

THE DOCK WORKERS (REGULATION OF EMPLOYMENT) RULES, 1962

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THE DOCK WORKERS (REGULATION OF

EMPLOYMENT) RULES, 1962¹

1. Vide S.O. 1810, dated 1st June, 1962, published in the Gazette of India, Pt. II, sec. 3(ii), p. 2150, dated 9th 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), 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.

¹[(2) They extend to the major ports of Bombay, Calcutta, Cochin, Kandla, Madras, Mormugao and Visakhapatnam which have Dock Labour Boards].

1. Subs. by S.O. 984, dated 26th October, 1988 (w.e.f 26-10-1988).

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 the Chairman of the Dock Labour Board;

¹[(ca) “Deputy Chairman” means the Deputy Chairman of the Board;]

(d) “Member” means the 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.

1 Ins. by S.O. 449. dated 6th February, 1978 (w.e.f 18-2-1978).

3. Constitution 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 Bombay, Calcutta, Cochin, Madras, Mormugao and Vizagapatnam on such terms and conditions as the Central Government may determine.

1[(3)

(a) The members representing the dock workers shall be appointed on the basis of the representative character of the unions of dock workers, as determined by the latest available figures of membership of unions of dock workers as verified by the Ministry of Labour.

(b) The members representing the employees of dock workers shall be appointed, in Consultation with the associations of employers of dock workers, taking into account the total quantum of cargo handled by the employers of dock workers in the said association.

(c) The members representing the shipping companies shall be appointed from amongst the persons nominated by the Indian National Shipowners Association, the Association of Shipping Interests in Calcutta and the overseas shipping interests, in consultation with the Director-General of Shipping, Bombay.]

(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. 984, dated 26th October, 1988 (w.e.f 26-10-1988).

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 reappointment:

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.

1***]

2[(4)] A member shall be deemed to have vacated his office:

3[***]

4[(i)] If he becomes insolvent; or

4[(ii)] If he is convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

4[(iii)] If he is absent from three consecutive ordinary meetings of the Board without leave of absence from the chairman; or

5[(iv)] If, in the opinion of the Central Government, a member who was appointed to represent 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

5[(v)] If, in the opinion of the Central Government, it is for any other reason not desirable that he should continue to be a member:

6[Provided that no member shall be deemed to have vacated his office under this clause, unless he is given a reasonable opportunity of being heard and the Central Government records its reasons in writing for such vacation of office by the member.]

Every vacancy under this rule shall be notified in the Official Gazette.

1. Sub-rule (4) omitted by S. O. 1688, dated 19th June, 1987 (w.e.f.4-7-1987).

2. Sub-rule (5) renumbered as sub-rule (4) by S.O. 1688, dated 19th June, 1987 (w.e.f. 4-7-1987).

3. Clause (i) of Sub-rule (4) as so renumbered omitted by S.O. 1688, 19th June, 1987 (w.e.f. 4-7-1987).

4. Clauses (ii), (iii), (iv), (v) and (vi) of sub-rule (4) as so renumbered, renumbered as clauses (i), (ii), (iii), (iv) and (v) respectively by S.O. 1688, dated 19th June, 1987 (w.e.f. 4-7-1987).

5. Clauses (ii), (iii), (iv), (v) and (vi) of sub-rule (4) as so renumbered, renumbered as clauses (i), (ii), (iii), (iv) and (v) respectively by S.O. 1688, dated 19th June, 1987 (w.e.f. 4-7-1987).

6 Added by S.O. 984, dated 26th October, 1988 (w.e.f. 26-10 1988).

5. Suspension from membership. -If, on a report from the Chairman and after such inquiry 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 to 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 orders

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.

1[7. Meetings of the Board. –

(1) A meeting of the Board, other than a special meeting, shall be held at the least once in every two months.

(2) The Chairman or-in his absence the Deputy Chairman, if appointed, may, at his discretion and shall upon a written request of not less than three members, of the Board, call a special meeting of the board.

(3) The Chairman and in his absence the Deputy Chairman, if appointed, shall preside over the meetings of the Board :

Provided that if the Chairman or the Deputy Chairman is absent, or if 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.

(4) At least fifteen days notice shall be given for convening an ordinary meeting of the Board and at least seven days' notice shall be given for convening a special meeting of the Board.

(5) A meeting of the Board shall be held at port premises of the respective major ports, except where it is decided in advance by the Board, for reasons to be recorded in writing, to hold any meeting at any other place.

(6) No business shall be transacted at any meeting of the Board unless at least one-third of the members are present in such meeting.

(7) The agenda and notes of memoranda thereon, if any, for any meeting of the board shall be circulated to the members at least three days before the date of the meeting:

Provided that in the case of a special meeting, Such agenda and notes of memoranda shall be circulated at least one day before the date of the meeting,

(8) The Chairman or in his absence the Deputy Chairman, if appointed, may at his discretion, include for discussion at any of the meeting of the Board, including a special meeting, any item not included in the agenda, if the same is, in his opinion, of sufficient importance or urgency and cannot be held over for the consideration by the Board at any subsequent meeting thereof.

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

(10) The Chairman or in his absence the Deputy Chairman, if appointed, 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.

(11) The minutes of the proceedings at each meeting of the Board shall be recorded in a book to be provided by the Board, which shall be signed as soon as practicable by the presiding officer of such meeting and shall be open to inspection by any member during office hours.

(12) The presiding officer of a meeting may adjourn the meeting to a later date, which may be announced at the meeting and where such announcement is made, intimation shall also be sent to the members absent at the meeting at least three days before the date of the meetings

1. Subs. by S.O. 984, dated 26th October, 1988 (w.e.f. 26-10-1988).

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.

9. **Maintenance of accounts of the Board.** -The annual statement of accounts shall be prepared in forms I to IV appended to these rules.

FORM-I
DOCK LABOUR BOARD

Form Of Income and Expenditure accounts for the year ending on 31st March

Figures for the previous year: -	Expenditure:	Figures for the current year: -	Figures for the previous year: -	Income:	Figures for the current year: -
To Administrative charges					
By levy from the Registered					
Employer.....					
Interest on investment in					
Securities.....					
Interest on call money					
deposit					
Miscellaneous Receipt					

FORM-II
DOCK LABOUR BOARD

Form of Assets Register

Account.....

For the year ending on 31st March

Voucher No. and date	Particulars supplier Bill/Bills	Depreciation of articles	Quantity	Net Price	Incidental charges	Total Price	Net Value as at.	Depreciation Rs	Other adjustment	Net Value as at	Remarks
Total.....											
Grand Total.....											

FORM-III

DOCK LABOUR BOARD

Form of Balance Sheet as at 31st March.....

Figures for the previous year	Liabilities	Figures for the current year	Figures for the previous year	Assets	Figures for the current year
				Cash & Bank balance	

FORM-IV

DOCK LABOUR BOARD

Budget

Final revised Budget Estimates for the year.....and original Budget Estimates for the year.....

Particulars	Original Estimates for the yea....19	Amount provided in the first revised Budget Estimate for the year....19	Actual amount spent up to December	Estimates expenditure from January toMarch	Final revised estimates for the year	Estimate for the year	Remarks
1	2	3	4	5	6	7	8