

DOCK WORKERS (ADVISORY COMMITTEE) RULES,1962

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DOCK WORKERS (ADVISORY COMMITTEE) RULES,1962

¹1. Published in the Gazette of India. Pt. II, Sec 3 (ii), dated the 9th June. 1962. S.O. 1809, dated the 1st June, 1962.-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), and in supersession of the notification of the Government of India in the late Ministry of Labour No. L.R. 21, 22, dated the 1st June, 1949, the Central Government hereby makes the following rules, namely:

1. Short title and extent :-

(1)These rules may be called the Dock Workers (Advisory Committee) 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 (Regulations of Employment) Act, 1948 (9 of 1948) ;

(b) "Chairman" means the Chairman of the Dock Workers Advisory Committee;

(c) "Committee" means the Dock Workers Advisory Committee ;

(d) "member" means a member of the Dock Workers Advisory Committee.

3. Constitution :-

The Committee shall consist of the following @2 [twenty- seven] members to be appointed by the Central Government, namely:

(1) ¹[nine members] representing the Central Government who shall be-

(i) the Secretary to the Government of India in the Ministry of Labour and Employment, who shall be the Chairman,

²{(ii) the Secretary to the Government of India in the Ministry of Shipping and Transport, who shall be the Chairman,

(iii) a representative of the Ministry of Labour,

(iv) the Chairman, Bombay Dock Labour Board,

(v) the Chairman, Madras Dock Labour Board,

(vi) the Chairman, Cochin Dock Labour Board,

(vii) the Chairman, Vizagapatnam Dock Labour Board,

³[(viii) the Chairman, Marmagao Dock Labour Board],

⁴[(ix) the Chairman, Kandla Dock Labour Board].

(2) ¹[Nine members] representing the employers of dock workers and shipping companies who shall be appointed in consultation with such association of employers and shipping companies as the Central Government may consider appropriate.

(3) ¹ [Nine members] representing the dock workers who shall be appointed in consultation with such unions of dock workers as the Central Government may consider appropriate.

1. Subs. by S.O. 1928, dated the 29th October, 1968. published in the Gazette of India. Pt. II, Sec. 3 (ii), dated the 9th November, 1968.

2. Subs. by S.O. 2820, dated the 8th October, 1974, published in the Gazette of India, dated the 26th October, 1974.

3. Ins. by S.O. 2103, dated the 21st June, 1965, published in the Gazette of India, Pt. II, Sec. 3 (ii), dated the 3rd July, 1965.

4. Subs. by S.O. 3511, dated the 22nd September, 1964,

published in the Gazette of India, Pt. II, Sec. 3 (ii), dated the 3rd October, 1964.

4. Secretary of the Committee :-

1 [The Deputy Secretary [in the Ministry of Shipping and Transport) of the Government of India or any other officer nominated to that Government] shall be the Secretary of the Committee and shall be entitled to attend and take part in the meetings of the Committee. He shall not have a right to vote.

1. Subs. by S.O. 2830, dated the 9th October, 1974, published in the Gazette of India, dated the 26th October 1974.

5. Functions :-

The Committee shall advise the Central Government upon such matters arising out of the administration of the Act or any scheme made thereunder as the Central Government may refer to it for advise.

6. 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 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 anticipated 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 tender his resignation.

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

- (a) if he proceeds out of India without complying with the provisions of sub-rule (4);
- (b) if he becomes insolvent ;
- (c) if he is convicted of any offence which, in the opinion of the Central Government, involves moral turpitude ;
- (d) if he is absent from three consecutive meetings of the Committee without leave of absence from the Chairman ;
- (e) if in the opinion of the Central Government, a member who was appointed to represent dock workers or their employers ceases to be representative of dock workers or their employers, as the case may be ; or
- (f) if, in the opinion of the Central Government, it is not desirable that he should continue to be a member.

7. Headquarters :-

The headquarters of the Committee shall be at such place as may be fixed by the Central Government.

8. Meetings :-

(1) Every matter referred to the Committee for advice shall be considered either at a meeting of the Committee, or if the Chairman so directs by circulation of the necessary papers for opinion to every member who is present in India at the time : Provided that any member may request that the matter be considered at - meeting of the Committee and thereupon the Chairman may, and if the request is made by three or more members shall, direct that it be so considered.

(2) The Committee shall meet at such places and times as may be appointed by the Chairman,

(3) The Chairman shall preside over every meeting of the Committee at which he is present and in his absence the members present shall elect one of them to preside over the meeting and the members so elected shall, at that meeting, exercise all the powers of the Chairman.

(4) No business shall be transacted at a meeting of the Committee unless at least seven members are present : Provided that if at any meeting less than seven members are present, the Chairman may adjourn the meeting to a date not less than seven days later,

informing the members present and giving notice to other members that he proposes to dispose of the business at the adjourned meeting whether there is the prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.

(5) Every question at a meeting of the committee shall be decided by a majority of the votes of the members present and voting : Provided that a member shall in all cases have the right to have his vote of dissent recorded.

(6) Every question referred to the members for opinion under sub-rule (1) shall, unless the Chairman in pursuance of the proviso to that sub-rule reserves it for consideration at a meeting, be decided in accordance with the opinion of the majority of the members recording opinion within the time allowed for it. ¹ [The decision taken shall be communicated to the members of the Committee and reported at the next meeting of the Committee.]

(7) In the case of an equal division of votes or opinions, as the case may be, the Chairman shall have a second or casting vote or opinion.

1. Added vide S.O. 2010, dated the 9th July, 1963, published in the Gazette of India, Pt. II, Sec. 3 (ii), dated the 20th July, 1963.

9. Notice of meetings and list of business :-

(1) Notice shall be given to every member present in India of the time and place fixed for each meeting at least 15 days before the date of such meeting and each member shall be furnished with a list of business to be disposed of at the meeting : Provided that when an emergent meeting is called by the Chairman, it shall not be necessary to give more than five days' notice.

(2) No business which is not in the list of business shall be considered at a meeting without the permission of the Chairman.

10. Minutes of meeting :-

The minutes of each meeting of the Committee shall be circulated to all members present in India as soon as possible after the meeting, shall be read out and confirmed at the next meeting of the Committee, shall be signed by the Chairman or the member presiding, as the case may be, and shall thereafter be recorded in a minute book.

11. Power to invite experts to meetings :-

The Chairman may invite one or more experts to be present at any meeting and to participate in the discussion of any technical matter, but such expert shall not be entitled to vote.

12. Allowances of members :-

Every non-official member and any expert invited to attend a meeting of the Committee under rule 11, shall be entitled to travelling allowance, and daily allowance at such rates and subject to such terms and conditions as may be specified by the Central Government from time to time for payment to non-official delegates attending meetings of the conference and committees convened by the Government.

13. 13 :-

The Chairman shall be the Controlling Officer in respect of the bills for allowances admissible under rule 12.