

KANDLA PORT TRUST (LICENSING OF STEVEDORES) REGULATIONS, 1988

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KANDLA PORT TRUST (LICENSING OF STEVEDORES) REGULATIONS, 1988

Notfn. No. TF/GN/1101. dt. 23-3-1988, published in Gujarat Gaz.. Part IV-C dt. 31-3-1988. P. No. 491 as amended by Notfn. dated 19-3- 1994. published in G.G.Gaz.(Ext.). dated 19-5-1994. p. 185.-In exercise of the powers conferred by sub-section (f) to (o) of Section 123 of the Major Port Trusts Act, 1963 (38) of 1963, the Board of Trustees hereby makes the following Regulations namely :-

1. Short title and commencement. :-

- (1) These regulations may be called the Kandla Port Trust (Licensing of Stevedores) Regulations. 1988.
- (2) They shall come into force on publication of approval thereby by the Central Government in the official gazette.

2. Definition. :-

In these regulations, unless the context otherwise requires :-

- (i) 'Act' means the Major Port Trusts Act. 1963. (ii) 'Board' means the Board of Management of the Port of Kandla as constituted

under the Act. (iii) 'Chairman' means the Chairman of the Board. (iv) 'Form' means form annexed to these Regulations (v) 'Stevedore' means a person to whom a stevedoring licence has been given under regulation 3. (vi) 'Traffic Manager' means the officer for the time being in charge of the Traffic Department of the Kandla Port Trust and includes the deputies and assistants to the Traffic Manager and any other officer acting under the authority of the Traffic Manager.

3. Issue of Stevedoring Licences. :-

(1) The Chairman may issue Stevedoring licences for the 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 Put 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) No Stevedore shall be allowed to work on board any vessel in the Port except under a licence issued by the Chairman under these regulations.

1 [(3) Before issue of renewal of the licence, a report regarding the Safety performances and compliance of Dock Safety Statutes shall be obtained from the 'Inspector' declared under the Dock Workers (Safety, Health and Welfare) Act, 1986 which shall be taken into consideration while granting the renewal of the licence.]

1. Inserted vide Notfn. dated 19-5-1994.

4. No licence to work as a stevedore shall be granted unless the applicant. :-

(a) (i) produces evidence that the has stevedored or he would have stevedored not less than such tonnage proportionate to the throughput as the Port Trust may fix with due regard to its annual throughput. (ii) produces evidence that he has maintained/would maintain the input/output norms of handling different commodities as may be laid down by the Chairman from time to time.

(b) produces evidence of his financial standing to meet the obligations to the workers and staff employed on account of wages 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 force, and makes a deposit of Rs. one

l a k h cash or any other acceptable security which will be refunded/discharged after the termination/expiry of the licence.

(c) Undertakes to have in his employment such minimum staff and have in his possession such minimum gear as may be prescribed by the Chairman for undertaking stevedoring efficiently.

Note. The vessel owners including container and steamer agents who have been operating in a Port for five years or more and handling annually not less than 20% of the Break Bulk cargo and/or dry bulk cargo throughput would be eligible for grant of a licence.

5. Duties and responsibilities of stevedore. :-

Every stevedore, shall be subject to the following duties, obligations and responsibilities during the currency of stevedoring licence issued to him by the 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 or transshipping goods or work incidental thereto, of the provisions of the Dock Workers (Safety, Health and Welfare) Act, 1986 and the Dock Workers (Safety, Health and Welfare) Regulations, 1990, 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 operation performed by him;

(e) he shall indemnify the Board against all third party claims arising out of operations performed by him:

(f) whenever the Port Trust has to pay compensation to any of its employees or workers or his dependents under the provision of the Workman'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 for any such

purpose, the quantum of compensation as determined under the Workmen's Compensation Act, 1923. shall be taken as binding and conclusive between the Board and Stevedores:

(g) if any gear, plant and other property of the Port Trust 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 or the officer authorised by him after carrying out a proper enquiry:

(h) he shall agree to refer any dispute or difference between him and the Kandla Port Trust as to the payment of compensation, its quantum or any connected question, to an Arbitrator nominated by the Chairman:

(i) he shall be responsible to employ at least one experienced person to supervise every vessel in respect of which he has undertaken the stevedoring operations:

(j) he shall submit promptly any information asked for by the Port Trust or any officer of the Port from time to time:

(k) he shall ensure that all the dues of the Port Trust 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:

(o) he shall provide the workers necessary protective safety appliances appropriate 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,

stowage of cargo etc. on board the vessel:

(r) he shall undertake to pay to workers engaged by him wages in accordance with the terms 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 or 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 he will be open to inspection by the Port Trust Board or any Officer authorised by it.

6. Application for grant/renewal of licence. :-

(1) The application for grant of renewal of a 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 and 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 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) Every licence granted or renewed under these regulations shall be Form 'B'.

(4) The application for renewal of stevedore 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/- (Rs. 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.

(5) In the event of loss or defacing of the original licence, a

duplicate licence may be obtained on an application 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 of 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 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 a new licence, provided that the Chairman may allow such a firm or Company to carry on business till a decision is taken on such fresh application.

8. Power of Chairman to suspend a licence pending enquiry. :-

The Traffic Manager shall report any violation of the terms and conditions of the stevedoring licence by the stevedore to the Chairman and who may. pending enquiry, suspend for a period not exceeding three months, the licence issued to a Stevedore, if he finds it expedient and necessary to do so in the interest of the Port.

9. Suspension of Licence. :-

(1) The Chairman may at any time suspend for such a 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 of packages. (v) mis-representation or mis-statement of material facts. (vi) the stevedore being adjusted insolvent or going into liquidation. (vii) causing obstruction to any work in the Port. (viii) sub-letting of work to any other individual or parties. (ix) any mis-conduct which in the opinion of the Board warrant such cancellation or suspension.

No stevedoring licence shall be cancelled or suspended until the stevedore has been given a reasonable opportunity for showing use why his licence should not be cancelled or suspended and after recording. reasons for such cancellation or suspension.

10. Appeal. :-

Any person aggrieved by any order under these Regulations thirty days of the communication 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 the Regulation (1), the appeal may be admitted after the period of thirty days if the appellant satisfies the Central Government that he had sufficient cause for not making an application within such period.

11. . :-

Notwithstanding anything contained in these Regulations, the existing stevedoring licences issued under Kandla Port Trust (Licensing of Stevedoring and allied matters) Regulations 1979 shall be deemed to have been issued under this regulation till the date of renewal.

12. Repeal. :-

The Kandla Port Trust (Licensing of Stevedoring and Allied Matters) Regulations, 1979, as applicable to the Stevedores of Kandla Port Trust, immediately before commencement of these regulations are hereby repealed.