

**JOINT /SELECT  
COMMITTEE REPORTS OF  
LEGISLATIVE ASSEMBLY -  
1948**

**The Dock Workers  
(Regulation of  
Employment) Bill**

List of Reports of Select Committees presented to  
the Constituent Assembly of India(Legislative)  
in 1948.

S. No.	Short title of the Bill.	Date of presentation.	Date of publication.
1.	The Minimum Wages Bill./	28.1.48.	7.2.48.
2.	The Industrial Finance Corporation Bill.	28.1.48.	7.2.48.
3.	The Dock Workers (Regulation of Employment) Bill.	28.1.48.	7.2.48.
4.	The Pharmacy Bill.	28.1.48.	7.2.48.
5.	The Damodar Valley Corporation Bill.	28.1.48.	7.2.48.
6.	The Indian Army and the Indian Air Force(Amenment) Bill. /	28.1.48.	14.2.48.
7.	The Dentists Bill. /	28.1.48.	14.2.48.
8.	The Rehabilitation Finance, Administration Bill.	9.2.48.	21.2.48.
9.	The Workmen's State Insurance, Bill.	11.2.48.	21.2.48.
10.	The Electricity(Supply) Bill./	4.3.48.	20.3.48.
11.	The Taxation on Income(Investigation Commission) (Amdt.)Bill,	8.3.48.	20.3.48.
12.	The Provincial Insolvency (Amendment) Bill.	16.3.48.	20.3.48.
13.	The Indian Finance Bill.	22.3.48.	27.3.48.
14.	The Delhi and Ajmer-Merwara Land Development Bill.	29.3.48.	3.4.48.
15.	The Estate Duty Bill. (PRELIMINARY REPORT)	9.8.48.	14.8.48.
	The Factories Bill./	9.8.48.	21.8.48.

S. No.	Short title of the Bill.	Date of presentation.	Date of publication.
17.	The Hindu Code.	12.8.48.	21.8.48.
18.	The Income-tax and Business Profits Tax (Amdt.) Bill.	13.8.48.	21.8.48.
19.	The Indian Railways (Second Amendment) Bill.	24.8.48.	11.9.48.
20.	The Mines and Minerals (Regulation and Development) Bill.	25.8.48.	11.9.48.
21.	The Central Silk Board Bill.	26.8.48.	11.9.48.

**CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)**

**REPORT OF THE SELECT COMMITTEE ON THE DOCK WORKERS  
(REGULATION OF EMPLOYMENT) BILL, 1948**

We, the undersigned, members of the Select Committee to which the Bill to provide for regulating the employment of dock workers was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

*Clause 2 (b).*—We have adopted the definition of "dock worker" from the English Act and have accordingly amended this definition.

We are of opinion that the Act may be made applicable to States but, having regard to the constitutional position, it is not possible to do so. We would, therefore, recommend that the acceding maritime States may be advised to pass legislation on the lines of this Act for their respective territories.

2. The Bill was published in Part V of the *Gazette of India*, dated the 22nd November, 1947.

3. We think that the Bill has not been so altered as to require circulation under Standing Order 41 (5), and we recommend that it be passed as now amended.

JAGJIVAN RAM  
SHIBBAN LAL SAKSENA  
DAMODAR SWARUP SETH  
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GOKULBHAI DAULATRAM BHATT  
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GOVIND MALAVIYA  
NANDAKISHORE DAS  
ARUN CHANDRA GUHA  
O. V. ALAGESAN

**NEW DELHI:**

The 28th January, 1948.

(Words underlined or sidelined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

**BILL**

**to provide for regulating the employment of dock workers**

WHEREAS it is expedient to provide for regulating the employment of dock workers;

It is hereby enacted as follows:—

**1. Short title and extent.**—(1) This Act may be called the Dock Workers (Regulation of Employment) Act, 1948.

(2) It extends to all the Provinces of India.

**2. Definitions.**—In this Act, unless there is anything repugnant in the subject, or context,—

(a) "cargo" includes anything carried or to be carried in a ship or other vessel\*;

(b) "Dock worker" means a person employed or to be employed in, or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or leaving port;

(c) "employer", in relation to a dock worker, means the person by whom he is employed or to be employed as aforesaid;

(d) "Government" means, in relation to any major port, the Central Government and, in relation to any other port, the Provincial Government;

(e) "scheme" means a scheme made under this Act.

**3. Scheme for ensuring regular employment of workers.**—(1) Provision may be made by a scheme \* \* \* \* \* for the registration of dock workers with a view to ensuring greater regularity of employment and for regulating the employment of dock workers, whether registered or not, in a port.

(2) In particular, a scheme may provide—

(a) for the application of the scheme to such classes of dock workers and employers as may be specified therein;

(b) for defining the obligations of dock workers and employers subject to the fulfilment of which the scheme may apply to them and the circumstances in which the scheme shall cease to apply to any dock workers or employers;

(c) for regulating the recruitment and entry into the scheme of dock workers, and their registration, including the maintenance of registers, the removal, either temporarily or permanently, of names from the registers and the imposition of fees for registration;

(d) for regulating the employment of dock workers, whether registered or not, and the terms and conditions of such employment, including rates of remuneration, hours of work and conditions as to holidays and pay in respect thereof;

(e) for securing that, in respect of periods during which employment, or full employment, is not available for dock workers to whom the scheme applies and who are available for work, such workers will, subject to the conditions of the scheme, receive a minimum pay;

(f) for prohibiting or restricting the employment of dock workers to whom the scheme does not apply and the employment of dock workers by employers to whom the scheme does not apply;

(g) for the training and welfare of dock workers, in so far as satisfactory provision therefor does not exist apart from the scheme;

(h) for the manner in which, and the persons by whom, the cost of operating the scheme is to be defrayed;

(i) for constituting or prescribing the authority to be responsible for the administration of the scheme;

(j) for such incidental and supplementary matters as may be necessary or expedient for the purposes of the scheme.

(3) A scheme may further provide that a contravention of any provision thereof shall be punishable with imprisonment for such term as may be specified but in no case exceeding three months in respect of a first contravention or six months in respect of any subsequent contravention, or with fine which may extend to such amount as may be specified but in no case exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

**4. Making, variation and revocation of schemes.**—(1) The Government may, by notification in the official Gazette and subject to the condition of previous publication, make one or more schemes for a port or group of ports, and may in the like manner and subject to the like condition add to, amend, vary or revoke any scheme made by it.

(2) The provisions of section 28 of the General Clauses Act, 1897 (X of 1897) shall apply to the exercise of a power given by sub-section (1) as they apply to the exercise of a power given by a Central Act to make rules subject to the condition of previous publication.

(3) The Government may direct the port authority of any port to prepare, in accordance with such instructions as may from time to time be given to it, one or more draft schemes for the port, and the port authority shall comply with such direction.

**5. Advisory Committees.**—(1) The Government may, or if it decides to make any scheme under section 4, shall, constitute an Advisory Committee, to advise upon such matters arising out of the administration of this Act or any scheme made thereunder as the Government may refer to it for advice.

(2) The members of the Advisory Committee shall be appointed by the Government, and shall be of such number (not exceeding fifteen) and chosen in such manner as may be prescribed by rules made under sub-section (5):

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

(i) the Government,

(ii) the dock workers,

(iii) the employers of dock workers.

(3) The Chairman of the Advisory Committee shall be one of the members appointed to represent the Government, nominated in this behalf by the Government.

(4) The Government shall publish in the official Gazette the names of all members of the Advisory Committee.

(5) The Government may, by notification in the official Gazette, make rules to provide for—

- (a) the composition of the Advisory Committee;
- (b) the manner in which its members shall be chosen;
- (c) the term of office of its members;
- (d) the allowances, if any, payable to the members of the Committee;
- (e) the manner in which the Committee shall conduct its business, including the number of members to be present at a meeting thereof in order to constitute a quorum.

6. Inspectors.—(1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act at such ports as may be specified in the notification.

(2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860 (XLV of 1860).

(3) An Inspector may, at any port for which he is appointed,

(a) enter, with such assistance (if any) as he thinks fit, any premises or vessel where dock workers are employed;

(b) require any authority or person to produce any registry, muster roll or other document relating to the employment of dock workers, and examine such document;

(c) take on the spot or otherwise the evidence of any person for the purpose of ascertaining whether the provisions of any scheme made for the port are, or have been, complied with.

7. Cognizance of offences.—(1) No Court shall take cognizance of any offence made punishable by a scheme or of any abetment thereof, except on a report in writing of the facts constituting such offence or abetment made by an Inspector or by a person specially authorised in this behalf by the Government.

(2) Notwithstanding anything contained in the Code of Criminal Procedure 1898 (V. of 1898), an offence made punishable by a scheme or an abetment thereof shall be triable only by a Presidency Magistrate or a Magistrate of the first class.