solutions to the problems posed by the Group for the consideration of the Commission. The Commission may also pose problems for consideration of the Group from time to time. The Study Group will, in particular, make a comprehensive review of the working of the Dock Workers (Regulation and Employment) Schemes, with a view to effecting improvements in the light of experience of their working and to undertake a thorough examination of various measures adopted in the Ports for improving the efficiency and productivity of the workers. The Study Group will submit its report as early as possible.

Sd/- P. D. Gaiha
JOINT DIRECTOR

Annexure II
(para 3)

GOVERNMENT OF INDIA

NATIONAL COMMISSION ON LABOUR
STUDY GROUP FOR PORTS & DOCKS

Points on which information is required from Employers of Port and Dock Workers

1. Name and address of Employer
2. Number of workers—
   - Manual/unskilled
   - Semi-skilled
   - Skilled
   - Technical
   - Supervisory
   - Clerical
3. Number of workers—
   - Permanent
   - Temporary
   - Casual
   - Monthly-rated
   - Daily-rated
4. No. of workers employed through contractors
5. Method of Recruitment (weightage, if any, for caste, community, relatives, regions, etc.)
6. Method of promotions (direct recruitment)
7. Wages—
   - Basic
   - Dearness Allowance
   - Additional Dearness Allowance
   - House Rent
   - Compensatory Allowance
   - Interim Relief
   - Other allowances (cash or kind)
8. Hours of work (with rest intervals)
9. Rate of Overtime
10. Weekly day of rest and rate of payment
11. No. of paid Holidays in a year and rate of payment
12. Leave —

Privilege Leave
Casual Leave
Sick Leave
Other Leave

13. Leave-travel concessions
14. Provision of Uniforms and basis thereof
15. Ex-gratia/Bonus (rate of payment)
16. Particulars of incentive/piece rate scheme (if any)
17. Average monthly earnings under incentive/piece rate scheme
18. Retirement Benefits—
    Contributory Provident Fund
    Pension
    Gratuity
19. Welfare Measures—

(1) Medical Benefits (Hospitals, dispensaries, etc.); whether for workers and families

(2) Canteens (departmental or contractor's); whether subsidised

(3) Housing (percentage of workers housed); whether rent free or subsidised and extent of subsidy ; nature of accommodation

(4) Co-operative Consumers' Stores/Fair price Shops (extent of subsidy or help)

(5) Co-operative Credit Societies

(6) Recreational Facilities and other amenities

(7) Educational facilities.

NOTE : The information on each point should be given in three stages—as at 1st April 1947, as at 1st April 1957, and as at 1st April 1967 and in respect of each of the six main groups *viz.* manual/unskilled, semi-skilled, skilled, technical, supervisory and clerical.

Annexure III

(Para 16)

Number of reportable fatal and non-fatal accidents under the Indian Dock Labourers' Regulations, 1948 in major ports during the years 1949 to 1966.

Year	Calcutta		Bombay		Madras		Cochin		Visakhapatnam		Kandla		Mormugao		TOTAL	
	F.	N-F	F.	N-F.	F.	N-F.	F.	N-F.	F.	N-F.	F	N-F.	F.	N-F.	F.	N-F.
1949	7	701	7	556	3	195	1	7	1	73	—	—	—	—	19	1522
1950	13	1040	4	493	1	304	—	13	—	41	—	—	—	—	18	1891
1951	9	1074	4	503	1	344	5	31	1	30	—	—	—	—	20	1982
1952	8	1332	5	647	2	360	3	79	—	23	—	—	—	—	18	2431
1953	5	1470	5	741	1	353	1	55	1	24	—	—	—	—	13	2643
1954	3	1740	12	601	—	285	—	38	1	20	—	—	—	—	16	2684
1955	7	2801	7	747	—	657	2	30	—	18	—	—	—	—	16	4253
1956	12	2878	5	878	5	821	—	45	—	45	—	—	—	—	22	4667
1957	7	2653	10	747	3	1013	—	35	1	72	—	—	—	—	21	4520
1958	10	2170	6	761	2	735	—	21	1	79	—	—	—	—	19	3770
1959	10	2512	6	616	1	454	—	111	—	95	—	18	—	—	17	3806
1960	4	3652	1	690	—	525	—	52	—	162	—	21	—	—	5	5102
1961	6	3469	4	582	—	506	—	66	—	94	1	12	—	—	11	4729
1962	5	3303	8	644	1	429	3	81	—	34	—	24	—	—	17	4515
1963	8	3200	4	588	3	427	1	322	—	41	1	44	—	—	17	4622
1964	5	3117	9	493	2	538	—	546	1	97	1	17	—	—	18	4808
1965	5	2677	6	513	—	596	1	911	—	56	2	48	—	12	14	4813
1966	14	1996	2	416	5	591	—	1237	—	96	1	100	1	117	23	4553

Annexure IV

(para 16)

Number of reportable accidents by main causations under the Indian Dock Labourers' Regulations, 1948 during the years 1962 to 1966

No,	Causation s	1962	1963	1964	1965	1966	Total of 5 years	Average percentage
1	Handling of cargo ..	1566	1773	1755	1683	1368	8145	34.65
2	Handling of articles other than cargo ..	842	976	867	727	600	4012	17.2
3	Struck by falling bodies	406	579	640	656	689	2970	12.65
4	Stepping on or striking against objects ..	773	513	443	662	453	2844	12.2
5	Persons falling ..	349	338	431	401	432	1951	8.3
6	Struck by suspended objects ..	156	60	134	223	288	861	3.69
7	Transport ..	103	94	202	136	264	799	3.43
8	Harmful contact with	42	41	67	63	56	269	1.16
9	Lifting machinery and gear ...	69	29	14	16	29	157	0.67
10	Miscellaneous ..	226	236	273	281	397	1413	6.05
	TOTAL	4532	4639	4826	4848	4576	23421	100.00

Annexure V

(para 16)

Number of reportable fatal and non-fatal accidents under the Dock Workers' (Safety, Health and Welfare) Scheme, 1961 in major ports during the years 1962 to 1966

Year	Calcutta	Bombay	Madras	Cochin	Visakhapatnam	Kandla	Mormugao	Total
	F N-F	F N-F	F N-F	F N-F	F N-F	F -NF	F N-F	F N-F
1962	1 231	2 111	— 21	2 72	1 22	1 4	— —	7 461
1963	4 514	— 157	2 68	— 2	1 14	— 41	— —	6 796
1964	3 591	1 248	3 75	1 10	1 14	— 73	— —	9 1011
1965	4 628	3 217	4 105	1 29	— 19	— 147	— 1	12 1146
1966	1 679	3 449	1 135	1 44	1 12	1 149	— 1	8 1469

Annexure VI

(Para 16)

Number of reportable accidents by main causations under the Dock Workers' (Safety, Health and welfare) Scheme, 1961 during the years 1962 to 1966

No.	Causations	1962	1963	1964	1965	1966	Total of 5 years	Average percentage
1	Handling of cargo	127	185	199	260	252	1023	20.8
2	Struck by falling bodies	84	168	194	231	264	941	19.1
3	Persons falling	60	132	183	204	264	843	17.2
4	Transport	58	87	136	175	228	684	13.8
5	Handling of articles other than cargo	32	120	131	110	228	621	12.6
6	Stopping on or Striking against objects	42	55	92	84	137	410	8.33
7	Harmful contact with Struck by suspended	17	5	11	19	12	64	1.3
	objects	3	4	9	20	15	51	1.03
9	Lifting machinery and gear	5	3		2	2	19	0:4
10	Miscellaneous	40	43	58	53	75	269	5.45
	Total	468	802	1020	1158	1477	4925	100.00

Annexure VII
(Para 33)

INDUSTRIAL RELATIONS IN PORTS

Brief Historical Review

The industrial relations between the port and dock workers and their employers, including Port Trusts, Dock Labour Boards, and private employers, have improved increasingly since Independence ; the relations have been, by and large, cordial and barring a few major strikes including threats of strikes all disputes have been settled amicably between the labour and employers in the ports during the last 20 years through collective bargaining and through tripartite wage fixing machinery. The labour at ports is well organised and its membership is spread over active trade unions affiliated to one or the other of the two all-India Federations, the All-India Port and Dock Workers' Federation and the Indian National Port and Dock Workers' Federation.

2. Immediately after Independence there was labour unrest in Bombay, Calcutta and some other ports ; there were frequent stoppages of work and go-slow tactics. As a result of protracted negotiations with the Labour Federation, the Bombay Port Trust and the Calcutta Port Commissioners took an epoch-making step by abolishing the ancient system of employment through contractors such as "Toliwallas" and Bird & Co. and decasualised the dock labour from April 1948. This ensured for the dockers a minimum guaranteed wage, security of employment, and service benefits such as Provident Fund, Gratuity, leave, etc. Simultaneously, the scales of pay of all categories of employees of the Port Trust were liberalised on the lines recommended by the First Pay Commission with retrospective effect from January 1947.

3. Introduction of the schemes of decausalisation of stevedoring workers in the Ports of Bombay, Calcutta and Madras in 1952, 1953 and 1954 respectively was of great significance for the labour-management relations.

4. In August 1953 the Ports of Bombay, Calcutta and Madras witnessed simultaneous and co-ordinated movement of the port workers for ensuring implementation of the

provisions of the Minimum Wages Act, 1948. The matter was settled satisfactorily by local negotiations and also through intervention of the Government.

5. In October 1954 there was wide-spread dislocation of work in the Port of Calcutta as a result of dissatisfaction of cargo handling workers over the question of method of cargo handling and the size of gangs of cargo handling workers employed by the Calcutta Port Commissioners. This was settled satisfactorily by local negotiations.

6. The decasualised dock labour and wharf-side crane-drivers of Bombay Port were on time rates of pay until March 1956 and there were many occasions for complaints about "go-slow" by the workers and consequent congestion of shipping in the Port ; there were quite a few stoppages of work. The malaise was finally cured by the introduction of an incentive piece-rate scheme for the dock shore workers, crane drivers, and stevedore workers from March 1956 as awarded by the Industrial Tribunal and suitably amended by the Labour Appellate Tribunal of India. The following pronouncement of the Meher Tribunal in awarding the Piece Rate Scheme at Bombay has proved prophetic and both the earnings and the productivity of dock workers have been increasing since the Piece Rate Scheme was introduced :

> "We trust that labour will utilise this opportunity to their fullest advantage, for nothing is so stimulating to the dignity of labour as work well done which brings its rewards in emoluments proportionate to efforts".

Similar piece-rate incentive schemes, with suitable modifications, were introduced at Madras, Cochin, and Vishakhapatnam Ports for shore and stevedore workers handling cargo.

7. In 1956 the labour at all major ports became restive and as a result of the settlement reached between the all-India Federations of port and dock workers and the Government of India, the principle of uniformity in the conditions of service of the workers of all the major ports and the principle for equal pay for equal work in all ports were accepted. Shri P.C. Chaudhary, I.C.S. was appointed as Officer-on-Special-Duty to make recommendations to translate these principles into practice.

8. Labour unrest was again acute in the different ports at the beginning of the year 1958 ; it culminated in the all-

India strike of port and dock workers from the middle of June 1958. The strike was amicably settled between the Employers and the two Federations of labour, at the intervention of the Prime Minister of India ; Government announced the appointment of a tripartite Committee for the classification and categorisation of employees of Major Ports into certain standard pay-scales. This was the first occasion on which the wage structure of the Major Ports of India was investigated on a broad and rationalised basis by a Committee comprising representatives of employers and labour ; the democratic set-up was appreciated by both the parties and there was a feeling of goodwill and understanding among them. The unanimous recommedations of the Committee regarding new pay scales of employees of all Port Trusts were implemented from October 1957. These were later translated into the Second Pay Commission scales of pay from July 1959.

9. There were labour unrests in the Ports of Vishakhapatnam, Cochin, Mormugao, and Kandla during the period over various questions including the question of decasualisation, etc., but all of them were settled through negotiations at the local levels, at times through invervention of the Government and the Federations.

10. Industrial relations in the ports continued to be fairly satisfactory until 1963 when there was considerable labour unrest ; the Unions and their all-India Federations agitated, *inter alia*, for the appointment of a Wage Board for the port industry. In November 1964, after protracted negotiations between employers and workers at the intervention of the Union Ministers of Transport and Labour, the Government constituted a Wage Board for Port and Dock Workers at major ports with three independent members including the Chairman, and three members each representing Employers and Workers. The Wage Board is currently in session and pending its award, the relations between the employers and the workers in the ports have continued to be fairly cordial.

Annexure VIII
(Para 65)

REPORT OF THE COMMITTEE

appointed by the Study Group to review the working of

THE DOCK WORKERS' (REGULATION OF EMPLOYMENT) SCHEMES

A Committee was constituted by the Study Group for Ports & Docks to consider and make a comprehensive review of the working of the Dock Workers' (Regulation of Employment) Schemes with a view to effecting improvements in the light of experience of their working at the different ports and to undertake a thorough examination of various measures adopted in the ports for improving the efficiency and productivity of the workers. This Committee met at Calcutta on the 9th and 10th November, 1967. The following members were present :

1. Shri S. C. Sheth
2. Shri S. R. Kulkarni
3. Shri S. M. Dikhale

Sarvashri Robin Roy, Deputy Chairman, Calcutta Dock Labour Board, Makhan Chatterjee and R. K. Guha—both members of the Study Group for Ports & Docks—attended the meeting by special invitation.

(1) The Government of India took legislative measures for the first time to regulate the employment of dock workers at major ports by enacting the Dock Workers (Regulation of Employment) Act, 1948 giving powers to the Central Government to frame Schemes for registration of dock workers with a view to secure greater regularity of employment and for reducing the hardships caused to labour due to under-employment and unemployment. Under the provisions of this Act, the Government simultaneously appointed a Committee under the Chairmanship of Shri S.C. Joshi, the then Chief Labour Commissioner (C) with equal representatives each of the Bombay Stevedores' Association and the Bombay Dock Workers' Union to advise the Government on the matter. The said Committee analysed the important provisions of the

U.K. Dock Workers (Regulation of Employment) Scheme, 1947 and submitted a Scheme for the port of Bombay with further recommendations that similar Schemes should be notified simultaneously for other major ports. The Government of India after considering the recommendations of the Committee and after making suitable modifications notified the Bombay Dock Workers (Regulation of Employment) Scheme, 1951 on 27th January of that year. The Bombay Dock Labour Board, a tripartite body, constituted under the above Scheme was entrusted with the working of the Schemes which was implemented with effect from 1-2-1952. Similar Schemes were drawn up for the ports of Madras and Calcutta and implemented at these ports in stages through their respective Dock Labour Boards.

(2) In pursuance of the provisions of the Dock Workers (Regulation of Employment) Act, the Central Government constituted a Committee known as the Dock Workers Advisory Committee to advise the Government on various matters arising out of the working of these Schemes. The Committee consisted of 15 members, 5 each, representing Central Government, employers of dock workers and dock workers. The Government of India on receipt of complaints from shipowners and employers on one hand and the Unions of workers on the other regarding the working of the Schemes at Bombay, Calcutta and Madras appointed a tripartite Committee under the Chairmanship of Shri S. Vasist, the then Adviser of Railway Board, to go into the complaints and make suitable recommendations to the Government for their consideration. The said Vasist Committee in addition to making suitable recommendations to the Government modifying the then existing Schemes also made a recommendation to notify and implement the Listing Schemes to cover other categories of dock workers who were not covered under the former Schemes, with the object of ultimately bringing them under the decasualisation Schemes. The Government accepted most of the recommendations of the said Vasist Committee, notified modified Schemes for stevedore workers and notified Listing Schemes to cover shipping and painting, coal and salt workers, baggers and stitchers, shore ore handling workers and recently the foodgrain workers at the port of Bombay.

(3) The consensus amongst members of the Committee was that by and large the Dock Workers (Regulation of Employment) Schemes at the major ports are working satis-

factorily excepting for some complaints in the working of the Schemes at Calcutta and Mormugao.

(4) A view was expressed by the Labour representative to amend the Scheme for providing for the set up of an Appellate Tribunal to enable an aggrieved registered worker to prefer an appeal against the decision of the Chairman of the Dock Labour Board which provision existed in the Bombay Dock Workers (Regulation of Employment) Scheme, 1951 and Schemes for other ports. In view of the fact that from actual experience it was found that an appeal to the Appellate Tribunal involved considerable time and expense the Vasist Committee had recommended the abolition of the Appellate Tribunal and made provisions for appeals to the Deputy Chairman and the Chairman. On certain major issues, it was also pointed out that the workers still have recourse to raise an Industrial Dispute before the appropriate machinery. The general consensus then was that the present provisions need not be disturbed.

(5) A suggestion was made that under the present Scheme if any disciplinary action was taken suspending a registered worker from duty, the Scheme provides for the grant of subsistence allowance at the rate of 1/4th of his daily time-rate wage or attendance money whichever was higher. In view of the fact that the Model Standing Orders now make a provision for payment of 1/2 the daily time-rate wage for the purpose of payment of subsistence allowance, the Schemes at all the ports should be amended accordingly. The consensus amongst members was that if the Model Standing Orders provides for such a provision, it was appropriate that the Schemes should be amended accordingly.

(6) It was pointed out that in the present Schemes, there is no provision for an appeal against the decision of the Labour Officer to the employers. Since a worker has a right for an appeal, similar provision should be made in the Schemes giving such a right of an appeal to an employer. The suggestion was accepted.

(7) The present definition of 'dock worker' as contained in section 2 (b) of Dock Workers (Regulation of Employment) Act, 1948 has been taken from the U. K. Scheme. A view was expressed that this definition is vague, giving rise to various disputes on its interpretation. It was, therefore, considered necessary that Central Government should be requested to examine amendment of this definition with a view to make it more explicit.

(8) Regarding the Administrative Body of the employers, it was the general view of the Committee that by and large they have been working satisfactorily at all the ports excepting that complaints have been received against the Administrative Body of the employers at the port of Calcutta.

(9) As regards Disappointment Wages, the labour representative stated that the existing provision in the Schemes providing for payment of Disappointment Wages should be modified to provide for the payment of full daily-time-rate wage. After discussion it was agreed that if a worker was returned to the call stand by an employer for circumstances beyond his control and if the worker remained at the call stand for being allocated to any other employer during the course of the shift, there should be no objection if the Scheme is modified to meet the request of the labour representative.

(10) Regarding casual labour engaged by the Port Authorities, the labour representative stated that the provisions contained in the Dock Workers (Regulation of Employment) Act, 1948 should be made applicable and Schemes framed in respect of such workers. A view was expressed that if the Port Administration provides benefits to the casual workers which were in conformity with the spirit of the Schemes, it was not necessary to have separate Schemes for such workers since the Port Administration constitutes one single employer.

(11) It was discussed that there is a large body of dock workers who are not covered under the Schemes notified by the Government. Some of them even do not get the benefits of Provident Fund and Gratuity nor other welfare facilities like out-door and indoor medical treatment and canteen facilities. It was also discussed that a number of employers may not be in a position individually to provide for such facilities by themselves. The Committee agreed that for such categories of workers and employers, the Schemes should be amended with a view to give powers to the respective Dock Labour Boards to provide for such benefits on payment of charges or contribution as may be fixed by the Dock Labour Boards. This was considered necessary as there were categories of dock workers who were not covered by the Government within the scope of the provisions of the Employees' State Insurance Act and the Employees' Provident Fund Act.

(12) A suggestion was made to constitute a National Dock Labour Board with a tripartite composition with the idea that this Board will be able to co-ordinate the activities and measures pursued by the local Dock Labour Boards and to ensure that the local Dock Labour Boards did not pursue policies which might run counter to each other and create different problems. Such a Board exists in U.K. Such a Board might be given powers to fix the wages and service conditions of workers administered by the local Dock Labour Boards. It was felt that such a measure, if adopted, would greatly facilitate smooth functioning of various local Dock Labour Boards, and would also provide for complete co-ordination between the various Dock Labour Boards. While discussing this matter it was pointed out that the Government of India had already appointed the Dock Workers' Advisory Committee under the Dock Workers (Regulation of Employment) Act, 1948. Therefore, if this suggestion was accepted, it would be duplicating the functions. This view was not correct, since the other body was only advisory in character whereas the National Dock Labour Board would be charged with the functions of taking decisions on most important questions concerning wages and service conditions prevailing at all the ports and other matters covered under the present Schemes. In the event of the National Dock Labour Board being constituted, obviously the work of the Dock Workers' Advisory Committee would become superfluous.

(13) A suggestion was made that in order to resolve major disputes which may arise from time to time at any port and not settled at the local level and in order to promote industrial harmony, a bi-partite Board at the national level, with an independent judicial Chairman, nominated by the Central Government may be constituted. This bi-partite Board shall meet periodically to take up and settle all disputes which may remain unsettled at local level. It was felt that this was a very good proposal and necessary provision may be made in the Dock Workers (Regulation of Employment) Act, 1948 and the Schemes framed thereunder to provide for constitution of such a bi-partite Board.

(14) The Schemes provide for allowing employers to engage certain categories of workers who are in their permanent employment without being registered. Difficulties have arisen when some of the permanent employees who have been granted exemption for being employed without being registered do not get the benefits of service conditions which

are normally given to registered reserve pool workers. Whenever such an exemption is claimed by an employer the Scheme should make it obligatory that the conditions of service given to permanent employee should not be less favourable than those enjoyed by the reserve pool workers.

(15) Clause 31 regarding payment of Minimum Guaranteed Wage in the various Schemes provide that a day shall mean 'shift' and Minimum Guaranteed days are therefore computed accordingly on the basis of shifts actually worked by the workmen. The labour representative felt that if a worker works for more than one shift in a day, the additional shift should not count towards Minimum Guaranteed Wages. The employers' representative contended that the present provisions were made with a view to provide for Minimum Guaranteed Wages to a worker during the month when the employment was not sufficient and the Act was also framed to safeguard a worker against unemployment and under-employment. However, after discussion it was agreed to accept the suggestion made by the labour representative.

(16) The labour representative urged that the Schemes should be amended to provide that when a worker works for more than one shift in a day he should be paid at overtime rate for the second extra shift worked by him and the Schemes amended accordingly. The view of the employers' representative was that if the Schemes were to provide for overtime payment for work beyond normal shift hours, payment for work beyond normal shift hours should be made only for the actual hours worked and not for the full shift as at present. After discussion the labour representative did not press the issue.

(17) A suggestion was made by the employers' representative that the Calcutta Scheme should also provide for disciplinary action as is at present at other ports, *i.e.* through the appointment of a Labour Officer under the Administrative Body to take disciplinary action against the workmen. This suggestion was accepted.

(18) A suggestion was made by the Labour representative that between the introduction of the Unregistered Dock Workers (Regulation of Employment) Schemes commonly known as the Listing Schemes and the implementation of the decasualisation Schemes there should not be a gap of many years. The Listing Schemes were intended or introduced only for the purpose of obtaining proper statistical

data. It was generally agreed that the period should not generally exceed 2 years.

(19) A view was also expressed that if the employers, in agreement with the workers, were in a position to provide benefits which arose under the normal Schemes to the workers, then it was not necessary to provide separate Schemes for such categories of workers.

(20) The Dock Workers' Advisory Committee had made an unanimous recommendation to Government for raising the powers of the Dock Labour Boards in connection with appointments of officers and creation of officers' posts upto a maximum pay of Rs. 1,000 against the existing limit of Rs. 800. It was agreed that the Study Group should make a suitable recommendation in this behalf.

Bombay, dated the 23rd December 1967.

S.M. Dikhale
S.C. Sheth
S.R. Kulkarni

Annexure IX

(para 66)

SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS

I. Recruitment and Induction

(1) A man-power budget should be prepared for each port, particularly for categories of workers in short supply. A pool of all available technical staff should be maintained for all ports. Arrangements should be made for training existing personnel in technical jobs, including broad and general knowledge of port working. (para 5)

(2) A sufficient number of stevedore workers should be trained as Winch Drivers and Hatch Signalmen. (para 6)

(3) "On-the-job" training of workers should be introduced, as far as practicable, with a view to minimising the difficulties caused by seasonal absenteeism. (para 8)

(4) If certain employees are required to be trained in a particular job and facilities therefor were not available in the port itself, the employees concerned should be permitted to avail of facilities for such training outside the place of work and they should be encouraged by the employers without any monetary loss to the employees. (para 9)

(5) The basic principle for promotion of workers should be seniority-cum-suitability for ordinary posts; for posts requiring special skill, knowledge, or a high degree of efficiency, promotions should be made mainly on the basis of merit. (para 10)

II. Conditions of Work

(6) The number of holidays for all port and dock workers, throughout India, should be uniform after taking into account the festival holidays and the number of days of casual leave. The number of holidays on which the port work was closed should be kept to the barest minimum. (para 11)

(7) Wherever possible, works of a continuing nature should be carried out departmentally and in cases where contractors had to be engaged, the relative work contract should include a more comprehensive "Fair Wage Clause" (para 12)

(8) Clauses 12(2), 16, 19, 20 and 21 of the Dock Workers (Safety, Health and Welfare) Scheme, 1961, which had not been brought into force so far, should be made operative as early as possible. (para 14)

(9) A comprehensive common statute should be enacted bringing together the various provisions of the Indian Dock Labourers' Regulations, 1948 and the Dock Workers (Safety, Health and Welfare) Scheme, 1961. The consolidated statute should contain clauses (i) for assigning responsibility for compliance of the different provisions by the parties concerned, and (ii) for covering modern methods introduced in ports for lifting, carrying and transporting cargoes by mechanical means. The new statute should enhance the fines which were low in the existing legislation. (para 15)

(10) With a view to preventing accidents, dock workers and supervisory staff should be trained in safe methods of handling of cargo and other articles. It should be made obligatory on all port employers to engage trained supervisory personnel. A training school should be set up at each port; it should be staffed with qualified and experienced instructors and equipped with demonstration models and audio-visual aids. (para 17)

(11) More concerted efforts should be made by the Dock Safety Committees in making the dock workers safety conscious. (para 18)

(12) The recommendations of the Mankiker Committee on Welfare Measures should be implemented by the port authorities and other employers concerned. (para 19)

(13) A factory should be set up, if necessary in the public sector, for the manufacture of protective equipment required for the dock workers. A list of hazardous and dusty cargoes and the type of personal protective equipment to be used should be circulated to the dock workers in the regional languages understood by them. A fully qualified Safety Officer should be appointed at each Port. (para 20)

III. Trade Unions and Employers' Organisations

(14) There should be, in all major disputes, a joint consultation between the various employers' organisations and the labour federations, without prejudice to the right of labour to have bipartite consultation at each port level. There should be prior discussion of all major labour problems between the recognised labour federations and the Inter Port

Consultations Organisation ; this principle should also apply to other employers. (para 21)

(15) Progressively, the number of "outsiders" as office-bearers of a trade union should be reduced and instead internal leadership should be encouraged ; even among the "outside" office-bearers, only professional trade union leaders and not political workers should be permitted to hold office in the "executive" of a trade union. (para 24)

(16) The Indian Trade Unions (Amendment) Act, 1947 should be enforced with such modifications as might be deemed expedient for recognition of representative unions, and rules under the amended Act for the recognition of unions should be properly framed. (para 25)

(17) Section 2A of the Industrial Disputes Act, 1947 (incorporated by Act 35 of 1965) should be deleted. (para 25)

IV. Industrial Relations

(18) Disputes involving substantial financial commitments were not suitable for being referred to arbitration ; only matters such as interpretation of rules or awards of tribunals should be referred to arbitration and basic disputes, such as wage claims, must be decided by an independent judicial authority such as an industrial tribunal. Similarly, disciplinary cases were not fit for arbitration and should be referred to adjudication. (para 28)

(19) With a view to avoiding delays, more industrial tribunals should be appointed and a time limit of three months prescribed for making the Awards. (para 28)

(20) Qualified and/or experienced Labour/Personnel Officers should play an impartial consultative role in preventing disputes and maintaining harmonious employer-employee relationship. (para 29)

(21) The port employers should adopt, in principle, the Model Standing Orders suggested in the Industrial Employment (Standing Orders) Act, 1946. (para 30)

(22) Except disputes or grievances relating to matters such as wages, dearness allowance, etc., the settlement of other grievances which had no substantial financial implications should be pursued a local levels and with that end in view powers should be delegated to senior officers. (para 31)

(23) The Central Labour Institute, established by the Government of India at Bombay, should conduct suitable courses for training executive officers of Port Trusts and leaders of unions in industrial relations with particular emphasis on ports and personnel management. (para 32)

(24) There should always be a genuine and earnest desire between port employers and trade union leaders to settle all disputes across the table, through joint consultation and collective bargaining without any mental reservation and without any prior intention on the part of any party to the dispute to have recourse to a third party, including the services of an adjudicator. Only such cases, where no agreement through collective bargaining was possible, should be taken up for arbitration or adjudication as might be expedient. (paras 33 and 38)

(25) As an alternative to Works Committees, Joint Consultative committees should be constituted at each port for different departments or for groups of departments and the representatives of the union or unions concerned should be invited to participate in such committees; the functions of such committees should be those as suggested for works committees at the 17th Session of the Indian Labour Conference (1959) with such additions as might be mutually agreed upon. The heads of departments at each port should hold periodical meetings with a view to resolving disputes at the local level and establishing close and cordial relations between workers and management at the plant/section level. (para 34)

(26) The functions of Joint Management Councils and Emergency Production Committees should be looked after by the Joint Consultative Committee to be set up at each port. (para 35)

(27) The officers of the conciliation machinery of the Central Labour Ministry under the Chief Labour Commissioner should be adequately trained and remunerated : there were too many and too frequent transfers of the officers from one region to another with the result that, before they gained sufficient experience and knowledge of the problems of a port, their utility was lost. (para 36)

(28) If a certain dispute at a particular port was referred to adjudication by an industrial tribunal, a similar dispute at any other port should be referred to the same tribunal. (para 38)

(29) The revival of the Labour Appellate Tribunal of India would help in the expeditious settlement of disputes. (para 39)

(30) Arbitrators should be men of integrity having knowledge of the industry and law ; they should be eminent persons in their own right and capable of giving impartial judgment ; lawyers were not likely to be best suited as arbitrators, but judges would be ideal. (para 41)

V. Wages

(31) A selected number of jobs at each port should be rated and then proper differentials fixed between them with the object of reducing the number of grades as also the wage differentials. (para 44)

(32) It was not practicable to introduce a system of payment of wages in kind to employees in ports. (para 47)

VI. Incentive Schemes and Productivity

(33) Surveys of socio-economic conditions of the workers should be undertaken, as often as may be necessary, in all ports. It will then be possible to develop policies and practices for creating the atmosphere for highest motivation and thereby increase the employee's job performance and productivity. (para 49)

(34) Gains of productivity, if any, should be shared on a 50:50 basis, the details being left to be worked out between employers and workers through collective bargaining; for that purpose, one or the other of the different formulae for productivity schemes recommended by the National Productivity Council should be adopted in the ports. (para 50)

VII. Social Security

(35) The Employees' State Insurance Scheme and the Employees' Provident Fund Scheme, under the respective Acts, should be made applicable to the port and dock workers employed by all private employers not covered under the Dock workers' (Regulation of Employment) Schemes. (para 53)

(36) A portion of the Provident Fund of the employees of Port Trusts and Dock Labour Boards should be earmarked for contributing to unemployment insurance. (para 54)

(37) A central fund should be created by Government for the purpose of paying lay-off and retrenchment dues to the workers of private employers in ports, into which a small

levy, say 1/8th per cent, should be paid periodically by each employer. (para 55)

VIII. Labour Legislation

(38) There should be a duty cast upon employers and workers, by law, to resort to collective bargaining, in good faith in all industrial disputes between them and only in extreme cases, upon failure of such bargaining, resort should be had to intervention by a third party. (para 56)

(39) There should be an independent authority which should ensure that all bipartite agreements entered into from time to time between employers and workers conform to National Plans. (para 57)

IX. Labour Research and Information

(40) Each Port Trust should create a statistical section and publish periodically important statistics bearing on all matters of port working including, *inter alia*, conditions of service etc. of all port and dock workers. (para 59)

(41) A committee should be appointed by Government to go into the question of reducing and also simplifying the number of registers and forms required to be maintained and the number of filled-in returns required to be sent under the different Labour Acts. (para 60)

(42) Separate statistics should be maintained for illegal/irregular, lightning and stay-in strikes as well as for 'go-slow', 'work-to-rule', etc., measures adopted by the workers which adversely affected port working; all work stoppages for whatever reason should be included in such statistics. (para 62)

(43) For understanding the social and sociological aspects of workers' life, the Port Trusts and Dock Labour Boards should conduct *ad hoc* socio-economic surveys of their respective workers periodically. (para 63)

XI. DOCK WORKERS' (REGULATION OF EMPLOYMENT) SCHEMES

(44) The Schemes should be amended to provide for the grant of subsistence allowance to a registered worker suspended from duty at 1/2 the daily time-rate wage. (para 65)

(45) the Schemer should provide for a right of appeal to an employer against the decision of the Labour Officer. (para 65)

(46) The definition of 'dock worker' in Section 2(b) of the Dock Workers (Regulation of Employment) Act, 1948

should be amended with a view to making it more explicit. (para 65)

(47) The Schemes should be modified to provide for payment of full daily-time-rate wage to a worker if he was returned to the call stand by an employer for circumstances beyond his control. (para 65)

(48) The Schemes should be amended to give powers to the Dock Labour Boards for extending to such categories of dock workers as are not covered by the Schemes and to whom the Employees' Provident Fund and the Employees' State Insurance Acts do not apply, the benefits of Provident Fund, Gratuity, medical, canteen and other facilities on payment of charges or contribution by the employers as may be fixed by the Dock Labour Boards. (para 65)

(49) The Dock Workers (Regulation of Employment) Act 1948 and the Schemes framed thereunder should be amended to provide for the constitution of a bi-partite Board at the national level, with an independent judicial Chairman to be nominated by the Central Government, for settlement of major disputes. (para 65)

(50) The Schemes should be amended to make it obligatory on the employer, who has been granted exemption from registration of his permanent employees, that the conditions of service given to such employees are not less favourable than those enjoyed by the registered reserve pool workers. (para 65)

(51) If a worker worked for more than one shift in a day, the additional shift should not count towards Minimum Guaranteed Wages. (para 65)

(52) The Calcutta Scheme should be amended to provide for taking disciplinary action against workmen by appointment of a Labour Officer under the Administrative Body. (para 65)

(53) The period between the introduction of the Unregistered Dock Workers (Regulation of Employment) Schemes, commonly known as Listing Schemes, and the implementation of the decasualisation Schemes should not generally exceed two years. (para 65)

(54) The Government should be requested to raise the powers of the Dock Labour Boards authorising them to appoint officers and to create officers' posts upto a maximum pay of Rs. 1,000. (para 65)

Annexure X

Note by Sarvashri S.R. Kulkarni and Makhan Chatterjee regarding employment of casual labour in the ports

No other problem concerning labour-management relation has, perhaps, been so complex in the Port Transport Industry, any where in the world, as the question of employment of casual workers.

2. The system of employment of casual workers in the ports was considered inevitable in the past. The Dockers have regarded employment of casual labour in the Docks as an evil, a pernicious system—the curse of the Docks. The social reformers and research students who investigated the problem, particularly in the United Kingdom, considered it as a social evil. Persistent organised resistance of workers to this evil system coupled with awakening of public opinion about its disastrous social consequences, resulting from research and investigations, led to decasualisation of Dock workers in many countries. In the United Kingdom, employment of casual workers has come to a complete end with coming into operation of Dock Workers Regulation of Employment (Amendment) Order 1967 with effect from 18th September, 1967.

3. The Royal Commission on labour in India noted in its report :

> "The demand for Dock labour is intermittent, it depends upon the arrival and departure of vessels and the size and nature of their cargo as well as on seasonal and cyclical fluctuations. In India, the monsoon is an additional factor affecting both shifting arrangements and the amount of produce available for export. In all ports, therefore, there is usually labour in excess of immediate requirements, and the tendency is, for employers, to encourage larger reserves than necessary in order to provide ample margin against emergencies. Usually the Port authorities maintain a permanent establishment under their direct control, but the bulk of the labour in loading and unloading is casuai and is emPloyed indirectly through stevedores other contractors."

4. The Commission recommended decasualisation and registration of Dock workers stating :

> "We consider that those labourers who regularly offer themselves for work at the Docks are entitled to secure as large a measure of regular employment as the nature of the calling will allow. This can only be secured by decasualisation. We recommend the adoption in each of the main Ports of a system of registration, which should be supervised and controlled by the Port Authority, assisted by representatives of ship owners, stevedores and labourers. A register should be compiled of all workers who have genuine claim to be regarded as Dock labourers. It should include all those employed on the work of loading and unloading on board ships, or on shore, i.e., harbour, dock, wharf, quay or at any similar place where such work is carried on."

5. A draft scheme was first drawn up by the Government in 1939, which provided for registration of workers, who were eligible for employment for Dock work including the shore workers. The draft made provisions for grant of attendance money or monthly minimum wage.

6. The consideration of the scheme was postponed several times and was then dropped on the ground that the decasualisation scheme could not be proceeded with due to war conditions.

7. After the second world war, the Government again took up the question of decasualisation of Dock workers. The Government suggested that all labour employed by the Port Authorities and Contractors for work connected with the loading and unloading of ships should be covered by the decasualisation scheme to be drawn up for the purpose.

8. In 1944, due to shortage of labour caused by the war conditions, the Madras Port Trust initiated a scheme for decasualisation of shore workers. Prior to adoption of this measure by the Madras Port Trust, the work was done by the Madras Port Trust through contractors in the same manner as in the Ports of Bombay, Calcutta and other Ports.

In the Ports of Bombay and Calcutta, departmentalisation of shore labour took place in 1948. Two registers of shore workers were maintained. This was also the practice in Madras. The workers whose names were included in the 'A' category or 'Primary' register were given all benefits

enjoyed by regular employees under the Port Authorities and those included in the 'B' category or 'Secondary' register were employed after employment of 'A' category workers. In Madras, the Mistries of 'B' category gangs and in Calcutta the Sirders of Secondary gangs were granted a nominal attendance allowance. The practice of employment of 'C' category workers developed later as the Port Authorities failed to meet their requirement of labour from the two registers.

9. The Dock Workers (Regulation of Employment) Act, 1948, was intended to be applied to all categories of labour working in the Ports but the decasualisation of Dock Workers' Scheme which was framed under this Act, was on the representation of the Port Authorities, restricted to the stevedore labour only.

10. The main arguments put forward by the Port Authorities for exclusion of the shore workers from the purview of the schemes were :

"(i) the shore labour was already decasualised and was reported to be working well in Calcutta and Madras;

(ii) there was such wide disparity in the conditions of service etc. that it would be impracticable to cover all Dock labour by a uniform scheme; even if such a scheme were possible, it was doubtful whether it would be acceptable to labour."

11. The Inland Transport Committee of the International Labour Organisation (ILO) at its third session held in May (18—27), 1949, adopted a resolution concerning regularisation of Dock workers and indicated the broad outlines of decasualisation of Dock workers and emphasised amongst other things, the need of :

(1) Comprehensive programme for raising the standard of welfare of Dock workers.

(2) Providing minimum guaranteed income for registered dockers by collective bargaining, legislation or other suitable means.

(3) Giving consideration to the experience of various countries in drawing up schemes in regard to payment of attendance money and/or of a guaranteed minimum weekly wage.

(4) Coordinating the schemes for regularisation of employment in different Ports.

(5) Provision for close cooperation between the employers and the workers concerned.

12. In the sphere of decasualisation of the Dock workers working on board the ships or engaged in Stevedoring work, the Bombay Stevedores' Association Ltd. played a very important role. On 22nd November 1947, a settlement was reached between the Bombay Stevedores Association Ltd. and the Bombay Dock Workers' Union on the subject. Accordingly, Bombay Stevedores' Association requested the Government of India to draw up a scheme to deal with the question of registration of stevedore workers, their employment and other connected matters. As a result of the above agreement, the Government of India appointed a Committee under the Chairmanship of Shri S.C. Joshi, the then Chief Labour Commissioner, for framing the scheme. The Joshi Committee submitted its report in July 1948, and recommended *inter alia* "to introduce simultaneous schemes in all major Ports in respect of the same class and category of workers."

13. The schemes which Joshi Committee proposed for the port of Bombay and the schemes subsequently drawn up for other ports of the country were modelled, by and large, on the U. K. Dock Workers' (Regulation of Employment) Scheme 1947. Under the authority of the Dock Workers (Regulation of Employment) Act, 1948, the Government of India notified the Bombay Dock Workers (Regulation of Employment) Scheme, Calcutta Dock Workers (Regulation of Employment) Scheme and Madras Dock Workers (Regulation of Employment) Scheme on 27th January 1951, 5th October 1951, and 8th March 1952 respectively. Dock Labour Boards entrusted with the working of the Scheme were constituted for the port of Bombay with effect from 1st February 1952, for Calcutta with effect from 2nd September 1952, and for Madras from 14th July 1953.

14. The schemes were implemented in Bombay, Calcutta and Madras with effect from 1st February 1952, 5th October 1953 and 16th August 1954, respectively.

15. In January 1955, the Government of India appointed a Committee under the Chairmanship of Shri S.S. Vasist, Adviser, Railway Ministry, to enquire into the working of the Dock Workers (Regulation of Employment) Schemes in Bombay, Calcutta and Madras. Its terms of reference included the question of feasibility of inclusion in the schemes of other categories of labour covered by the Dock Workers.

(Regulation of Employment) Act, 1948, and suggesting amendments to existing schemes or to frame new schemes for further category of labour, if any, recommended for decasualisation.

16. The original schemes were amended in certain respects and the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the Bombay Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, and the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, were framed following the recommendation of the Vasist Committee for listing of certain additional categories of workers preparatory to their final registration under the Decasualisation Schemes. The main decasualisation schemes included only a few categories of Dock workers.

17. Though the Vasist Committee was entrusted to enquire into the working of the Decasualisation Schemes operating in 3 Ports mentioned above covering only the workers working on board the vessels, it made the following significant recommendations regarding the Dock workers employed ashore :

(i) "At the three Ports casual labour is employed by the Port Authorities in varying magnitudes. The proportion of casual employment to the total employment is considerable. In order to create a proper healthy atmosphere amongst the shore and stevedore labour, who have to work side by side and on whose joint and coordinated efforts the rate of handling and the turnround of vessels depend, the question of decasualisation of the shore casual labour should be taken up. The Government may review the situation and suggest to the Port Authorities that a suitable decasualisation scheme in respect of casual shore labour may be framed by them".

(ii) "The question of eliminating contractors' labour from work, which has come to be recognised as shore work to be done by the labour employed directly by the Port Authorities, should also be taken up when the framing of a scheme for the decasualisation of shore labour, as recommended in para 616, is taken in hand."

18. The problem again engaged the attention of the ILO in 1957. The Inland Transport Committee of the ILO,

meeting at Hamburg at its Sixth Session from 11th to 22nd March 1957, drew pointed attention of the governing body of the ILO to the imperative need of maximising regularity of employment of Dock workers and taking necessary steps for the purpose.

19. Shri P.C. Chowdhury, I.C.S., who was appointed as an Officer on Special Duty to enquire into the demands of Port and Dock workers in 1956, made recommendation for substantial reduction of the strength of casual workers by increasing the strength of decasualised workers employed by Port Authorities.

20. The Government of India, however, did not accept the recommendations of the O.S.D. in respect of the matter and advised the Port Authorities by its Resolution (Ministry of Transport) dated 20th July 1958, to adopt the formula laid down by the Labour Appellate Tribunal of India in an award arising out of a dispute in the Bombay Port which perpetuated employment of decasualised, casual and rank casual workers resulting in continuous increase of casual and rank casual wokers. The Government had only accepted the principle of payment of equal wages to the casual and rank casual workers for the days they were actually engaged for work at the same rate as applicable to 'A' category workers, grant of some attendance allowance to 'B' category workers and certain other nominal benefits as recommended by the O.S.D.

21. As a result of representations made by the All India Port & Dock Workers' Federation, to the Government of India in the Ministries of Labour and Transport, Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 and Cochin Dock Workers (Regulation of Employment) Scheme, 1959, were notified on 11th July 1959, and 6th June 1959, respectively and subsequently the Marmugao Dock Workers (Regulation of Employment) Scheme, 1965, was also notified on 10th April 1965. The Government of India has not yet finalised similar scheme for the Port of Kandla though they accepted it on principle.

22. The Government of India, in the Ministry of Labour and Employment in March 1966, constituted a court of enquiry under Section 6 of Industrial Disputes Act, 1947, with Shri Salim M. Merchant as the sole member, to enquire into the terms and conditions of service of casual workers employed by Port Authorities for cargo handling work

ashore to recommend improvement of the terms and conditions of service.

23. The report of the court of enquiry was published by the Government in the month of August 1967. The Government of India accepted the recommendation of the Committee with certain modifications. As a result of the implementation of the recommendation of the court of enquiry, certain additional benefits and amenities have been extended to the 'B' & 'C' categories of workers and provision has been made for absorption of certain number of 'B' and 'C' categories of workers against vacancies in 'A' category gangs and as 'B' category workers respectively.

Conclusions

(a) From the above review, it will appear that the modest recommendation made by the Royal Commission on Labour long before independence and about 36 years ago for decasualisation of Dock workers and inclusion in the register of "all those employed on the work of loading and unloading on board ships, or on shore, i.e. Harbour, Dock, Wharf, Quay or at any similar place where such work is carried on" has not been fully implemented yet.

(b) The scheme of decasualisation (Departmentalisation) of shore workers adopted by Port Authorities suffered from the major defect of permitting employment of decasualised and casual workers of same categories for performing same cargo handling operations in the Ports. The scheme became further defective as a result of introduction of the third category of rank casuals of 'C' category workers for performance of same operations, subsequently. As a consequence of these defects, the tendency to keep down the strength of the costlier 'A' category workers and to increase the strength of the cheaper casual and rank casual workers grew virtually defeating the object of decasualisation of shore workers.

(c) The Vasist Committee's recommendation regarding decasualisation of shore workers was ignored by the Authorities.

(d) Virtually, no new category of stevedoring workers has been brought under the decasualisation scheme after framing of the original schemes for decasualisation and even after introduction of the Listing Schemes, unregistered Dock Workers (Regulation of Employment) Schemes in Bombay, Calcutta and Madras in 1957.

(e) All cargo handling operations in the Docks are complementary to one another and dislocation of work or slow or inefficient working at any stage affect the working of the entire Port and turn-round of ships. It is, therefore, essential to ensure smooth and efficient working of all cargo handling workers in Docks by removing the causes of frictions inherent in the system of employment of casual workers.

(f) Apart from the cargo handling shore workers engaged by the Port Authorities, the shippers, importers, etc. engage through contractors at present in all the Ports at Docks, Sidings, Ware houses etc. for handling iron ores, bulk cargoes, cement, sulphur, coal, tea chests, iron and steel, etc. Some of the contractors are as casual as the workers they employ and can have no long term interest in the Ports. It is common knowledge that they frequently evade their elementary obligations to the workers and act in an erratic manner.

The Committee of Enquiry into the major Ports of Great Britain (1962 Rochdale Committee) emphasised the need of reducing the number of employers in Ports of Great Britain and observed *inter alia* "It is clear that this state of affairs is incompatible with arrangements for the employment of Dock Workers on a regular basis. This can only be achieved if employers are substantial firms with a continuing demand for labour, only such firms can make flexible and productive use of labour and establish satisfactory working relationship. In this situation, we would hope to see improved standard of personnel management, of which there generally seems to be a lack in the industry at present ; good personnel management is in our view the counterpart of good trade union organisation .. ..We believe, therefore, the reduction in the number of employers must be sharp".

It stated further : "Where there are small firms whose livelihood is derived mostly from dockland activity, a number might amalgamate so as to produce a body capable of offering regular employment and large enough to merit a place on a reduced Port register. Those firms on the other hand whose demands for labour are intermittent, possibly because they are primarily engaged in other activities, might look to established employers to get their work done. We do not think that their interests need suffer as a result".

The Devlin Committee (1965) which was subsequently set up to enquire into various matters concerning Port Transport Industry of Great Britain relied on the report of the

Rochdale Committee in respect of the above matter and elaborated further the evil effects of "casual management" in the Docks.

As a result of the above investigations, chapter 28, Docks and Harbours Act, 1966, was enacted in Great Britain to make amongst other things, "further provision for regulating the employment of Dock Workers including provision for compensating persons prohibited from employing or working on their own account as Dock workers and for raising sums required for paying such compensation".

Under the provisions of the above Act, nobody can employ Dock workers in the major Port of Great Britain without a licence for the purpose and except in accordance with the terms of the licence.

We suggest that similar action should be taken in respect of Indian Ports.

(g) Whatever might have been the justification for the apprehension about the feasibility of a common scheme for shore and stevedoring workers at the time of initiating decasualisation of Dock workers in this country, the position has radically changed since then. The cargo handling operations on board the vessel and ashore being an integrated process, the conditions of service and system of payment etc. to both sections of workers have to be similar for achieving industrial peace and optimum output. As a matter of fact, the principle of equal conditions of service for both the sections of workers, as far as practicable, was accepted by the Government in 1958 after publication of Shri P.C. Choudhuri's report and in respect of amenities and benefits some degree of uniformity has already been brought about between the two sections of workers.

Whether the Agency of employment is common or not, we feel that schemes of decasualisation with common provisions should be drawn up for application to all Dock workers in the major Ports and it should include all cargo handling workers in the Docks including the lightermen, coal workers etc. as in Great Britain. The scheme can be modelled on the Dock Workers (Regulation of Employment (Amendment) Order 1967 of Great Britain which came into force on 18th September 1967, with such variations as may be deemed necessary. Nobody should be employed for dock work without the minimum guaranteed wages and amenities, benefits and fair conditions of service as may be laid down under the provisions of such a scheme.

(h) In view of the imperative need of pursuing a coordinated and uniform policy in respect of dock work and employment of dock workers in all major Ports of the country, a National Dock Labour Board should be constituted. The Advisory Committee provided under Section 5 of the Dock Workers (Regulation of Employment) Act, 1948, has proved to be ineffective and inadequate and will be redundant, if a National Dock Labour Board is constituted.

(i) Now that strong and sound All India Organisations (Federation) of Port and Dock Workers, Port Authorities (Inter Port Consultative Committee), Stevedores (Federation), Ship Owners (INSOA) etc. have grown, it should be possible to constitute a National Joint Council for the Port Transport Industry.

The National Dock Labour Board should consist of equal number of members representing Dock workers and Dock employers and the Chairman and Vice-Chairman should be appointed by the Ministers of Labour and Transport in consultation with the National Joint Council for the Port Transport Industry.

There should be a local Dock Labour Board in each Port, consisting of equal number of representatives of Dock workers and Dock employers. There should be a Chairman and a Deputy Chairman of each Dock Labour Board to be appointed by the Local Board concerned subject to the approval of the National Dock Labour Board. The persons representing Dock workers and employers in the local Dock Labour Boards should be appointed by the National Dock Labour Board.

We suggest that suitable action be taken urgently to amend the existing schemes on the line suggested above to improve not only the lot of the Dock workers but also the working of our major Ports.

Annexure XI

Paras 21 to 27

Note by Sarvashri S.R. Kulkarni and Makhan Chatterjee regarding the matters contained in Section III—Trade Unions and Employers' Organisations—of the Report

TRADE UNIONS

Pattern and Growth :

Most of the effective Trade Unions operating in the older major Ports came into existence well before the Independence. Composition of membership of some of them have undergone some change following change in the method of employment in the Ports such as departmentalisation of shore labour.

Generally, Port workers employed by Port Authorities are, by and large, organised in separate Unions and in some cases they grew departmentwise. In some Ports, stevedoring and other registered and unregistered Dock workers and cargo handling shore workers and shed staff employed by Port Authorities are organised in the same Union as in Bombay, Cochin and Visakhapatnam. Common employers with whom to bargain ; and nature of the process of work are general basis of their organisation.

Taken as a whole, the number of registered Trade Unions has increased in recent years in the Ports though in a few cases, amalgamation of two or more registered Trade Unions has also taken place. Besides, 'Committees', 'Action Committees', 'Sectional Committees', etc. with striking resemblance in form, substance, as well as in the matter of *modus operandi* of "Port Workers' Committees" in British Ports which have been proved by official investigations to be the apparatus of a certain political party and have caused immense confusion and innumerable disruptions of Port working in that country, have also come up from time to time in some of the Ports of the country. All these "Committees" are not necessarily organised by the political party concerned but it has set the pattern and runs some of them. The others grow at times following the pattern for furthering narrow sectional or sectarian interests and evaporate after sometime. However, despite these tendencies, the major Unions of Port and Dock workers in each port are easily discernible and

they have not only retained their strength over a long period of time but have actually grown stronger.

The most important development in the sphere of trade union movement of Port and Dock workers during the post-Independence period is the growth of the All India Organisation (Federation)of Port and Dock Workers which has played an important role in shaping the labour-management relation in the ports.

Amongst others, the following factors have contributed towards growth of the major trade unions in the Ports and their Federations and also the relation between the labour and management and the Government during the period :

(1) Inherent strength of the major Unions because of their democratic structures, manner of work and root among the mass of the Port and Dock workers.

(2) The knowledge about interdependence of workers and employers grown through long and varied experience.

(3) The key role of the Ports in the planned national economy and the awareness of the Government of the need of co-operation of organised labour in smooth running of the Port Transport Industry which is labour intensive and which was required to handle ever increasing and changing pattern of traffic without corresponding increase in Port facilities.

(4) The co-operation extended by the organised labour for improvement of productivity by accepting the sytems of payment by results on agreed basis for cargo handling operations.

(5) The constitution of tripartite Dock Labour Boards which brought the organised labour, dock employers and Government representatives closer with each other.

(6) The inclusion of Labour Representatives in the Port Trusts.

(7) Acceptance of the principle of uniform conditions of service for Port and Dock Workers of all the major Ports including equal pay for equal work by the Government and Port Authorities.

Attitude :

During the last decade, all important matters concerning labour-management relation have been settled by Tripartite

negotiations held at higher Governmental levels. The Federation has played decisive roles on behalf of labour in such negotiations. The effect of this development was perhaps the formation of the Inter Port Consultative Committee, a forum for exchange of views by all Port Authorities of the country, though many other matters of common interest to the Port Authorities have subsequently been included amongst subject matters of consultation in the Inter Port Consultative Committee. The All India Federation of Stevedoring Employers is also the consequence of All India negotiations (negotiations at national level) conducted by the All India Federation of Workers.

Only matters of local nature were settled by local negotiations.

It seems to us that the time has now come for the Dock workers and Dock employers including the Port Authorities to regulate their relations by collective bargaining both at national and local levels. The employer-employee relation takes shape and yields results only by the state of actual relation at these levels.

TRADE UNIONS—CONSTITUTION AND FINANCE

The major Trade Unions of Port and Dock workers are registered under the Indian Trade Unions Act of 1926. Their constitutions conform to the requirements of the said Act. Their funds are derived from the membership subscriptions and donations. They cannot be regarded as financially affluent but are, perhaps, better off than the average Trade Unions in the country. The need of improving the finances of the Union for better organisation and services is obvious. This will follow, if the recognition, in all cases without being mere formality becomes real aud multiplicity of trade Unions is eliminated or at least effectively discouraged.

The democratic functioning of the Unions is essential for the health of the Trade Unions ; but it necessarily depends on the attitude of the membership. Holding of regular elections and systematic method of functioning of the Unions enlisting widest possible participation of the membership through elected organs make the organisation viable. The constitutions of the Unions are designed keeping this end in view. The workers education can play an important role in developing the outlook for framing appropriate constitution. But, ultimately, these attributes cannot be superimposed and

grow through learning by experience more than anything else. The pattern of a successful Trade Union may very well serve as a model to other Unions though the organisational structures of the Unions may vary depending on the pattern of industry and other factors within certain broad framework.

'CLOSED SHOP OR UNION SHOP' SYSTEM

It is not material as to how it is described but it is essential that the strongest Trade Union in the real sense of the term should be the only Union to be recognised by the Port Authorities and the Dock employers, if healthy empolyer-employee relation and the well being of the Industry is the objective to be achieved.

We agree that the "Closed Shop" system will not be appropriate in the context of things in our Ports and the country and the way our trade unions have developed. We do not, however, see anything wrong with the "Union Shop" system.

If the principle of collective bargaining and all that goes with it is considered as a sound principle, it is hard to understand as to how a worker who derives direct benefit out of such collective bargaining can be given the freedom of enjoying the fruits of others' labour and sacrifice without making any contribution whatsoever. Furthermore, the Union which enjoys the right to compulsorily enrol membership of the workers employed in the Industry gains the status by virtue of its representative character resulting from voluntary combination of majority of the workers employed in the industry. Moreover, if the internal democracy of the Unions is ensured no individual member need have any apprehension about inequitable treatment.

"CHECK OFF" SYSTEM

Even under the existing system of recognition of the Unions, the recognised Unions enjoy certain advantages which are not available to the unrecognised Unions. In collective agreement between the employers and recognised Unions provision may be made for "Check Off" and we see nothing wrong with the system as such. The argument that "there were many Unions in the Ports and each worker had the right to join any one or more of them at a time" is not tenable for reason stated above. The deduction of dues of the recognised Union may be effected on authorisation by the

individual worker as is done now for recovery of loans granted by the registered Co-operative Credit Societies to the employees. However, this is a matter which will ultimately have to be decided by the individual Union concerned after the objection to the system in principle is removed.

Trade Unions—Leaderships and Multiplicities :

It would be wrong to view the trade unions of to-day in our country in isolation from the past. If internal leadership of the trade union has not grown sufficiently, it is due to the manner in which our trade unions have functioned and have been treated in the past.

In the changed context of the things, the growth, consolidation and survival of the trade union movement as such will depend on internal leadership. This can be achieved by practical training of the workers through day to day work in the unions and introducing educational activities for such trade unionists by trade unions themselves or in collaboration with educational institutions and universities.

It is necessary to make a distinction between outside leadership and full time union officials. Administration of of the trade unions of the size of the major unions of the Port and Dock workers with all the complexities and the multifarious functions they are required to undertake cannot be carried out by part time officers. Outside leaders supplied by political parties whose principal aim is furtherance of the political objective of their party rather than the cause of the employees organised in the trade union concerned can hardly carry out the administration of such trade unions effectively and efficiently to the satisfaction of the membership unless they make their trade union duties as the matter of primary concern which they can seldom afford. This category of trade unionists is not really useful for the trade unions and do more harm than good. With the growth of trade unions and their responsibilities and expansion of their sphere of activities, such outside leaders are gradually outliving their days and we hope that the process will be accelerated with further developments of trade unions and their effective recognition. Overwhelming majority of the Office-bearers and Managing or Executive Committee members of the unions are workers employed in the Industry and this position cannot change.

The workers employed in the industry who participate in the union activities being elected as Delegate, Executive or Managing Committee Members and Office-bearers of the

Unions may resign from service or take long leave to serve as principal union officials. This process can be facilitated by sound financial position of the unions which can offer such officials at least the same wages and conditions of service as would have been available to them had they continued to serve. However, such full time union officials drawn from the rank of the workers though not actually employed in the Industry as workmen should not be regarded as outsiders. Similarly, those of the present leaders of the Trade Unions of Port and Dock workers who have been continuously and exclusively or almost exclusively associated with the Trade Unions of Port and Dock workers and have been serving the cause of the workers and the Industry should not be regarded as outsiders.

The trade unions should be organisations of the workers free from control of employers, Government and any political party or outside agency to be really effective, to be the means to advance and protect the interests of workers and to fulfil the role assigned to it in a democratic and industrial society including furtherance of the social objective.

It does not, however, mean that the trade unions should refrain from taking part in political activities. The Governmental policies are matters of as much concern to the workers as to other sections of the population and the trade unions would fail to perform their fundamental duties without keeping themselves informed of Government activities and taking action where their members' livelihood, standard of living, etc. are involved. Control of trade unions by any particular political party is a different matter.

Section 16 of the Indian Trade Unions Act, 1926, provides for constitution of separate funds of unions for political purposes with necessary safeguard for those members who do not wish to subscribe to such funds. This is a sound principle which should continue.

Multiplicity of Trade Unions :

So far as the question of recognition of the trade unions is concerned, we can do no better than quoting what the I.L.O. Maritime Preparatory Technical Conference on recognition of Seafarers' Organisations (Montreal 1945) stated in the proposal concerning the matter which is as follows :

"No law can create an effective employer's association or workers' trade union and no law can compel

them to give anything more than purely forma recognition to one another. The essential conditions of really effective organisation and recognition are good sense, good will, mutual respect for rights and obligations, and, in the last resort, a determination to insist on that respect."

Our experience fully conforms with this view.

Freedom of association and the right to be registered or recognised are different matters. Registration of trade unions under the existing law or future legislation is bound to be conditional upon fulfilment of certain conditions. In our considered opinion, it is necessary to amend our Trade Unions Act in such a manner that in no industry more than one Trade Union is registered excepting under extraordinary circumstances.

So far as the question of recognition is concerned, no legal provision in respect of the matter will serve any useful purpose unless the condition mentioned earlier exists or is developed. Recognition of most representative unions as the sole bargaining agent and regulation of relation between employers and employees and determination of the conditions of service and wages by collective bargaining should be the code of our industrial life whether it is achieved through legislation or developing a convention.

Trade Union Recognition :

The harmful effect of multiplicity of trade unions is universally recognised and need no elaboration. The question has engaged the attention of various authorities and Governmental agencies. Dealing with the question of granting recognition to the trade unions, it was stated *inter alia* in the Second Five Year Plan that "the importance of one union in a local area is required to be kept in view".

The criteria for recognition of unions envisaged in the code of discipline in the industry do not make it obligatory for more than one union to operate in each industry. The object of the code is elimination of inter-union rivalry resulting from multiplicity of trade unions in each industry. Item 5 of the criteria for recognition of unions quoted above, makes it abundantly clear that "where there are several unions in an industry or establishment, the one with the largest membership should be recognised." Item 3 of the criteria permits recognition of a union "in a local area" if it has a

membership of at least 25% of the workers of that industry in that area."

The Ports are organised on the basis of departments, sections, sub-sections, etc. In some departments, thousands of workers are employed and in others there are less than 100 workmen even. To consider the Departments or sections as a local area or establishments for the purpose of recognition will lead to results diametrically opposite to the object of the code by increasing the number of trade unions in the Ports rather than diminishing their number. Again, there are jobs in the Ports which are co-related though not performed by the workmen employed by same agency. The action in one section of such process of work is bound to have repercussion in the other. Furthermore, through the process of collective bargaining, the Port and Dock workers of the country have already secured a degree of uniformity in their conditions of service and wages and such uniformity in the conditions of service of the Port and Dock workers of the country is the avowed policy of the Government and the Port Authorities and other Dock employers. In such circumstances, recognition of more than one recognised or representative union in a Port and more than one Federation of Port and Dock Workers for the entire Port Transport Industry of the country is undesirable and will be unhelpful to the cause of industrial peace.

The grant of recognition of one union in one Port as visualised above presupposes existence of really viable, effective, democratic and well equipped trade unions capable of discharging their responsibilities "as an essential part of the apparatus of industrial and economic administration of the country."

Fortunately, in the Port Transport Industry, there are unions which fulfil these conditions more or less, or possess the necessary potential.

The role of the recognised trade unions is not acting as the agent of the employers or breaking strikes. Indeed, the recognised unions themselves are empowered to call strikes which is the fundamental right of the workers and without which the trade unions will be bodies without soul or engines without power. What the recognised unions are expected to do is "to exhaust the accepted procedure and the machinery for the settlement of disputes before it resorts to direct action." Growth of healthy employer-employee relation

based on recognition of each others' right and obligation and mutual respect for each other, eliminates the possibility of strikes and ensures lasting industrial peace. Incidentally, it may be noted that judicial opinion in this country has consistently held strikes as a lawful, legitimate and effective weapon at times, and to quote their language "to hold otherwise would be to interfere with the fundamental right of the employees to resort to strikes, as a means to enforce their demands which falls within the subjects of an industrial dispute" (1953 Labour Appeal Cases, page 38).

The "right-to-work" is provided in Section 14 (b) of the highly controversial Labour Management Relations (Taft-Hartley) Act, 1947 of the U.S.A. which came up for repeal during the session of the 89th U.S. Congress. This Act is regarded by the U.S. labour as the "right-to-work" and is not something which should be emulated by us and is not compatible with the spirit of the Constitution of our country.

In any case, the recognition of one union in each Port and one Federation for the Port Transport Industry of the country will have a salutary effect on the industrial relation in the Ports and will eliminate the possibilities of endless and fruitless bickerings and create atmosphere conducive for far more efficient working of the Ports than at present.

Method of selection of sole bargaining agents:

Secret ballot held by an impartial authority or any other suitable method of determining as to which is the most representative union in a Port or which is the most representative Federation in the Port Transport Industry can be adopted for selection of sole bargaining agent.

Annexure XII

(Paras 28 to 42)

Note by Sarvashri S.R. Kulkarni and Makhan Chatterjee on "Industrial Relations"

In view of the development of the pattern of industrial relation in the Ports, growth of workers' Organisations (Unions and Federation), and the Employers' Organisations, we suggest constitution of a National Joint Council for the Port Transport Industry and constitution of a Port Joint Committee in each port. The National Joint Cmmittee for the Port Transport Industry should consist of the representatives of the organisations of the Port Authorities (IPC), Federation of stevedoring employers, the representatives of the organisations of the ship-owners and other Dock employers and the representatives of the recognised Federation of the Port and Dock Workers and should, broadly speaking, negotiate and deal with the following matters :—

(1) Wages, allowances and all other amenities and benefits applicable on a national level.

(2) Expression of collective views of the Industry.

(3) Nomination of members of the National Dock Labour Board (as envisaged in our note regarding employment of casual labour—Annexure X).

(4) Delegation to Port Joint Committees of such powers and matters as may be appropriate.

(5) Disputes involving national principle should be dealt with by the National Joint Council while those involving local matters should be dealt with by the Port Joint Committees.

(6) The National Joint Council for Port Transport Industry should appoint National Conciliation Committee or Committees to settle disputes and such of the disputes which cannot be resolved by the Port Joint Committees should be referred to the National Joint Committee. Only after the National Joint Council has failed to resolve a dispute, the matter should be referred to the Government in the Ministries of Transport and Labour for suitable action.