



# TAMIL NADU GOVERNMENT GAZETTE

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## Part III—Section 2

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## NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

### V.O.CHIDAMBARANAR PORT TRUST

#### V.O.Chidambaranar Port Trust (Licensing of Stevedoring & Shore Handling Agents) Regulations, 2016

(No. TRA-OFTBL-VSL-STEVE-V2-15/VOL-II/42540/D917)

No. SRO C-9/2017.—

#### 1. Short title:-

(i) These regulations may be called as the V. O. Chidambaranar Port Trust (Licensing of Stevedores and Shore Handling Agents) Regulations, 2016.

(ii) These Amended Regulations shall come into force on the date of publication in the Official Gazette under Section 124(1) of the Major Port Trusts Act, 1963.

#### 2. Scope & Applicability:-

The regulations shall cover the following activities:-

(i) Stevedoring and Shore Handling activities under taken by the Port and / or by the licensed Stevedoring and Shore Handling Agents or by agents under any other name.

(ii) Stevedoring and Shore Handling by the BOT Terminal Operator as prescribed in the license agreement.

The Shore Handling may cover the activities on shore involving workmen and extending to hook point for export (loading) cargo and from the hook point of import (unloading) cargo involving workmen on-Shore or whatever practice prevalent in Ports.

**No Agency shall undertake to perform these activities in the Port unless and until they are issued a valid licence by the Port for the purpose.**

#### 3. 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 V. O. Chidambaranar as constituted under the Act ;

(iii) “Chairman” means Chairman of the Board;

(iv) “Form” means the form annexed to these regulations;

(v) “Stevedoring” means loading and unloading and stowage of cargo in any form on board the vessels in Port.

(vi) “Shore Handling” means arranging and receiving the cargo to / from the hook point, inter modal transport from Wharf to stack yard and vice versa and also receiving and delivering of cargo from / to wagons / trucks.

(vii) “Shore Handling Agent” means the firm licensed by the Customs Authority under these regulations for Shore Handling Operation in the Port.

(viii) “Traffic Manager” means the Officer for the time being in charge of the Traffic Department of the V.O. Chidambaranar Port Trust.

#### 4. Issue of Stevedoring and Shore Handling License:-

(i) The Stevedoring and Shore Handling Licence will be issued on the basis of royalty on the normative tariff fixed by TAMP for handling of different cargo items, within the Port. This tariff shall be the ceiling tariff.

(ii) The Stevedoring and Shore Handling Agents have to charge the rates from their Principals not exceeding the ceiling tariff notified by TAMP.

(iii) The Chairman may issue Stevedoring and Shore Handling license for a period of three years.

(iv) The applicant shall be a company registered under Companies Act, 1956 or a partnership firm or any other legal entity and will have previous experience in Major / Minor Ports. The eligible firm which fulfills the following eligibility criteria can apply for license at any time online along with requisite documents.

(v) **The financial standing of a Stevedoring and Shore Handling Agent to meet the obligations to the workers and staff employed on account of wage and compensation under the Workmen's Compensation Act, 1923, the Payment of Wages Act, 1936, the Industrial Disputes Act, 1947, or any other law for the time being in force and deposit a security of at least Rs.5 lakhs which will be refunded / discharged without interest after adjusting the claims, if any, when the licensee ceases to operate.**

(vi) The Stevedoring and Shore Handling Agent shall undertake to have in his employment at least 6 Supervisory personnel with minimum 2 years experience. Their profiles have to be enclosed along with the application.

(vii) **The fee for issue / renew of Stevedoring and Shore Handling License shall be a minimum applicable fee of Rs.50,000/- + Service Tax for the period of one year or part of a year which may be revised by the Port's Board from time to time.**

(viii) No Stevedoring and Shore Handling Agent shall be allowed to work on shore in the Port except under a license issued by the Chairman under these Regulations.

#### **5. Validity / Renewal of license-**

(i) The license will be valid for a period of three years from the date of issuance of licence.

(ii) The daily performance report capturing productivity achieved by the Stevedoring agent in the prescribed format shall be submitted by the Stevedoring & shore handling agent to the Traffic department online. The Chairman of the Port Trust will review the performance of Stevedoring & Shore Handling agent every month.

(iii) Compliance of terms and conditions of the license issued to the agents, safety norms followed by the agents will be monitored by Traffic Manager and a report to be submitted to the Chairman.

(iv) If the Traffic Manager finds any default on the part of Stevedoring and Shore Handling agent, he shall cause to issue warning in the event of first default and in the event of second default, the license of the Stevedoring & Shore Handling Agent shall be liable to be cancelled, apart from levying penalties.

(v) At the end of three years, the license shall renewed strictly on the basis of above mentioned performance reports.

(vi) If the Stevedore & Shore Handling agent fulfils the required condition and is eligible for renewal but awaiting safety clearance before expiry of the license period, Port may permit the Stevedoring operation by executing an Indemnity bond.

(vii) The application for renewal of Stevedoring and Shore Handling Services shall be made in the prescribed Proforma - A of the Port is valid for a period of three years from the date of issue of licence.

(viii) In case of Stevedores who do not opt for further renewal their security Deposit shall be refunded without any interest after adjusting the claims, if any, when the license ceases to operate.

(ix) The Stevedoring and Shore Handling Services License shall be valid for a period of three financial years. Licenses issued after 1 st April shall be valid till the end of next 2 financial years from the date of issuance of License.

**(x) The License will be strictly renewed on the basis of achieving the throughput fixed by the Board from time to time.**

(xi) The application for renewal of Stevedoring and Shore Handling Services shall be made three months before expiry of the license. Delayed renewal applications will not be accepted and the License will expire in terms on the expiry date.

(xii) Before issue of renewal of licenses, a report regarding the safety performance 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 License.

If the Stevedoring and Shore Handling Services agent fulfills the required conditions and is eligible for renewal but awaiting safety clearance before expiry of the license period, Port may permit the Shore Handling operation by executing an indemnity bond.

(xiii) In the event of loss or defacing of the original license, a duplicate license may be obtained on application made to the Traffic Manager on payment of Rupees One Thousand (Rs. 1000/-).

(xiv) The Daily Performance Report in the prescribed format shall be submitted by the Stevedoring and Shore Handling Services agent to the Traffic Department online.

(xv) Besides a quarterly / half yearly review of performance of Stevedoring and Shore Handling agents in terms of productivity achieved by them, compliance of terms and conditions of the licence issued to them, safety norms followed by them will be monitored by Traffic Manager and a report to be submitted to the Chairman.

#### **6. Migration to the New Stevedoring and Shore Handling Scheme:-**

The new Stevedoring and Shore Handling Regulations will come into effect in all Major Ports not later than 31st July, 2016. The existing Stevedoring Agents will have to switch over to the new Stevedoring and Shore Handling Scheme from that date and charge the ceiling tariff to be fixed. If they do not switch over to the new scheme, the licence shall be terminated by the Port Trust by giving due notice as envisaged in the Regulations. The Ports shall ensure that migration to the new Stevedores and Shore Handling Scheme is done by following the statutory provisions under the existing Regulations.

#### **7. Change in name, constitution, etc. to be communicated:-**

(i) Where the Stevedore is a firm or a company, it shall immediately communicate to the Chairman any change of the Director, Managing Director or partners, as the case may be with a copy of the document in support of such change;

(ii) Any change in the name, title or constitution of a firm or company holding a Stevedoring Licensee 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 license; provided that the Chairman may allow such firm or company to carry on business till a decision is taken on such fresh application.

#### **8. Stevedoring and Shore Handling Charges:-**

*i.* TAMP shall notify the normative tariff for Stevedoring and Shore Handling activities based on a set of Guidelines to be issued by TAMP. These tariff shall be ceiling tariff. In case of any change in role for TAMP in future, Boards of Major Ports will fix and notify the rates based on the same principles.

*ii.* All Port customers will be notified on the ceiling tariffs set for Stevedoring and Shore Handling activities. The tariff will be mandatorily displayed on the Port website.

*iii.* The Port will appoint a nodal officer responsible for monitoring of Stevedoring and Shore Handling tariffs. The Officer will be responsible for handling all complaints on violation of Stevedoring and Shore Handling ceiling tariff.

*iv.* The Port Trust would be liberal in issuing licenses to Stevedores and Shore Handling agents. All eligible agents would be issued licenses for Stevedoring and Shore Handling operations. As competition increases, the cost of transaction to the trade and the quality of services will also improve.

*v.* The Port Trusts shall charge a royalty as the licence fee for the Stevedoring and Shore Handling licenses. The Port Trust shall fix a per Metric Tonne royalty rate uniformly to be paid by all agents.

#### **9. Duties and responsibilities of Stevedoring and Shore Handling Agent –**

Every Stevedore and Shore Handling Agent shall be subject to the following duties, obligations and responsibilities during the currency of Stevedoring and Shore Handling license issued to him by the Board namely.

(a) the Stevedore and Shore Handling Agent shall ensure due compliance by all the staff and the workers employed by him during the operation of landing, loading transporting goods or work incidental thereto, of the provisions of the Indian Dock Labourers Act, 1934, the Indian Dock Labourer's Regulations, 1948, the Dock Worker's (Health and Welfare) Scheme 1961 and notifications issued there under, the Industrial Disputes Act, 1947, the Payment of Bonus Act, 1965 and rules, regulations and schemes issued there under, relating to such operations and for the time being in force ;

(b) the Stevedore and Shore Handling Agent shall undertake to provide minimum equipment / gear either owned or hired by him ;

(c) the Stevedore and Shore Handling Agent shall be solely responsible for any accident or damage resulting from the use of any gear used by him ;

(d) the Stevedore and Shore Handling Agent shall comply with all accepted safe practices in relation to operations performed by him ;

(e) the Stevedore and Shore Handling Agent shall indemnify the Board against all third party claims arising out of operations performed by him

(f) in event of any accident, Stevedore and Shore Handling Agent is liable to settle the claim as per the Workmen's Compensation Act, (1923).

(g) whenever casual workers are deployed, the Stevedore and Shore Handling Agent should ensure that such workers are covered by the insurance policy.

(h) if any gear, plant and other property of the Board is damaged in the course of any such operation, the Stevedore and Shore Handling Agent 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 ;

(i) the Stevedore and Shore Handling Agent shall agree to refer any dispute or difference between him and the V. O. Chidambaranar Port Trust as to the payment of compensation, its quantum or any connected question to an Arbitrator nominated by the Board ;

(j) the Stevedore and Shore Handling Agent shall undertake to employ at least 6 Supervisory personnel with a minimum of two years of experience of cargo handling shore / storage experience. Their profiles have to be enclosed along with the application.

(k) the Stevedore and Shore Handling Agent shall submit promptly any information asked for by the Chairman or the Traffic Manager from time to time ;

(l) the Stevedore and Shore Handling Agent shall pay scheduled charges to Port /space DLBs in advance. In case of dues pending, the License to the firm will not be renewable and liable to be cancelled.

(m) the Stevedore and Shore Handling Agent shall provide for adequate supervision over the workers employed by in order to ensure maximum productivity consistent with the requirements of safety;

(n) the Stevedore and Shore Handling Agent shall provide all the necessary gear equipment duly tested for the respective type of cargo ;

(o) the Stevedore and Shore Handling Agent 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 ;

(p) the Stevedore and Shore Handling Agent shall provide the workers necessary protective safety appliances appropriate for the type of cargo ;

(q) the Stevedore and Shore Handling Agent shall ensure that the workers are available at the work site 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 ;

(r) the Stevedore and Shore Handling Agent shall make adequate arrangements for ancillary operations such as filling, stitching and breaking of cargo, stacking of cargo, etc. on Board / Shore.

(s) In case, the Port is unable to supply the requisite workers against the requisition placed by the Stevedores and Shore Handling Agent, the Port may allow the Stevedore and Shore Handling Agent to make their own arrangement for this purpose.

(t) the Stevedore and Shore Handling Agent shall undertake to pay to workers engaged by him wages in accordance with the terms of wage settlement arrived at between the Central Govt. and the Federations of Port and Dock Workers, from time to time.

(u) the Stevedore and Shore Handling Agent shall not assign, transfer or in any manner part with any interest or benefit in or under the license to any other person without the prior approval in writing of the Chairman.

(v) the Stevedore and Shore Handling Agent 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.

(w) the Stevedore and Shore Handling Agencies shall publish their tariff along with break up in their web sites and in the website of the Port. The Stevedore and Shore handling agencies should comply with the all provisions of labour welfare laws strictly in accordance with the provisions of the laws made hereunder.

#### **10. Cancellation / Suspension of license**

(A) The Port may at any time suspend or cancel the license issued to a Stevedores and Shore Handling agent for violation of any of the terms of license or for any reasons listed below:

(i) The CEO of the Stevedore and Shore Handling firm has been convicted by the Court of law for any offence involving moral turpitude and sentenced in respect, thereof, to imprisonment for not less than six months, and a period of five years has not elapsed from the date of expiry of the sentence.

(ii) The firm is found to be charging higher than the ceiling tariff defined for Stevedore & Shore Handling activities in the Port.

(iii) The firm does not achieve the performance standards prescribed in the license on an average over a period of 3 months.

(iv) Violation of safety regulations and mandatory Dock Safety measures.

(v) Adopting improper and unsafe handling methods.

(vi) Misrepresentation or misstatement of material facts

(vii) Firm Adjudged insolvent or going into liquidations

(viii) Transfer of the Stevedoring operations or sublets the license to any other individual or parties.

(ix) Violation security related rules & instructions like ISPS code compliance.

(x) Any misconduct which in the opinion of the Board warrant such cancellation or suspension.

(xi) Indulging in illegal/corrupt practices.

(xii) Non adherence labour laws etc.

(B) Provided that no such license shall be cancelled or suspended as the case may be until the holder of the license has been given a reasonable opportunity for showing cause why his license should not be cancelled or suspended as the case may be.

### **11. Appeal**

Any person aggrieved by any order relating to cancellation/suspension/refusal to issue licenses, may prefer an appeal in writing to the Chairman of the concerned Port or any other higher authority, as the case may be, within 30 days from the date of receipt of communication of the order of suspension / cancellation.

### **12. Deployment of workers from Port/DLBs/License Holder or outside**

Existing practice of deploying Port labour by Stevedoring and Shore Handling Services agents may continue. In case, the Port is unable to supply the requisite workers against the requisition placed by Stevedores and Shore Handling agent, the Port may allow the Stevedoring and Shore Handling Services agent to make their own arrangement for this purpose. No notional booking or levying of charges should be made and agents shall not be levied any charges for labour, in case the Port Trust does not supply the labour.

### **13. Performance Norms**

Productivity norms for the Stevedore and Shore handling agents shall be calculated basis "Performance Norm Policy" by all Ports. Performance based penalty & incentives shall be enforced in accordance with the "Performance Norms Policy". All Port Trusts shall re-assess the penalty bands and /or incentive bands in the frequency as prescribed by the performance norm.

Daily Performance Report in the prescribed format shall be submitted by the Stevedoring & Shore Handling agents to the Traffic Department online. Performance of the agents in terms of productivity achieved will be reviewed by the Port Chairman every month. The monthly performance summary capturing productivity achieved by the respective agents will be published on the Port website to ensure transparency to the Customers.

Licenses of agents failing to meet productivity norms for an average over a period of 3 months can be cancelled by the Port Authority.

### **14. Training, Use of Modern Technology**

The personnel deployed in Stevedoring and Shore Handling activities shall be trained in modern methods of cargo handling for improving the productivity, efficiency and safety. It is suggested that such specialized training courses for the Stevedoring and Shore Handling operations may be introduced in Indian Maritime University.

### **15. Interpretation:-**

If any question arises as to the interpretation of these Regulations or in respect of any matter not hereinabove or subsequently provided for, the same shall be decided by the Board. The above Regulations shall be effective from the date of Notification in the official Gazette.



## FORM - A

V.O.CHIDAMBARANAR PORT TRUST  
TRAFFIC DEPARTMENT.

To

The Traffic Manager,  
VO Chidambaranar Port Trust.

## APPLICATION FORM FOR THE GRANT/RENEWAL OF STEVEDORING LICENCE

- 1 Name of the applicant
- 2 Whether a company registered under Companies Act or a partnership firm or any other legal entity (Article of partnership / Company to be produced)
- 3 Full Address
- 4 Year/s for which license is required
- 5 Name/s 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 tonnage stevedored in previous 3 years to be furnished)
- 7 Amount of financial ability to meet the obligation on account of wages, compensation under Workmen's Compensation Act, etc. (A Certificates from the Bankers as to the financial ability and PAN Card Xerox)
- 8 Whether the applicant has / is willing to acquire adequate gear for stevedoring the contracted vessel/cargo? (List of gear with necessary Certificates 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 transactions he had with the Port Trust?
- 11 Whether the applicant has made the following deposits:-  
Licence fee of Rs. 50,000/-  
Deposit of Rs. 5. 00 lakh towards liabilities under the Workmen's Compensation Act, 1923, Payment of Wages Act, 1936, Industrial Disputes Act, 1947, etc. & to meet contingency valid for the period for which the licence is required under column 4 of this Form



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 license. I agree to abide by the Tuticorin Port Trust (Licensing of Stevedores) Regulations, 2010, and to comply with the directions made by the Tuticorin Port Trust, from time to time, if the licence is issued / renewed.

Signature of applicant / Seal

Place:

Date :