

THE DOCK WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT ACT, 1962

No. 8 OF 1962

[30th March, 1962]

An Act further to amend the Dock Workers (Regulation of Employment) Act, 1948.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Dock Workers (Regulation of Employment) Amendment Act, 1962. Short title and commencement.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Dock Workers (Regulation of Employment) Act, 1948 (hereinafter referred to as the principal Act), clause (a) shall be re-lettered as clause (aa) thereof, and before the clause as so re-lettered, the following clause shall be inserted, namely:— Amendment of section 2.

‘(a) “Board” means a Dock Labour Board established under section 5A.’

3. In section 3 of the principal Act,— Amendment of section 3.

(a) in sub-section (1), after the words “the registration of dock workers”, the words “and employers” shall be inserted;

(b) in sub-section (2),—

(i) in clause (c), for the words “and their registration”, the words “and the registration of dock workers and employers” shall be substituted;

(ii) in clause (j), the words “whether as a body corporate or otherwise” shall be omitted.

¹ 1st June, 1962, vide Notification No. S.O. 1623, dated 29-5-1962, Gazette of India, Extraordinary, Part II, Sec. 3(ii), p. 1019.

Amendment
of section 5.

4. In section 5 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The members of the Advisory Committee shall be appointed by the Government and shall be of such number and chosen in such manner as may be prescribed by rules made under this Act:

Provided that the Advisory Committee shall include an equal number of members representing—

(i) the Government,

(ii) the dock workers, and

(iii) the employers of dock workers, and shipping companies”;

(b) sub-section (5) shall be omitted.

Insertion of
new sections
after section
5.

Dock Labour
Boards.

5. After section 5 of the principal Act, the following sections shall be inserted, namely:—

“5A. (1) The Government may, by notification in the Official Gazette, establish a Dock Labour Board for a port or group of ports to be known by such name as may be specified in the notification.

(2) Every such Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and may, by that name, sue and be sued.

(3) Every such Board shall consist of a Chairman and such number of other members as may be appointed by the Government:

Provided that every such Board shall include an equal number of members representing—

(i) the Government,

(ii) the dock workers, and

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

(4) The Chairman of a Board shall be one of the members appointed to represent the Government, and nominated in this behalf by the Government.

5B. (1) A Board shall be responsible for administering the scheme for the port or group of ports for which it has been established and shall exercise such powers and perform such functions as may be conferred on it by the scheme.

Functions of a Board.

(2) In the exercise of its powers and the discharge of its functions, a Board shall be bound by such directions as the Government may, for reasons to be stated in writing, give to it from time to time.

5C. (1) Every Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including a balance-sheet in such form as may be prescribed by rules made under this Act.

Accounts and audit.

(2) The accounts of the Board shall be audited annually by the Comptroller and Auditor General of India or by such other auditors qualified to act as auditors of companies under the law for the time being in force relating to companies, as the Government may appoint.

(3) The auditors shall, at all reasonable times, have access to the books of accounts and other documents of the Board and may, for the purposes of the audit, call for such explanation and information as they may require or examine any member or officer of the Board.

(4) The auditors shall forward to the Government a copy of their report together with an audited copy of the accounts of the Board.

(5) The cost of the audit as determined by the Government shall be paid out of the funds of the Board."

6. After section 6 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections after section 6.

"6A. (1) The Government may, at any time, appoint any person to investigate or inquire into the working of a Board and submit a report to the Government.

Power to order inquiry.

(2) The Board shall give to the person so appointed all facilities for the proper conduct of the investigation or inquiry and furnish to him such documents, accounts or information in the possession of the Board as he may require.

6B. (1) If, on consideration of the report under section 6A or otherwise, the Government is of opinion—

Power to supersede a Board.

(a) that, on account of a grave emergency, a Board is unable to perform its functions, or

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(b) that a Board has persistently made default in the discharge of its functions or has exceeded or abused its powers,

the Government may, by notification in the Official Gazette, supersede the Board for such period as may be specified in the notification:

Provided that, before issuing a notification under this subsection on any of the grounds mentioned in clause (b), the Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1),—

(a) all the members of the Board shall, as from the date of such publication, vacate their offices as such members;

(b) all the powers and functions which may be exercised or performed by the Board shall, during the period of supersession, be exercised or performed by such person as may be specified in the notification;

(c) all funds and other property vested in the Board shall, during the period of supersession, vest in the Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Government may—

(a) extend the period of supersession for such further period as it may consider necessary; or

(b) re-establish the Board in the manner provided in section 5-A.

6C. No act or proceeding of a Board or the Advisory Committee shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board or the Advisory Committee, or

(b) any defect in the appointment of a person acting as a member of the Board or the Advisory Committee, or

(c) any irregularity in the procedure of the Board or the Advisory Committee not affecting the merits of the case.”

Acts or proceeding of Board and Advisory Committee not to be invalidated.

7. After section 7 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
after section
7.

“8. (1) The Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

Power to
make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the composition of the Advisory Committee and Boards and the manner in which members of the Advisory Committee and the Boards shall be chosen;

(b) the term of office of, and the manner of filling casual vacancies among, the members of a Board or the Advisory Committee;

(c) the meetings of a Board and the Advisory Committee, the quorum for such meetings and the conduct of business thereat;

(d) the conditions subject to which, and the mode in which, contracts may be entered into by or on behalf of a Board;

(e) the allowances, if any, payable to the members of a Board or the Advisory Committee;

(f) the disqualifications for membership of a Board;

(g) the form in which a Board shall prepare its annual statement of accounts and the balance-sheet.

(3) Every rule made under this section by the Central Government shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Saving.

9. Every Dock Labour Board established for a port or a group of ports before the commencement of the Dock Workers (Regulation of Employment) Amendment Act, 1962 under a scheme made under section 4, and functioning as such immediately before such commencement shall be deemed to be a Board established under section 5A and, accordingly, all the provisions of this Act shall apply to every such Board."