

Gujarat Maritime Board Ship Recycling Regulations, 2003

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Gujarat Maritime Board Ship Recycling Regulations, 2003

In exercise of the powers conferred by Sec. 110 and other enabling provisions of the Gujarat Maritime Board Act, 1981 the Board, as empowered and with the previous approval of the Government of Gujarat in Ports and Fisheries Department vide letter No.WKS-522000-G.241-GH(Part-I) of 4.7.2003, hereby notify regulation as follows for the ship-recycling yards, repealing the earlier regulation published in Official Gazette on 31.8.2000 vide Notification No. GMB/T/ALANG/106/110/2000/1 for safety and welfare of workers and protection of environment during ship recycling activity in the ship recycling yards :

CHAPTER 1
CHAPTER

1. Short title, extent and commencement :-

- (i) These Regulations repeals earlier regulation No. G/GNR/2 issued on 31.8.2000 by following rules which may be called as "Gujarat Maritime Board Ship Recycling Regulations, 2003".
- (ii) These Regulations shall apply to Ship-recycling yards in the State of Gujarat.
- (iii) These Regulations shall come into force from the date of publication in the Official Gazette.

2. Definitions :-

In these Regulations, unless the context otherwise requires :

- (i) "Act" means the Gujarat Maritime Board Act, 1981 and Rules and Regulations framed there under.

- (ii) "Board " means the Gujarat Maritime Board as constituted under the Act.
- (iii) "Factory Inspector" would mean an Inspector appointed under sub-sec. (1) of Sec. 8 of the Factories Act, 1948.
- (iv) "Plot" means a plot in which ship-recycling activities are carried on.
- (v) "Port Authority" means a Port Officer or any other person appointed and authorized by the Board to act as Port Authority.
- (vi) "Owner" means any person or body having statutory right ownership of the private ship recycling plot/yard.
- (vii) "Safety Officers" would mean any person directed to be employed by the Occupier under Sec. 40-B of the Factories Act, 1948.
- (viii) "Safety Supervisor" would mean any person directed to be employed by the occupier under Rule 68-H of the Gujarat Factories Rules, 1963.
- (ix) "Ship" includes any vessel, carrier or tanker.
- (x) "Ship-recyclers" mean and include the persons or parties who carry out ship recycling activities.
- (xi) "Ship-recycling Activities" would mean and include all activities such as beaching, cutting, dismantling of the ship and dispatch of all dismantled materials from the ship recycling yard.
- (xii) "State Pollution Control Board" means the Gujarat Pollution Control Board constituted under the Water Pollution (Prevention and Control) Act, 1974.
- (xiii) "Worker" means the Worker defined under sub-clause (1) of Sec. 2 of the Factories Act, 1948.

3. REGULATION :-

Unless the context otherwise requires, the other terms used in these Regulations shall have the meaning assigned to them under the Acts such as Air (Prevention and Control of Pollution) Act, 1981, Explosive Act, 1884, Explosive Rules, 1983, Explosive Substance Act, 1908, Factories Act, 1948, Gas Cylinder Rules, 1981, Hazardous Waste (Management and Handling) Rules, 1989, Petroleum Act, 1934, Petroleum Rules, 2002, Pressure Vessels

Rules, 1981, Water Pollution (Prevention and Control) Act, 1974 and all the Regulations and Rules framed under these Acts and Rules and also other applicable Acts and Rules.

4. REGULATION :-

The Port Authority shall be the authority for granting permissions under these Regulations for the ship-recycling yard under the control of the Board.

Provided that any permission granted under this regulation shall not exempt from any provisions of the Factories Act, 1948 and other applicable Laws and Act.

CHAPTER 2

SHIP-RECYCLING ACTIVITIES

5. REGULATION :-

No permission for ship-recycling activities under these Regulations shall be given to any ship-recycler unless the ship recycler has complied with the following :

(i) Obtained necessary storage licenses for storage of LPG/Oxygen Cylinders required under the Gas Cylinders Rules, 1981.

(ii) Maintained safety distance for storage of petroleum products or any combustible material as specified under the relevant Acts/Rules.

(iii) Provided facilities of water storage and fire-fighting devices in accordance with the provisions of the Gujarat Factories Rules, 1963.

(iv) Installed and maintained portable fire extinguishers on the plot in accordance with the provisions of the Gujarat Factories Rules, 1963.

(v) Installed on the plot fire fighting equipments such as fire extinguisher, fire- fighting suits, foam sprayer, liquid foam, oxygen mask, sand box/buckets, fire hose with complete attachment as required under the Factories Act.

(vi) Maintained adequate open space on the plot for safe passage and easy movement of fire fighting units and equipments.

(vii) Obtained plan approval under the Factories Act, 1948 and rules made there under.

(viii) Obtained the license under the provisions of the Factories Act,

1948 and rules made there under.

6. All the Ship-recyclers shall have to :-

(a) strictly adhere to and follow these Regulations and such Regulations framed under various statutes and enactments and shall in addition thereto also follow the norms and guidelines provided under various International Conventions made by the bodies like International Maritime Organization (IMO), International Labour Organization (ILO), etc. in respect thereof, which are ratified by the Government of India from time to time.

(b) obtain various permissions, as provided in these Regulations and other statutes for carrying out ship recycling activities on the plots allotted to them.

7. In addition to the above the Ship-recycler shall ensure that :-

(i) prior to delegation/entrustment of any job related to ship recycling, workers are imparted proper training for the ship breaking operations in general and also for the specific jobs they are attending in the plots. Such training shall be with the provision of certification on successful completion of the training program. Training should be in the language understood by them and shall prolong till such time which is necessary to get them acquainted with the knowledge and risk factors of ship recycling operations.

(ii) a board displaying important precautions to be followed during ship-recycling activity is installed at a prominent place on the plot and that such display is made in Hindi, Gujarati and if necessary, in other language as understood by the workers employed on such plot. Board may cater such slogans to the ship recyclers under its control.

(iii) an attendance register of workers working on the plot, is maintained in accordance with the provisions of Factories Act, 1948 and rules made there under and that the workers are issued identity Card in accordance with the Rule 110-A of the Gujarat Factories Rules, 1963.

(iv) at the ship-recycling yard under the control of Board, identity card (smart card) may be issued by the Board to the workers. Ship-recyclers shall establish at their plot matching facilities for proper registration of entry/exit of the workers in an approved manner.

For other ship-recycling yard, the owner as per the guidance of the Board shall provide smart cards to their workers.

(v) only trained and registered workers having identity card (smart-card) issued as per the provisions contained in sub clause 7. (iv) above are engaged in respective ship recycling activity.

(vi) daily logbook is maintained with respect to progress of work, testing of tanks, clearing and removal of scrap and such other related activities carried out in the plot and such log book is furnished whenever called upon by the Port Authority/Safety Officers appointed by the Board.

(vii) all the equipments on the plot such as crane, winch, chain rope and shackles, generator set and any other safety equipments as may be prescribed from time to time, shall be installed and maintained in accordance with the provisions of the Factories Act, 1948 and Rules made thereunder and any other relevant Acts and Rules.

(viii) the workers is provided with safety gadgets such as helmet, safety shoes, welding goggles, safety belt with safety line, hand-gloves, self contained breathing apparatus etc. as provided in the relevant Acts and Rules for such purpose and that such safety gadgets are conforming to relevant Indian Standard Specifications (ISI) or equivalent standards or as approved by the Chief Inspector of Factories and are invariably used by the workers during such activities.

(ix) the workers engaged in ship-recycling activities is provided with necessary instructions by the Safety Officer/Safety supervisor with respect to the availability and use of fire fighting and safety equipments installed and maintained at the plot and on the ship and shall also ensure that such instructions are provided to the workers prior to delegation or entrustment of actual work to them.

(x) necessary mechanical devices such as mechanical cranes, magnetic cranes, forklift, portable winches etc. are employed during the ship-recycling activities.

(xi) necessary insurance is taken for the workers.

(xii) proper precautions are taken while dismantling CO2 Control Room and releasing CO2 from the Cylinders and that

(a) Such operations are undertaken during non-working hours only,

preferably on a holiday.

(b) Such operations are done in the presence and as per the instructions of Safety Officer only.

CHAPTER 3

BEACHING PERMISSION

8. REGULATION :-

(a) All applications for permission for beaching under these Regulations shall be submitted to the Port Authority in the prescribed form as per annexure-1 attached herewith.

(b) Such applications shall be submitted at least one day prior to the date of beaching of the ship along with relevant documents such as :

(i) Permission/Gas free certificate for entry of vessel into dry/wet/floating dock issued by the Central Government through Explosives Department under relevant provisions (Rule 43h) of Petroleum Rules, 2002.

(ii) Permission/Gas free certificate for man entry issued by the Central Government through Explosives Department under relevant provisions (Rule 43h) of Petroleum Rules, 2002 :

Provided that in case of LPG/LNG or Chemical Carrier or Tanker such permission shall be obtained from Competent Person under the provisions of Petroleum Rules, 2002.

(iii) Declaration in accordance with the Gas Cylinder Rules, 1981 to be made by Master/Agent of the ship with respect to number of cylinders and type of gas such cylinder contain.

(iv) Original physical delivery certificate evidencing actual delivery of the ship.

Provided that in case of laid up/dead vessel such certificate may be furnished within two days and in any case before commencing cutting operation.

9. REGULATION :-

(a) Such applications may be considered in Saturday/Sunday and holidays, only if high tide time for beaching falls on these days.

(b) Upon the compliance of the aforesaid conditions and upon being satisfied thereto, the Port Authority may give permission for

beaching of ship :

Provided that such permission shall not be given unless removal of all the debris other than clean scrap in the sea/sea-shore adjoining to the plot.

10. REGULATION :-

Only one ship shall be allowed to beach at a time.

Provided that for a plot having a width exceeding 30 m. another ship may be allowed to beach if the total width of the two ships together is 5 m. less than the width of the plot :

Provided further that for all plots where above provision is not possible due to width restriction, a second ship may be allowed to beach behind the first ship if the first ship has been dismantled to the extent of 60% in terms of total LDT.

CHAPTER 4

PERMISSION FOR CUTTING

11. REGULATION :-

All applications for permission for cutting operations of the ship shall be submitted to the Port Authority in the prescribed form as per annexure-II attached herewith.

12. Such applications shall be submitted along with relevant documents such as :-

(i) Beaching permission.

(ii) Gas free certificate for man entry into confined spaces likely to contain dangerous fumes and insufficient oxygen, as per the Rules 68-H made under Secs. 36, 41 and 112 of the Factories Act, 1948 issued by the Competent Person as defined in Clause (ca) of Sec. 2 of the Factories Act.

(iii) Naked Light Certificate (Hot Work Permit) as per the Rules 68-H made under Secs. 41 and 112 of the Factories Act, 1948 issued by the Competent Person as defined in clause (ca) of Sec. 2 of the Factories Act.

(iv) A copy of the receipt giving evidence of Custom clearance of the ship.

(v) Permission from the Port Authority for lightening of ship, if required as per the assessment of the Port Authority.

(vi) Certified copy of authorization and consent from the State Pollution Control Board for ship recycling activity.

(vii) A written undertaking which may be on the basis of certificate given by the Master of the vessel to the effect that:

(a) All kinds of petroleum products such as oil, fuel in tank etc. and gas, including CO₂ gas of the ship have been emptied and evacuated and shall be thoroughly cleaned prior to commencing of cutting operation.

(b) No unauthorized decanting of gas cylinder/s and/or filling of cylinders with gases such as Freon, Ammonia, Carbon dioxide etc., is being or likely to be carried out on the plot or within the ship recycling yard as per Gas Cylinder Rule 1981.

13. REGULATION :-

Prior to submitting application for permission for cutting operation, the ship-recycler shall have to install for the purpose of fire fighting two efficient fire fighting pumps in working condition, at all times, on the ship with sufficient water in the holds or any receptacles :

Provided that one of the above fire fighting pumps be installed and maintained in working condition at all times near the engine room with foam and dry powder, until the complete dismantling of the engine room :

Provided further that one portable fire extinguisher of suitable type shall always be kept in working condition near every cutting point.

14. REGULATION :-

If the Port Authority is satisfied that the ship-recycler has complied with provisions of clauses (12) and (13) as above, it may grant a permission for cutting operations of the ship, maximum within 48 hours.

CHAPTER 5

CUTTING OPERATIONS

15. REGULATION :-

Every ship-recycler shall appoint "Safety Officer"/"Safety Supervisor" in accordance with the provisions under Sec. 40-B of the Factories Act, 1948 and under the Rule 68-H of the Gujarat Factories Rules, 1963, respectively. Cutting operations shall be carried out under supervision of the Safety Officer/Safety Supervisor.

16. The Safety Officer/Safety Supervisor shall ensure that :-

(a) cutting operation is undertaken out side the radius of 10 (ten) meters from LPG storage area.

(b) explosive and oxygen meters are readily available in working condition throughout the cutting operations.

(c) parameters with respect to permissible limits of hydrocarbon vapours and oxygen are strictly complied with before commencing actual cutting operations and also during such operations :

Provided that if the level of oxygen content reduces or that of Hydrocarbon vapor increases beyond the permissible limit in particular space/area, cutting operations carried out in that space/area shall be immediately suspended. Thereafter steps shall be taken to ventilate such area with the help of mechanical blowers or any other effective means to restore adequate oxygen content so as to bring it within the permissible limits.

(d) number of LPG and other Gas Cylinders stocked on the deck of the ship or near cutting area are as per the provisions of relevant Act/Rules.

(e) cylinders and other articles are lowered down to the ground in safe manner instead of throwing them from the ship.

(f) all pipelines are dismantled by cold opening :

Provided that in case of fuel dripping from the pipelines, it shall be dismantled only after collecting such dripping fuel in a container.

(g) area where cutting operation is carried out in last two hours of the working day shall be quenched by pouring sufficient amount of water or by any other effective means to avoid any incident of smoldering/fire.

17. REGULATION :-

The working hours for cutting operations shall be as under.

(a) During the months from March to October - 7 AM to 7 PM.

(b) During the months from November to February - 7 AM to 6 PM
:

Provided that there shall be a compulsory weekly holiday for the workers in the Ship-recycling yard as provided under Sec. 52 of the

Factories Act, 1948.

CHAPTER 6

ACTION TO BE TAKEN BY THE PORT AUTHORITY

18. REGULATION :-

The port authority/owner will be responsible for overall supervision within the ship-recycling yard. For major ship recycling yard under its control, Board may appoint maximum of 12 qualified safety officers for vigorous supervision of the ship recycling activities and attending rescue operation in case of necessity. This is in addition to the Officers/Inspectors appointed by the State under the Factories Act.

19. REGULATION :-

The Port Authority/Safety Officer and/or Factory Inspector and/or the members of Safety Rating Team as may be constituted by the Board for safety evaluation within the ship-recycling yard; will periodically visit the ship recycling plots and shall bring to the notice of the Safety Officer/Safety Supervisor of respective plots, the incidents of unsafe practices that may be observed by him/them during such visit for corrective action.

20. REGULATION :-

Notwithstanding what has been stated in clause 16(c), the Port Authority shall have the powers to suspend the cutting operations temporarily, in case of any unfair practices or unsafe operations, observed in any of the ship recycling plots until the corrective measures are taken to the satisfaction of the Port Authority.

CHAPTER 7

ENVIRONMENTAL MEASURES AND HOUSE KEEPING

21. REGULATION :-

The ship-recycler shall obtain necessary authorization and consent from State Pollution Control Board for ship-recycling activities and will observe following stipulations in that regard.

(a) The ship-recycler shall observe whenever applicable all the norms/stipulations covered under the Water Act, 1972, Air Act 1981, Hazardous waste management and handling Rules, 1989, Coastal Regulation Zone (CRZ) Rules, 1991 under the EPA, 1986.

(b) The ship-recycler shall not allow waste materials such as oil cakes, dead cargo of inorganic stuff like hydrated/solidified cement, thermocol pieces, wooden pieces, rubber pieces, scrap iron and

other metallic pieces, glass wool, rubber pipes and gaskets, PVC pipelines and pieces of PVC sheets, corks, asbestos pieces etc. to be thrown directly into the sea or on the sea-shore but shall ensure that such waste materials are collected in secured storage facility within the plot. In any case no open burning of waste within the ship-recycling yard shall be allowed.

(c) The ship-recycler shall strictly adhere to and follow the instructions issued by the State Pollution Control Board for collections and disposal of toxic materials, such as lead (Pb), Chromium (Cr) etc. and organic elements such as polychlorinated biphenyl's (PCBs).

(d) The ship-recycler shall separately collect sand and fine powder obtained after cleaning of cargo holds of oil tankers and shall dispose off the same in accordance with the directions of State Pollution Control Board.

(e) The ship-recycler shall sprinkle seawater, daily, over the working area in order to minimize dust generation due to material handling.

22. House Keeping :-

The ship-recycler shall keep the work place clean and well maintained. The machinery and material/scrap etc. shall be arranged properly within the plot to provide access for rescue operation during accident or fire or explosion.

23. Solid Waste Management :-

A modern Solid Waste Management system shall be established in the plot to collect, transport, store and dispose of solid waste generated from the plot in accordance with the conditions of authorization issued by State Pollution Control Board, from time to time.

CHAPTER 8

ACTION TO BE TAKEN IN THE EVENT OF AN ACCIDENT ON ANY PLOT AND I OR ON THE SHIP OR FOR NON-COMPLIANCE OF ANY OF THESE REGULATIONS

24. Solid Waste Management :-

25. REGULATION :-

In the event of any accident/fire/explosion on any plot and/or any ship leading to a death or serious bodily injury to any person or for the non-compliance of any of these Regulations, resulting in any accident on any plot and/or the ship, the following actions shall be

taken :

(a) In the event of major fire/explosion/accident causing damages with or without death or serious bodily injury to any person all activities related to ship recycling on the plot be suspended forthwith by the port authority with immediate effect for a period not exceeding 5 (five) days. During such period the safety officers appointed by the Board/Owner shall thoroughly inspect the plot/yard and get into the causes of incident and direct respective plot holder to rectify the same and restore safe working environment prior to resumption of operation.

(b) For all the cases of fire/accident/explosion leading to a death or serious bodily injury to any person, an inquiry shall be commissioned by an authorized person(s) and shall file the inquest report on which the port authority shall initiate penal action, if any.

Provided further that in such eventuality the ship-recycler shall immediately pay ex-gratia compensation of Rs. 25,000/- (Rupees twenty five thousand only) per person or an amount as may be decided by the Board from time to time to the next kin of the deceased and Rs. 5,000/- (Rupees five thousand only) per case or more as may be decided by the Board from time to time to the injured victim, over and above the compensation that may be received by the next kin of the deceased or the injured victim from insurance claim or under any other enactment including Workman Compensation Act. In case the negligence on the basis of the inquiry report submitted by the authorized person(s) as per clause 25(b) above is proved on the part of plot holder/ship breaker, following penalty shall be imposed.

(i) In case of first incident of fire/explosion/accident leading to a death or serious bodily injury as defined under Sec. 92 of the Factories Act 1948 to any person shall attract penalty of Rs. 5,00,000/- (Rupees five lacs).

(ii) For every subsequent incidents of fire/explosion/accident within one year leading to a death or serious bodily injury as defined under Sec. 92 of the Factories Act 1948 to any person in the same plot shall attract penalty at double the rate as recovered for the previous incident. The amount so collected shall be credited in a separate welfare account maintained by the Port authority and shall be utilized for welfare and awareness programs for the benefit of

workers.

Provided that in case of more than two incidents of fire/explosion/accident leading to death or serious bodily injury to any person in the same plot, the permission for ship recycling activities on the said plot shall be cancelled by VC and CEO, GMB for a period of six months and would be granted thereafter only on being satisfied that the plot owner has enhanced safety arrangements by training, installation of additional equipments and agreed to abide by directives issued by GMB after investigation into such accidents.

(c) The aforesaid penal action shall be taken concurrently with other appropriate penal action that may be taken under other relevant Statutes, Acts and Regulations etc.

26. REGULATION :-

In case of repeated negligence on the part of ship recycler causing injury/death of person(s), within one year, the CEO of GMB may cancel the permission for utilization of the plot for the ship-recycling activities after giving opportunity of being heard and by issuing a speaking order.

27. Action against willful defaulters :-

(a) Working beyond prescribed time and during holiday shall attract penalty of Rs. 10,000/- for the first instance. Penal amount shall be doubled for each subsequent breach limited to three times. Any further incident of violation will attract closure of the operation for 5 days.

(b) Violation or non observance of the instructions with in specified period given by the authority as specified under clause 19 and/or non observance of the instructions given by the Chief Executive Officer/Port Authority or any other authority shall attract penalty upto Rs. 10,000/- or any such amount not being less than Rs. 10,000/-, as may be notified by the Board/Government from time to time and as published in the Official Gazette and attract suspension of particular operation(s) till the instructions are complied.

28. Appeal provision :-

An appeal shall lie against the order made under clause 26 with the Secretary, Ports and Fisheries Department. Such appeal shall be preferred within 30 days from the order of the CEO, GMB.

29. REGULATION :-

The ship-recycling yard/ship breaking yard under GMB or private operator shall provide basic infrastructure within reasonable time, which may not exceed a maximum of 2 (two) years period from the date of notification of this regulations. The basic infrastructure will have minimum following facilities.

- (a) Hydrant system for fire fighting purpose.
- (b) Potable drinking water supply.
- (c) Drainage/Sewerage system.
- (d) Street lighting facilities.
- (e) Domestic waste management system.

The above services may be regulated either by the Port Authority or by Notified Area Authority or by a body constituted by GMB, which shall have the authority to regulate all services, levy duty/cess, and collect operational and maintenance expenses. Such authority shall be responsible for functioning, operation, and maintenance of above facilities.

Provided further that the Port Authority/Notified Area Authority/Owner of such yard will develop and protect the area by removing encroachments, by taking up beautification and afforestation activities.

30. REGULATION :-

In the event of any question arising out of the interpretation of any of the clauses of the regulations, the decision of Vice-Chairman and Chief Executive Officer of the Board shall be final and binding on all concerned parties.

31. REGULATION :-

Save as expressly provided in these Regulations, nothing contained herein shall be deemed to affect the operation of any enactments or any Rules and Regulations made thereunder for the time being in force, regulating the prevention of accidents for safety and welfare of workers and for protection of environment.