

Extraordinary Published by Authority

WEDNESDAY, DECEMBER 31, 1986

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF PORTS, SHIPPING AND INLAND WATER TRANSPORT

NOTIFICATION

Dhaka, the 31st December, 1986

No. S.R.O. 493-L/86.—In exercise of the powers conferred by section 3 of the Dock Workers (Regulation of Employment) Act, 1980 (Act, XVII of 1980), and in supersession of the Chalna Dock Workers' (Regulation of Employment) Scheme, 1983, the Government is pleased to make the following scheme for the Port of Chalna:—

THE PORT CHALNA DOCK WORKERS' (REGULATION OF EMPLOYMENT) SCHEME, 1986.

- Short title, commencement and duration.—(1) This scheme may be called the Port of Chalna Dock Workers' (Regulation of Employment), Scheme, 1986.
- (2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.
- (3) It shall remain in force for a period of one year from the date of its commencement.
- 2. Application.—(1) This Scheme shall apply to the classes of dock workers specified in Schedule I and also to their employers.
- (2) Nothing in this Scheme shall apply to any class of dock workers employed in relation to any ship of the Bangladesh Navy or cargo carried by any ship which is specified by the Government for restrictive handling.

(14887)

Price: Taka 1.2

- 3. Definition.—In this Scheme, unless there is anything repugnant in the subject or context,—
 - (a) "Act" means the Dock Workers' (Regulation of Employment) Act, 1980 (Act, XVII of 1980);
 - (b) "dock work" means operations at placed or premises to which this Scheme relates performed by dock workers of the classes to which the Scheme applied;
 - (c) "employers' register" means a register of employer maintained under this Scheme;
 - (d) "go-slow" shall mean an organised, deliberate and slowing down of normal output of work by a body of workers in a concerted manner, and which is not due to any mechanical defect, breakdown of machinery, failure or defect in power supply or in the supply of normal materials and spare parts of machinery;
 - (e) "registered dock worker" means a dock worker whose name is, for the time being, entered in the dock workers' register;
 - (f) "registered employer" means an employer whose name is for the time being, entered in the employers' register;
 - (g) "reserve pool" means a pool of registered daily workers who are available for work at the call station and who are not, for the time being, in the employment of a registered employer;
 - (h) "vessel" means an ocean-going vessel or ship the gross registered tonnage of which is not less than 250 tons;
 - (i) "schedule" means a schedule to this Scheme.
- 4. Maintenance of registers, etc.—(1) The Board shall maintain a dock workers' register and an employers' register in such form as it deems fit.
- (2) The names and other particulars of dock workers and employers registered under this Scheme shall be entered in these registers.
- Fixation of number of dock workers.—The Board shall, in consultation with the authority, periodically determine the number of dock workers required in such category.
- 6. Registration of dock workers.—(1) All dock workers who on the date of the commencement of this Scheme were listed with the Authority as dock workers and had photoborne identity card issued to them shall be eligible to be provisionally registered under this Scheme for a period of two years.
- (2) Notwithstanding anything contained in sub-clause (1) any dock worker who claims himself to have worked in the Port continuously for a period of three years from the date of listing of dock workers by the Authority but is not in possession of photoborne identity eard issued by the Authority may also be, eligible for being provisionally registered provided he submits sufficient proof or evidence of his working as a dock worker as aforesaid and his name appear in the list maintained by the Authority.
- (3) On the expiry of the period of two years an assessment of the requirement of the dock workers shall be made by the Board in the light of the actual empoyment obtained by the workers provisionally registered under sub-clause (1) or (2) and decision regarding permanent registration of such workers shall be taken by the Board.

- (4) A dock worker provisionally registered under sub-clause (1) or (2) may, subject to the requirement of the Board, be eligible for permanent registration under this Scheme if he—
 - (a) is a citizen of Bangladesh;
 - (b) is physically fit for the work to be done by him;
 - (c) has not attained the age of 55 years; and
 - (d) is found to be of good character after verification of his antecedents.
- (5) A person may be eligible for temporary registration under this Scheme if he—
 - (a) is a citizen of Bangladesh;
 - (b) is not below 18 years of age but not above 50 years of age;
 - (c) is physically fit for the work to be done; and
 - (d) if he does not fall in the category of dock workers mentioned in subclauses (1), (2) or (3).
- (6) A dock worker who is temporarily registered shall be eligible for permanent registration if he—
 - (a) has worked as a dock worker for a period of at least two years to the satisfaction of the Board;
 - (b) continues to be physically fit for the work to be done by him;
 - (c) has undergone successfully such training, if any, as may be provided for by the Board; and
 - (d) is found to be of good character after verification of his antecedents:
- (7) Notwithstanding anything contained in any other provisions of this Scheme when the Board is of opinion that a dock worker has secured his registration by furnishing false information in his application or by withholding any information required therein or where it appears to the Board that a dock worker has been registered improperly or incorrectly, the Board may direct the removal of his name from the workers' register.

Provided that before issuing any such direction, the Board shall give the dock worker an opportunity of showing cause as to why the proposed direction should not be issued.

- 7. Application for registration as dock workers.—(1) A person eligible for registration as a dock worker under clause 6 may apply for such registration to the Board in the form set out in Schedule II on payment of a registration fee of such amount not exceeding fifteen taka as may be determined by the Board from time to time.
- (2) No application for registration shall be entertained unless the conditions mentioned in sub-clause (1) are fulfilled.
- 8. Registration of employers.—(1) All the employers to whom this Scheme applied and who are licensed by the Authority shall be provisionally registered under this Scheme for a period of one year.
- (2) On the expiry of the period of one year an employer provisionally registered under sub-clause (1) shall become eligible for permanent registration if he is found by the Board financially solvent and otherwise capable to fulfil the obligations under this Scheme.

- 9. Application for registration of employers.—A person eligible for registration as an employer under clause 8 may apply for such registration to the Board in the form set out in Schedule III on payment of a registration fee of such amount not exceeding five thousand taka as may be determined by the Board from time to time.
- 10. Supply of cards.—(1) Every registered dock worker shall be supplied by the Board free of cost, with the following cards in such form as may be determined by the Board, namely—
 - (a) identity card;
 - (b) attendance card;
 - (c) wage card.
- (2) In case of loss of a card a fresh card may be issued, but the cost thereof to be fixed by the Board shall be payable by the dock worker concerned.
- 11. Surrender of cards.—(1) A registered dock worker shall surrender his cards to the Board when—
 - (a) he is proceeding on leave for three days or more;
 - (b) his registration is cancelled;
 - (c) he is suspended.
- (2) If a card is not surrendered under sub-clause (1) by the registered dock worker concerned or, in case of his death by his heirs, all dues payable to him or to his heirs shall be withheld until the card is produced before the Board or the reason for the failure to produce the card is explained to the satisfaction of the Board.
- 12. Use of cards.—(1) No registered dock worker shall be allowed to do any work unless he holds a valid identity card and produces it before the authority concerned whenever asked to do so.
- (2) Every registered dock worker shall produce before his employer or his authorised agent his attendance card and wage card for necessary entries by him and no such worker shall be paid any wages unless these cards are shown to the paying authority with such entries.
- 13. Medical examination.—(1) Every person before being registered as a dock worker under any provision of this Scheme shall be required to be medically examined by a Medical Officer appointed by the Board and no such person shall be registered as a such unless he is found by the Medical Officer physically fit to do the job to be assigned to him after his registration.
- (2) Any person who is found physically unfit by the Medical Officer under sub-clause (1) may, on payment of such fees as may be determined by the Board, prefer an appeal to the Vice-Chairman for his medical examination by a Medical Board and, on receipt of such appeal, the Vice-Chairman shall constitute a Medical Board whose decision shall be final.
- (3) A registered dock worker may be required by the Board to undergo such periodical medical examination as may be determined by it from time to time.
- 14. Promotion of workers.—(1) A vacancy other than a casual vacancy in any category or registered dock workers shall ordinarily be filled by promotion from among registered dock workers of the categories below it.

- (2) The condition for, and method of, promotion shall be determined by the Board from time to time.
- 15. Service record and record sheets.—(1) The Board shall maintain a service record for every registered dock worker in such form as it may determine.
- (2) The Board shall maintain a record sheet for every registered employer in such form as it may determine.
- Employment in shifts.—(1) All registered dock workers shall be employed in shifts.
- (2) A registered dock worker shall not ordinarily be employee in two consecutive shifts.

Provided that the Vice-Chairman may relax this restriction in special cases to be recorded in writing with reasons therefor.

- 17. Booking of Workers etc.—(1) Booking of registered dock workers may, on the requisition of a registered employer, be made by an Officer authorised by the Board.
- (2) The dock workers so booked shall, according to the requisition of the registered employer, work in groups and on rotation.
- 18. Deposit of wages.—(1) All wages payable by a registered employer to a registered dock worker under this Scheme shall be deposited with the Board for such payment.
- (2) Such deposit shall be made by the registered employer before a registered worker is allocated to him for employment.
- 19. Obligation of registered dock workers.—(1) Every registered dock worker shall accept the obligation of a dock worker under this Scheme and a declaration that he accepts such obligations shall be made by him in his application for registration.
- (2) A registered dock worker who is available for work shall carry out the direction of the Vice-Chairman or an Officer authorised by the Board and shall report at such call stations or control points and at such time as may be specified by him and shall remain at such call stations or control points throughout the period of the shifts, if instructed by him to that effect.
- (3) A registered dock worker who is available for work, when allocated by such officer as authorised by the Board for employment under a registered employer, shall carry out his duties in accordance with the direction of such registered employer or his authorised agent, representative or supervisor and also in conformity with the rules of the Port Place where he is working.
- 20. Obligation of registered employers.—(1) Every registered employer shall accept the obligations of an employer under this Scheme and a declaration that he accepts such obligations shall be made by him in his application for registration.
- (2) A registered employer shall not employ a worker other than a registered dock worker who has been allocated to him by such officer as authorised by the Board.

- (3) A registered employer shall, in accordance with arrangement made by the Board, submit to it statements relating to his present and future requirements for the services of dock workers.
- (4) A registered employer shall submit to this Board unless otherwise directed particulars of the tonnage handled by dock workers employed by him and such statistical data as may be required in respect of such workers.
- (5) A registered employer shall keep such records as the Board may require, and shall produce to the Board or to such of its Officers as may be designated by it all such records and other documents of any kind relating to registered dock workers and the work on which they have been employed and shall furnish such information relating thereto as may be set out in any notice or direction issued by the Board.
- (6) Every registered employer shall keep such gears and equipments in his possession and employ such number of officers and staff as may be specified by the Board.
- 21. Employers to supply list of non-registered dock worker.—Every registered employer engaged in doing any dock work shall send to the Vice-Chairman a list of all (persons employed by him for doing the work other than the) non-registered dock workers, if any, employed by him.
- 22. Only registered employer to employ dock worker.—No person other than a registered employer shall employ dock worker.
- 23. Circumstances in which the Scheme ceases to apply.—(1) This Scheme shall cease to apply to a registered dock worker or a registered employer when his name has been removed from the dock workers' register or, as the case may be, employers' register in accordance with the provisions of this Scheme.
- (2) Nothing in this clause shall affect any obligation incurred by, of any right accrued to, any such worker or employer during the period when his name was in such register.
- 24. Disciplinary action against dock workers.—(1) Where a registered dock worker is in the opinion of a registered employer or a person authorised by him in this behalf, if guilty of misconduct, the employer or such person may under intimation to the Vice-Chairman, suspend the worker from work for the remaining period of that particular employment.
- (2) Where a dock worker is suspended—(a) Twice within a year under sub-clause (1), the officer authorised by the Board in this behalf may suspend him for a period not exceeding one month;
- (b) Where a dock worker is suspended for more than once under sub-clause (2) (a), the officer authorised by the Board in this behalf may remove his name from workers register.

Provided that no action under this sub-clause shall be taken unless a reasonable opportunity of being heard in person is given to the dock worker concerned.

(3) The procedure to be followed in taking any action under this clause shall be such as may be determined by the Board.

- (4) A registered dock worker may, within seven days from the date of communication of any action taken against him, appeal against such action to the Vice-Chairman and the decision of the Vice-Chairman on such appeal shall be final.
 - (5) In this clause "misconduct" includes—
 - (a) wilful disobedience, whether alone or in combination with other persons to any lawful or reasonable order of a superior;
 - (b) theft, fraud or dishonesty in connection with the business or property of the registered employer under whom he is employed;
 - (c) taking or giving bribes of any illegal gratification in connection with his or any other workers' employment under the employer;
 - (d) habitual absence without leave or absence without leave for more than ten days;
 - (e) habitual late attendance;
 - (f) habitual breach of any law or rule or regulation, applicable to the Authority or the Board;
 - (g) piotous or disorderly behaviour or any act subversive of discipline;
 - (h) habitual negligence in work;
 - (i) resorting to illegal strike or go-slow or inciting others to resort to illegal strike of go-slow.
- 25. Removal of employers' 'name from employers' register.—(1) If, in the opinion of the Board, a registered employer has failed to fulfill or is not fulfilling any of his obligations under this Scheme, the Board may direct such employer to fulfil such obligation and to report compliance to the Board within such time as the Board may specify in the direction.
- (2) If any registered employer fails to act in accordance with the direction given to him under sub-clause (1), the Board may, after giving him a deasonable opportunity of being heard, remove his name from the employers' register.
- 26. Special disciplinary powers of the Vice-Chairman.—Notwithstanding anything contained in this Scheme, if the Vice-Chairman is satisfied that a registered dock worker is taking part in a go-slow in respect of any dock work, he may, after giving the worker an opportunity of being heard, suspend him from any dock work for a period not exceeding three months.
- 27. Leave of absence to dock workers.—(1) The Vice-Chairman may, on the application in writing made by a registered dock worker, grant him leave of absence for a period not exceeding three months.

(2) An Officer authorised by the Board in this behalf may, on application in writing made by a registered dock worker, grant him leave of absence for a period not exceeding one month.

- (3) If a registered dock worker does not report for duty after expiry of the leave granted to him under sub-clause (1) of (2), his name may be removed by the Vice-Chairman from the dock workers' register at any time after the expiry of the period of leave.
- 28. Special action in certain emergencies.—(1) If at any time the Authority informs the Board in writing that an emergency has arisen affecting seriously the working of the Port, the Chairman may, if he deems necessary so to do to meet the emergency; authorise a registered employer to employ unregistered dock workers to do any dock work.

- (2) When a registered employer employs an unregistered worker under subclause (1), the payment to such worker shall be made by the employer directly to him.
- 29. Cost of operating the Scheme.—(1) The cost of operating this Scheme shall be met from out of the money paid by the beneficiaries on the basis of levy to be determined by the Board with the prior approval of the Government.
- (2) In determining the payment to be made by the beneficiaries under sub-clause (1) the Board may fix the rate of levy on the total tonnage handled or may fix different rates of levy for different categories of dock work.
- (3) The beneficiaries shall pay to the Board the amount of the levy referred to in sub-clause (1) in such manner and at such time as the Board may specify.
- (4) If a beneficiary being a registered employer fails to make payment of the levy due from him under sub-clause (1) within the specified time, the Vice-Chairman shall serve a notice on such beneficiary to the effect that unless he pays his dues within fifteen days from the date of receipt of the notice, the supply of registered dock workers to him shall be suspended.
- (5) On the expiry of the period mentioned in sub-clause (4) the Vice-Chairman shall suspend the supply of registered dock workers to such defaulting beneficiary.
- (6) If the beneficiary fails to pay his dues within forty-five days of the date of receipt of the notice under sub-clause (4), his name may be removed by the Board from the employers' register without prejudice to the right of the Board regarding the recovery of the amount due from him.
- (7) In this clause 'beneficiary' means the Authority, the ship owners or their agents, the charterers or their agents and the registered employers.
- 30. Training.—(1) The Board may prepare a scheme or schemes for the training of registered dock workers and other persons who want to be employed registered as dock workers.
- (2) When any such scheme is made, the registered dock workers for whom the scheme is made shall undertake the training in accordance with the scheme as per direction of the Board.
- 31. Penalties.—Whoever contravences the provisions of clause 22 shall be punishable with imprisonment for a terms which may extend to one month or with fine which may extend to five hundred taka in respect of a first contravention or one thousand taka in respect of any subsequent contravention, or with both.

SCHEDULE I

[(See Clause 2(1)]

Classes of Dock Workers to whom the Scheme applies :

- 1. Sardar.
- 2. Mate.
- 3. Winchmen.
- 4. Khamali.
- 5. Labour.
- 6. L.M.D. Mate.
- 7. L.M.D. Labour,
- 8. Rolia.
- 9. Tindal.
- 10. Gharshal.
- 11. Bhandari.
- 12. Selaiwalla (Sewing Man).
- 13. Dakwalla.

SCHEDULE II

[See Clause 7(1)]

IN DUPLICATE

DOCK WORKERS MANAGEMENT BOARD PORT OF CHALNA (SEAL)

		(SEAL)	
	Photograph of the applicant.		
	Dated		
			Do not write on this space
		- DOCK WOD	WED DECISION I
UNI	OFR CLAUSE 7(1) OF	THE PORT OF	KER REGISTRATION 7 CHALNA DOCK WORKERS NT) SCHEME, 1986
Ever	All the applicants for reg	gistration as dock	worker must complete this form-
	(a) Name		
	(b) Nicknames, aliases,	etc.	
2.	Father's Name		
3.	(a) Home Address		
	(b) Local Address		
4.	HeightWeigh Colour of hair		
	Colour of eyes Visible Scar Marks		No. of the last
5.	Month	Year	
6.	Place of birth (City/V.	ıllage)	District

7. Category has been cable)	of dock worker the ap- working (Tick which is	plicant appli-	
	Sardar	L-M.D. Mate	Mate
	Winchman	L.M.D. Labour	Bhandari
	Khamali	Rolia	Selaiwala (Sewing man)
	Labour	Tindal	Dakwalla
***********	VI TO AND SOME		Gharshal
8. Date wh in Port	en the applicant started	work :	
9. Registrat	ion No, if any	1	
10. Evidence worker (or proof of working as a indicate category).	dock:	
11. Educatio	nal qualification, if any		
From To	Name of the In	stitution attended	Remarks.
		the second secon	
Note :Any	special extra qualificatio	on like games, sports, etc.	, in the space
prov	ided below :		

No.

commit any crime, offence ?

Yes

If yes, list record of all arrests:

- 17. Give the names of three referees with their addresses (not relations)
 - (1)
 - (2)
 - (3)

IDENTIFICATION RECORD

Finger print impression on this form must be taken by an official of the Security Department of the Port or by an authorised employee of the Dock Workers Registration Office, Dock Workers Management Board.

RIGHT HAND

1. Thumb	2. Index finger	3, Middle finger	4. Ring finger	5. Little finger

LEFT HAND

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger.

Impressions taken by:

Note ampulation

(Signature of Official taking Prints)

I do hereby solemnly declare and affirm that I have not taken part in any activity directly or indirectly prejudicial and subversive to the good order and law of the country and government and that the above information furnished by me in this application form is true to the best of my knowledge and belief.

I also do hereby declare that I shall accept all the obligation of a registered dock worker under the provision of this Scheme as soon as I am registered as such.

I further declare and affirm that the contents in this application form has been clearly understood by me and I have signed it.

I further declare that I have filled in the form duly understanding its contents. If any false or misleading information has been given by me, registration prayed for may not be approved or if effected may be cancelled.

Signature of the applicant.

IN DUPLICATE

DOCK WORKERS MANAGEMENT BOARD DOCK WORKERS REGISTRATION OFFICE

FOR OFFICIAL USE

To: Deputy Commissioner of Police.......Metropolitan/Area
The Superintendent of Police......(District)

The undernoted person has been provisionally registered in this office to work as Dock Worker within the Port Protected Area and also outside.

His character, antecedents etc, may please be verified and forwarded to this office early.

Personnel and Welfare Officer Dock Workers Management Board. (This portion to be filled in by the applicant.)

Photograph of the applicant.

ATTESTATION FORM

For the purpose of Dock Workers Registration of the Port of Chalna to work as Dock Worker (mention category).

1.	(a) Name in full (in block letters)	:
	(b) Nickname, aliases, etc.	1
2.	Father's name, Postal address (if dead give last address), profession and status.	:
3.	Permanent address in full	:
4.	Local address	1
5.	Date of birth	1
6.	(a) District and Police Station and Village	1
	(b) Place of birth	:
7.	(a) Religion	
	(b) Community, Caste or Sect	:
8.	Whether arrested, prosecuted, convicted in any case, political or otherwise; and restricted or extended?	:
	If so, full particulars including dates should be furnished.	

9. Educational qualification, if any

From To	Name of institution attended	Remarks

10. Particulars of employment:

Position held	Name of employer.	Nature of service.	Year of service	Pay	Remarks

11. Previous residence during last five years (list in reverse order, beginning with present address)

Date		Village and Post Office	Police Station	District
From	То			THE CASE OF

Signature of the applicant.

PART II: To be filled in by the Police Authority concerned at the request of the Dock Worker's Management Board.

The entries below must be attested by the Special Branch of the Police Authority concerned:

Question	Answer

- Are you satisfied that his character and antecedents are satisfactory?
- 2. Are you aware of any circumstances which in your opinion show that the applicant is unsuitable in any respect for working in the Port Protected Area and Dock?

If the signatory considers that the applicant should not be registered to work as Dock Worker he may please attach reasons thereof in the space provided below:

Signature

SCHEDULE III

(See Clause 9)

Date																		
Date	+			×		10		4			*	ä	4	-	6	4	z	

DOCK WORKERS MANAGEMENT BOARD

PORT OF CHALNA	
(SEAL)	
Application for registration as an employer of the dock worker under clause the Port of Chalna Dock Workers (Regulation of Employment) Scheme, 19) of 986.
1. Name of applicant	
2. Principal place of business	
3. Business	
4. Type of business organisation (individual, partnership or limited Compa	ny)

5. Has any Stevedore licence/Handling Contractor licence ever been den revoked, suspended by the Port Authority?	ed,
Yes No	
If the answer is Yes, give details	
6. Name the terminals at which the applicant carries on business in the Po	
Jetty Nos. Moorings Outer Anchorage Sheds Ware House	se

7. Is the applicant a party to any contract now in force, or which will take effect upon the issuance of this registration with any Shipping Agent/Carrier or other organisation including the Port Authority?

Date of commencement	Date of expiry
a.	
b.	
с.	
d.	

- 8. Where the applicant's books, records, registers are kept?
- 9. What proof can the applicant produce of satisfactory financial standing?
- State names, branches and location of all banks where applicant maintain accounts and specify type of account.

Name and address of Bank	Type of account and number

Note: - Please enclose a solvency certificate from your Bank.

- 11. When did the applicant first commence operation as an employer of Dock Worker of this Port under the present name?
- 12. Name of predecessor, if any
- 13. What category of Dock Worker do you employ?

16.	against the applicant comments from the T	? If so, the n	ature the P	wages to the Dock Workers of complaint be stated with ort.
17.	tribution, etc., against	Port Authority, ged to pay. If	dock /es, s Traffi	applicant as wage salary con- workers or any fund to which tate the nature of outstanding of Manager and Chief Finance umn below):
		Comments		
	Traffic Manager			
	Chief Finance and Ac Officer	counts	* -21	
				Signature
				Signature
18.	Attach the organisation	on chart of the	pplica	nt's firm.
19.	State how many monthly employees the applicant employ and intends to employ? What are the service benefits does the applicants give them apart from salary and wages? What is the mode of payment to these employees?			
20.	No. of stevedoring li-	cence issued by	the P	ort Authority (attach photostat
21.	The names and reside	ence of all officer	s of t	ne organisation:
	Name	Residence		Designation of the Officer
-				

	Name	Residence			
23.	The names and residence of all Partners of the Firm (if applicable):				
	Name	Residence			

I do hereby solemnly declare and affirm that the statement furnished by me above are true to the best of my belief and I further do hereby declare that if I am registered as an employer I shall accept all the obligations of an employer under this scheme.

I also declare that if any notice is issued by the Board it shall be deemed to have been adequately served upon me if it is addressed to my business address indicated in this application form through registered post.

I have filled in the application form after duly understanding its contents should any false or misleading information be given by me, registration prayed for may not be approved, or if effected may be cancelled.

Signature of applicant.

B. A. KHAN

Deputy Secretary,