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No. 7/22/67-NCL(C)
Government of India
National Commission on Labour
D-27, South Extension Part II

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New Delhi-3, dated the 2nd Feb'1968.

To

✓ The Chairman and the Members
of the Commission.

(Secretary Lalap) For NCL file

Sir,

I am directed to forward herewith a copy of
(i) notes on observation visits and (ii) record of
informal discussions which some Members of the
Commission had with parties in Goa.

Yours faithfully,

Encl: as above.

P.D. Gaiha
(P.D. GAIHA)
Director

RC/2.2.

Observational visit to Marmugoa Port on 18.12.1967

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The Marmugoa Port has a mechanical Conveyor for handling iron ore set up by the Chowgale & Company, one of the leading exporters of iron ore. This has been installed with Japanese collaboration. Mr. Chowgale will have a major interest in this for the first 30 years. Thereafter, it will be the property of the Port Trust. The operation time for the Conveyor has been divided between Mr. Chowgale and other exporters; 60% for Mr. Chowgale and 40% for others. The expenditure on this project is reported to be Rs.1.5 crores. It has been saving a considerable amount of manual labour and in these days when manual labour is getting expensive even in Goa, it has proved to be a major saving in the cost to the exporters. We watched its various operations including the dumping of ore which comes from barges on the shore. Since no ship was in the Port, other operations of loading the ore on the cargo ship could not be seen.

per month

The rates for unskilled and semi-skilled workers in the process of this operation ranged from Rs.90 to 100 p.r. for the former and Rs.120 to 140 for the latter. The skilled workers get about Rs.200 per month. Most of the workers engaged are locally trained; they were formerly unskilled. The training itself is such that it requires about 6 months to acquire the necessary knowledge.

In the same area, we were shown how iron-ore pellets were being manufactured. It was a crude process. The labour involved in this process of manufacture appeared to be heavy. In the work which was shown to us (Mr. Chowgale has a modern Palletisation Plant somewhere in the interior), the ore was pounded into fine powder and then turned into small balls which were roasted. Women workers were engaged in the pounding of ore. This work brought them wages of an unskilled worker. Most of the women engaged in this work came from neighbouring areas. They had their huts in the villages and their earnings meant an addition to the earnings of the family. For women the work appeared to be heavy.

At the Marmugoa docks, we saw a fair number of workers from Eastern U.P. They earn about Rs.4 a day. Since they are covered by the Tock Labour Board, they get work for at least 18 days. Most of them stay together to save on their expenses and go to their native place once in 18 months. They are not unionised nor do they desire to be union members. Some labour leaders mentioned that this is one of the reasons why labour from Eastern U.P. is brought here and to other areas in this part of the country.

We saw some contract labour engaged on the shore. The contractor belonged to Andhra Pradesh but most of his labour came from Bijapur District. Though Dharwar, Belgaum and Ratnagiri Districts are contiguous to Goa, labour from these areas does not go to Goa; Ratnagiri labour is attracted to Bombay and Belgaum and Dharwar labour perhaps finds adequate work locally. Workers doing

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shore work for the contractor are provided temporary huts. They consider this hutting to be extremely unsatisfactory. They realise, however, that nothing better could be done for temporary workers. They are good workers; most of them vocal and live with families in the huts provided by the contractor. They are not aware of any trade-union leader approaching them.

It would appear that the work done by such contractors could be appropriately handled by the Dock Labour Board which is a more satisfactory arrangement. On being asked why they were not included for protection given by the Dock Labour Board, the quick answer was that law as at present does not cover this type of labour. The possibilities of removing such legal obstacles require to be explored.

Record of informal discussion which some Members of the Commission had at Panjim on 19-12-67 with

(a) Goa Mineral Ore Exporters' Association represented by

1. Mr. R.M. Salgaoncar
2. Mr. Bapalal K. Gosalia
3. Mr. Hiralal Rajthatha
4. Cdr. M. Ferrari
5. Mr. V.S. Demno
6. Mr. J. Coelho
7. Mr. Ferrar
8. Mr. Ratnabole

(b) Goa Mining Association represented by

Mr. M.S. Talalikal

(c) Stevedores Association represented by

Mr. Lima Leitao

(The representatives of Mormugao Port Trust on whose behalf the detailed reply to the questionnaire was sent could not be present.)

1. The Exporters' Association was established in 1963. It is an association of mine owners and exporters. Some mine owners also do the business of export.
2. The fact of the present under development of the country has to be accepted. For rapid industrialisation, it may be necessary that every one, including persons who are at lower levels of income, will have to sacrifice.
3. There is considerable delay in getting the right type of persons for employment through employment exchanges.
4. The accident rate in mines in Goa is low because most of them are open-cast mines. There is no tunneling required yet for exploiting the ore. The accident rate is low even in comparison with other open-cast mining operations. It is not correct to infer that the rate appears low because reporting is inadequate/inefficient.
5. Since Liberation, unions have become active in Goa; before Liberation they were not permitted to operate. Employers also did not feel the need for getting themselves organised. There was not adequate development in the area either.
6. The employers on a number of occasions have forestalled demands made by labour but when discussions are arranged, agreements are difficult to reach because by that time the initial demands are raised further.
7. Majority of workers are not union members. There is a

good deal of intimidation from leaders who are outsiders for getting members registered. Union leaders do not know, in many cases, the conditions of work.

8. Recently, Bargemen in Goa Port struck work. Circumstances leading to the strike were (a) it was not clear whether they would be considered as Port and Dock Workers; (b) clarification was sought from the Wage Board but no clarification was received; (c) employers wanted the case to be referred to adjudication but workers wanted direct action.

9. There is no recognition given to unions either under the Statute or under the Code, but there is a de facto recognition in the sense that the employers meet unions in the presence of a conciliator.

10. Secret Ballot is preferable to the present procedure for naming the bargaining agent. Even in the secret ballot system there seems to be no guarantee that the union which is elected through recourse to it will stay till the next ballot is taken.

11. There should be controlled collective bargaining in the sense that if in important disputes parties do not agree, arrangements should be made for expeditious settlement of disputes through Government intervention.

12. While unnecessary haste will damage the quality of conciliation, there should not be an undue delay in the settlement of either. Balance between haste and delay is difficult to strike.

13. Employers complained that strikes without notice have increased in Goa of late. Something should be done to prevent such strikes.

14. Because of the inherent weakness of the workers' case on some demands, labour prefers what it obtains through legislation to fruits of collective bargaining. This is a common tendency not only in Goa but also elsewhere.

Record of informal discussions which some Members of the Commission had with workers' representatives in Goa held in Panjim on the 20th December, 1967, at 9.00 A.M.

The following were present:-

1. Mr. Gerald Pereira,
General Secretary,
Goa State Trade Union Council(AITUC).
2. Mr. George Vaz,
General Secretary,
Goa Mining Labour Welfare Union(AITUC).
3. Mr. Y.B.H. D'Cruz,
Vice-President,
Goa Mining Labour Welfare Union(AITUC).
4. Mr. A. Cavali,
The National Mine Workers Union, Goa(INTUC)
5. Mr. Mohan Nair,
Goa Dock Labour Union(INTUC) and
National Union of General Employees.
6. Mr. A.P. Andradi,
The Mormugoa Port & Railway Workers' Union.
7. Mr. Prabhakar Ghodge,
General Secretary,
Goa Mazdoor Sabha.

There is a considerable amount of contract labour in all mines. Even the M.M.T.C., a Public Sector Undertaking, encourages contractors. This contract work is within harbour limits. Though dock labour is de-casualised, the advantages of this do not reach the labour engaged by contractors.

2. The M.M.T.C. is working against the de-casualisation scheme. In many cases, the stevedore work is also done by contractors.

3. The Wage Board for Ports and Docks has been made aware of this position. Workers are awaiting the recommendations of the Board on this point.

4. It is not true that the rate of accidents is low as claimed by employers. (A statement on this point will be supplied by unions.)

5. In mining operations also, contractor labour predominates. Of the 25,000 workers engaged in this process, only 4,000 are direct workers.

6. The contractors, being more or less like Mukaddams, provide no facilities to workers. There is no housing, no I.A. and no amenities of any kind. Most of the contractors operate as agents of the employer.

7. The main employer does not take any interest in contract labour even when he is approached. (Details on this point would be supplied by the Unions.)
8. The Payment of Wages Act also is defied. (Details to be supplied.)
9. Maintenance of records is poor even with regard to direct workers. The plight of contract workers in cases where retrenchment compensation is due to them can, therefore, be imagined because of inadequate recording. From the administrative side, there is no enforcement machinery for getting workers' grievances redressed.
10. The Mines Act should be expanded in scope to bring in some allied categories of workers who have so far no protection and who are essential for operations in mines. (A list of such categories will be supplied.)
11. There are only 3 unions recognised in the area covered by Goa Administration. The employer has a say in the formation of the union.
12. Secret Ballot will be preferred but some workers' representatives mentioned that a checking of the union membership registers will be enough. According to them, it should be possible to introduce more rigid procedures about checking the membership on spot. This will eliminate the difficulties at present created in the recognition procedure.
13. Adjudication is an expensive hobby for workers and unions. It should give place to collective bargaining. Arbitration can be a remedy but it should be voluntary. If collective bargaining right is granted, Government should not give protection to black legs. There are cases in Goa where collective bargaining has succeeded.
14. Conciliation should be by a tripartite board.
15. A curious situation arises in the Port Trust because a Port Trust worker is excluded from being a trustee, on behalf of workers. This goes against the declared intentions of policy that there should be no outsider to lead workers. The anomaly is that workers' representative on the Port Trust has to be an outsider.
16. There was exploitation in its worst form in Goa before Liberation. Things have somewhat improved since then but exploitation still continues.
17. In mining operations a contractor is given a strip of land to operate. He, in turn, gives it to another group of workers with a leader and this process goes on with the result that the intermediaries are too many. Even where rates are fixed by the principal employer, by the time they reach the workers, there is a dilution in rates. Some union leaders are also contractors.
18. In Mormugoa Port some work, which is usually the responsibility of Dock Labour Board, is handed over to contractors.

IV

Observational visit to Dempo's screening plant

Mechanical handling and sorting of ore according to different grades was seen. There were not many workers involved in the process. The skilled part of the work consisted of observing on the Conveyor belt pieces of ore of different size and sort out unacceptable portions. Rest of the operation was mechanical, the ore passing through a series of sieves which helped in sorting out pieces of ore of different size.

Ore of different grades is then taken to the river side about four miles away and dumped there for transport through barges to the port. This operation also has been mechanised.

The wage rates are not different from those which were given to us at Marmugao Port - for different type of skills.

The area between the Screening plant we saw and our next halt - Madgaon- a stretch of about 35 to 40 miles seems to have become considerably active in recent years because of the mining operations. One sees hillocks of ore as one drives along this road and name plates of various companies engaged in extraction of ore.

V

At Madgaon, we had a discussion over the lunch table with the employers' group. No new points, apart from those recorded in II above emerged.
