

**CHENNAI PORT TRUST (LICENSING OF PERSONS FOR HANDLING BULK
CARGO OR PERFORMANCE OF CHIPPING AND PAINTING AND CLEANING
PARTS OF SHIP) REGULATIONS, 1987**

**(PUBLISHED IN THE PART II, SECTION 3
SUB-SECTION (i) OF THE GAZETTE OF INDIA
EXTRAORDINARY DATED 10TH JUNE, 1987)**

**GOVERNMENT OF INDIA
MINISTRY OF SURFACE TRANSPORT
(PORTS WING)**

NEW DELHI, the 10th June, 1987.

NOTIFICATION

G.S.R.559 (E) . In exercise of the powers conferred by sub-section (i) of Section 124 read with sub-section (i) of Section 132 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves the Chennai Port Trust (Licensing of Persons for Handling Bulk Cargo or Performance of Chipping and Painting and Cleaning Parts of Ship) Regulations, 1987, made by the Board of Trustees of Chennai in exercise of the powers conferred on them by section 123 of the said Act and published in the TamilNadu Government Gazette dated 25th June, 1986 and 2nd July, 1986, as detailed in the Schedule annexed to this Notification.

2. The said Regulations shall come into force on the date of publication of this notification in the Official Gazette.

Sd/-
Yogendra Narain,
Joint Secretary to the Govt. of India,
(F.R. No.PR-16012/3/86-PG)

THE SCHEDULE
CHENNAI PORT TRUST

Chennai Port Trust (Licensing of Persons for Handling Bulk Cargo or performance of Chipping and Painting and Cleaning parts of Ship) Regulations, 1987.

(No.RRC/10674/82/S)

No.SRO C-21/86

In exercise of the powers conferred by sub-section (f) to (o) of Section 123 of the Major Port Trusts Act, 1963 (Act 38 of 1963), the Board of Trustees of the Port of Chennai hereby make, subject to the approval of the

Central Government, the following draft regulations in supersession of the existing Regulations 41(i) and (ii) of the Chennai Port Trust General Regulations, made under the provisions of the Chennai Port Trust Act, 1905, and continued as deemed Regulations under Section 133 2(D) (c) of the above said Act, relating to the regulations for licensing of certain categories of Employer of Labour at the Port of Chennai and subject to publication as required under section 124 of the above said Act :-

1. Short title and commencement:

(1) These Regulations shall be called the "Chennai Port Trust (Licensing of Persons for Handling Bulk Cargo or Performance of Chipping and Painting and Cleaning Part of Ship) Regulations, 1987".

2. Definitions:

- (a) 'Board' means the Board of Trustees of the Port of Chennai as constituted under the Major Port Trusts Act, 1963.
- (b) 'Chairman' means Chairman of the Board.
- (c) 'Traffic Manager' means the Traffic Manager of the Board.
- (d) 'Dock Labour Board' means the Chennai Dock Labour Board constituted under the Dock Workers Regulation of Employment Act, 1948 (Act 9 of 1948).
- (e) 'Port' means the Port of Chennai.
- (f) 'Specified Services' means
 - (i) Handling of Chemical Manures (including Rock Phosphate) in bulk, coal (including bunker coal), Ores, Scrap Iron, Sulphur in bulk, Iron and Steel (including ply iron) Billets and Timber and such other cargo as may be specified by the Chairman from time to time.

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(ii) 'Specified operations' mean, Chipping and Painting and cleaning parts of ships which shall include all items of work listed under item (1), of the Schedule to the Chennai Unregistered Dock Workers' (Regulations of Employment) Scheme, 1957 and such other items of work as may be specified by the Chairman from time to time.

(g) 'Board's premises' mean the entire premises under the possession / control of the Board.

(h) The Collector of Customs' means the Collector of Customs, Chennai, as defined in the Customs Act, 1962.

3. Licence:

No person shall undertake to perform the specified services or specified operations and/or engage labour therefor within the Board's premises including warehouses and open space, licensed or leased, except under a licence issued by the Traffic Manager in accordance with these regulations and rules framed thereof.

NOTE: (i) A person for the purpose of these regulations shall include any company or association or body of individuals whether incorporated or not.

(ii) These regulations shall not apply to the handling of any commodity within the transit area which has not been relinquished by the Board under Section 42 of the Major Port Trusts Act, 1963.

4. Application for licence:

An application for a licence under these Regulations shall be made to the Traffic Manager and shall be accompanied by an undertaking signed by the applicant that he shall employ such permanent staff or workers and shall acquire and properly maintain such equipments as may be prescribed by the Traffic Manager from time to time.

5. Grant of licence:

No licence shall be granted unless the Traffic Manager is satisfied –

(a) the applicant holds a contract or is preparing to enter into a contract for performance of the specified services or the specified operations.

(b) the applicant has sufficient financial ability to meet the obligation to labour and staff employed by him under the relevant Acts and Rules in force from time to time, and

(c) the applicant has sufficient cargo handling equipment with experienced operators for faster turn-round of the vessel.

Provided necessary certificate should be furnished from the Collector of Customs, Chennai, to the effect that the licensee complies with the provisions under the Customs Act, 1962, Rules and Regulations framed thereunder.

6. Duration of licence:

The licence granted by the Traffic Manager shall be valid for a period of two calendar years from 1st January or for such shorter period as may be stipulated by the Traffic Manager.

7. Application for renewal of licence:

A licence may be renewed by the Traffic Manager for a period of two calendar years at a time or for a shorter period as may be stipulated by the Traffic Manager and an application for renewal shall be made so as to reach the Traffic Manager not less than one month before the date on which the licence expired ;

Provided that the Traffic Manager may at his discretion consider an application for renewal not made within the specified time on payment of a penalty of Rs.42/- or such sum as may be fixed by Chairman from time to time.

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8. Renewal of licence – A licence shall not be renewed unless -

(1) the licensee furnished particulars of labour employed during the period of licence, purposes for which employed during the period of licence, purposes for which employed and the wages paid for such labour.

(2) (i) in the case of a licence for the specified services the licensee had handled not less than 5,000 tonnes of cargo during the previous one year.

(ii) in the case of a licence for the specified operations, the licensee had employed a minimum of 500 workers for Chipping and Painting during the previous one year;

Provided that the conditions in (2)(i) or (ii) above may be waived by the Traffic Manager at his discretion; and

(3) the licensee produces satisfactory proof of clearance of all charges due under these regulations to the Chennai Dock Labour Board.

9. Fee for new licence and renewal:

(1) The fee payable for new licence shall be Rs.825/- or at such rate as may be prescribed by the Chairman from time to time.

(2) The fee payable for renewal of a licence shall be half of the fee payable for a new licence.

10. Duplicate licence:

If the licence is lost, defaced or damaged the Traffic Manager may issue a duplicate licence on application made to him in this behalf and on payment of Rs.83/- or such sum as may be specified by the Chairman from time to time.

11. Discretion of Traffic Manager:

The Traffic Manager shall have the discretion to grant or refuse to renew a licence. However, an appeal against such refusal to

grant or renew a licence may be preferred by the aggrieved party to the Chairman, within 30 days from the date of receipt of such order of refusal.

12. Hiring of labour:

The licensee shall not hire any other labour whatsoever for performing the specified services of operations except those supplied by the Administrative Body (Listed Workers) under the Control of Chennai Dock Labour Board and the Licensee shall for this purpose get himself listed as an employer of labour with the Chennai Dock Labour Board under the unregistered Dock Workers (Regulation of Employment) Scheme, 1957.

13. Charges and levies:

The licensee shall promptly pay to the Chennai Dock Labour Board all the charges and levies due towards the supply of labour by it.

14. Liability of Licensee under Workmen's Compensation Act:

(1) In the event of the Board becoming liable at any time to pay to any employee or a workman of the licensee or dependent of such employee or workman, any compensation under the Workmen's Compensation Act arising from the negligence or carelessness of the licensee or his agent, employee or workman, the licensee shall reimburse the Board the whole of such amount as paid by it in accordance with the provisions of the said Act.

(2) The licensee shall duly compensate the Board for any loss or damage to its gear, plant or other property arising from the negligence or carelessness on the part of the licensee or his agent or employee or workman.

15. Safety precautions:

The licensee shall during the course of the performance of the specified services/operations ensure strict compliance by his employees and the labour under his control, with the safety provisions laid down by the Board under its Regulations and Rules

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having regard to human safety and safety of property of the public as well as of the Board and the licensee shall be liable for the loss arising from any failure thereof.

16. Supervision of licensee:

No cargo shall be handled except under the direction or supervision of the licensee or his authorised representative under his control.

17. Avoidance of delay in handling of cargo:

It shall be the duty of the licensee to bring about such co-ordination among the steamer Agents, the Port Officials and the Chennai Dock Labour Board as this will ensure the working of the maximum number of hooks and avoidance of delays, save those beyond his control, in the course of loading/unloading of cargo.

18. Employment of permanent staff:

The licensee shall employ adequate permanent staff for the purpose of the due performance of the specified services/operations and in respect of such staff the licensee shall be solely responsible for payment of wages and for carrying out all obligations and implementing all benefits due to employees under all relevant Acts and Rules in force from time to time.

19. Punctuality in work:

The licensee shall ensure that the staff report for duty in time so as to punctuality commence the work at the commencement of each shift and remain at the work site and look after the work till the end of the shift and give proper directions to the labour for safe and expeditious performance of the services / operations under the licensee.

20. Levy of reasonable charges, etc.:

The licensee shall perform the services/operations under the licence at reasonable rates conducive to improve port's traffic.

The licensee shall inform the Traffic Manager from time to time in writing the charges levied by him for the services/operations under the licence.

21. Protection of the Board:

The Board shall not be liable for any loss or damage in whatever manner arising to the licensee from or out of the performance for the services/operations under the licence.

22. Protection of cargo:

The licensee shall while performing the services/operations under the licence take all precautionary measures for protection of the cargo handled by him and shall be liable for all loss whatsoever arising from failure thereof.

23. Changes in the constitution of licensee, if company or firm -

(1) The licensee –

(a) if a company incorporated under the Company's Act, in the event of any change in its President, Managing Director, Directors and

(b) if a partnership firm, in the event of any change in its partners and whether a company or firm in the event of any manner of change in its name, title or constitution shall forthwith communicate such changes to the Traffic Manager and in any case within 30 days from the occurrence of such changes and on failure thereof, the licence shall be deemed to have lapsed at the end of 30 days from the date of such changes.

(2) In the event of a licence having so lapsed, the company or firm so changed may, if it so desires seek the grant of a licence by a fresh application and the Traffic Manager may, pending orders on the application at his discretion permit it to perform the specified services/operations till final orders are passed thereon.

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24. Assignment, transfer, etc. of licence:

The licensee 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 Traffic Manager.

NOTE: The granting of a power of attorney by a licensee to another person to perform the services/operations under the licence on his behalf shall be construed as an assignment of transfer of the licence within the meaning of these regulations.

25. Suspension or cancellation or renewal of licence:

If any licensee contravenes or violates any of the provisions contained in these regulations, and the terms and conditions of the licence and in case of any complaint against him for misconduct, the Traffic Manager may suspend or cancel or refuse to renew the licence after giving him an opportunity to show cause in writing against such action. However, an appeal against suspension / cancellation / refusal to renew the licence may be preferred to the Chairman by the aggrieved party within 30 days from the date of receipt of such order, as the case may be.

26. Licensee to abide by the regulations:

The licensee shall in addition abide by any other regulations/directions or instructions as may be issued by the Chairman from time to time.

PRINCIPLE REGULATION:

MOST's Notification No: GSR 559(E) dated 10.06.1987