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TheGazetteofPuducherry

PART-II

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GOVERNMENTOFPUDUCHERRY

LABOUR DEPARTMENT

(G.O. Ms. No. 2/AIL/LAB/G/2014, dated 27th January 2014)

NOTIFICATION

In exercise of the powers conferred by sub-sections (1) and (2) of section 8 of the Dock Workers (Regulation of Employment) Act, 1948 (Central Act 9 of 1948), the Lieutenant-Governor, Puducherry hereby makes the following rules, namely:—

1.*Short title and extent.*— (1)These rules may be called the Puducherry Dock Workers (Advisory Committee) Rules, 2014.

(2)They shall extend to all the ports in the Union territory of Puducherry.

[9]

2.*Definitions.*— In these rules, unless the context otherwise requires,–

(a)"Act" means the Dock Workers (Regulation of Employment) Act, 1948 (Central Act 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;

(e)"Government" means the Administrator of the Union Territory appointed by the President under the Article 239 of the Constitution.

3.*Constitution.*— The Committee shall consist of the following members to be appointed by the Government, namely:—

(1)Three members representing the Government who shall be—

(i)the Secretary to the Government of Puducherry in the Transport Department who shall be the Chairman;

(ii)a representative of the Labour Department;

(iii)a representative of the Dock Labour Board in the Union territory of Puducherry.

(2)Three 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 Government may consider appropriate.

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

4.*Secretary of the Committee.*— The Director, Port Department of the Government of Puducherry or any other officer nominated by 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.

5.*Functions.*— The Committee shall advise the State Government upon such matters arising out of the administration of the Act or any scheme made thereunder as the Government may refer to it for advice.

6.*Term of office of members.*— (1) A member other than a member representing the 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 Government may be appointed either by name or by virtue of his office. Every such member shall hold office during the pleasure of the Government.

(3)A member other than a member representing the 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 an insolvent;

(c)if he is convicted of any offence which, in the opinion of the 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 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 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 Government.

Conduct of business of the Committee

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 a 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 the same 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 member 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 votes of the members present and voting:

Provided that a member shall in all cases have the right to have his note 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. 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.

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 fifteen 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 on the list of business shall be considered at a meeting without the permission of the Chairman.

10.*Minutes of meetings.*—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 experts 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 Government from time to time for payment to non-official delegates attending meetings of the conferences and committees convened by that Government.

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

(By order of the Lieutenant-Governor)

S. THAMMU GANAPATHY,
UnderSecretarytoGovernment (Labour).

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GOVERNMENTOFPUDUCHERRY

LABOUR DEPARTMENT

(G.O. Ms. No. 3/AIL/LAB/G/2014, dated 27th January 2014)

NOTIFICATION

In exercise of the powers conferred by sub-sections (1) and (2) of section 8 of the Dock Workers (Regulation of Employment) Act, 1948 (Central Act 9 of 1948), the Lieutenant-Governor, Puducherry hereby makes the following rules, namely:—

1.*Short title and extent.*— (1)These rules may be called the Puducherry Dock Workers (Regulation of Employment) Rules, 2014.

(2)They shall extend to all the ports in the Union territory of Puducherry.

2.*Definitions.*— In these rules, unless the context otherwise requires,–

(a)"Act" means the Dock Workers (Regulation of Employment) Act, 1948 (Central Act 9 of 1948);

(b)"Board" means a Dock Labour Board established under section 5A;

(c)"Chairman" means the Chairman of the Dock Labour Board;

(d)"Deputy Chairman" means the Deputy Chairman of the Dock Labour Board;

(e)"Member" means the member of the Dock Labour Board.

(f)"Scheme" means the Dock Workers (Regulation of Employment) Scheme, framed under sub-section (1) of section 4 of the Act;

(g)"Government" means the Administrator of the Union territory appointed by the President under Article 239 of the Constitution.

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 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 Government from among the members representing that Government and there shall be a Deputy Chairman appointed by the Government.

(3)(a)The members representing the dock workers shall be appointed on the basis of the representative character of the union of dock workers, as

determined by the latest available figures of membership of unions of dock workers as verified by the Board.

(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.

4.*Term of office of members.*—(1)A member other than a member representing the 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 Government may be appointed either by name or by virtue of his office. Every such member shall hold office during the pleasure of the Government.

(3)A member other than a member representing the Government may resign his office by a letter under his hand addressed to the Chairman.

(4)A member shall be deemed to have vacated his office,—

(i) if he becomes insolvent; or

(ii) if he is convicted of an offence which, in the opinion of the Government involves moral turpitude; or

(iii) if he is absent from three consecutive ordinary meetings of the Board without leave of absence from the Chairman; or

(iv)if, in the opinion of the 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

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

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 Government records its reasons in writing for such vacation of office by the members.

5.*Suspension from membership.*— If, on a report from the Chairman and after such inquiry as it may deem necessary, the 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 order.

6.*Allowance 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 Government, be determined by the Board from time to time.

7.*Meetings of the Board.*—(1) A meeting of the Board, other than a special meeting, shall be held at 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 meetings 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 meeting.

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 ` 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

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
	By levy from the registered employer				
	To Administrative charges			Interest on investment in securities	
				Interest on call money deposit	
				Miscellaneous receipt	

FORM – II

DOCKLABOURBOARD

FORM OF ASSETS REGISTER

Account ..... **for the year ending on 31st March** .....

Net value as at	supplier Bill / Bills	Incidental charges	Other adjustment	Voucher No. and	Depreciation of	Net value as at	Depreciation `	Particulars of	Total price	Net price	Quantity	Remarks	articles	date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)			
Total.....														
Grand Total														

FORM – III

DOCKLABOURBOARD

FORMOFBALANCE-SHEETASAT31stMARCH .....

Figures for the previous year	Liabilities	Figures for the current year	Assets	Figures for the previous year	Figures for the cash and bank balance	current year
(1)	(2)	(3)	(4)	(5)	(6)	

FORM – IV

DOCKLABOURBOARD

BUDGET

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

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

Particulars	Original Estimate for the year 20....	Actual Amount provided in the first revised budget	Estimated Final expenditure from January ..... for the year	Remarks
(1)	(2)	(3)	(4)	(5)
	(6)	(7)	(8)	

(By order of the Lieutenant-Governor)

S. THAMMU GANAPATHY,

UnderSecretarytoGovernment (Labour).