

In doing this, the Committee pointed out that a considerable amount of work will fall to the International Labour Office. It also took note that certain aspects of the problem concerned other specialised agencies such as the Food and Agriculture Organisation of the United Nations, and emphasised the need for close co-operation and co-ordination of work with other institutions active in related fields.

The results arrived at during this second session give reason to hope that the Permanent Agricultural Committee, by systematic study and discussion of the main social questions relating to agriculture which are of interest to the International Labour Organisation, may give the Organisation effective assistance in improving the condition of agricultural workers throughout the world.

Social Security Plan for Indian Seafarers

The report published in 1946 by the Department of Commerce of the Government of India on social security for Indian seafarers is of particular interest to the International Labour Organisation in view of the recent meeting of the I.L.O. Preparatory Asian Regional Conference at New Delhi (October 1947), at which social security was the first item on the agenda.¹ The scheme drawn up in the report is also interesting in view of the two Conventions and the Recommendation relating to social security for seafarers adopted by the Maritime Session of the International Labour Conference which met at Seattle in 1946.²

The report contains a discussion of the subject and a scheme prepared in 1945 by Professor B. P. Adarkar, M.A., then of the Labour Department, assisted by Mr. Ch. Pr. Srivastave, M.A., LL.B., formerly Research Officer in the Labour Department and now of the Ministry of Commerce, and a joint report on the scheme by Professor Adarkar and a member of the Social Insurance Section of the International Labour Office who was deputed at the request of the Indian Government to assist in the preparation of a social insurance scheme for Indian seafarers. The joint draft scheme contains the views of the authors and has been circulated to various interested parties for their opinion. An outline of the scheme is given below.

The social security scheme for Indian seafarers drawn up in the report published by the Department of Commerce of the Government of India covers the risks of ill-health and incapacity due to employ-

¹ Cf. Preparatory Asiatic Regional Conference of the International Labour Organisation, New Delhi, 1947, Report I: *Problems of Social Security* (I.L.O., New Delhi, 1947).

² Cf. "The Twenty-Eighth (Maritime) Session of the International Labour Conference, Seattle, June 1946", p. 10, in *International Labour Review*, Vol. LIV, Nos. 1-2, July-Aug. 1946.

ment injury or sickness of the seafarer who is ashore in India, old age and death, and availability for employment. The provision of medical care and cash benefits during absence abroad remains the shipowners' liability as at present.

PREMISES

Indian seafarers have up to the present been employed chiefly on British and on foreign vessels. They are entitled by virtue both of law and agreement, in the event of illness or incapacity arising during their employment, to medical care, maintenance and wages at the shipowners' expense until they return to their port of recruitment, and to limited compensation in the event of employment injury.

At home, however, seafarers are not insured against sickness or unemployment, nor is provision made for their old age or for their dependants in the event of death of the breadwinner. They receive a certain amount of free medical care either from the provincial health services or at special clinics, sometimes through the agency of charitable institutions.

The main obstacle in the way of social insurance for Indian seafarers is the absence of organised recruitment. The number of persons who hold so-called discharge certificates entitling them to seek employment at sea was, at the time of writing of the present report, far in excess of the number of full-time jobs filled or even of engagements, and it is not likely that the situation has considerably improved since. Consequently, the number of applicants for jobs in the two chief ports of Calcutta and Bombay, many of whom reside in villages outside of these cities¹, is usually very much greater than the number needed to fill the available jobs. Many of these applicants stay at the "boarding houses" run either by private owners or by trade unions and incur debts in order to pay for their board and lodging, debts that have subsequently to be repaid out of the seafarer's wages if and when he finds employment. This situation has given rise to abuses.

Under these conditions, continuity of protection could not be achieved, as seafarers would pass in and out of insurance as a result of the disproportion between employment and unemployment and the excessive intervals between voyages in individual cases.

The success of an insurance scheme, the report states, will therefore largely depend on the simultaneous organisation of recruitment, involving a reduction of the number of those admitted to sea service and a system of rotation for seafarers who are not in continual employment.

It may be added that an attempt at organising recruitment of seafarers is now being made under the auspices of the Government: a maritime board representing shipowners and seafarers has recently been established in Calcutta which has undertaken to work out a system of recruitment. At the same time, the Government is taking steps to complete and reorganise the registration of seafarers, reducing their numbers.

¹ According to more recent investigations undertaken by the Government, a larger number of seafarers actually reside in the ports of registration than was assumed at the time when the report was written.

SHIPOWNERS' LIABILITY

The report proposes to continue shipowners' liability to provide medical care, maintenance and wages when the seafarer falls ill or is injured during the currency of the agreement, both on board and ashore, until the seafarer returns to his port of recruitment. This liability is to be given a statutory basis, whereas at present the payment of wages is a liability voluntarily undertaken by shipowners, both Indian and non-Indian.

UNIFIED INSURANCE SCHEME

Coverage.

The proposed unified insurance scheme for Indian seafarers which is subsequently to be linked to the proposed scheme for factory workers, would cover all persons employed or engaged in any capacity on board a ship registered in India or otherwise if they are holders of seafarers' discharge certificates or certificates of competency as masters or officers issued under the Indian Merchant Shipping Act. This provision would cover all persons recruited in Indian ports under the stipulations of the Indian Merchant Shipping Act.

The contingencies covered would be ill-health, incapacity for work due to sickness or employment injury not covered by shipowners' liability, *i.e.*, ill-health and incapacity ashore in India, death resulting from employment injury, old age and, to some extent, death not resulting from employment injury. Moreover, provision is made for maintenance and pay while the seafarer is awaiting employment in port under a prescribed rotation system of recruitment.

Employment Injury.

At present, under the Workmen's Compensation Acts, the shipowner has a limited liability to pay compensation to the seafarer who is injured in employment and to his dependants if he dies as a result of such injury. This liability would be absorbed by the proposed insurance scheme. The scheme would provide medical care until recovery or consolidation of the injury. In the event of incapacity for work, cash benefit would be paid as long as the beneficiary's condition required care and the patient remained in port to receive such care. The rate of this temporary benefit would be two thirds of the basic earnings where the seafarer resides at the port of registry, while free maintenance at an approved hostel and a cash payment not exceeding 25 per cent. of basic earnings would be provided for seafarers whose home was outside the port. In case of hospitalisation, the seafarer's family would receive not more than one third of his earnings. These benefits would always be a continuation of those provided by the shipowner while the seafarer was abroad, as the ill-health and incapacity would be due to an employment injury.

If the seafarer so injured ceased to need medical care but would be disabled for employment in his previous occupation as a seafarer, and also for any other remunerative work, he would receive one half of the basic earnings or, if incapacity was partial, such fraction of one half of his earnings as corresponded to the reduction in his

earning capacity or as indicated in a schedule applying to specified injuries. The "permanent" benefit would be payable so long as the disability continued.

In the event of death due to employment injury, the dependent widow would receive two fifths of the benefit payable for total permanent incapacity, and each child under 14 years of age would be entitled to one fifth of such benefit, up to three children. Funeral benefit equal to the earnings of one month would be payable unless the shipowner was liable to pay the expenses.

Ill-health and Incapacity not Due to Employment Injury.

Many Indian seafarers have long periods of unemployment between voyages, their periods of employment being too short and irregular to permit of coverage, by the insurance scheme, of all periods of unemployment. The proposed scheme, as above mentioned, is therefore made conditional upon a previous organisation of recruitment and a simultaneous reduction of the total number of seafarers. The provisions of the scheme concerning sickness while the seafarer is ashore in India, are based on the assumption of an average employment of six months in one year within an organised rotation system.

Where the seafarer falls ill during his voyage and is brought back ill by his ship, or is left abroad and returns before he has recovered from his illness, he will also be entitled, under the proposed scheme, to medical care at the port of return. The maximum benefit period, however, would be limited to the six months following his return.

Cash benefit would be granted for not more than 13 weeks within the 6 months following his return, provided he had 17 weekly contributions to his credit during the 12 months preceding his return.¹

Where the seafarer returning ill did not satisfy the qualifying conditions for full benefit, but had 8 weekly contributions to his credit, he would receive free maintenance for 13 weeks in the 12 months following his return, unless he was hospitalised.

Even under a system of recruitment assuring every registered seafarer 6 months' employment per year, economic conditions permitting, a payment of cash benefit in the event of sickness arising while the seafarer is unemployed would logically imply the payment of unemployment benefit during a corresponding period. Such unemployment insurance, however, would be excessively expensive in the present circumstances. Moreover, the seafarer is paid the greater part of his wages at the time of his discharge, and may be expected to subsist on these wages during at least part of his period of inter-employment. Illness during the inter-employment period, however, calls for medical care in order to restore the seafarer's capacity for re-employment, illness implying incapacity for work in this particular case. Medical care under the proposed scheme would for the time being be provided only at the port of registration, the seafarer being consequently obliged to remain in port in order to receive such care. Moreover, he might lose his next chance of employment under the rotation system by reason of his illness. In view of these facts, the scheme proposes to grant the seafarer who falls ill

¹ These benefit periods correspond to those originally proposed for factory workers; in the Bill at present before the Legislative Assembly, however, the maximum benefit period for cash benefit has been fixed at 8 weeks only.

ashore medical care within the period of one year following his return at a clinic or hospital in port, and maintenance and cash benefit for not more than 13 weeks in the aggregate if he satisfies the conditions above mentioned and falls ill within 6 months following his return. Conceivably, these provisions might eventually be somewhat modified in the sense of a more refined mechanism, introducing a waiting period for cash benefit proportional to the length of the preceding voyage so as to ensure a subsistence income primarily to the seafarer who misses his next chance of employment as a result of illness.

On the other hand, the seafarer would be entitled under the scheme to maintenance and reduced cash benefit during the time when, under an organised recruitment system, he would be required to be available in port, for a period not exceeding twice the average waiting period. The average waiting period has been provisionally estimated at 8 days.

Old Age and Death not Due to Employment Injury.

The proposals of the joint draft scheme that could most readily be implemented once recruitment had been organised, are those concerning old-age and survivors' insurance. They embody essential elements of a provident scheme. The pension, acquired at age 55 on retirement from sea service after a minimum period of sea service of 10 years, is tentatively fixed at 1.5 per cent. of the basic earnings for each year of sea service with contributions. A maximum of 50 per cent., payable after $33\frac{1}{3}$ years of service, is suggested. Under a system of rotation with 6 months' employment per year, the period at sea could not, in fact, exceed 20 years, with a pension of 30 per cent. of the average earnings of the last 10 years.

Seafarers not qualifying for a pension on attainment of age 55 would receive a refund of their own contributions and one half of the shipowners' contribution if they had at least 5 years of service at sea. Where the seafarer died after 5 years of service before attaining the age of 55, contributions would be refunded to his family.

Basic earnings would be the national standard rates of pay as fixed by collective agreements.

ADMINISTRATION

The scheme would be administered on a tripartite basis under the supervision of the Central Social Insurance Board to be set up under the unified scheme for factory workers.

Local tripartite committees would be established in ports of recruitment, and a medical board would be appointed to deal with the medical aspects of the scheme. Appeal from decisions of the local committees would lie to an independent board of appeal.

FINANCIAL RESOURCES

The scheme would be financed by contributions from shipowners and seafarers, and would be subsidised by the Central and Provincial Governments, to the same extent as under the unified scheme for factory workers, as originally proposed. Employment injury insur-

ance, however, would be financed exclusively by employers on a collective basis. The total cost of the proposed scheme has very roughly been estimated at 8,640,000 rupees a year, or 20 per cent. of the earnings obtaining in 1945. The shipowner would pay 10.33 per cent., the seafarer 8.33 per cent., the Central Government 1 per cent. and the Provincial Government 0.33 per cent. of the earnings. Provincial Governments would contribute in the form of medical care provided under their existing public services.¹

¹ GOVERNMENT OF INDIA, DEPARTMENT OF COMMERCE: *Social Insurance for Indian Seamen; A Scheme*, by Professor B. P. ADARKAR, M.A., and *Joint Report on the Scheme*, by Dr. Laura E. BODMER and Professor B. P. ADARKAR, M.A. (Government of India Press, New Delhi, 1946).