

DOCK WORKERS (REGULATION OF EMPLOYMENT) RULES, 1962

CONTENTS

1. Short title and extent
2. Definitions
3. Composition of the Board
4. Term of office of members
5. Suspension from membership
6. Allowances for non-official members
7. Meetings of the Board
8. Mode of entering into contracts

DOCK WORKERS (REGULATION OF EMPLOYMENT) RULES, 1962

S.O. 1810, dated the 1st June, 1962. 1-In exercise of the powers conferred by sub-sections (1) and (2) of Section 8 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following rules, namely :

1. Short title and extent :-

- (1) These rules may be called the Dock Workers (Regulation of Employment) Rules, 1962.
- (2) They extend to all the major ports in India.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).
- (b) "Board" means a Dock Labour Board established under Section 5A .
- (c) "Chairman" means a member of the Dock Labour Board.
- (d) "Member" means a member of the Dock Labour Board.
- (e) "Scheme" means the Dock Workers (Regulation of Employment) Scheme, framed under sub-section (1) of Section 4 of the Act.

3. Composition of the Board :-

(1) Each Board shall consist of not less than nine members and shall include an equal number of members representing-

(i) the Central Government ;

(ii) the dock workers ; and

(iii) the employers of dock workers and shipping companies.

(2) The Chairman of the Board shall be nominated by the Central Government from among the members representing the Government and there shall be a whole-time Deputy Chairman appointed by the Central Government in the ports of ¹[Bombay, Calcutta, Cochin, Madras, Marmagao] and ²[Vizakhapatnam] on such terms and conditions as the Central Government may determine:

(3) The persons representing respectively the dock workers and the employers shall be appointed after consulting such association of persons as appear to the Central Government to be representative of such workers and such employers.

3 [(4) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or defect in the constitution of the Board.]

1. Subs. by S.O. 398, dated the 22nd January, 1966, published in Gazette of India, ft. II, Sec. 3 (ii), dated the 5th February, 1966.

2. Subs. by S.O. 1675, dated the 18th April, 1969, published in the Gazette of India. Pt. II, Sec. 3 (ii), dated the 3rd May, 1969.

3. Ins. by S.O. 1689, dated the 9th May, 1965, published in the Gazette of India, Pt. II, Sec. 3 (ii), dated the 19th May, 1965.

4. Term of office of members :-

(1) A member other than a member representing the Central Government shall hold office for a period of three years from the date of the notification appointing him as a member and shall be eligible for re-appointment: Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the official Gazette : Provided further that a member appointed to fill a casual vacancy shall hold office for the unexpired portion of the term of the person in whose place he is appointed.

(2) A member representing the Central Government may be

appointed either by name or by virtue of his office. Every such member shall hold office during the pleasure of the Central Government.

(3) A member other than a member representing the Central Government may resign his office by a letter under in his hand addressed to the Chairman.

(4) If a member proposes to proceed out of India, he shall, before doing so intimate to the Chairman, the proposed date of his departure from, and of his return to India, and if he intends to be absent from India for a period exceeding six months, he shall render his resignation.

(5) A member shall be deemed to have vacated his office :

(i) if he proceeds out of India without complying with the provisions of sub-rule (4); or

(ii) if he becomes insolvent ; or

(iii) if he is convicted of an offence which in the opinion of the Central Government, involves moral turpitude ; or

(iv) if he is absent from three consecutive ordinary meetings of the Board without leave of absence from the Chairman ; or

(v) If, in the opinion of the Central Government, a member who was appointed to represent of dock workers or employers of dock workers and shipping companies ceases to be representative of dock workers or their employers or the shipping companies, as the case may be ; or

(vi) if, in the opinion of the Central Government, it is for any other reason not desirable that he should continue to be a member. Every vacancy under this rule shall be notified in the official Gazette.

5. Suspension from membership :-

If, on a report from the Chairman and after such enquiry as it may deem necessary, the Central Government is of opinion that a body or association which is represented on the Board has acted or is acting in a manner prejudicial to the working of the scheme or the attainment of its objective, it may after giving an opportunity to that body or association to be heard by order suspend the representation of that body or association until such time or for

such period as may be specified in such order.

6. Allowances for non-official members :-

There shall be paid to the non-official members of the Board such fees and allowances as may, subject to the approval of the Central Government, be determined by the Board from time to time.

7. Meetings of the Board :-

(1) The Chairman and in his absence the Deputy Chairman in the ports of ¹ [Bombay, Calcutta, Cochin, Madras, Murmugao] and [Visakhapatnam] shall preside over every meeting. If beside the Chairman the Deputy Chairman is also absent, or there is no Deputy Chairman, the members present shall elect one of them to preside over the meeting and the member so elected shall at that meeting exercise all the powers of the Chairman.

(2) The quorum for and the procedure at meetings of the Board shall be such as the Board may from time to time determine.

(3) If any question arises for the decision of the Board it shall be decided by vote of the majority of the members present and voting and in case of equality of votes, the Chairman shall have a second or a casting vote.

(4) The Chairman may invite any person to be present at any meeting and to participate in the discussion but such a person shall not be entitled to vote.

1. Subs. by S.O. 398, dated the 22nd Januaiy, 1966, published In the Gazette of India, Pt. II, Sec 3 (ii), dated the 5th Februaiy, 1966.

8. Mode of entering into contracts :-

The Chairman may enter into any contract on behalf of the Board and every contract so entered shall be binding on the Board : Provided that every such contract, the subject-matter of which exceeds Rs. 5,000 in value, shall be in writing and signed by the Chairman and any other member of the Board.]