

DOCK LABOURERS ACT, 1934

19 of 1934

[19th August, 1934]

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An Act to give effect 2 [* * *] to the Convention concerning the protection against accidents of workers employed in loading and unloading ships Whereas a Revised Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships was adopted at Geneva on the twenty-seventh day of April nineteen hundred and thirty-two; And whereas it is expedient to give effect 2 [* * *] to the said Convention; it is hereby enacted as follows :

1. Short title, extent, commencement and application :-

(1) This Act may be called the Indian Dock Labourers Act, 1934.

(2) It extends to the whole of India ¹[* * *].

(3) It shall come into force on such date ² as the Central Government may by notification in the official Gazette appoint.

(4) It shall not apply to any ship-of-war of any nationality.

1. The words "except Part B States" omitted by the State Part B States (Laws) Act, 1951 (3 of 1951), Sec. 3 and Schedule.

2. 10th February, 1948, see Gazette of India, 1948. Pt. I, p. 88.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,-

(a) "the processes" include all work which is required for or is incidental to the loading or unloading of cargo of fuel into or from a ship and is done on board the ship or alongside it; and

(b) "worker" means any person employed in the processes.

3. Inspectors :-

(1) The ¹[Central Government] may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(2) All principal officers of the Mercantile Marine Department shall be Inspectors under this Act, ex-officio, within the limits of their charges.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the ¹ [Central Government] may direct.

1. Subs. by the Government of India Adaptation of Indian Laws Order of 1937.

4. Powers of Inspectors :-

Subject to any rules made in this behalf under Sec. 6, an Inspector may, within the local limits for which he is appointed,-

(a) enter, with such assistants (if any) as he thinks fit, any premises or ship where the processes are carried on,

(b) make such examination of the premises of ship and the machinery and gear, fixed or loose, used for the processes and of any prescribed registers and notices, and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of this Act; and

(c) exercise any other powers which may be conferred upon him by the regulation made under Section 5 .

5. Power to 2 [Central Government] to make regulations :-

(1) The ¹[Central Government] may make regulations, ² -

(a) providing for the safety of working places on shore and of any regular approaches over a dock, wharf, quay or similar premises which workers have to use for going to or from a working place at which the processes are carried on, and for the lighting and fencing of such places and approaches;

(b) prescribing the nature of the means of access which shall be provided for the use of workers proceeding to or from a ship which is lying alongside a quay, hulk or other vessels;

(c) prescribing the measures to be taken to ensure the safe transport of workers proceeding to or from a ship by water and the conditions to be complied with by the vessels used for the purposes;

(d) prescribing the nature of the means of access to be provided for the use of the workers from the dock of a ship to a hold in which the processes are carried on;

(e) prescribing the measures to be taken to protect hatchways accessible to the workers and other openings in a dock which might be dangerous to them;

(f) providing for the efficient lighting of the means of access to ships on which the processes are carried on and of all places on board at which the workers are employed or to which they may be required to proceed;

(g) providing for the safety of the workers engaged in removing or replacing hatch covering and beams used for hatch coverings;

(h) prescribing the measures to be taken to ensure that no hoisting machine, or gear, whether fixed or loose, used in connexion therewith is employed in the processes on shore or on board ship unless it is in a safe working condition;

(i) providing for the fencing of machinery, live electric conductors and steam pipes;

(j) regulating the provision of safety appliances on derricks, cranes

and winches;

(k) prescribing the precautions to be observed in regard to exhaust and live steam;

(l) requiring the employment of competent and reliable persons to operate lifting or transporting machinery used in the processes, or to give signals to a driver of such machinery, or to attend to cargo falls on winch ends or winch drums, and providing for the employment of a signaller where this is necessary for the safety of the workers ;

(m) prescribing the measures to be taken in order to prevent dangerous

(n) prescribing the precautions to be taken to facilitate the escape of the workers when employed in a hold or between decks in dealing with coal or other bulk cargo;

(o) prescribing the precautions to be observed in the use of stages and trucks;

(p) prescribing the precautions to be observed when the workers have to work where dangerous or noxious goods are, or have been stowed or have to deal with or work in proximity to such goods;

(q) providing for the rendering of first-aid to injured workers and removal to the nearest place of treatment;

(r) prescribing the provision to be made for the rescue of immersed workers from drowning;

(s) prescribing the abstracts of this Act and of the regulations required by Section 8 ;

(t) providing for the submission of notices of accidents and dangerous occurrences and prescribing the form of such notices, the persons and authorities to whom they are to be furnished, the particulars to be contained in them and the time within which they are to be submitte ;

(u) specifying the persons and authorities who shall be responsible for compliance with regulations made under this Act;

(v) defining the circumstances in which and condition subject to which exemptions from any of the regulations made under this section may be given, specifying the authorities who may grant

such exemptions and regulating their procedure;

(w) defining the additional powers which Inspectors may exercise under Cl. (c) of Section 4 ; and

(x) providing generally for the safety of workers.

(2) Regulations made under this section may make special provisions to meet the special requirements of any particular port or ports.

(3) In making a regulation under this section, the [Central Government] may direct that a breach of it shall be punishable with fine which may extend to five hundred rupees and when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues

1. Subs. by the Government of India Adaptation of Indian Laws Order of 1937.

2. For the Indian Dock Labourers Regulations, 1948, see Gazette of India, 1948, Pt. I, p. 88.

6. Power to ¹ [Central Government] to make rules :-

The ¹ [* * *] [Central Government) may make rules regulating-

(a) the inspection of premises of ships where the processes are carried on; and

(b) the manner in which Inspectors are to exercise the powers conferred on them by this Act.

1. Omitted by Government of India (Adaptation of Indian Laws) Order of 1937.

7. General provisions relating to regulations and rules :-

(1) The power to make regulations and rules conferred by Section 5 and section 6 is subject to the conditions of the regulations and rules being made after previous publication.

(2) Regulations and rules shall be published in the ¹ [official Gazette]

1. Subs. by Government of India (Adaptation of Indian Laws) Order of 1937.

8. Abstracts of Act and Regulations to be conspicuously posted :-

There shall be affixed in some conspicuous place near the main entrance of every dock, wharf, quay or similar premises where the processes are carried on, in English and of the Regulations made thereunder which may be prescribed by the Regulations.

9. Penalties :-

Any person who-

(a) wilfully obstructs an Inspector in the exercise of any power under Section 4 or fails to produce on demand by an Inspector any register or other documents kept in pursuance of the Regulations made under this Act, or any gear, fixed or loose, used for the processes, or conceals or prevents or attempts to prevent any person from appearing before, or being examined by, an Inspector; or

(b) unless duly authorised, or in case of necessity, removes any fencing gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing required to be provided by or under the Regulations made under this Act; or

(c) having in case of necessity removed any such fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing, omits to restore it at the end of the period for which its removal was necessary; shall be punishable with fine which may extend to five hundred rupees.

10. Provisions relating to Jurisdiction :-

(1) No Court inferior to that of Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act or the regulations made thereunder.

(2) No prosecution for any offence under this Act or the Regulations made thereunder shall be instituted except by or with the previous sanction of an Inspector.

(3) No Court shall take cognizance of any offence under this Act or the Regulations made thereunder, unless complaint thereof is made within six months of the date on which the offence has been committed.

11. Power to exempt :-

The ¹[Central Government] may, by notification in the ¹ [official Gazette] exempt from all or any of the provisions of this Act, and of the Regulations made thereunder, on such conditions, if any, as he

thinks fit-

(a) any port or place, dock, wharf, quay or similar premises at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or

(b) any specified ship or class of ship.

1. Subs. by the Government of India(Adaptation of Indian Laws) Order of 1937.

12. Protection to persons acting under this Act :-

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.