



**TAMIL NADU  
GOVERNMENT GAZETTE**  
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## Part III—Section 2

**Statutory Notifications and Orders issued by  
Heads of Departments.**

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**NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.**

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**NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.**

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**V.O.CHIDAMBARANAR PORT TRUST**

**V.O.Chidambaranar Port Trust (Licensing of Stevedores & Shore Handling Agents) Regulations, 2018.**

*(No.TRA-OFTBL-VSL-STEVE-V2-17-VOL-III (42540)D/1451)*

No. SRO C-16/2018.—

In exercise of the powers conferred by section 123 of the Major Port Trusts Act, 1963(38 of 1963), the Board of Trustees of V.O.Chidambaranar Port Trust hereby makes the following regulation, namely:-

**1. Short title and commencement.-** (1) These regulations may be called the V. O. Chidambaranar Port Trust (Licensing of Stevedores and Shore Handling Agents) Regulations, 2018.

(2) These Regulations shall come into force on the date of publication of the approval of the Central Government in the Official Gazette in pursuance of sub-section(1) of Section 124, read with sub-section(1) of Section 132 of the Major Port Trusts Act, 1963(38 of 1963).

**2. Application.-**

(1) These regulations shall be applicable for the following activities, namely:-

(a) Stevedoring and Shore Handling activities undertaken by the Port or by the licensed Stevedoring and Shore Handling agents or by any other agents under any other name;

(b) Stevedoring and Shore Handling by the Build Operate Transfer Terminal Operator as specified in the license agreement;

(c) The activities relating to Shore Handling 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 :

(2) No Agency shall undertake to perform the activities referred to in sub- regulation(1) 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 (38 of 1963) ;

(ii) The applicant shall be a company registered under Companies Act, 2013(18 of 2013) or a partnership firm.

(iii) "Board" means the Board of Trustees of the Port of V. O. Chidambaranar constituted under the Act ;

(iv) "Chairman" means Chairman of the Board;

(v) "Form" means the forms annexed to these regulations;

(vi) "Stevedoring" means loading and unloading and stowage of cargo in any form on-board the vessels in Port;

(vii) "Shore Handling" means arranging and receiving the cargo to or from the hook point, inter modal transport from Wharf to stack yard and vice versa and also receiving and delivering of cargo from or to wagons or trucks and

(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.-** (a) The application for issue of Stevedoring and Shore Handling Licence shall be made by an applicant in Form- A along with requisite documents.

(b) The Stevedoring and Shore Handling Licence shall be issued on the basis of royalty on the normative tariff fixed by Tariff Authority for Major Ports for handling of different cargo items, within the Port and this tariff shall be the ceiling tariff.

(c) The applicant may charge the rates from their Principals not exceeding the ceiling tariff fixed by Tariff Authority for Major Ports under clause (b).

(d) The financial standing of an applicant shall be able to meet the obligations on account of wage and compensation under the Workmen's Compensation Act, 1923 (8 of 1923), the Payment of Wages Act, 1936 (4 of 1936), the Industrial Disputes Act, 1947(4 of 1947), or any other law for the time being in force arising in regard to the workers and staff employed by such Agent.

(e) The applicant shall deposit a security deposit of five lakhs rupees which shall be refunded or discharged without interest after adjusting the claims, if any, when the licensee ceases to operate.

(f) The applicant shall undertake to have in its employment at least six supervisory personnel with minimum two years experience in cargo handling operations and their profiles have to be enclosed along with the application.

(g) The fee for issue or renewal of Stevedoring and Shore Handling License shall be fifty thousand rupees plus applicable taxes for the period of one year or part of a year.

(h) No applicant shall be allowed to work in the Port premises except under a license issued by the Chairman under these regulations.

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

**5. Validity and Renewal of Stevedoring and Shore Handling License.**-(a) The Stevedoring and Shore Handling license shall be valid for a period of three financial years from the date of issue.

(b) The daily performance report on capturing productivity achieved by the Stevedoring and Shore Handling agent in the Form – B shall be submitted by the Stevedoring and shore handling agent to the Traffic department online.

(c) The Chairman of the Port Trust shall review the performance of the Stevedoring and Shore Handling agent every month.

(d) Compliance of terms and conditions of the license issued to the agents, safety norms followed by the agents shall be monitored by Traffic Manager and a report in this regard to be submitted to the Chairman.

(e) Where the Traffic Manager finds any default on the part of Stevedoring and Shore Handling agent, he shall cause to issue a 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 by the Chairman.

(f) At the end of three years, the license shall be renewed on the basis of the performance reports referred to in clause (d).

(g) The application for renewal of Stevedoring and Shore Handling Services shall be made three months before the expiry of the existing license period.

(h) Delayed renewal applications shall not be accepted and the License shall expire on the expiry date.

(i) The application for renewal of Stevedoring and Shore Handling Services shall be made in the Form – A

(j) 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 issuing the renewal of the License

(k) If the Stevedore and Shore handling agent fulfils the required condition and is eligible for renewal but awaiting safety clearance before expiry of the license period, the Port may permit the Stevedoring operation by such agent on execution of Indemnity bond.

(l) 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.

(m) The renewal of the Stevedoring and Shore Handling Services License shall be valid for a period of three financial years from the date of renewal .

(n) 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 One Thousand rupees.

**6. Migration to the New Stevedoring and Shore Handling Scheme.-** The Stevedoring and Shore Handling Agent who have been issued license before the commencement of this regulation would be deemed to be considered as a licensee under this regulation:

Provided that any additional requirement to be satisfied by the licensee based on this regulation, shall be required to be fulfilled by the licensee within a period of one month.

**7. Change in the name, constitution, to be communicated.-(a)** Where the Stevedore Shore Handling is a partnership 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.

(b) Any change in the name, title or constitution of a firm or company holding a Stevedoring Shore Handling Licence shall be communicated to the Chairman forthwith.

(c) The partnership firm or company which has undergone 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.-(a)** The Tariff Authority for Major Ports shall notify the normative tariff for Stevedoring and Shore Handling activities based on a set of guidelines to be issued by Tariff Authority for Major Ports which shall be the ceiling tariff and in case of any change in role for Tariff Authority for Major Ports in future, the Board or the Competent Authority shall fix and notify the rates based on the same principles.

(b) All customers of V.O.Chidambaranar Port Trust shall be notified on the ceiling tariffs set for Stevedoring and Shore handling activities and the tariff shall be mandatorily displayed on the Port's official website.

(c) The Port shall appoint a nodal officer responsible for monitoring of Stevedoring and Shore Handling tariffs and such Officer shall be responsible for handling all complaints on violation of Stevedoring and Shore Handling ceiling tariff.

(d) The Port shall charge a royalty as the licence fee for the Stevedoring and Shore Handling licenses.

(e) The Port Trust shall fix a per Metric Tonne royalty rate uniformly to be paid by all licensees as fixed by the Board.

**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 Chairman, namely:-

(i) 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 Dock Workers ( Regulations of Employment ) Act, 1948 ( 9 of 1948), the Dock Workers (Safety, Health and Welfare) Scheme, 1961, the Dock Workers (Safety, Health and Welfare) Act,1986 ( 5 of 1986), the Industrial Dispute Act, 1947 (14 of 1947) and the payment of Bonus Act, 1965 (21 of 1965) Minimum Wages Act,1948 (11 of 1948) and rules, regulations and schemes issued there under, relating to such operations and for the time being in force ;

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

(iii) 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 ;

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

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

(vi) In event of any accident, Stevedore and Shore Handling Agent is liable to settle the claim as per the provisions of the Workmen's Compensation Act, (1923);

(vii) Whenever casual workers are deployed, the Stevedore and Shore Handling Agent shall ensure that such workers are covered by the insurance policy;

(viii) 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 ;

(ix) The Stevedore and Shore Handling Agent shall agree to refer any dispute or difference between the licensee and the V. O. Chidambaranar Port Trust as to the payment of compensation, its quantum or any connected question to a single Arbitrator nominated by the Chairman;

(x) The arbitration procedure shall be governed by the provisions of the Arbitration and Conciliation Act,1996 (26 of 1996);

(xi) The place of arbitration shall be Tuticorin;

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

(xiii) The Stevedore and Shore Handling Agent shall pay scheduled charges to Port in advance and in case of dues pending, the License shall not be renewed and liable to be cancelled;

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

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

(xvi) 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;

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

(xviii) 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 ;

(xix) The Stevedore and Shore Handling Agent shall make adequate arrangements for ancillary operations such as filling, stitching and breaking of cargo, stacking of cargo on-board or Shore;

(xx) 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;

(xxi) The Stevedore and Shore Handling Agent shall comply with all the instructions as may be issued from time to time by the Traffic Manager in the interest of safety, improved productivity and labour discipline;

(xxii) The Stevedore and Shore Handling Agencies shall publish their tariff along with break up on their web sites;

(xxiii) The Stevedore and Shore handling agencies should comply with all provisions of labour welfare laws strictly in accordance with the provisions of the laws and the rules, regulations and schemes made hereunder.

**10. Cancellation or 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 of the following reasons, namely:-

(i) The Chief Executive Officer of the Stevedore and Shore Handling Agency has been convicted by any 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 Agency is found to be charging higher than the ceiling tariff fixed for Stevedore and Shore Handling activities in the Port.

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

(iv) In case of violation of safety regulations and mandatory Dock Safety measures.

(v) In case of adopting improper and unsafe handling methods.

(vi) In case of misrepresentation or misstatement of material facts.

(vii) The Agency is adjudged insolvent or going into liquidation.

(viii) Transfer of the Stevedoring operations or subletting of the license to any other person.

(ix) In case of violation of security related rules and instructions code compliance.

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

(xi) In case of indulging in illegal or corrupt practices.

(xii) In case of non adherence to labour laws.

(b) No such license shall be cancelled or suspended under this regulation, as the case may be, until the holder of the license has been given a reasonable opportunity of being heard.

**11. Appeal.**-Any person aggrieved by any order relating to cancellation or suspension or refusal to issue licenses, may prefer an appeal in writing to the Chairman of the V.O.Chidambaranar Port or any other higher authority, as the case may be, within thirty days from the date of receipt of communication of the order of suspension or cancellation.

**12. Deployment of workers from Port/CHD/License Holder or outside.**-(a) Existing practice of deploying Port labour by Stevedoring and Shore Handling Services agents may continue and 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.

(b) No notional booking or levying of charges shall be made and agents shall not be levied any charges for labour, in case the Port Trust does not supply the labour.

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

**13. Performance Norms.**-(a) The Productivity norms for the Stevedore and Shore handling agents shall be calculated on the basis of "Berthing Policy for Dry Bulk cargo for Major Ports, 2016" as issued by the Ministry of Shipping.

(b) Performance based penalty and incentives shall be enforced in accordance with the "Berthing Policy for Dry Bulk cargo for Major Ports, 2016" issued by Ministry of Shipping.

(c) The monthly performance summary capturing productivity achieved by the respective agents shall be published on the Port's official website to ensure transparency to the Customers.

**14. Training, Use of Modern Technology.**-(a) 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.

(b) Specialised 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, the same shall be decided by the Board.

**FORM – A**

(see clause(a) of regulation 4  
and clause (i) of regulation 5)

**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 :

(a) I affirm that the particulars given are true to the best of my knowledge and belief.

(b) 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 V.O.Chidambaranar Port Trust (Licensing of Stevedoring and Shore Handling Agents) Regulations, 2018 and to comply with the directions made by the V.O.Chidambaranar Port Trust, from time to time, if the license is issued/renewed.

Signature of applicant and Seal





**Form-B**  
(see clause (b) of regulation 5)  
**V.O.CHIDAMBARANAR PORT TRUST**  
(TRAFFIC DEPARTMENT)  
**DAILY PERFORMANCE REPORT**

To  
The Traffic Manager,  
V.O.Chidambaram Port Trust.

Date :

Vessel Name LOA	CAS	Cargo/Qty. (in MT)	Norms	Load/Discharges	Stevedoring Agent	On date Performance (in MT)	Qty. Handled (in MT)		
							Prop. Norms	Upto date Performance (in MT)	Balance

Signature and Seal

Joint Secretary

U. RAJENDRAN,  
Traffic Manager.

Tuticorin,  
5th July, 2018.

## JUDICIAL NOTIFICATIONS

**Amendment to the Tamil Nadu Mediation Rules, 2010.***(R.O.C. No. 244-A/2018/TNMCC/HCT/MS)*

No. SRO C-17/2018.—

In exercise of the powers conferred by Section 122 of the Code of Civil Procedure, 1908 (Central Act V of 1908) and clause (d) of sub-section (2) of Section 89 of the said Code, the High Court of Madras hereby proposes the following further amendment to the Tamil Nadu Mediation Rules, 2010, as amended by Amendment to the said Rules made *vide* High Court's R.O.C.No.4711-A/2013/F1, and the same is hereby published as required by Section 122 of the Code for public information.

The Amendment hereby made shall be deemed to have come into force with effect from 23rd September 2010.

## DRAFT AMENDMENT TO TAMIL NADU MEDIATION RULES, 2010

To Rule 5(1)(a) of the Tamil Nadu Mediation Rules 2010, in addition to the existing Sub-clauses (i) to (iii). the following sub-clause (iv) shall be inserted:

*"(iv) Judicial Officers with atleast 10 years experience, which includes the years of standing at the Bar as Legal Practitioner."*

It is further notified that any suggestion or objection to the above said draft amendment may be forwarded to the undersigned within 30 days of the publication of this Amendment.

High Court, Madras,  
22nd June 2018.

R. SAKTHIVEL,  
*Registrar General.*