

The Paradip Port Trust (Licensing of Stevedores) Regulation, 1987

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Rule

THE-PARADIP-PORT-TRUST-LICENSING-OF-STEVEDORES-REGULATION of 1987

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The Paradip Port Trust (Licensing of Stevedores) Regulation, 1987Published vide Notification Orissa Gazette Extraordinary No. 1319/18.9.1987In exercise of the powers conferred under Section 123 of the Major Port Trusts Act, 1963 (38 of 1963) the Board of Trustees hereby make the following regulations, namely :

1. Short title and commencement.

(1)These regulations may be called the Paradip Port Trust (Licensing of Stevedores) Regulation, 1987.(2)They shall come into force on the date of their publication in the Official Gazette as required under Section 124 of the Major Port Trusts Act.

2. Definitions.

- In these regulations unless the context otherwise requires-(i)"Act" means the Major Port Trusts Act, 1963;(ii)"Board" means the Board of Trustees of the Port of Paradip as constituted under the Act;(iii)"Chairman" means Chairman of the Board;(iv)"Form" means Form annexed to these regulations;(v)"Stevedore" means a person or a firm to whom Stevedoring Licence is issued under Regulation 3 includes the Paradip Port Trust which will operate as Stevedore under this regulation.(vi)"Traffic Manager" means the Officer for the time being in charge of the Traffic Department of the Paradip Port Trust and includes the Deputy and Assistant Traffic Managers and any other Officers acting under the authority of the Traffic Manager.

3. Issue of Stevedoring Licence.

(1)The Chairman may issue stevedoring licences for a period of two years, on application, to persons to act as Stevedores at the Port to perform the work of landing and shipping of goods between vessels in the Port and the wharves, piers, quays or docks belonging to or in the possession of the Board and any other work involved in the stevedoring of vessels within the Port.(2)Other than the Port Trust no Stevedores shall be allowed to work on board any vessel in the Port except under a licence issued by the Chairman under these regulations.

4. Production of evidence of stevedoring work done.

- (i) No licence for stevedoring be granted unless the applicant produces evidence for-(a)that a Shipping Company, Charterer of Ship, owner of cargo has entered into or is prepared to enter into a contract for stevedoring with him;(b)that he was maintained/would maintain the input/output norms of handling different commodities as may be laid down by the Board from time to time;(c)that his financial standing to meet the obligations to the workers and staff employed on account of wage and compensation under the Workmen's Compensation Act, 1923, Payment of Wages Act, 1936, Industrial Disputes Act, 1947 or any other law for the time being in force; and makes a deposit of rupees one lakh in cash or any other acceptable security which will be refunded discharged after the termination/expiry of the licence;(d)that he undertakes to have in his employment such minimum staff and have in his possession such minimum gear as may be prescribed by the Board for undertaking stevedoring efficiently;(e)condition 'a' above is not applicable for a new applicant who will be on probation for a period of 4 years within which he can compete with existing stevedores and establish in his business.(ii)The vessel owners including container and steamer agents who have been operating in a Port for five years or more would be eligible for grant of a licence.

5. Duties and responsibilities of stevedores.

- Every stevedore shall be subject to the following duties, obligations and responsibilities during the currency of stevedoring licence issued them by Chairman, namely :(a)He shall ensure due compliance by all the staff and the workers employed by him during the operation of landing and shipping of transshipping goods or work incidental hereto, of the provisions of the Indian Dock Labourers Act, 1934 the Indian Dock Labourers Regulations, 1948, the Dock Workers' (Safety, Health and Welfare) Scheme, 1961 and notifications issued thereunder the Industrial Disputes Act, 1947, the Payment of Bonus Act, 1965 and rules regulations and schemes issued thereunder, relating to such operations and for the time being in force.(b)He shall carry out the operations with the gear owned or hired by him;(c)He shall be solely responsible for any accident or damage resulting from the use of any gear used by him;(d)He shall comply with all accepted safe practices in relation to operations performed by him;(e)He shall indemnify the Board against all third party claims arising out operations performed by him;(f)Whenever the Board has to pay compensations to any of its employees or workers or his dependants under the provisions of the Workmen's Compensation Act, 1923, in consequence of any accident arising out of, and during the course of work performed by a Stevedore or any employee or worker employed by him, the Stevedore shall reimburse the Board

any sum so paid and for such purpose, the quantum of the compensation as determined under the Workmens Compensation Act, 1923, shall be taken as binding and conclusive between the Board and the Stevedores;(g)If any gear, plant and other property of the Board is damaged in the course of any such operation, the Stevedore shall compensate the Board for such loss or damage, the extent of which shall be decided by the Chairman after carrying out a proper enquiry;(h)He shall agree to refer any dispute or difference between him and the Paradip Port Trust as to the payment of compensation, its quantum or any connected question to an Arbitrator nominated by the Board;(i)He shall be responsible to employ at least one experienced person to supervise in every vessel in respect of which he has undertaken the stevedoring operations;(j)He shall submit promptly any information asked for by the Chairman, Traffic Manager or any other competent Officer of the Board from time to time;(k)He shall ensure that all the dues of the Board are paid on the appointed dates, failing which his licence shall not be renewable and be liable to be cancelled under these regulations;(l)He shall provide for adequate supervision over the workers employed by him in order to ensure maximum productivity consistent with the requirements of safety;(m)He shall provide all the necessary gear equipment duly tested for the respective type of cargo;(n)He shall produce the gear, equipment, with necessary annealing and test certificates, for inspection periodically or whenever demanded by the Inspector, Dock Safety or the Traffic Manager or any other Officer.(o)He shall provide the workers necessary protective safety appliances for the type of cargo;(p)He shall ensure that the workers are available at the worksite throughout the shift period except during the recess hours and render the normal output and shall take effective steps to improve the performance whenever output falls below normal;(q)He shall make adequate arrangements for ancillary operations such as filling, stitching and breaking of cargo, stacking of cargo, storage of cargo, etc. on board the vessels;(r)He shall undertake to pay to workers engaged by him wages in accordance with the term of wage settlement arrived at between the Central Government and the Federation of Port and Dock Workers from time to time;(s)He shall not assign, transfer of in any manner part with any interest or benefit in or under the licence to any other person without the prior approval in writing of the chairman;(t)He shall comply with such instructions as may be issued from time to time by the Traffic Manager in the interest of safety, improved productivity and labour discipline;(u)He shall maintain proper books of Account at the proper place which will be open to inspection by the Chairman or any Officer authorised by him;(v)He shall ensure to keep the Security and other Deposits valid during the currency of Stevedoring Licence.

6. Application for grant/renewal of licence.

(1)The application for grant or renewal of stevedoring licence shall be made in Form-A to the Traffic Manager.(2)The applicant shall pay a licence fee of Rs. 4,500 (Rupees four thousand five hundred) only before the licence is issued or renewed. Every licensed stevedore shall deposit a sum of Rs. 5,000 (Rupees five thousand) only as earnest money for the proper performance of work permitted under the licence. The earnest/security money will not carry any interest and will be refunded when the licence ceases to operate after adjusting the claims, if any, of the Board.(3)That the applicant shall also produce a Bank Guarantee for rupees one lakh to be valid during the currency of the Stevedoring licence (not less than 2 years) so as to meet any contingency.(4)Every licence granted or renewed under these regulations shall be in Form B.(5)The application for renewal of stevedoring licence shall be made at least one month before the expiry of the licence. If the application for

renewal is not received within the stipulated period of one month, such applications may be accepted on payment of Rs. 50 (Rupees fifty) only by the Chairman :Provided that the application for renewal together with the late fee is received by the Traffic Manager before the actual date of expiry of the licence.(6)Upon receipt of an application in Form 'A' the Chairman may grant or renew a license or refuse grant/renewal of license for reasons to be recorded in writing :Provided further that the applicant will be intimated of such refusal in writing.(7)In the event of loss or defacing of the original licence a duplicate licence may be obtained on an application made to the Traffic Manager on payment of Rs. 100 (Rupees one hundred) only.

7. Change in name, constitution, etc. to be communicated.

(1)Where the Stevedore is a firm or a Company, it shall immediately communicate to the Chairman any change in the Director, Managing Director or partners, as the case may be, with a copy of the document in support of such change.(2)Any change in the name, title or constitution of a firm or a company holding a Stevedoring Licence shall be communicated to the Chairman forthwith. The firm or Company undergoing such a change shall submit a fresh application for the grant of new licence :Provided that the Chairman may allow such firm or company to carry on business till a decision is taken on such fresh application.

8. Suspension of Licences.

(1)The Chairman may at any time suspend for such period as it may deem fit, or cancel the licence issued to a Stevedore for violation of any of the terms of the licence or for any of the reasons listed below.(i)violation of safety precautions;(ii)low productivity;(iii)lack of supervision over stevedoring workers;(iv)improper and unsafe handling packages;(v)misrepresentation or misstatement of material facts;(vi)the Stevedores being adjudged insolvent or has gone into liquidation;(vii)on the Stevedore, being charged of a criminal offence;(viii)causing obstruction in any work in the port;(ix)sub-letting of work to other parties;(x)any misconduct which in the opinion of the Chairman warrants such cancellation or suspension.(2)No Stevedoring licence shall be cancelled or suspended until the Stevedore has been given a reasonable opportunity for showing cause why his licence should not be cancelled or suspended and after recording of reasons for such cancellation or suspension.

9. Appeal.

(1)Any person aggrieved by any cancellation, suspension or refusal of licence made under these Regulations may prefer an appeal in writing to the Central Government within thirty days of the communications of the order appealed against.(2)The Central Government shall pass such order on the appeal as it deems fit after giving an opportunity of being heard to the appellant.(3)Notwithstanding anything contained in Sub-regulation (1), an appeal may be admitted after the period of thirty days if the appellant satisfies the Central Government that he has sufficient cause for not making an application within such period.

10. Repeal.

- Rules Nos. 62, 63 and 64 of Paradip Port Rules, 1966 dealing with Stevedoring Licence shall stand repealed from the date this Regulation comes into force. Form 'A' To The Traffic Manager, Paradip Port Trust Application Form for the Grant/renewal of Stevedoring Licence

1. Name of the applicant;

2. Whether individual, firm or company :

(Article of Partnership/Company to be produced)

3. Full Address :

4. Years for which licence is required :

5.

* Names of the Steamship Company/ Charterer of Ships Owner of cargo with whom the contract for stevedoring their vessel/cargo subsists or is proposed to be entered (Proof of Contract for the period covered is to be appended. The approximate tonnage for each party is to be indicated.)

6.

* Previous experience in the field : (The cargo and tonnages stevedored in the previous 5 years in case of new applicant and 2 years for renewal to be furnished)

7. Proof of financial ability to meet the obligations on account of wages, compensation under Workmen's Compensation Act, etc.

(A certificate from the Bankers as to the financial ability and Income Tax Clearance Certificate to be produced)

8. Whether the applicant has/is willing to acquire adequate gear for stevedoring the contracted vessel/cargo :

(List of gear with necessary certificate to be furnished)

9. Whether the applicant has/is willing to have in his employment adequate staff with experience and conversance with Rules and Regulations ?

(A list of the Staff and their experience to be furnished)

10. Whether the applicant has cleared all dues, if any, on account of transaction he had with the Port Trust?

11. Whether the applicant has made the following deposits?

(a)Licence fee of Rs. 4,500(b)Earnest Money Deposit of Rs. 5,000(c)Security of Rs. 1.00 lakhs towards liabilities under Workmens' Compensation Act, 1923, Payment of Wages Act, 1936 and Industrial Disputes Act, 1947, etc.(d)Bank Guarantee of Rs. 1.00 lakh to meet contingency valid for the period for which the licence is required under Column 4 of this form.(if so, original to be attached)I affirm that the particulars given are true to the best of my knowledge and belief.I agree to furnish any other information/produce any record for inspection as may be required, to consider the request for grant of licence.I agree to abide by the Paradip Port Trust (Licensing of Stevedores) Regulations, 1987 and to comply with the directions made by the Paradeep Port Trust, from time to time if the licence is issued/ renewed.Signature of applicantPlace :Date :*. Columns 5 and 6 will-not be applicable in case of a fresh applicant or an applicant under probation.Form 'B'(Emblem of Paradip Port Trust)Licence for undertaking stevedoring operation at Paradip Port

1. Name of the Licensee.....

2. Address.....

3. Period for which the licence is granted (Mention here period of probation, if any) From to.....

4. Any other particulars required to be mentioned.....

5.

6.

7.

SealChairmanParadip Port TrustConditions

1. This licence is granted subject to the provisions of the Major Port Trusts Act, 1963 and the Paradip Port Trust (Licensing of Stevedores) Regulations, 1986.

2.

3.

(Here print the conditions subject to which the licence is given, e.g. the duties and responsibilities enlisted in Regulation 5 of the Draft Regulations.)