

## Rules.

Power to  
make rules.

28. (1) The President of the Union may make rules<sup>1</sup> for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

<sup>2</sup>(a) the powers and procedure of Courts and Boards, including rules as to the summoning of witnesses, the production of documents relevant to the subject-matter of an inquiry or investigation and the number of members necessary to form a quorum;

<sup>3</sup>(a1) the powers of the Industrial Courts, including rules as to the summoning of witnesses, the production of documents relevant to the subject-matter of an inquiry;

<sup>3</sup>(a2) enabling the Industrial Court to sit in two or more divisions;

<sup>4</sup>(a3) the powers of Conciliation Officers and the procedure to be followed by them;

(b) the allowances admissible to members of Courts, Boards and Industrial Courts and to witnesses;

(c) the ministerial establishment which may be allotted to a Court or Board or the Industrial Court and the salaries and allowances payable to members of such establishments;

(d) the conditions and restrictions subject to which persons may be represented by legal practitioners in proceedings under this Act before a Court or Board or the Industrial Court;

(e) any other matter which is to be or may be prescribed.

(3) All rules made under this section shall be published in the Gazette and shall, on such publication, have effect as if enacted in this Act.

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**THE DOCK WORKERS (REGULATION OF EMPLOYMENT) ACT. \***

[BURMA ACT III, 1948.] (2nd January, 1948.)

It is hereby enacted as follows:—

1. This Act may be called the Dock Workers (Regulation of Employment) Act, 1948.

2. In this Act:—

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

<sup>1</sup> For Industrial Court Rules, 1952, see *Burma Gazette*, 1952, Part I, page 294.

<sup>2</sup> Substituted by Act XII, 1951.

<sup>3</sup> Inserted *ibid.*

<sup>4</sup> Inserted by Act LXXXIII, 1954.

\* Published in Judicial Department Notification No. 2, dated 2nd January 1948 (*Burma Gazette*, 1948, Part I, page 53).

- (b) "dock worker" means a person employed or to be employed in, or in the vicinity of, any port or 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 for 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) "port" includes any place at which ships are loaded or unloaded;
- (e) "scheme" means a scheme made under this Act.

3. (1) Provision may be made by a scheme for the following purposes:—

- (a) to ensure greater regularity of employment for dock workers
- (b) to secure that an adequate number of dock workers is available for the efficient performance of their work; and
- (c) to provide suitable conditions of employment for dock workers in regard to accommodation, health, safety, remuneration or otherwise.

(2) In particular, a scheme may provide—

- (a) for the application of the scheme to dock workers and employers as may be specified therein, for prescribing the obligation 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, and 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;
- (b) for regulating the recruitment and entry into the scheme of dock workers and their allocation to employers, and for securing that, in respect of periods during which employment, or full employment, is not available for dock workers to whom the scheme applies who are available for work, such workers will, subject to the conditions of the scheme, receive not less than such pay as may be thereby provided;
- (c) for securing that the rates for remuneration and condition of service for dock workers to whom the scheme applies (including conditions as to holidays and pay in respect thereof) will be in accordance with any national or local agreements for the time being in force;
- (d) for making satisfactory provision for the training and welfare of dock workers, in so far as such provision does not exist apart from the scheme;

- (e) for prescribing the manner in which, and the persons by whom the cost of operating the scheme is to be defrayed or receipt in connection with the scheme are to be taken charge of ;
- (f) for constituting or prescribing a body of persons to be responsible for the administration of the scheme ; and
- (g) for such incidental and supplementary matters as may be necessary or expedient for the purpose of the scheme.

(3) A scheme may declare, as respects any provision of the scheme prohibiting or restricting the employment of dock workers to whom the scheme does not apply, or the employment of dock workers by employers to whom the scheme does not apply, that a contravention of that provision is an offence.

(4) Any person who contravenes any provision in relation to which such a declaration is in force shall be guilty of an offence under this section, and shall be liable on conviction to imprisonment for a term not exceeding three months, or to a fine, or to both imprisonment and fine.

(5) A scheme may relate to any port or ports in the Union of Burma or to any part of any such port, and, for every port or part of a port to which it relates, either to dock workers generally or to any class or description of such workers.

4. (1) A scheme may be prepared jointly by bodies of persons appearing to the President of the Union to be representative respectively of dock workers of the class or description and at the port or ports to which the scheme relates and of their employers, and when prepared shall be submitted to the President of the Union.

(2) If at any time before a day prescribed in a notification by the President of the Union to be issued for the purpose no scheme is in force for any port or in relation to any class or description of dock workers, the President of the Union may on the application of any of the bodies of persons mentioned in the last foregoing sub-section, prepare a scheme for the port or in relation to the class or description of workers in question.

(3) If at any time on or after the said day no such scheme is in force, the President of the Union may prepare such a scheme if it appears to him unlikely that a scheme for the port and relating to the class or description of dock workers in question will be prepared under sub-section (1) of this section within a reasonable time.

(4) Any scheme may be varied by a subsequent scheme prepared and submitted to the President of the Union as mentioned in sub-section (1) of this section, or by a subsequent scheme prepared by the President of the Union.

(5) A scheme shall take effect only after it has been previously published in the Gazette and embodied in an Order made by the President of the Union and the date on which it takes effect shall be such date not earlier than the making of the Order as may be specified in the Order.

(6) A scheme may be revoked by order of the President of the Union either on the application of any of such bodies as are mentioned in sub-section (1) of this section or otherwise.

(7) In this section references to a port include references to part of a port.

5. The President of the Union may make loans towards the cost of the operation of schemes to such persons and on such terms as he may determine.

**လယ်ယာ အလုပ်သမား အနည်းဆုံးအခကြေးငွေ အက်ဥပဒေ။**

[၁၉၄၈ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၄၄။] (၁၉၄၈ ခု၊ ဒီဇင်ဘာလ ၃၀ ရက်။)

အောက်ပါအတိုင်း ဥပဒေပြဋ္ဌာန်းလိုက်သည်။

၁။ ။ (၁) ဤဥပဒေကို လယ်ယာအလုပ်သမားအနည်းဆုံးအခကြေးငွေ အက်ဥပဒေ ဟုခေါ်ရမည်။

(၂) ဤဥပဒေသည် နိုင်ငံတော်သမ္မတက ပြန်တမ်းထုတ်ပြန် ကျေညာ၍ ပြည်ထောင်စု မြန်မာနိုင်ငံတော်အတွင်း သတ်မှတ်သည့်ဒေသတွင် ကန့်သတ်သည့်ရက် ။ ။ အတည်ဖြစ်စေရမည်။

၂။ ။ ဤဥပဒေတွင် ရှေ့နောက်စကားစဉ်၌သော်၎င်း၊ အကြောင်းအရာ၌သော်၎င်း ဆန့်ကျင်ခြင်းမရှိသော်—

- (က) “ လယ်ယာလုပ်ငန်း ” ဆိုသည်မှာ ကိုင်း၊ ကျွန်း၊ ဥယျာဉ်လုပ်ငန်းနှင့် ကျွန်း၊ နွားမွေးမြူရေးလုပ်ငန်းတို့လည်းပါဝင်သည်။
- (ခ) “ လယ်ယာအလုပ်သမား ” ဆိုသည်မှာ လယ်ယာလုပ်ငန်းများတွင်၎င်း၊ လယ်ယာလုပ်ငန်းများနှင့်ပတ်သက်သည့်လုပ်ငန်းများတွင်၎င်း မိမိတို့၏လုပ်အားကို အဓိကအသက်မွေးဝမ်းကျောင်းအဖြစ် ငှားရမ်း၍နေထိုင် စားသောက်ရသူကိုဆိုလိုသည်။
- (ဂ) “ သူရင်းငှား ” ဆိုသည်မှာ ရာသီအလိုက် ငှားရမ်းသောလယ်ယာအလုပ်သမားကို ဆိုလိုသည့်ပြင်၊ တနှစ်ပတ်လုံးငှားထားသော ပင်တိုင်သူရင်းငှား၊ သီးနှံစိုက်ပျိုးရန် စတင်လုပ်ကိုင်သည့်နေ့မှစ၍ သီးနှံကို ရိတ်လိင်းကျီသွင်းပြီး သည်အထိ ငှားရမ်းသော ကျီဝင် သူရင်းငှား၊ သီးနှံစိုက်ပျိုးရန် စတင်လုပ်ကိုင်သည့်နေ့မှစ၍ ထွန်ယက် စိုက်ပျိုးပြီးသည်အထိ ငှားရမ်းသော ထွန်တုံးပိတ် သူရင်းငှား၊ သီးနှံရိတ်သိမ်းချိန် နွေရာသီအတွက် ငှားရမ်းသော နွေရာသီ သူရင်းငှားများပါဝင်သည်။

<sup>၁</sup> ဤအက်ဥပဒေသည် ၁၉၄၈ ခု၊ ဒီဇင်ဘာလ ၃၀ ရက်နေ့မှစ၍ (ချင်းဝိသေသတိုင်းနှင့် ရှမ်းပြည်နယ်၊ ကချင်နီပြည်နယ်၊ ကချင်ပြည်နယ်တို့ကို ချန်လှပ်၍) ပြည်ထောင်စုမြန်မာနိုင်ငံအတွင်း အာဏာတည်သည်။ မြန်မာနိုင်ငံ ပြန်တမ်း ၁၉၄၉ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၅၅ တွင် ကြည့်။