

## THE DOCK LABOURERS ACT.<sup>1</sup>

[INDIA ACT XIX, 1934.]

WHEREAS a Revised Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships was adopted at Geneva on the twenty-seventh day of April, nineteen hundred and thirty-two;

Preamble.

AND WHEREAS it is expedient to give effect in the Union of Burma to the said Convention;

It is hereby enacted as follows :—

1. This Act shall come into force on such date as the President of the Union may, by notification, appoint. It shall not apply to any ship of war of any nationality.

Commencement and application.

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

Definitions.

(a) “the processes” includes all work which is required for or is incidental to the loading or unloading of cargo or fuel into or from a ship and is done on board the ship or alongside it; and

(b) “worker” means any person employed in the processes.

3. (1) The President of the Union may, by notification in the Gazette, appoint such persons as he thinks fit to be Inspectors for the purposes of this Act within such local limits as he may assign to them respectively.

Inspectors.

(2) All Principal Officers of the Mercantile Marine Department shall be Inspectors under this Act, *ex officio*, within the limits of their charges.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Penal Code, and shall be officially subordinate to such authority as the President of the Union may direct.

4. Subject to any rules made in this behalf under section 6, an Inspector may, within the local limits for which he is appointed,—

Powers of Inspectors.

(a) enter, with such assistants (if any) as he thinks fit, any premises or ship where the processes are carried on;

(b) make such examination of the premises or ship and the machinery and gear, fixed or loose, used for the processes, and of any prescribed registers and notices, and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of this Act; and

(c) exercise any other powers which may be conferred upon him by the regulations made under section 5.

5. (1) The President of the Union may make regulations—

(a) providing for the safety of working places on shore and of any regular approaches over a dock, wharf, quay or similar

Power to President to make regulations.

<sup>1</sup> This Act has not yet been brought into force.

- premises which workers have to use for going to or from a working place at which the processes are carried on, and for the lighting and fencing of such places and approaches ;
- (b) prescribing the nature of the means of access which shall be provided for the use of workers proceeding to or from a ship which is lying alongside a quay, hulk or other vessel ;
  - (c) prescribing the measures to be taken to ensure the safe transport of workers proceeding to or from a ship by water and the conditions to be complied with by the vessels used for the purpose ;
  - (d) prescribing the nature of the means of access to be provided for the use of the workers from the deck of a ship to a hold in which the processes are carried on ;
  - (e) prescribing the measures to be taken to protect hatchways accessible to the workers and other openings in a deck which might be dangerous to them ;
  - (f) providing for the efficient lighting of the means of access to ships on which the processes are carried on and of all places on board at which the workers are employed or to which they may be required to proceed ;
  - (g) providing for the safety of the workers engaged in removing or replacing hatch coverings and beams used for hatch coverings ;
  - (h) prescribing the measures to be taken to ensure that no hoisting machine or gear, whether fixed or loose, used in connection therewith, is employed in the processes on shore or on board ship unless it is in a safe working condition ;
  - (i) providing for the fencing of machinery, live electric conductors and steam pipes ; .
  - (j) regulating the provision of safety appliances on derricks, cranes and winches ;
  - (k) prescribing the precautions to be observed in regard to exhaust and live steam ;
  - (l) requiring the employment of competent and reliable persons to operate lifting or transporting machinery used in the processes, or to give signals to a driver of such machinery, or to attend to cargo falls on winch ends or winch drums, and providing for the employment of a signaller where this is necessary for the safety of the workers ;
  - (m) prescribing the measures to be taken in order to prevent dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo, or handling in connection therewith ;
  - (n) prescribing the precautions to be taken to facilitate the escape of the workers when employed in a hold or between decks in dealing with coal or other bulk cargo ;

- (o) prescribing the precautions to be observed in the use of stages and trucks ;
- (p) prescribing the precautions to be observed when the workers have to work where dangerous or noxious goods are, or have been, stowed or have to deal with or work in proximity to such goods ;
- (q) providing for the rendering of first-aid to injured workers and removal to the nearest place of treatment ;
- (r) prescribing the provision to be made for the rescue of immersed workers from drowning ;
- (s) prescribing the abstracts of this Act and of the regulations required by section 8 ;
- (t) providing for the submission of notices of accidents and dangerous occurrences and prescribing the forms of such notices, the persons and authorities to whom they are to be furnished, the particulars to be contained in them and the time within which they are to be submitted ;
- (u) specifying the persons and authorities who shall be responsible for compliance with regulations made under this Act ;
- (v) defining the circumstances in which and conditions subject to which exemptions from any of the regulations made under this section may be given, specifying the authorities who may grant such exemptions and regulating their procedure ;
- (w) defining the additional powers which Inspectors may exercise under clause (c) of section 4 ; and
- (x) providing generally for the safety of workers.

(2) Regulations made under this section may make special provision to meet the special requirements of any particular port or ports.

(3) In making a regulation under this section, the President of the Union may direct that a breach of it shall be punishable with fine which may extend to five hundred rupees, and when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

**6. The President of the Union may make rules regulating --**

- (a) the inspection of premises or ships where the processes are carried on ; and
- (b) the manner in which Inspectors are to exercise the powers conferred on them by this Act.

Power to make rules.

**7. (1) The power to make regulations and rules conferred by sections 5 and 6 is subject to the condition of the regulations and rules being made after previous publication.**

General provisions relating to regulations and rules.

(2) Regulations and rules shall be published in the Gazette.

Abstracts of Act and regulations to be conspicuously posted.

**8.** There shall be affixed in some conspicuous place near the main entrance of every dock, wharf, quay or similar premises where the processes are carried on, in English and in the language of the majority of the workers, the abstracts of this Act and of the regulations made thereunder which may be prescribed by the regulations.

Penalties.

**9.** Any person who—

- (a) wilfully obstructs an Inspector in the exercise of any power under section 4, or fails to produce on demand by an Inspector any registers or other documents kept in pursuance of the regulations made under this Act, or any gear, fixed or loose, used for the processes, or conceals or prevents or attempts to prevent any person from appearing before, or being examined by, an Inspector, or
- (b) unless duly authorized, or in case of necessity, removes any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing required to be provided by or under the regulations made under this Act, or
- (c) having in case of necessity removed any such fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing, omits to restore it at the end of the period for which its removal was necessary.

shall be punishable with fine which may extend to five hundred rupees.

Provisions relating to jurisdiction.

**10.** (1) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act or the regulations made thereunder.

(2) No prosecution for any offence under this Act or the regulations made thereunder shall be instituted except by or with the previous sanction of an Inspector.

(3) No Court shall take cognizance of any offence under this Act or the regulations made thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Power to exempt.

**11.** The President of the Union may, by notification in the Gazette, exempt from all or any of the provisions of this Act and of the regulations made thereunder, on such conditions, if any, as he thinks fit.—

- (a) any port or place, dock, wharf, quay or similar premises at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or
- (b) any specified ship or class of ship.

Protection to persons acting under this Act.

**12.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.