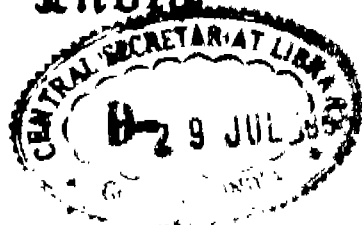


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MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

RESOLUTION

New Delhi, the 20th July 1958

Report of the Officer on Special Duty appointed to enquire into the demands of Port & Dock Workers

No. 23-PLA(87)/58.—The labour unions of the port and dock workers have been making demands from time to time for the improvement of their wages and other conditions of their service. In view of the large number of categories of the workers involved and the differences in the conditions of service at the Major Ports, the Government of India appointed Shri P. C. Chaudhuri, I.C.S. as Officer on Special Duty, to undertake an enquiry into the various demands of labour. His terms of reference were finalised in November, 1956, and were as follows:—

- (i) To enquire into the disparities and anomalies in the scales of pay and allowances of Class III and Class IV employees of the Major Ports and to make recommendations for the rationalisation of the pay structure of the various categories, in the light of the recommendations made by the Central Pay Commission (1947) for Central Government employees of comparable status. The recommendations were to aim at bringing about as large a measure of uniformity as possible in the pay scales of posts of the same category in all the Major Ports, provided the duties were the same, on the principle of equal pay for equal work.
- (ii) To enquire into and make recommendations regarding the conditions of service of port and dock workers in matters relating to:—
 - (a) working hours, including duration of night shifts;
 - (b) weekly off and holidays, including the rates of payment for work on those days;
 - (c) payment for work beyond normal duty hours;
 - (d) leave rules;
 - (e) retirement benefits;
 - (f) leave travel concessions.
- (iii) To examine the feasibility of reducing to the minimum the number of casual shore workers employed in the major ports and workers employed through contractors, and to suggest modifications, where required, of departmental schemes of decasualisation of shore workers.

- (iv) To enquire into disparities, if any, between wages of permanent workers employed by the port authorities on time rate on the one hand and the temporary and casual workers on the other; and between the shore labour on time rate and stevedore labour on time rate.

The O.S.D. was required to submit an interim report on matters covered by item (ii) above.

2. Shri Chaudhuri submitted the interim report on retirement benefits etc. on the 5th July, 1957 and a final report (incorporating the interim report as Part III) on 1st September, 1957. In July 1957, the Government of India had assured the labour unions that their representatives would be given an opportunity to express their views on the recommendations of the O.S.D. before Government finalised its decisions. Accordingly, copies of the O.S.D.'s Report were made available confidentially to the Labour Unions and the employers. The OSD's recommendations have been discussed by the labour unions with each Port Administration. The Government of India have also discussed them both with the representatives of the labour unions and the Port Authorities. The Report is in three parts. Part I deals with the rationalisation of pay scales, Part II deals with decasualisation of shore workers and Part III deals with retirement benefits and certain other service conditions.

3. In the following paragraphs are stated the conclusions of the Government of India on the important recommendations made by the Officer on Special Duty. Recommendations which are purely administrative in character or which are non-controversial or consequential have not been dealt with in this Resolution. So also recommendations which do not seek to make any change in the existing rules or practices have been excluded. Appendix I gives a list of the recommendations not specifically dealt with in this Resolution. The conclusions stated herein relate only to Class III and Class IV employees of the Ports to whom alone the recommendations made by the Officer on Special Duty refer.

4. It has to be noted that in August, 1957, before the OSD had submitted his final report, the Government of India appointed a new Pay Commission to examine the principles which should govern the structure of emoluments and conditions of service of the Central Government employees and to recommend what changes were desirable and feasible. In making its recommendations, the Commission was to take into account the historical background, the economic conditions in the country and the implications and requirements of developmental planning and also the disparities in the standard of remuneration and conditions of service of the Central Government employees on the one hand and the employees of State Governments, local bodies and aided institutions on the other and all other relevant factors. In the introduction to his Report, the OSD has taken note of this development and has pointed out that some of his recommendations may require modification in the light of the views of the new Pay Commission.

PART I

5. The recommendations in this part of the Report relate to rationalisation of the scales of pay of Class III and Class IV employees of the major ports in the light of the recommendations of the Central Pay Commission for comparable posts under the Central Government. The O.S.D. has found that, to quote his words, "to bring a substantial establishment *en bloc* to a rationalised system of pay and allowances, and particularly so, where earlier methods of remuneration had evolved out of historical reasons or local considerations or had been adopted in *ad hoc* manner over a period of several decades, is a matter of exceptional difficulty." He has pointed out that similarity in designation does not presuppose similarity in functions, responsibilities and working conditions. He felt that it was not possible to consider each category of posts separately and, therefore, he confined himself to laying down certain standard scales of pay taken out of the 1947 Central Pay Commission's recommendations which could fit into certain "test jobs" in each of the several departments of the major ports. The scales of pay for other posts were left by the O.S.D. to be evolved by the Port Authorities in the light of the scales of pay recommended by him for the "test" posts. In the circumstances, it is obviously impossible for the Government of India to deal with all the individual categories of posts or classify all the workers in such categories. This work can be undertaken only at the port level. The labour unions, however, have asked that Government should accept certain basic scales of pay for certain categories in principle before further action is taken at the port level to classify and categorise the employees to be put into these scales. The demand of the unions briefly amounted to the application to all ports of the most favourable scales prevailing in any port or Government department. Their demand

thus is not for rationalisation but for maximisation of the pay scales which the Government of India cannot accept. An attempt was made to carry the work done by the O.S.D. a step further by categorising against various scales the bulk of the posts in all the Ports. This however was not found to be acceptable to the Unions. Therefore, in agreement with the unions, the Government of India have decided to appoint a Committee to undertake the work of classification and categorisation. The Committee will consist of a Chairman, two representatives of labour and two officers familiar with the working of ports and railways. The Committee will examine the duties and responsibilities of the various class III and class IV posts and fit them into one or other of the scales given in Appendix II in the light of the scales of pay of posts with comparable duties and responsibilities in other departments of Government. The Committee will also be requested to undertake, where necessary, the standardisation of the nomenclature of the various categories of posts. Besides consulting the Port authorities and the labour unions, the Committee will be free to co-opt at each Port experts or such other persons as they may consider necessary for facilitating their task.

6. The unions have argued that certain scales which have been included in Appendix II should be omitted and certain higher scales only should be accepted for application to semi-skilled and skilled categories on the basis that in certain departments of Government these scales only are applicable. This, if accepted, will amount to prejudging the issues which the Committee is intended to consider. Government, therefore, are unable to accept the unions' suggestion. The scales given in Appendix II are in fact applicable to similar categories of posts in one department or the other of Government and the Committee may be trusted to give fair decisions. The Central Pay Commission (1947) itself, in some instances started a few points above the minimum of their standard scales and in a few others stopped some points short of the maximum. In cases where there was a gradation of skill or responsibility or both, a scale extending over a number of years i.e. a "longer scale" was broken up into two or three shorter scales to provide incentives and promotions. Therefore shorter scales are not precluded. If, on a comparison of the duties and responsibilities of a category of posts in Ports with the duties and responsibilities of similar categories in other Government establishments, the Committee should find that the weight of evidence is in favour of extending any of the scales given in Appendix II beyond the indicated maximum, the Committee is not precluded from recommending such an extended scale, provided that the scale does not go beyond the scale adopted in the Government departments for the comparable categories.

7. It has also been decided that—

- (i) the decisions of the Committee shall be final and binding on the Port Authorities as well as the labour;
- (ii) the revised scales recommended by the Committee shall come into force from 1st October, 1957;
- (iii) the pay in the revised scale shall be fixed at such minimum stage in that scale as would give the incumbent an increase in pay which is not less than the last increment drawn by him in the scale applicable to him prior to the revision. Of course, no one should get more than the maximum of the revised scale;
- (iv) if in any case the scale prevailing prior to the revision is higher than the one recommended by the Committee, the higher scale shall continue to apply. It is to be noted that employees will be entitled to continue, if they so desire, in any scale which has been prescribed by an award of a Tribunal, so long as the award remains in force.

8. The Officer on Special Duty has recommended that the fixation of pays should be done on the basis of one increment for every three years of service "as was done by the Central Government when implementing the recommendations of the Central Pay Commission". In fact the recommendation made by the Central Pay Commission and followed by the Central Government was not as simple as made out by the O.S.D. because two further conditions were imposed on the amount of the increase which could be allowed on the refixation of pay in the new scales. Moreover, the Central Pay Commission had recommended a general revision over very low grades of pay obtaining since 1931. The O.S.D. has apparently not taken into account the fact that the scales in the ports have already been revised once and the incumbents have already been granted the initial increase over their pre-1947 pays more or less on the basis recommended by the Central Pay Commission. The Officer on Special Duty's task was a limited one i.e. to rationalise and bring about uniformity and there is obviously no

justification for making this an occasion for granting the same benefit again. Government consider that it will be fair to fix the new pay on the basis of the formula in para. 7(iii) above.

9. The O.S.D. has suggested that the Port Administrations should further examine the possibility of evolving a system of payment by results in the technical departments, particularly in regard to categories like tally clerk, crane drivers etc. The labour unions have requested that the categories to be covered by the investigation should include tally clerks, shed staff, stackers, mobile crane drivers and wagon loaders and unloaders wherever they are provided by the Ports. The Government of India agree that the feasibility of payment by results for these categories should be examined with expedition. It is understood that in Bombay a firm of efficiency experts has been investigating for some time this problem in respect of certain categories. It is expected that their conclusions will be available in about three months' time. Considering the importance of this matter, it is suggested that the investigations taken in hand by the Bombay Port may be extended to the other categories also and the experts requested to deal with the matter urgently.

PART II

10. The main recommendations in Part II of the Report relate to:—

- (a) the principles on which schemes for decasualisation of shore workers directly employed by Port Authorities should be based, keeping in view the objective of reducing the strength of casual workers to the minimum;
- (b) improvement in the wages and conditions of service of shore workers; and
- (c) the steps to be taken to effect a gradual reduction of the strength of contract labour and to improve the wages and conditions of service of such labour.

11. Decasualisation scheme:

(a) *Classification.*—The model decasualisation scheme recommended by the O.S.D. envisages the registration of shore workers and their classification into two main categories—'A' permanent and 'B' temporary—and the engagement, subject to certain restrictions, of a third category of unregistered casuals to meet peak requirements. This classification generally follows the present pattern at the Major Ports except that the nomenclature of the categories varies from Port to Port. Permanent workers are classified as 'A' category in Bombay and Madras and as Primary gang workers in Calcutta. "Privileged" casual workers are classified as 'B' category in Bombay and Madras and 'Ticca' or Secondary gang workers in Calcutta. Casual workers are called "rank casuals" in Bombay, 'C' category in Madras and R.E.E. gang workers in Calcutta. It is desirable that there should be uniformity in nomenclature as follows:—

'A' category in Bombay and Madras and primary gang workers in Calcutta should be designated as 'A' category.

'B' category in Bombay and Madras and the "Ticca" or secondary gang workers in Calcutta should be designated as 'B' category.

"Rank casuals" in Bombay, 'C' category in Madras and R.E.E. gang workers in Calcutta should be designated as 'C' category.

It has to be noted that 'C' category as defined above corresponds to the non-registered labour referred to by the O.S.D. The lists of persons who are considered suitable for and are permitted to take up employment in the port if and when such employment is available, should therefore be clearly distinguished from the registers maintained by the Ports for 'A' and 'B' category of workers.

(b) *Fixation of strength.*—(i) For the fixation of the strength of 'A' category workers, the O.S.D. has recommended a formula based on past average daily attendance figures, 'attendance' obviously referring to average daily employment. Taking as the base the average daily employment figures of workers of all categories in five years preceding the given year, and adding 20 per cent thereto to provide for leave reserve and absenteeism, he has recommended that the strength of the permanent register should be fixed at 75 per cent. of the gross total so arrived at, the remaining 25 per cent constituting the Temporary Register. In another place, the O.S.D. has stressed the need for taking into account the volume of trade, the various types of cargo to be handled, the availability of mechanical aids, the rate of output of labour and general working conditions as factors rele-

vant to the fixation of the strength of these registers. These factors are subject to frequent changes, some for the better or the worse, and some, like the availability of mechanical aids only for the better. The Government of India, therefore, consider that an average taken over a period as long as 5 years would not yield a realistic estimate of labour requirements. In fact when an Industrial Tribunal which had occasion to consider this matter adopted a period of 3 years for this purpose, its decision was set aside by the Appellate Tribunal which held that the permanent strength of labour should be related to the 'minimum persisting demand' of labour throughout the year. The following formula was laid down by the Appellate Tribunal:—

- (1) Excluding Sundays and holidays, select figures of minimum employment for 12 days in each month of the year preceding and work out the average for the month.
- (2) Select six minimum monthly averages and take the average thereof.
- (3) Take 75 per cent of the figure arrived at as a result of the calculation in (2) above and treat it as the "Basic Figure".
- (4) The strength of the 'A' category should be fixed at $112\frac{1}{2}$ per cent of the "Basic Figure".

This formula not only has the merit of having been accepted by the Labour Appellate Tribunal but also gives, in the view of the Government of India, a truer estimate of the number of workers permanently required for shore work in a port. It is, therefore, to be preferred to the formula recommended by the O.S.D., which on account of the uncertainties referred to before may result either in an unduly large number of workers being permanently retained with consequent under-employment of the workers or in an unduly small number of permanent workers, a result which should also be avoided. They, therefore, recommend the adoption by the Port Authorities of the L.A.T. formula described above for determining the strength of 'A' category workers. They further consider that the strength of the 'B' category should be fixed at $33\frac{1}{3}$ per cent of the "Basic Figure". Each Port Authority should review and refix the strength of the 'A' and 'B' categories once a year, on the above basis, for the 12 month period ending 30th June. (Because of the strike in June 1958, the first review may be made for the period ending the 31st May 1958.) Where only two shifts are worked, the calculation should be made on the basis of the employment in the corresponding two shifts. To protect the interests of labour, the Government of India further consider that if, on the result of the annual review, the existing strength of 'A' and/or 'B' category workers is found to be in excess of the numbers thrown up by the formula, no reduction should be effected in the strength of either category, provided that any shortfall in the 'B' category should be adjusted in the first instance against the excess, if any, in the 'A' category. The intention is that 'A' category should not be less than $112\frac{1}{2}$ per cent of the "Basic Figure" while the total of 'A' and 'B' should not be less than $145\frac{5}{6}$ per cent of the "Basic Figure". If the total of 'A' and 'B' is in excess of $145\frac{5}{6}$ per cent of the said "Basic Figure", such excess will have to be retained except to the extent of normal wastage.

(ii) As regards the 'C' category of workers, the model scheme seeks to restrict its strength to 10 per cent. of the "temporary" register, i.e., $2\frac{1}{2}$ per cent of the total strength recommended by him and the period of employment to 3 months. Such a small number of casual workers cannot meet the requirement of peak periods and of sudden spurts of traffic which cannot be forecast, unless the total strength of the 'A' and 'B' categories is kept at an unduly high figure which will result in excessive under-employment in normal and subnormal times. Past figures of traffic handled at the ports show wide fluctuations from month to month. The difference between the minimum and the maximum number employed in a month is at times as high as 100 per cent of the minimum. Government therefore consider that the restrictions suggested by the O.S.D. on the number of casual workers and on the period of their employment are not practicable. A factor which has contributed to the high percentage of 'C' category workers in the Port of Bombay is the practice of manning the third shift and Sunday and holiday working by 'C' category workers alone. It is reported that, in the past, workers in the 'A' and 'B' categories have shown disinclination to accept bookings for night shifts or Sunday or holiday work. Government consider that 'A' and 'B' category workers should accept booking for any shift on any day, on a principle of rotation as recommended by the O.S.D. Provided this is done, it should be possible to achieve the objective of reducing the strength of casual labour to a reasonably low percentage of the strength of the 'A' and 'B' category workers put together.

(iii) The report of the O.S.D. does not envisage the registration of 'C' category workers nor does it suggest a method for so allocating the available quantum of

work to them that each worker gets a fair share. The present practice in some Ports is to maintain a list of such workers and to allocate the work to them in such a manner as to ensure that as far as possible, each worker gets the same number of bookings in a week. The Government of India consider that the interests of this class of workers are better safeguarded under the present practice and that it should continue.

(iv) The suggestion that a worker should be liable to undertake any kind of work included in the expression "Shore work" is not acceptable to the Unions as a rigid rule for universal application. It is, however, being followed in practice to a considerable extent and no change is called for in the prevailing practice in this regard.

(c) *Registration Committee.*—The model decasualisation scheme proposed by the Officer on Special Duty provides for the appointment of a Registration Committee consisting of a representative each of shore labour and of the ship owners with the head of the Port Authority as the Chairman. The Committee is to function as a continuous body responsible for the maintenance, adjustment and periodical revisions of the labour register, the fixation of the total strength and consideration of the measures for the employment of labour rendered surplus. The main objective of the establishment of such a committee is to secure the cooperative effort of the representatives of the employers and workers in administering the decasualisation scheme and in particular to deal with the problems of surplus labour. Shore labour has been decasualised in the Ports of Calcutta, Bombay and Madras for several years. Each Port Authority, which is a statutory body, has set up suitable departmental machinery for working the decasualisation schemes. No serious complaints about the mode of recruitment or other matters coming under the purview of the proposed committee has been reported so far. The establishment of such a committee would, therefore, be superfluous. The labour unions' representatives in their local discussions with the Port Administrations have not pressed for the adoption of this recommendation. The Industrial Tribunal before which a demand of this kind came up for adjudication observed that the super-imposition upon a Port Authority, which is vested by statute with the duty authority of administering the Port, of an independent body similar to the Dock Labour Board established under the Dock Workers (Regulation of Employment) schemes, would not be desirable. The decision of the Government of India contained in paragraph 11(b)(i) eliminates problems of surplus labour. For these reasons, the Government of India consider that the appointment of a Registration Committee is not necessary.

(d) *Wages.*—The Government of India accept the recommendation of the Officer on Special Duty that wage rate of a shore worker, whether he belong to 'A', 'B' or 'C' category, should be the same.

(e) *Attendance money.*—The O.S.D. has recommended that attendance money for 'B' category workers should be the same as for 'A' category workers and preferably fixed at As. 12. The present rates of attendance money for 'A' category workers are not the same at all the three Ports and are higher than the rate recommended by the O.S.D. In Bombay, an 'A' category worker is now paid As. 12 as attendance money and Rs. 1-12-0 on account of dearness allowance and "interim relief". In Madras, an 'A' category worker gets Re. 1-0-0 as attendance money. In Calcutta, the rate is As. 12, plus Rs. 1-9-4 which represents the *pro rata* element of dearness allowance and such portion of the compensatory allowance as has not been taken into account in the calculation of the daily tonnage rate. The demand of the labour unions is that the attendance money for 'A' category workers should be fixed at all the Ports on the same basis as in Calcutta and Bombay. If this is done in some Ports the sum payable to the shore worker for putting in attendance without doing any work will exceed the wage locally payable to other classes of workers for a full day's work. The Government of India therefore are unable to accept the demand of the unions. They consider that it would be fair in the present conditions to fix the attendance money at Rs. 1-8-0 per day, all inclusive, except that in Ports where the existing rate is already higher, such higher rate may continue.

As regards 'B' category workers, the present position is as under:—

Madras: Re. 1-0-0.

Bombay: As. 0-6-0.

Calcutta: Re. 1-0-0 only to the Sirdar of the gang but not to the men under him.

The Government of India consider that in this matter uniformity is desirable and suggest that for 'B' category workers at Bombay and Madras, where Piece-rate Schemes are in force, the attendance money should be Re. 1-0-0 per day. As regards the workers of 'B' category in Calcutta, the attendance money should be fixed at As. 0-12-0, which should be raised to Re. 1-0-0 from the date of introduction of the Piece-rate Scheme. The attendance money will be admissible only if the workers report for duty at the call stand and are not allotted any work.

(f) *Medical assistance and housing facilities.*—The Government of India consider that all Port Authorities should adopt a positive policy for the provision, according to a phased programme, of adequate medical and housing facilities to their employees, as far as resources permit. The workers in the 'B' category should be deemed to be employees of the Port for this purpose although it is obvious that in the matter of housing the requirements of the 'A' category workers will have to be met before 'B' category is provided for.

(g) The conclusions of the Government of India on the recommendations relating to Provident Fund, leave, holidays and weekly off days for shore workers are stated in Part III. 'B' and 'C' category workers will not be entitled to any Provident Fund, leave or holidays nor has the O.S.D. made any recommendation for the grant of these benefits to them. They will, however, be entitled to the benefits of the Workmen's Compensation Act and the weekly day of rest under the Minimum Wages Act.

12. *Contract Labour:*

(a) *Strength.*—(i) The O.S.D.'s finding is that labour engaged through contractors should be strictly restricted to such special type of cargo or to such aspects of cargo handling and other operations as are not ordinarily undertaken by workers employed by the Port Authorities. This in fact is mostly the case in the Ports of Madras, Bombay and Calcutta. He has, however, recommended that every endeavour should be made to keep contract labour below 25 per cent of the total strength of Port labour. There are difficulties in limiting the strength of contract labour to the percentage proposed or in fact to any percentage. The responsibility of a Port Authority for providing labour for loading and unloading cargo is laid down in the relevant Port Trust Acts. It is broadly related to the provision of labour for the transport of goods from the wharf to the sheds and vice versa. In some cases, owing to the character of the cargo or for other reasons, the importer or the exporter assumes direct responsibility for the reception or shipment of goods. This is in keeping with the statutory provisions and in such cases the Port Authority is not required to provide its own labour. The O.S.D.'s report shows that the extent of employment of contract labour is small in the Ports of Bombay and Calcutta. In the Port of Madras, the handling of export cargo is done by labour engaged directly or through contractors by the exporter as the storage accommodation in the Port is not sufficient to enable the Port Trust to take charge of export goods. The Port Trust is taking steps for providing additional storage accommodation. When this has been done it should assume responsibility also for the handling of export cargo. This will reduce the strength of "contract labour" in the Port of Madras. In view of the anxiety expressed by the unions on this point, the Government of India hope that the authorities of the Madras Port will be able to assume responsibility for handling export cargo within 6 months.

(ii) Contract labour at Ports is engaged by various users of the Port and there can be no relation between the strength of such labour and the strength of shore labour engaged by a Port Authority for discharging its functions.

(b) *Wages of Contract Labour.*—The O.S.D. has recommended that steps should be taken to approximate the wages of contract labour on the same basis and at the same rates as those paid to labour directly engaged by the Port Authorities. It is not the responsibility of the Port Authority to fix the wages and service conditions of labour employed by a contractor. The interests of such labour are fully safeguarded by the labour relations machinery prescribed by law. The Government of India do not consider that any special action is required in this respect by the Port Authorities except that in contracts awarded by them they should include in future the usual "fair wage clause" on the lines adopted by the Central Public Works Department.

13. *Appointment of 'C' category to 'B' category.*

The labour unions have pointed out that age restrictions are being applied in certain ports in appointing 'C' category workers to 'B' category. Government

consider that so long as the worker concerned has been continuously in the 'C' category for three years on the date of the proposed appointment, he should not be debarred from such appointment, if otherwise eligible, on the ground that he is above a certain age unless his age is already above the age of retirement.

PART III

14. Part III of the Report is in four chapters and deals with retirement benefits (Chapter VI), working hours, night shift and weekly off (Chapter VII), overtime work and rate of payment (Chapter VIII) and leave, holidays and other privileges, (Chapter IX).

15. Retirement benefits.—

The report shows that in the matter of retirement benefits, the major port authorities have established contributory provident funds based on rules which tend to follow mainly the State Railway Provident Fund Rules. The main benefits consist of contributions from the employer of (a) an amount equal to the employee's contribution not exceeding 8-1/3 per cent of pay plus dearness pay (which is equal to half of the dearness allowance); and (b) a special contribution (or gratuity) of half a month's pay (inclusive of dearness pay) for each completed year of service, subject to certain limits and conditions. The sum total of these benefits is greater than the benefits admissible to Central Government employees, who are entitled to a Contributory Provident Fund, in any Department other than the Ports and the Railways, because in no other Department is the benefit of the special contribution or gratuity admissible in addition to the benefits of provident fund. As between the different ports and different categories of employees, however, the benefits are not uniform. These differences are of a minor character and are due to local or historical reasons. The O.S.D. has recommended that such differences should be removed. He has also recommended substantial increase in the quantum of the retirement benefits themselves. The Government of India broadly accept the O.S.D.'s recommendations in so far as they relate to the removal of the differences referred to by him, and have decided as follows:—

(i) A temporary employee of a port should be eligible to subscribe to the Provident Fund from the date of his substantive appointment to a permanent post or after he has completed one year's continuous service against a temporary post, whichever is earlier.

This will mean that temporary employees at the Ports of Cochin and Kandla will be eligible for admission to the Provident Fund, at the end of 1 year's continuous service instead of after 3 years' service as at present. At Calcutta, the benefit of admission to Provident Fund after 1 year's continuous service will be extended to temporary employees, workshop employees and employees appointed against permanent posts in Schedule 'X' of the Calcutta Port Commissioners Contributory Provident Fund Rules, who have now to complete 2 years' service before admission.

(ii) For the purposes of the application of Provident Fund Rules, the maximum of the pay scale up to which an employee may be treated as an employee in Class, III should be placed at Rs. 500 uniformly at all the ports.

At Bombay, the maximum limit of special contribution of an employee drawing pay between Rs. 320 and Rs. 500 p.m. at the time of retirement will thus be raised from 12 months' pay to 15 months' pay (inclusive of dearness pay in both cases). There will be no other change except that employees getting at the time of retirement Rs. 320 to Rs. 500 in Bombay and Rs. 300 to Rs. 500 in Madras will, as usual for Class III employees, become subject to the rule that their eligibility for special contribution will follow the completion of qualifying service of 15 years. In adopting this change, therefore, the interests of existing incumbents should be safeguarded in so far as this point is concerned.

(iii) There should be no difference in the scale of benefits admissible to Class III and Class IV employees who are otherwise eligible to such benefits.

At Calcutta, under the existing Provident Fund Rules, holders of posts specified in Schedule 'X' to the Rules, are eligible to receive special contribution, only if they exercise the option of subscribing at the rate of As. 8 a month. Special contribution is not admissible to such of these employees as have opted to subscribe at the rate of 8-1/3 per cent. This disadvantage will be removed. The privilege of taking advances from the Provident Fund which is now not available to Class IV employees at Calcutta, will also be extended to them. On return from leave on

less than the average pay, an employee in Class IV will be entitled to avail of the option to subscribe to his provident fund account at the maximum monthly subscription rate for the period of such leave.

16. The following table compares the retirement benefits now admissible to the employees of major ports and those recommended by the O.S.D.:-

Item	Existing benefits	Benefits recommended by O. S. D.
1. Rate of employe's contribution to provident Fund	8-1/3%	8-1/3%
2. Amount on which contribution is payable.	Pay plus half D. A.	Pay plus full D. A.
3. Special Contribution (gratuity)		
(i) Rate	Half of a month's (Pay plus 1/2 D. A.) 15 months (Pay plus half D. A.)	A full month's (Pay plus full D. A.) 25 months (Pay plus full D. A. P.)
(ii) Maximum limit		

17. The main argument advanced by the O.S.D. in recommending these substantial increases is that the amounts received by way of Provident Fund contribution, under the present economic conditions and in accordance with the present and anticipated price levels, will not be sufficient to ensure subsistence for the worker during the period he is expected to live after retirement. He has contended that the pensionary equivalent of the amounts actually received by an employee in settlement of his Provident Fund account at the time of retirement is much smaller than what the employee would have got had he been on a pensionable system. He has considered the present wage level as being below the subsistence level, and has assumed that there is little possibility of the price levels falling to an extent which will necessitate reduction in the existing rates of dearness allowance. He has, therefore, aimed at increasing the corpus of the Provident Fund including the special contribution (gratuity) by recommending the inclusion of the whole of the D.A. in pay for all purposes of the Provident Fund Rules and the calculation of the gratuity at a month's pay for each year's service subject to maximum of 25 months' pay as against the present basis of 1/2 a month's pay for each year of service subject to a maximum of 15 months' pay (*vide* table in paragraph 16). He has further recommended that the increase in the Provident Fund accumulations and Special Contributions should be converted into annuities of the joint and survivor type, compulsorily by legislation, if necessary. The Government of India are not impressed by the O.S.D.'s views. His recommendations virtually amount to the provision of a scheme of old age insurance and security. However desirable in principle such a scheme may be, it cannot be accepted only for one sector of employment. It has to be examined whether in the present state of its economic development the country can afford to give such benefits, at least to the majority of its workers in the establishments of the Central and the State Governments and the private sector. The Government of India do not accept the view that the present wage rates are below the subsistence level or that there is no likelihood of the dearness allowance being reduced in the future. In any case these are matters of general application and are under examination by the Second Pay Commission. It would be incorrect and prejudicial to decide them before the Commission has submitted its report. The O.S.D. himself has recognised that with the appointment of the Second Pay Commission, "some of the principles which have governed my proposals in regard to pay scales and conditions of service, particularly of the three Ports under Central administration, may come up for review by the Commission of Enquiry and my recommendations may require modifications to that extent." It has already been pointed out that the Port employees are among the most fortunately placed in the matter of retirement benefits. The Government of India have, therefore, decided to defer the consideration of the above mentioned recommendations relating to the increases in the contribution etc. till after the report of the Second Pay Commission has been considered by them. The Government of India, however, would like to assure the Port employees that any betterment of retirement benefits which they may decide to grant to its other employees on the recommendation of the Second Pay Commission will be made applicable to the Port employees also.

18. The labour unions have, however, represented that port workers are heavy manual workers and that they should be distinguished from workers in other industries and given special consideration in the matter of retirement benefits. The position is that with the provision of mechanical aids, the handling of cargo at the major ports is now much less arduous than in the past. There is also no evidence to show that workers are having to retire prematurely on account of physical strain as alleged by the unions. In certain other undertakings work is even more arduous and dangerous than in the docks while the wages are not higher. Any special consideration for dock workers can only be justified on the ground of their greater productivity under piece-rate schemes which have been introduced in Bombay and Madras and which are to be introduced in the other ports shortly. The piece-rate schemes provide for special incentives for higher output. The daily wage for processing the piece-rates on 100 per cent. of the datum line consists of (i) basic pay; (ii) dearness allowance; (iii) house rent allowance; (iv) compensatory allowance; and (v) an *ad hoc* allowance termed as "processing allowance". At present provident fund and gratuity are admissible only on basic pay and half of the dearness allowance. The other half of the dearness allowance, the house rent allowance and the compensatory allowance do not, as is the case with other Government employes to whom contributory provident fund apply, qualify for the calculation of provident fund and gratuity. This should continue to be so. However, the processing allowance is in a different category and the Government of India consider that as a special case it should be allowed to be counted towards provident fund and gratuity for workers who are entitled to such benefits and to whom the special incentive piece-rate schemes apply or may apply in future. For the purpose of calculation, processing allowance will be taken into account in full for all days on which the worker is working on piece rates for the whole day or part of a day or is in receipt of attendance money provided that in the latter case he was booked for piece rate work on the next preceding day on which he worked. Processing allowance will not be taken into account on days on which a worker is booked for time rate work, or is on leave or is absent or is in receipt of attendance money in continuation of time rate work. This concession will take effect from the 1st of August, 1958 in the Ports of Bombay and Madras and from the date on which similar piece rate schemes may be introduced in the other Ports.

The special concession contained in this paragraph will be reviewed in the light of the recommendations of the Second Pay Commission and the decisions which the Government of India may take thereon.

19. The O.S.D. has also recommended that the Provident Fund Rules should be amended to provide for the payment to the employee of the employer's contributions, both ordinary and special, in the event of his being discharged from service on any ground other than misconduct involving loss of the funds of the Port Authority. Misconduct on the part of a port employee may result either in the loss of port funds or in losses to importers or exporters in respect of their goods passing through the Port. Forfeiture of employer's contribution cannot, therefore, be limited to cases of misconduct involving port funds only. Further, retirement benefits follow good, efficient and faithful service rendered over a specified period of years. This requirement should not be dispensed with. The report does not indicate that the operation of the existing rules in these respects has been harsh. The Government of India do not, therefore, accept the recommendation of the O.S.D. limiting forfeiture of employer's contribution to the type of cases mentioned by him. There is also another rule, under which an employee who resigns before the completion of five years of service is not entitled to receive the employer's contribution but, except in Calcutta, the Port administrations are empowered to relax this provision in individual cases on the merits of each case. The Government of India consider that the rules should be made uniform in this respect and that the Calcutta rules should be suitably amended.

20. As regards the age of retirement, the O.S.D.'s proposal to fix the limit at 55 years will mean deliberalisation of the rules at certain ports. It is, therefore, better to let the rules remain as they are and not to make any change in them.

21. The O.S.D. has recommended that there should be a separate Board of Trustees with adequate labour representation thereon for the administration of the Provident Fund at each port. The justification for this is sought to be made on the analogy of the provisions of the Employee's Provident Fund Scheme and the practice in certain statutory corporations. This analogy is inapplicable to Port Trusts which are statutory non-profit making Local Authorities with

adequate labour representation on them nor does it apply to the ports directly administered by Government where the Government Provident Fund Rules are in force. The Government of India do not, therefore, accept the need for constituting separate Boards of Trustees for the management of the provident funds in the Ports. They however recommend that each Port Trust Board should have a Committee of Trustees consisting of three members of whom at least one is a "labour Trustee" to advise on all cases in which it is proposed to withhold the employer's contribution to the provident fund, ordinary or special, for any reason whatsoever.

22. *Working Hours.*—The Officer on Special Duty has not recommended any important change in the working hours except for certain categories of staff such as those working as crews of vessels or in other departments whose duties are essentially intermittent in character. For such staff, he has recommended a 75 hour week (obviously a mistake for 72 hours) and in the case of the marine staff, the grant of "running" allowances on the model of the railways. The Minimum Wages Act, 1948, which applies to these categories of workers in the Ports of Calcutta, Bombay and Madras, did not, until it was amended in September, 1957, provide for a category of "intermittent" workers. Therefore, these categories of workers were subject to the 48 hour rule. As it was not feasible for them to leave their place of duty—e.g. a vessel away from the base at scheduled hours, they were compensated by the grant of special or overtime allowances in agreement with the labour unions. The labour unions now contend that the work of these categories of employees is continuous and not intermittent in character. The Government of India consider that this attitude of the labour unions is unreasonable. The proper course, in their view is to refix the hours of work under the Minimum Wages Act, taking into account the special nature of the work in each case and to compensate the workers on the lines suggested in paragraph 33 below.

23. The O.S.D. has recommended that the Port Authorities should consider the desirability of arranging transport facilities for workers attending night shifts, or granting the equivalent of bus or tram fares in lieu, for journeys to and from the Port between the hours of 11 P.M. and 5 A.M. This recommendation is based on the apprehension that satisfactory transport facilities may not be available late at night and in the early hours of the morning. Apart from the fact that the suggestion runs counter to the general principle accepted by the Government of India that no allowance should be payable for journeys between the residence and the place of duty, it will involve the Port Authorities in enormous administrative difficulties. The Government of India, therefore, consider that the proper solution lies in arranging the shifts in such a way that as far as possible workers are not required to travel to or from the place of duty during the hours when public transport is not available.

24. The recommendation that the time spent in transit to and from the place of work within a port during working hours should count as duty is acceptable in principle. Differences in local conditions give rise to difficulties in rigidly applying a rule of this kind to all cases. If men required to work at a particular site who are mustered there and are borne on that establishment, have to be sent to another place in the port for work, the time spent in transit has surely to be treated as duty. But if the movement in the port area takes place before the men are mustered at the establishment on which they are borne, the time spent on such movement is analogous to the time taken by the normal journey to the site of work and there is no justification for treating it as time spent on duty. In this connection the labour unions have brought to notice specially the case of workers who have to proceed every day to Butcher Island in Bombay by launch and have asked that the time taken in the journey to and fro should be treated as time spent on duty. This request is not in consonance with the principle stated above. However, as a special case, and until the Bombay Port Trust are able to provide family quarters for the workers in Butcher Island, the Government of India recommend that the time spent on the journey may be compensated by a suitable monthly allowance.

25. *Shifts.*—The O.S.D. has recommended that where Ports have to work on a three shift basis, the shifts should be as continuous as possible, night shifts being limited to 6 hours' duration. The duration of night shifts for staff engaged in cargo handling operations at the Port of Bombay has been fixed at 6 hours (exclusive of recess) by the Labour Appellate Tribunal. At Madras, the second and third shifts for such staff were each of 8 hours' duration until the 28th

February, 1958. From the 1st March, 1958, the second and third shifts have already been fixed at 6½ hours each on the recommendation of the Piece-rate Committee in agreement with the labour unions. In Calcutta a similar committee is considering the matter. The Government of India do not consider that uniformity in this matter is essential. They do not wish to interfere with the decisions already arrived at in Bombay and Madras or which may be arrived at by the Committee referred to at Calcutta. For other categories of workers, the night shift hours vary in different ports from 7 hours to 12 hours. The duties of the different categories and the circumstances under which they work are so different that it is impossible to prescribe uniform working hours for all of them.

26. The O.S.D. has also recommended that the hourly wages rate for workers on night shift should be 1/6 of the wage rate for the shift. This is obviously based on the recommendation regarding the adoption of a uniform six hour night shift and cannot be accepted. The principle underlying it is not in keeping with the decision given by the Labour Appellate Tribunal in the appeal against the award in reference No. (IT. CG) 4 of 1954. The Government of India consider that the decision given in the award of the said Appellate Tribunal should apply to all the major ports.

27. The O.S.D. has also suggested that the recess periods should be in the middle of the shifts as far as possible and that recess periods should be effective breaks in which workers are, subject to exigencies of work, free to leave the place of duty. This is the existing practice wherever conditions permit it. The nature of port work is, however, such that it is not always possible to grant fixed recess periods in every case because, if all the employees were allowed to recess at the same time, work would be dislocated. However, it should be possible locally to arrive at agreed arrangements by which the workers are enabled to enjoy the recess, wherever admissible, at suitable periods. It is understood that in Calcutta no recess is provided in the night shifts. Government consider that recess is necessary and should be provided.

28. The recommendation relating to the grant of a few minutes off for smoking cannot be implemented as smoking is strictly prohibited in the harbour areas.

29. *Weekly off.*—The O.S.D.'s recommendation relating to the wages to be paid for the weekly off day when work is done and for the substituted rest day will involve the grant of benefits in excess of those admissible under the Minimum Wages Rules, in the case of the ports other than Bombay. The Government of India, however, consider the recommendation reasonable and commend to the other Port Authorities the desirability of following the Bombay practice.

30. The O.S.D. has also recommended that Class IV conservancy staff who have to work on Saturday after-noons should be paid overtime at double the ordinary rates for that period. Government do not see the justification for accepting this recommendation. The normal rules for payment of overtime should apply to this category of staff also.

31. *Overtime work and Rate of payment.*—The report shows that while overtime work is unavoidable in the ports some rationalisation of the rate of payment for overtime work is necessary. An important variation in the practice regarding overtime payment is that certain employees of the ports of Calcutta, Bombay and Madras are entitled, as employees of local authorities, to overtime at double the ordinary rate of wages as provided in the Minimum Wages (Central) Rules, while the rates of overtime admissible to corresponding employees at the ports of Cochin, Visakhapatnam and Kandla are lower. This is because the Minimum Wages Act, 1948, applies to the former set of ports by virtue of entry 6 in Part I of the Schedule to that Act, while it does not apply to the latter set of ports which are not administered by 'local authorities'. The O.S.D. considers that the rate of payment for overtime at the ports of Cochin, Visakhapatnam and Kandla should be brought up to the level prescribed in the Minimum Wages (Central) Rules, whether or not the Minimum Wages Act applies to the employees of those ports. Even in the ports to which the Minimum Wages Act applies, there are certain categories of employees not coming within the purview of the said Act but to whom overtime

payments are being made for work in excess of 9 hours a day or 48 hours a week. The O.S.D. has recommended that such overtime payments should also be made at double the ordinary rate of wages.

32. As regards workers whose duties are essentially intermittent in character, these fall in two main categories, viz., staff in the Marine Department and staff in other departments. The O.S.D. has recommended that for the Marine Department staff, overtime payment should be regulated by a scheme of allowances similar to the running allowances paid to railway staff, such allowances to count for leave salary, provident fund, etc. on the same basis as in the railways. For intermittent workers in other departments, he has recommended that overtime at double the normal rate should be paid for work in excess of 72 hours a week and that a compensatory allowance should be evolved to replace the present *ad hoc* overtime payment for work in excess of 48 hours and less than 72 hours. The labour unions have rejected both of these recommendations. As regards the staff of lighthouses in the port whose work is also of an intermittent character, the O.S.D. has recommended in Part I that the lighthouses themselves should be transferred to the Central Government for operation by the Director-General of Lighthouses and Lightships. The labour unions have rejected this recommendation also. This attitude is no doubt based on the apprehension of the workers that their overtime earnings will be considerably reduced if their work is declared as intermittent.

33. The question of overtime is closely related to that of working hours. The application of the Minimum Wages Act to the Port Trusts without regard to the operational needs of the different departments and the working conditions of different categories of workers has complicated the position. The O.S.D. has drawn pointed attention to the fact that the duties of some of the employees to whom the 48 hour week was applied by the Minimum Wages Act, "are not continuous in the same sense as duties in other departments of the ports are". The working shifts of such employees are 12 or more hours and their duties, as in the case of marine staff for example, though essentially intermittent, require them to stay on board a vessel for continuously long periods. The result has been that since the application of the Minimum Wages Act, such staff has been receiving overtime payments in Bombay every day, at rates which are disproportionately large compared with their normal emoluments, in some cases the figure going up to as much as 300% of the basic pay. This is obviously an unreasonable state of affairs. The Minimum Wages Act was amended in September, 1957, so as to enable special provision being made for intermittent workers and it should be possible now to evolve a suitable scheme by which such workers are given reasonable compensation for being placed on duty in excess of 9 hours a day or 48 hours a week. The Government of India are not in favour of extending the practice now in force in Bombay of making overtime payments to this class of staff at overtime rates on a 48 hour week basis. The scheme of running allowances for certain categories of staff in the Indian Railways is not a good model for adoption by the ports because those allowances are a mixture of elements representing pay, travelling allowance and incentive for better performance. A scheme based on percentage of pay will be both simple and reasonable to adopt.

34. The remaining staff in the "Trust" ports can be divided into two categories: (1) those governed by the Minimum Wages Act or the Factories Act and (2) the others. There is no difficulty about (1) as they are already receiving overtime payments at twice the ordinary rate of wages as recommended by the O.S.D. The "others" mostly consist of supervisory staff. The Port Authorities have represented that this class of staff is being paid overtime under departmental rules, subject to certain ceilings based on percentage of pay and that to increase their overtime earnings was likely to result in loss of efficiency as it might induce them to work and require their men to work overtime unnecessarily. Overtime work should be discouraged as far as possible. Therefore, while unable to accept the O.S.D.'s recommendation for the payment of overtime to all employees at twice the ordinary rates of wages, the Government of India recommend to the Port Authorities that they should review this matter with a view to see whether certain lower ranks of the supervisory staff, whose overtime work can be closely controlled by their superior, cannot be given the benefit of the O.S.D.'s recommendation.

35. In the Ports of Cochin, Kandla and Visakhapatnam, the Minimum Wages Act does not apply generally. It has been decided that overtime payment at double the ordinary rate of wages will be made to those categories which would have been covered by the Minimum Wages Act if it had been applied to these

Ports on the same basis as in the Trust Ports except that in the case of staff referred to in paragraph 33, suitable compensation for overtime will be given on the lines suggested in that paragraph. The decision in paragraph 34 will also apply in these Ports.

36. The Government of India would like to draw the attention of the Port Authorities and the labour unions to the practice in certain branches of the Posts and Telegraphs Department whereby an hour's work during certain hours of the night is equated to more than an hour's work during the day according to prescribed co-efficients. If a similar system could be adopted in the Ports, many problems relating to shift hours, rates of overtime etc. pertaining to night work would solve themselves easily.

37. The Government of India agree that for the calculation of overtime payments to workers covered by the Minimum Wages Act and the Factories Act emoluments should include basic wage, Dearness Allowance, house rent allowance and compensatory allowance, i.e. the entire time rate wage shall be taken into account as emoluments for this purpose. Any incentive bonus earned under a piece-rate scheme or otherwise will not be treated as part of emoluments for purpose of computing overtime.

38. The O.S.D. has also recommended that when a worker is called upon to undertake a second consecutive shift in any emergency, he should be compensated by being paid at overtime rates. This recommendation is obviously inapplicable to cases where the employee comes under the provisions of the Minimum Wages Act, which debars work in excess of 12 hours a day. The Dock Workers (Regulation of Employment) Scheme provides that a worker, if required to work a second shift, is entitled to the normal rate of wages only. The Government of India consider that a worker should under no circumstances be booked for a second consecutive shift. In their view offer of overtime wages would act as an incentive to the worker himself to accept booking in a second consecutive shift, which should be avoided.

39. The Government of India accept the recommendation of the O.S.D. that the hourly overtime rate for daily-rated workers whose daily wages are determined by dividing the monthly wage by 26, should be $1/208$ of the monthly wage instead of $1/240$.

40. *Leave, holidays and other privileges.*—The O.S.D. has concluded that employees in major ports enjoy leave benefits on a scale equal to the leave benefits admissible to Central Government employees. He has not, therefore, recommended any liberalisation of these benefits. He has, however, recommended that disparities between Class III and Class IV staff should be removed, which recommendation has been accepted in principle. The revised rules will be given effect to from the same date as in Bombay. The Port Administrations will no doubt review the requirement of leave reserves in the light of the new leave rules.

41. As regards casual leave, which does not come under the regular leave rules, but is governed by local practice in each establishment depending on the nature of the work, the O.S.D. has recommended the grant to all categories of staff, other than casual labour, of casual leave up to 15 days a year. In so far as it relates to employees engaged in cargo handling operations, the recommendation regarding the grant of 15 days' casual leave has been made so as to compensate the workers for the situation that would result from the suggestion made by him later in this Chapter, that there should be no closed holidays in the ports. For staff not connected with loading and unloading operations in the ports, the O.S.D. has recommended 16 holidays in a year.

42. The present position is that in every port the "scheduled staff" (and what would correspond to such staff in Government ports) is entitled to more holidays than recommended by the O.S.D. and also to casual leave for 15 days (or more in Bombay). The acceptance of O.S.D.'s recommendations would thus mean deliberalisation and it is not proposed to make any change in the present rules. In the non-scheduled staff i.e. artisans, etc., Class III in Calcutta is entitled to 19 paid holidays plus 15 days' casual leave, while Class IV staff including 'A' category gets 19 paid holidays but no casual leave. The O.S.D.'s recommendations are less liberal in this case also. In Bombay, the artisans etc. are entitled to 12 holidays and 10 days' casual leave while 'A' category workers get no paid holiday but 10 days' casual leave. In Madras, the artisans etc. get 10 holidays and no casual leave while 'A' category workers get 8 holidays and no casual leave. In Cochin, Visakhapatnam and Kandla, shore labour has not been departmentalis-

ed so far; the categories which correspond to non-scheduled artisans in Bombay, Madras and Calcutta, get 12 holidays and 5 days' casual leave in Cochin and 15 days of holidays plus casual leave in Visakhapatnam. In Kandla, for the said categories, 15 days' casual leave and all the Government of India holidays are admissible to indoor staff and casual leave of 15 days and 3 holidays to outdoor staff.

43. The suggestion that workers connected with the loading and unloading operations at the major ports should work without interruption on all days of the year and that they should not be given the privilege of a few closed holidays is not quite practicable. The labour unions have represented that workers cannot reconcile themselves to a system which does not provide for closed holidays. The Dock Workers (Regulation of Employment) Enquiry Committee also came to the same conclusion and had recommended the grant of 8 paid holidays. The Government of India agree with this point of view and consider that the privilege of a few paid holidays should not be denied to the workers, and the grant of casual leave should be adjusted accordingly. They consider that the workers should be given in a year a total of 21 days of paid holidays and casual leave taken together. The exact distribution of this number of days between paid holidays and casual leave is a matter which can be most suitably decided by agreement locally at each port.

44. The above decision that workers should be given a total of 21 days of paid holidays and casual leave taken together is not intended to reduce the benefits which may be admissible at present. Therefore, wherever the total of paid holidays and casual leave is more than 21 days in all, the present number will continue; where the said total is less, it will be brought up to twentyone.

45. The O.S.D. has also recommended that payment for work on holidays should be in accordance with the principle enunciated in the Award of the Labour Appellate Tribunal in the appeal against the decision in Reference No. (IT-CG)4 of 1954. As in the case of payment for work on the weekly off day, this recommendation, if implemented, will in certain cases result in the grant of benefits more generous than those admissible under the Minimum Wages Act. The Government of India consider that the higher benefits granted in the Appellate Tribunal Award are reasonable and commend to the Port authorities the adoption of this recommendation.

46. The O.S.D. has also recommended the grant to port employees of P.T.O. concession as applicable to Central Government servants. The major port authorities have already accepted and implemented this recommendation. The unions have pointed out that higher concessions are admissible in Calcutta and have asked for those concessions to be extended to all Ports. While the Government of India do not wish to deliberalise the concession in Calcutta they do not consider that Port employees should be given higher benefits than those admissible to the employees of the Central Government. The unions have pointed out that a large percentage of the employees of the Bombay Port belong to areas which are accessible only by road or sea and that therefore it would be reasonable to include in the concessions expenses of travel by road or sea. This matter is at present under the consideration of the Government of India as a general question for the Central Government employees and it is agreed that the decision that may be arrived at will be applied to Port employees from such date as the said decision takes effect.

47. The Government of India hereby record its appreciation of the work done by Shri P. C. Chaudhuri I.C.S. in connection with the enquiry entrusted to him

APPENDIX I

(Vide paragraph 3 of the Resolution)

A. *Recommendations which are accepted in principle but which being administrative in character, are left to be pursued at the port level.*

PART I

Chapter III—Rationalisation of Pay Scales

(v) In many Administrative Departments, the proportion of Upper Division clerical cadre to the Lower Division and the proportion of the Supervisory staff to the clerical strength is quite low in most of the Ports; higher proportions will be more in consonance with work requirements also.

(vi) In the Accounts Department, the Port Administrations of Calcutta and Bombay should examine the possibility of prescribing Departmental Tests to regulate eligibility for appointment to supervisory posts in their Accounts Departments. It is also suggested that the present designations in these ports should be changed to Junior and Senior Accountants.

(x) While it is premature to suggest any radical changes in view of the fact that the Dock Labour Boards have commenced functioning only recently, there is a possibility of effecting uniformity among the Dock Labour Boards even now by adopting the standard pay scales for Lower and Upper Division Clerks and higher posts. It will be a good principle to follow if both the Port Administration and the Dock Labour Boards keep one another informed of material revisions in the pay scales and other conditions of service.

(xiv) The desirability of providing suitable avenues of promotion needs no special emphasis

PART II

Chapter IV—Decasualisation of Shore Workers

(vi) Port Administrations may examine whether action should not be initiated through the Registration Committee or special agencies for the collection of statistics for further investigation with a view to facilitate the proper allocation of heavy and light work among the workers.

(ix) The central call stand should be so located as to enable workers to reach the place of work before the shift is due to begin.

(xx) Where there are more than one call stand there should be telephonic communication between stands and transport arrangements to carry labour from one stand to other.

(xxi) The conditions of the call stands for Shore Workers require considerable improvement and should conform to the standard laid down for stevedore workers by the Dock Workers (Regulation of Employment) Enquiry Committee Report, 1955.

(xxiii) The Ports shall examine the possibility of reducing the number of attendances at Call stands particularly by permanent workers.

PART III

Chapter VII—Working Hours, Night Shift and Weekly off

(xv) *Weekly Off.*—It will not be obligatory on the Port Authorities to fix Sunday or any other fixed day as the weekly day of rest for all workers but they should try to make suitable arrangements to the extent possible.

Chapter IX—Leave, Holidays and other privileges

Leave

(vii) It is difficult to fix a definite percentage for leave reserves; depending on the necessity for providing immediate relief, the percentages may vary from 10% to 20%.

B. Recommendations which do not seek to make any change in the existing rules or practices

PART I

Chapter III—Rationalisation of Pay Scales

(xiii) In the absence of further information in regard to the practice in other State Governments in view of the fact that the pattern of pay scales of Central Government on which the above proposals are made is different from the pattern of the pay scales of State Governments, it has not been found possible to recommend payment of 'unclean allowance' which is now being paid in Bombay port to Sweepers in other Ports also.

PART II

Chapter IV—Decasualisation of Shore Workers

(ix) Workers in the Temporary Register should serve as a reservoir to fill up vacancies in the Permanent Register.

(xvii) The constitution of a gang shall be in accordance with the existing practice in the Port; there should be a differential in the payment made to the head of the gang who directs the work and the labour who work under his direction.

(xviii) Seniority, merit and fitness as well as past services should be the basis for promotion as leader of the gang.

(xxv) No incremental scale for casual shore workers appear necessary; the better course of action will be to keep the proportion continuously under review to bring the casual workers on to the Permanent Register to the extent possible.

(xxvi) In the present conditions a higher rate for stevedore work seems to be inevitable; but without seeking to anticipate the conclusions of the Tri-partite Committee, which is going into the question of introduction of piece work rates; it can be reasonably assumed that the differentials between the wages of stevedore and shore labour will be further narrowed down.

(xxix) Casual labour rendered surplus must be given preference over fresh labour for enrolment in the Temporary Register.

PART III

Chapter VI—Retirement Benefits

(v) No liberalisation in the present rules relating to sanction of advances from Provident Fund is called for. As accumulations in the Provident Fund are also regarded as being held in trust for the benefit of the family of the employees, there is scope for even tightening the present rules.

Chapter VII—Working Hours, Night Shift and Weekly off

Working Hours

(i) While a progressive reduction of working hours is a desirable objective there is no special reason to place the Port Transport Industry on a separate footing; the number of working hours should remain at 48 hours a week.

(ii) There is no justification for a further reduction in the working hours of the Clerical staff by an increase of the lunch interval.

(iv) The working hours of the Clerical Staff posted to work along with technical staff on outdoor work should be on the same basis as for the latter category.

Night Shift

(viii) Shifts should be as continuous as possible, with comparatively short intervals in between, as at present in Bombay Port.

Chapter VIII—Overtime Work and Rate of Payment

(ii) In principle, the payment of overtime to the clerical staff working short of the general limit of working hours prescribed for other workers does not seem to be justified.

Chapter IX—Leave, Holidays and other privileges

Leave

(ii) The present ceilings for the accumulations of earned leave or commuted leave need not be disturbed.

(iii) Payment of leave salary in lieu of leave not taken by a worker because of his discharge will not be justified.

(iv) The demands that no limit should be placed on special disability and sick leave on full pay, commuted leave, and extraordinary leave are not recommended for acceptance.

(vi) A weekly off day or holiday should be allowed to be prefixed or suffixed to a period of leave.

Holidays

(x) There is no justification for the grant of overtime allowance to the Office staff who work occasionally on holidays; they may have, when possible, a compensatory day off within a stipulated period.

C. Recommendations which have been dropped by common consent

PART I

Chapter III—Rationalisation of Pay Scales

(vii) The Port Administrations should make a beginning towards the introduction of the Messenger system.

(viii) There seem to be good and weighty reasons for the transfer of control of certain Special Departments like the Port Railways, Lighthouses and Fire Services to the Railway Board, the Central Lighthouse Department and the Fire Services Organisation of the State Government concerned. This, however, is only a suggestion.

(ix) Medical facilities should be pooled between the Port Administrations and the Dock Labour Boards.

PART II

Chapter IV—Decasualisation of Shore Workers

(xxvlii) The Major Ports should consider the possibility of working out suitable schemes of transfer agreements with the Minor Ports on a selective basis.

APPENDIX II

Vide paragraph 5 of the Resolution)

<i>Scale of pay</i>	<i>Nature of employment</i>
Rs.	
30—1—35	Employments which do not require any skill or learning for initial employment.
35—1—50	Semi-skilled or unskilled supervisory.
40—1—50—2—60	Semi-skilled
40—2—60	or basic tradesman or higher grades of unskilled supervisory.
60—3—31—EB—4—125—5—130	Skilled (long grade), Lower clerical (indoor and outdoor) or Lower professional.
60—5/2—75	Skilled, Grade III.
75—3—105	Skilled, Grade II.
100—5—130	Skilled Grade I or technical.
80—5—120—EB—3—160	Highly skilled (Grade II), Skilled supervisory Higher clerical (indoor and outdoor) or technical subordinate.
80—5—120—EB—3—200—10/2—220	Higher clerical, clerical supervisory (indoor and outdoor), technical supervisory or technician.
100—5—125—6—155—EB—5—185	Highly skilled (Grade I) or Technical or Skilled supervisory or Professional.

<i>Scale of pay Rs.</i>	<i>Nature of employment</i>
150—7—185—8—225	Higher Technical or Technical Supervisory or outdoor supervisory or employments involving special responsibility.
100—8—140—10—200—BB—10—300	Higher technical or supervisory.
160—10—300	Higher ministerial or Higher technical or supervisory.

NOTE :—Scales rising above Rs. 300 upto 500 will be indicated later in a Resolution announcing the setting up of the Committee referred to in para 5 of this Resolution.

ORDER

That a copy of the Resolution be communicated to the interests concerned and that it be published in the Gazette of India for general information. The Report of the Officer on Special Duty may also be released for publication.

R. L. GUPTA, Secy.

