

The Dock Workers (Regulation Of Employment) (Inapplicability To Major Ports) Act, 1997

UNION OF INDIA

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Act 31 of 1997

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/450[18th August, 1997]Received the assent of the President on 18.8.1997, published in the Gazette of India, Extraordinary, Part II, Section 1, dated 19.8.1997.An Act to provide for inapplicability of the Dock Workers (Regulation of Employment) Act, 1948 to dock workers of major port trusts and for matters connected therewith or incidental thereto.Be it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:-

Brought into force on 5.1.1998 vide S.O. 22(E), dated 5.1.1998.

1. Short title and commencement .-(1) This Act may be called The Dock Workers (Regulation of Employment) (Inapplicability to Major Ports) Act, 1997.

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

2. Definitions .-In this Act, unless the context otherwise requires,-

(a)"appointed day", in relation to a major port, means the date specified under section 3 for that major port;(b)"Board" has the same meaning as in the Major Port Trusts Act, 1963 (38 of 1963);(c)"Dock Labour Board" means a Dock Labour Board established under section 5-A of the

Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);(d)"major port" has the same meaning as in the Indian Ports Act, 1908 (15 of 1908).

3. Inapplicability of the provisions of the Dock Workers (Regulation of Employment) Act, 1948 to major ports .-The Central Government may, after settlement is arrived at between the Dock Labour Board of any major port, its workmen and the management of that major port in accordance with the provisions of the Industrial Disputes Act, 1947 (14 of 1947), direct, by notification in the Official Gazette that the provisions of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) shall cease to have effect in relation to that major port with effect from the date specified in that notification.

4. Transfer of assets and liabilities of the Dock Labour Board, etc., to the Board .-On the appointed day in relation to a major port,-

(a)all property, assets and funds vested in the Dock Labour Board immediately before such day, shall vest in the Board;(b)all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Dock Labour Board immediately before such day, for or in connection with the purposes of the Dock Labour Board, shall be deemed to have been incurred, entered into and engaged to be done by, with or for the Board;(c)all sums of money due to the Dock Labour Board immediately before such day shall be deemed to be due to the Board;(d)all suits and other legal proceedings instituted by or against the Dock Labour Board immediately before such day for any matter in relation to the Dock Labour Board may be continued by or against the Board;(e)every employee and worker serving under the Dock Labour Board shall hold office or service under the Board on the terms and conditions which are not in any way less favourable than those which would have been admissible to him if there had not been transfer of his services to the Board and shall continue to do so unless and until his employment in the Board is duly terminated or until his tenure, remuneration or terms and conditions of service are duly altered by the Board.(2)Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any employee under this section to the Board shall not entitle such employee to any compensation under that Act or any other law, and no such claim shall be entertained by any Court, tribunal or other authority.