



सत्यमेव जयते

THE GAZETTE OF INDIA



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MINISTRY OF SURFACE TRANSPORT
(Ports Wing)
New Delhi

NOTIFICATION

New Delhi, the 1st March, 1988

G.S.R. 111(E) - In exercise of the powers conferred by sub-section (1) of section 121 read with sub-section (1) of section 132 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approve the Calcutta Port Trust (Licensing of Stevedores) Regulations, 1987, made by the Board of Trustees of Calcutta Port Trust in exercise of powers conferred on them by section 123 of the said Act and published in the Calcutta Gazette dated 17th December, 1987 and 24th December, 1987, as detailed in the Schedule annexed in this Notification.

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

SCHEDULE

CALCUTTA PORT TRUST NOTIFICATION NO.442

In exercise of the powers conferred under section 123 of the M.P.T. Act 1963 (Act 38 of 1963) and in supersession of all previous rules, regulations, bye-laws framed in this respect, except things done or omitted to be done under the said rules, regulations or bye-laws before such supersession, the Board of Trustees for the Port of Calcutta intends to make, subject to sanction of the Government of India the following draft regulation and the same is published hereunder as required under section 124 of the said Act.

1. **Short title and commencement.**-(1) These regulations may be called the "Calcutta Port Trust (Licensing of Stevedores) Regulations, 1987".

(2) They shall come into force on the date of their publications in the Official Gazette.

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 Calcutta as constituted under the Act;

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

(iv) "Form" means form annexed to these regulations:

(v) "Stevedores" means a person to whom a stevedoring licence has been given under regulation 3 and includes a person who is a stevedore by virtue of Regulation 11.

(vi) "Traffic Manager" means the Officer for the time being in charge of the Traffic Department of the Calcutta 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 Licence** (1) The Chairman may issue stevedoring licences for a 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 port 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.

4. **Production of evidence of stevedoring work done/capacity to do such work** :- (i) No licence for stevedoring be granted unless the applicant produces evidence :

(a) That he has maintained/would maintain the input/output norms of handling different commodities as may be laid down by the Board from time to time.

(b) That his financial standing to meet the obligations to the workers and staff employees on account of wage and compensation under the Workmen's Compensation Act, 1923, Payment of Wages Act, 1986. Industrial Disputes Act, 1947, or any other law for the time being in force; and makes a deposit of Rs.1 lakh in cash or by any other acceptable security which will be refunded/discharged after the termination/expiry of the licence.

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

(d) That the applicant shall pay a licence fee of Rs.4,500/- before the licence is issued or renewed. Every licensed stevedore shall deposit a sum of Rs.5,000/- 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.

(e) That he shall also produce a bank guarantee for Rs.1 lakh, so as to meet any contingency.

Note: The vessel owners, vessel operators, steamer agents and importers and exporters would also 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 and notifications issued thereunder, the Industrial Disputes Act, 1947, the Payment of Bonus Act, 1965, and rules, regulations and schemes issued thereunder, relating to such operations and 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 operations 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 Board has to pay compensation to any of its employees or workers or his dependents under the provision of the Workmen'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 the Stevedore;

(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 after carrying out a proper enquiry;

* (h) - The Stevedore shall agree to refer any dispute or difference between him and the Calcutta Port Trust as to the payment of compensation, its quantum or any related question to an Arbitrator of his choice from the panel of Arbitrators maintained by Calcutta Port Trust.

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

*(j) He shall submit promptly any information relating to the stevedoring activities or matters related therewith asked for by by the Port Trust or any Officer as may be authorised by the Chairman of the Port from time to time.

*(k) - He shall ensure that all dues of the Port Trust Board are paid within the appointed dates, failing which his licence may 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 when ever 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 vessels;

(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 Federations 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 instruction as may be issued from time to time by the Traffic Manager in the interest of safety, improved productivity and labour discipline.

6. **Application for grant/renewal of licence** :- (1) The application for grant or renewal

of a stevedoring licence shall be made in Form-A to the Chairman.

(2) The applicant shall pay a licence fee of Rs.4,500/- before the licence is issued or renewed. Every licensed stevedore shall deposit a sum of Rs.5,000/- 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 cases operate after adjusting the claims, if any, of the Board.

(3) Every licence granted or renewed under these regulations shall be in Form - 'B'.

**4) - The application for renewal of stevedoring licence shall be made at least 60 days before the expiry of the licence. If the application for renewal is not received within the stipulated period of 60 days such applications may be accepted on payment of Rs.50 by the Chairman:

Provided that the application for renewal together with the late fee is received by the Chairman 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 made to the Chairman on payment of rupees one hundred.

**6(A) - Before the renewal of licences, a report as regards safety performance and compliance of Dock Safety Statutes shall be obtained from the 'Inspector' as defined in the Dock Workers (Safety, Health and Welfare) Act, 1986 and the same shall be taken into consideration for granting such renewal.

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 or Partners, as the case may be with a copy of the document in support of the such change.

(2) Any change in the name, title or constitution of a 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 new licence;

Provided that the Chairman may allow such 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 Chairman 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. ****1) - Cancellation Suspension, Refusal to Renewal of Licence :**

(1) The Chairman may at any time suspend for such period as he may deem fit, or cancel the licence issued to a stevedore or refuse to renew the licence for violation of any of

the terms of the licence or for any of 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) Misrepresentation or misstatement of material facts.
- (vi) The stevedore being adjudged 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 misconduct which in the opinion of the Chairman warrants such cancellation or suspension or non-renewal.

9 ******(2) - No Stevedoring Licence shall be cancelled or suspended or refused to be renewed until the stevedore has been given a reasonable opportunity for showing cause why his licence should not be cancelled or suspended or refused to be renewed and reasons for such cancellation or suspension or non-renewal have been recorded.

10. **Appeal**:- (1) Any person aggrieved by the order of the Chairman granting or refusing to grant a licence or renewing or refusing to renew a licence and suspending a licence may prefer an appeal in writing to the Central Government within 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 sub-regulation (1), an 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 the Regulations, stevedoring licences which may be in force on the date of issue of these regulations shall, be deemed to have been issued under these regulations and shall continue to be valid till the expiry of the period of such licences.

12. **Repeal** :- Byelaws No 4A of Byelaws of the Port of Calcutta is hereby repealed.

*Substituted vide First Amendment Regulations.

**Substituted/inserted vide Second Amendment Regulations.

Note: The Calcutta Port Trust (Licensing of Stevedores) Regulations, 1987 was notified in The Gazette of India Extraordinary by the Central Government vide GSR No.111(E) dated the 1st March, 1988 and was amended vide GSR Nos. 476(E) dated the 23rd June, 1993 and GSR 88(E) dated 13th February 1996

CALCUTTA

APPLICATION FORM FOR THE GRANT/RENEWAL OF STEVEDORING LICENCE

To

The
Chairman,
Calcutta Port Trust.

1. Name of the applicant -----

2. Whether Individual, firm or Company -----
(Article of Partnership/Company to be produced)

3. Full Address -----

4. Year/s for which licence is required: -----

5. Name/s of the Steamship Company/Charterer of -----

Ships/Owner of Cargo, with whom the contract for stevedoring -----

their vessels/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 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. (a certificate from the Bankers as to the financial ability
and Income Tax clearance Certificate to be produced)
8. Whether the applicant has/is willing to acquire adequate gear -----
for stevedoring the contracted vessel/cargo?
(List of gear with necessary certificate 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 be had with the Port Trust?
11. Whether the licence fee and the earnest money deposit has been -----
-
made? (The receipt for the payment is to be attached. The licence
fee and the deposit will be refunded if the licence is not issued/
renewed).

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

I agrees to furnish any other information/produce any record for inspection as may be required to consider the request for grant of licence.

I agree to abide by the Calcutta Port Trust (Licensing of Stevedores) Regulations, 1987, and to comply with the directions made by the Calcutta Port Trust, from time to time, if the licence is issued/renewed.

Place :

Signature of applicant

Date:

FORM 'B'

Licence for undertaking stevedoring operations at the Port

- 1. Name of the Licencee -----
- 2. Address -----

- 3. Period for which the licence is granted -----
- 4. Any other particulars required to be mentioned -----
- 5. -----

- 6. -----

- 7. -----

Licensing Authority -----

Designation -----

SEAL

Place -----

CONDITIONS

- 1. This licence is granted subject to the provisions of the Major Port Trust, Act. 1963 and the Calcutta Port Trust (Licensing of Stevedores) Regulations, 1987.
- 2.

3.

(Here print the conditions subject to which the licence is given e.g. the duties and responsibilities : enlisted in Regulation 5 of the draft Regulations.

Trustees

By Order of

P.N. SEN, Secy.

[F. No. PR-21011/3/87-

P.G.]

YOGENDRA NARAIN,

Jt. Secy.
