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Statutory Notifications and Orders issued by
Heads of Departments.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

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NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.**CHENNAI PORT TRUST****The Chennai Port Trust (Licensing of Stevedores and Shore Handling) Regulations, 2017***(RRC/2682/2017/GA)*

No. SRO C-16/2017.

In exercise of the powers conferred under Section 123 of the Major Port Trust Act, 1963 (Act 38 of 1963), the Board of Trustees of Chennai Port hereby frame, subject to the approval of the Central Government, the following Regulations in supersession of the existing Chennai Port Trust (Licensing of Stevedores) Regulations 2009 and subject to publication as required under Section 124 of the said Act:-

1. SHORT TITLE AND COMMENCEMENT:

(i) These Regulations may be called "The Chennai Port Trust (Licensing of Stevedores and Shore Handling) Regulations, 2017".

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

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 Chennai as constituted under the Act.

(iii) "Chairman" means Chairman of the Board.

(iv) "Traffic Manager" means the Traffic Manager of the Port Trust Board and Head of the Traffic Department.

(v) "Form" means form annexed to these Regulations.

(vi) Stevedoring includes activities related to loading and unloading and stowage of cargo in any form on board the vessels in Ports.

(vii) Shore Handling includes 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.

(viii) Stevedoring and Shore Handling Agent shall mean a person to whom a Stevedoring and Shore handling license has been issued under these Regulations.

3. SCOPE:-

The regulations shall cover the following activities:

(i) Stevedoring activities undertaken by the port and/or licensed Stevedore in a Major Port.

(ii) Shore handling activities undertaken by the port and/or licensed Shore Handling Agents or by agents by any other name.

(iii) The Stevedoring and Shore handling operations will cover the activities on board and on shore respectively. Combined Stevedoring and Shore Handling licenses will be issued by major ports and any exceptions would need to be approved by the Board of the concerned Major Port or equivalent authority based on credible justification for it.

(iv) No Agency shall undertake to perform these activities in a Major Port unless and until they are issued a valid license by the Port for the purpose.

(v) The Stevedoring and Shore Handling regulations do not apply to Port operated Stevedoring and Shore handling; this exemption is only for operations entirely carried out by the Port and not for operations carried out by Agents partly or fully using Port's labour. The regulation also does not apply to PPP and BOT berth operations.

4. STEVEDORING AND SHORE HANDLING CHARGES:

(i) The tariff for the Stevedoring and Shore Handling operations to be charged by the Stevedoring and Shore Handling agents shall be fixed by the TAMP or any other competent authority. These shall be ceiling tariffs and the Stevedoring and Shore Handling agents shall charge for their services based on the above tariff only.

- (ii) The Port shall 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.
- (iii) Stevedoring and Shore-handling licensees shall pay a per metric tonne royalty as fixed by the port as license fee.

5. ISSUE OF STEVEDORING AND SHORE HANDLING LICENSE:

The Chairman may issue Stevedoring and Shore Handling Licenses for a period of three years, based on the application from persons to act as Stevedoring and Shore Handling Agent.

The Stevedoring and Shore Handling agent shall perform the operations of loading and unloading of cargo in any form on board the vessel from wharf, piers, quays or docks or at anchorage and also operations of 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 and any other activities involved in the Stevedoring and Shore handling operations in the premises belonging to or in the possession of the Port.

Stevedoring and Shore Handling licenses shall be issued by the Chairman, in case the firm fulfils the following criteria:

- (i) It shall be a Company registered under Companies Act or a partnership firm or any other legal entity.
- (ii) The financial standing of a stevedore to meet the obligations to the workers and staff employed on account of wage compensation under the Workmen's Compensation Act, 1923, Payment of Wages Act, 1936, Industrial Dispute Act, 1947, or any other law for the time being in force; and makes a deposit of Rs. 5 lakhs which will be refunded without interest/discharged on the termination/expiry of the license after adjusting the claims, if any when the licensee ceases to operate.
- (iii) The Stevedoring and Shore Handling agent shall undertake to provide equipment/gear required for both the operations as specified by the Port Trust Board.
- (iv) The Stevedoring and Shore Handling agent shall undertake to employ at least 6 Supervisory personnel with minimum two years of cargo handling / stowage experience for undertaking both the functions. Their profile has to be enclosed along with the application.
- (v) An application fee of Rs 50,000/- for issue of Stevedoring and Shore Handling License shall be payable by the licensee which may be revised from time to time by the Port Trust Board.

6. CHANGE IN NAME, CONSTITUTION, ETC., TO BE COMMUNICATED:

- (i) Any company registered under the Companies Act or a Partnership firm or any other legal entity holding a Stevedoring and Shore Handling License shall immediately communicate to the Chairman about any change of the Director, Managing Director or partner 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 and Shore Handling License shall be communicated to the Traffic Manager forthwith. The firm or company undergoing such a change shall submit a fresh application for the grant of a license; provided that the Chairman may at his discretion allow such a firm or company to carry on business till such time a decision is taken on such fresh application. The fresh license required to be issued in such cases will however attract the same charges as are payable for the issue of a new license.

7 VALIDITY / RENEWAL OF LICENSE:

- (i) The Stevedoring license shall be valid for a period of three calendar years. License issued after 1st of January shall be valid till the end of next 2 calendar years from the date of issuance of license.
- (ii) The Daily Performance Report capturing productivity achieved by the Agent in the prescribed format shall be submitted by the Stevedoring and Shore Handling agent to the Traffic Department online.
- (iii) Besides a quarterly / half yearly review of performance of Stevedoring and Shore Handling agent in terms of productivity achieved by them, compliance of terms and conditions of the license issued to them, including compliance on safety norms followed by them will be monitored by Traffic Manager.
- (iv) During the course of the license period if the Traffic Manager or an officer assigned by him 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 and Shore Handling Agent shall be liable to be cancelled, apart from levying penalties.

- (v) At the end of three years the License shall be renewed strictly on the basis of above mentioned performance reports.
- (vi) The application for grant/renewal of a Stevedoring and Shore Handling License shall be made in form A to the Traffic Manager as per the prescribed format.
- (vii) License granted or renewed under these regulations shall be in Form B Book Format (Specimen – annexed).
- (viii) Before renewal of licenses, a report regarding the safety performance 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 license.
- (ix) If the Stevedoring and Shore Handling Agent fulfils the required conditions and is eligible for renewal but awaiting safety clearance before expiry of the license period, Port may permit the Stevedoring and Shore Handling operation by executing an indemnity bond.
- (x) In the event of loss or defacing of the original license, a duplicate license may be obtained on an application made to the Traffic Manager on payment of Rs. 10,000/-.
- (xi) The application for renewal of stevedoring license shall be made at least 3 months before the expiry of the license. If the application for renewal is not received within the stipulated period of 3 months, such applications may be accepted on payment of Rs 10,000/- by the Traffic Manager, 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 license.

8. DUTIES AND RESPONSIBILITIES OF A STEVEDORING AND SHORE HANDLING AGENT:

During the currency of a Stevedoring and Shore Handling license issued by the Chairman, the following duties and responsibilities and performance parameters of Stevedoring and Shore Handling agents to ensure the safe and efficient handling as per their Stevedoring and Shore Handling Licensing Rules, shall be fulfilled by them.

- (i) The Stevedoring and Shore Handling agent shall ensure that their operations conform in all respects to the requirements prescribed by or under the Dock Workers (Safety, Health and Welfare) Act, 1986
- (ii) The Stevedoring and Shore Handling agents shall comply with all accepted safe practices in relation to such operations.
- (iii) The Stevedoring and Shore Handling agents shall be solely responsible for any accident or damage resulting from the use of defective gear.
- (iv) The Stevedoring and Shore Handling agents shall indemnify the Board against all third party claims arising out of such operations.
- (v) In the event of any accident, the Stevedoring and Shore handling agent shall be liable to settle the claim as per the Workmen's Compensation Act 1923.
- (vi) Whenever casual workers are deployed, the Stevedoring and Shore handling agents should ensure that such workers are covered by "the Contract Labour (Regulation and Abolition) Act, 1970".
- (vii) If any gear, plant, cargo handling equipment, cranes or any other property of the Board is damaged by the Stevedoring and Shore handling agents in the course of any such operations, the agents shall compensate the Board for such loss or damage, the extent of such compensation being decided by the Chairman or the officer authorized after carrying out proper Joint Inspection.
- (viii) In case of any damage to the vessel or its gears during the Stevedoring and Shore handling operations, agents shall compensate the damages as per the vessel agent's surveyors/valuers report.
- (ix) The Stevedoring and Shore Handling agents shall keep the Chennai Port Trust indemnified of any loss/damage to the cargo handled by them for any claim against such damages by a third party against Chennai Port.
- (x) The Stevedoring and Shore Handling agents shall provide all the necessary gear, equipment, duly tested, certified other than those equipment's and gears indented from the Port.
- (xi) The Stevedoring and Shore Handling agents shall pay modified scheduled charges to Port in advance as applicable from time to time.
- (xii) The Stevedoring and Shore Handling agents may deploy adequate supervisory personnel per vessel as per the licensing agreement.
- (xiii) The Stevedoring and Shore Handling agents shall ensure that all the amounts due to the Board is paid on the appointed dates, failing which the license is liable to be cancelled.

- (xiv) The Stevedoring and Shore Handling agents 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.
- (xv) The Stevedoring and Shore Handling agents shall achieve the performance standards fixed by the Port.
- (xvi) The Stevedoring and Shore Handling agencies shall publish their tariff along with break up in their web sites and send copy of the same to Traffic Manager who will host in the website of the Port.
- (xvii) The Stevedoring and Shore Handling agent 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.
- (xviii) The Stevedoring and Shore Handling Agent shall make adequate arrangements for ancillary operations such as filling, stitching and breaking cargo, lashing, bagging of cargo, unlashng, stacking of cargo, stowage of cargo etc., or any other operations involved on board the vessel and on the shore.

9. CANCELLATION / SUSPENSION OF LICENSE:

(a) The Chairman may at any time suspend or cancel the license issued to a Stevedoring and Shore handling agents for violation of any of the terms of the license or for any reasons listed below when:

- i. The CEO of the Stevedoring and Shore Handling firm has been convicted by the Court of 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 does not achieve the performance norms issued by the Port Authority, for an average over a period of 3 months.
- iii. The firm is found to be charging higher than the ceiling tariff defined for Stevedoring and Shore Handling Activities in the Port.
- iv. Violates safety regulations and mandatory Dock Safety measures.
- v. Adopts improper and unsafe handling methods.
- vi. Misrepresents or misstates of material facts.
- vii. Adjudged insolvent or going into liquidation.
- viii. Causing obstruction to any work in the Port.
- ix. Transfers the Stevedoring and Shore handling operations or sublets the license to any other individual or parties.
- x. Violates security related rules and instructions like ISPS Code compliance.
- xi. Any misconduct which in the opinion of the Board warrant such cancellation or suspension.
- xii. Indulges in illegal / corrupt practices.

(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.

10. APPEAL:

Any person aggrieved by any order of the Chairman relating to cancellation / Suspension / refusal to issue or renew licenses under these Regulations 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 of the communication of the order appealed against.

11. DEPLOYMENT OF WORKERS FROM PORT/LICENSE HOLDER OR OUTSIDER:

Existing practice of deploying Port labour by Stevedoring and Shore Handling agents may continue. In case the Port is unable to supply the requisite workers against the requisition placed by Stevedoring and Shore Handling Agent, the Port may allow the Stevedoring and Shore Handling Agent to make their own arrangement for this purpose to meet the shortfall in the supply of labour by the port. 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.

12. PERFORMANCE NORMS:

Productivity norms for the Stevedoring and Shore Handling agents shall be calculated based on the "Performance Norm Policy". Performance based penalty and incentives shall be enforced in accordance with the "Performance Norm Policy".

The Port shall re-asses 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 and Shore handling agent to the Traffic Department. 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 revoked by the Port Authority.

13. DATUM, NORMS FOR PRODUCTIVITY ETC.,

Datum, Norms for productivity, rate of incentive etc., shall be determined by the Ports from time to time duly taking cognizance of the performance parameters.

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.

15. MISCELLANEOUS:

The forms required for grant/renewal of Stevedoring and Shore Handling License under these regulations shall be such as may be prescribed by Chairman from time to time.

16. MIGRATION TO THE NEW STEVEDORING AND SHORE HANDLING SCHEME:

The new Stevedoring and Shore Handling Scheme shall come into force from the date of publication of this notification in the Official Gazette. The existing Stevedoring Agents will have to switch over to the new Stevedoring and Shore Handling Scheme from that date and charge as per the tariff rate fixed. If they do not switch over to the new scheme, the license shall be terminated by the Port Trusts by giving due notice as envisaged in the Regulations. The Ports shall ensure that migration to the new Stevedoring and Shore Handling Scheme is done by following the statutory provision under the existing Regulations.

17. 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.

18. REPEAL AND SAVINGS:

The Chennai Port Trust (Licensing of Stevedores) Regulations 2009 are hereby repealed.

CHENNAI PORT TRUSTFORM – A

TO

THE TRAFFIC MANAGER,
CHENNAI PORT TRUST.

APPLICATION FORM FOR THE GRANT / RENEWAL OF STEVEDORING AND SHORE HANDLING LICENSE

1. Name of the Applicant :
2. Whether individual, firm or Company (Article of Partnership / Company Deed 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 vessels / cargo subsist or is Proposed to be entered. (Proof of contract for the period covered is to be appended) :
6. Previous experience in the field, if any (The cargo and tonnage handled in the previous 3 years to be furnished) :
7. Amount of financial ability to meet the obligations on account of Wages Compensation under Workmen's Compensation Act etc. Solvency Certificate to be produced from the Bankers in Support of financial ability to the tune of minimum of Rs.10,00,000/- (Rupees Ten Lakhs Only) :
8. List of gears duly tested and certified to be furnished :
9. Whether the applicant has/is willing to have in his employment adequate staff with experience and conversant with Rules and Regulations (A list of the Staff and their experience to be furnished) :
10. Whether the applicant has cleared all the amounts, if any, on account of transactions he had with the Chennai Port Trust / Cargo Handling Division / Chennai Stevedores Association :
11. Whether the application fee has been remitted (Receipt for the payment to be attached) :
12. Whether the applicant has deposited towards Security Deposit a sum of Rs. Five Lakhs in Cash or any other acceptable security :

I affirm that the particulars given are true to the best of my knowledge.

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 Chennai Port Trust (Licensing of Stevedoring and Shore Handling) Regulations, 2017 and to comply with any other conditions and directions made by the Chairman from time to time, if the license is issued / renewed.

Place:

Date:

(Signature of Applicant)

N.B.:- The grant / renewal of license will be entirely at the discretion of the Chairman.

CHENNAI PORT TRUST (LICENSING OF STEVEDORING AND SHORE HANDLING) REGULATIONS 2017

'FORM – B'

CHENNAI PORT TRUST LICENSE FOR UNDERTAKING STEVEDORING AND SHORE HANDLING OPERATIONS AT CHENNAI PORT

1. Name of the licensee :
2. Address :
3. Period for which the license is granted :
4. Any other particulars required to be mentioned :
- 5.
- 6.
- 7.

Licensing Authority

Designation

Place

SEAL

CONDITIONS

1. The license is granted subject to the Provisions of the Major Port Trusts Act(1963) and the Chennai Port Trust (Licensing of Stevedoring and Shore Handling Operations) Regulations 2017. :
2. (Here print the conditions subject to which the license is given. Eg. The Duties and responsibilities enlisted In the Regulation 8 of the said Regulations) :

Administrative Office,
Rajaji Salai,
Chennai – 600 001.
23rd May 2017.

P. RAVEENDRAN,
Chairman,
Chennai Port Trust.