MUMBAI PORT TRUST DOCKS

BOMBAY PORT TRUST (LICENSING OF STEVEDORES AND ALLIED MATTERS) AMENDMENT REGULATIONS, 1989.

In exercise of the powers conferred by sub section (i) to (o) of section 123 of the Major Port Trusts Act, 1963 (Act-38 of 1963) the Board of Trustees of the Port of Bombay hereby make the following amendment regulations, the same having been previously published twice as required under sub-section 2 of section 124 of the said Act and having been approved by the Central Government as required by sub -section (1) thereof, namely,

(1) SHORT TITLE:

These regulations may be called Bombay Port Trust (Licensing of Stevedores and Allied Matters) Amendment Regulations, 1989.

(2) They shall come Into force on the day on which the Central Government's approval thereto shall be published in the official gazette.

(3) DEFINITIONS:

In these regulations, unless the context otherwise requires -

(ii) “Board” means the Board of Trustees of the Port of Bombay as constituted under the Act.
(iii) “Chairman” means Chairman of the Board of Trustees.
(v) “Docks Manager” means the officer for the time being in charge of Docks Department and includes the Additional Docks Manager, the Deputies and Assistants to the Docks Manager and any other Officers acting under the authority of the Docks Manager.
(vi) “Stevedore” means a person to whom a stevedoring licence has been given under regulation 4 and includes a person who is a stevedore by virtue of Regulation 15.

(4.1) The Chairman may, on application, issue stevedoring licence for a period of two years or such shorter period as he may consider proper, to companies, firms or individuals 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 stevedoring In the Port.

(4.2) No stevedore shall be allowed to work on board any vessel in the Port except under such licence.

(4.3) No licence to work as a stevedore shall be granted unless the applicant -

(a) Produces evidence that a Shipping Company/Charterer of Ship/Owner of cargo be prepared to enter into a contract for stevedoring with him.
(b) Produces evidence that lie has maintained/would maintain the input/output norms of handling different commodities as may be laid down from time to time.
(c) The vessel owners/vessel operators/steamer agents and importers and exporters would also be eligible for grant of licence.
(d) Produces proof of his financial stability to meet the obligation to labour and staff employed on account of wages and compensation under Workmen's Compensation Act, 1923, the payment of Wages Act, 1936, the Industrial Dispute Act, 1947 and/or any other law in force at that time.

(e) Undertake to have in his employment such minimum qualified staff and have in his possession such minimum gear and equipment as may be specified by the Board from time to time.

(f) Produces a Bank Guarantee for Rupees One Lakh so as to meet any contingency.

(5) **DUTIES AND RESPONSIBILITIES OF A STEVEDORE**:

During the currency of a stevedoring licence issued by the Chairman the following obligations and responsibilities shall be fulfilled by the Stevedore, viz.

1. He shall be responsible for the due observance and performance by all staff and labour employed by him during the operation of landing and shipping or transshipping goods or work incidental thereto of the provisions in all the relevant acts, rules, regulations and orders relating to such operations for the time being in force.

2. He shall ensure that all such operations conform in all respects to the requirements prescribed by or under the Indian Dock Labourer's Act, 1934 (29 of 1934). The Dock Workers (Regulations of Employment) Act, 1948 (9 of 1948) the rules and regulations and schemes framed thereunder or any other law in force from time to time.

3. Such operations shall be carried out with his own gear, or gear arranged by him.

4. He shall be solely responsible for any accidents of damage resulting from the use of defective gear.

5. He shall comply with all accepted safe practices in relation to such operations.

6. He shall indemnify the Board against all third party claims arising out of such operations.

7. Whenever the Board has to pay compensation to any of its employee or workman or his dependents under the provisions of the Workmen's Compensation Act, in consequence of any accident arising out of and during the course of work performed by a stevedore or any employees or workers employed by him for the time being, the stevedore shall reimburse the Board any sum so paid. For such purpose, the amount of the compensation as determined under the Workmen's Compensation Act shall be taken as binding and conclusive as between the Board and the Stevedore.
8. If any gear, plant or other property of the Board is damaged in the course of any such operation, the stevedore shall compensate the Board for such loss or damage, the extent of such compensation being decided by the Chairman.

Note: For the purpose of sub-regulation 7 above, the term employee or worker shall include a registered or casual worker of the Dock Labour Board.
9. Every stevedore shall employ at least one experienced Foreman and Tindal to superintend the loading or unloading of cargo or bunkering of coal or fuel at each hatch-way at which loading/unloading or bunkering is being carried on. The Tindal shall supervise the slinging or unslinging of goods in the hold and whenever a vessel is loading cargo in between decks alone, shall see that the between-deck hatches that are provided with cross beams and fore and aft beams have all such beams fixed in their proper places, and that the hatch covers are properly put on and effectively secured to prevent their displacement before commencing the work; the Foreman shall remain on deck and see that the crane chain is not taken out of the square of the hatch-way, and that the hook does not catch the coamings or foul any of the ship's gear or damage any structure or erection ashore. The Foreman shall give correct signals to the crane driver and shall superintend the taking off and putting on the beams and hatch covers and shall see that persons keep out of danger on deck and do not stand under any hoist. It shall also be the duty of the Foreman when work is stopped for the day or night, to search and satisfy himself that no one is remaining in the hold and the stevedore shall be solely responsible to the owners of the ship and to the Board in the event of any injury or damage being caused to any person or property in the course of loading, unloading or bunkering operations.

10. The stevedore shall submit promptly any information asked for by the Chairman or the Docks Manager from time to time.

11. The stevedore shall ensure that all the dues of the Board and the Dock Labour Board are paid on the appointed dates. His licence shall not be renewed unless such dues have been settled in full.

12. He shall provide for adequate supervision over the workers employed by him in order to ensure that maximum productivity is ensured consistent with requirements of safety.

13. He shall provide all the gears, equipment, (dually tested and found suitable for the various types of cargoes) protective equipments and safety appliances required for the various types of cargo and produce all items and gears for inspection with necessary annealing and test certificates periodically or when demanded by the Inspector, Dock Safety, or any officer of the Docks Department or the Dock labour Board.

13a. He shall provide the workers necessary protective safety appliances appropriate for type of cargo.

14. He shall ensure that the workers are available at the work spot throughout the shift period, except during the recess hours and render the normal output of approved standards as prescribed by the Board or the Dock Labour Board.

15. He shall take Immediate and effective steps to Improve the performance whenever the output falls below the prescribed standards.
16. He shall make adequate arrangements, for ancillary operation such as filing, stitching and breaking of cargo, stacking of cargo, storage of cargo, etc. on board vessels.

17. He shall handle such tonnage during a specified period as may be prescribed by the Board from time to time.

18. He shall be regular in payment of his contribution to the Provident Fund in accordance with the Bombay Dock Labour Board’s Employees Provident Fund Rules and in payment of dues to the Labour. He shall not infringe any rules relating to the hiring of labour from the said Board.

19. He shall undertake to pay the workers engaged by him wages in accordance with the terms of wage settlement arrived at between the appropriate authority and the Federations of Port and Dock Workers from time to time.

20. 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 prior approval in writing of the Chairman.

6) The application form grant/renewal of a stevedoring licence shall be made in Form 'A'. Form 'A' attached.

(i) The applicant shall pay a licence fee of Rs.4500 or such fee as may be decreased by the Chairman from time to time before the licence is issued or renewed. Every licenced stevedore shall deposit a sum of Rs.5000 as Earnest Money for the proper performance of the work permitted under the licence. The Earnest Money shall not carry any interest and will be refunded when the licence ceases to operate after adjusting claims, if any, to the Board.

(ii) Applications for renewal of the licence shall be made at least three months before the expiry of the licence. If an application for the renewal is not received within the stipulated period, the application may be accepted on payment of a late fee of Rs.50 for each day of delay, or such fee as may be prescribed by the Chairman from time to time, provided the application for renewal, together with such late fee is received by the Docks Manager before the actual date of expiry of the licence.

(iii) In the event of loss or defacing of the original licence, the stevedore may apply to the Docks Manager for a duplicate licence on payment of Rs. 100.

7) The stevedore shall comply with such instructions as maybe issued from time to time by the Docks Manager in the interests of safety, improved productivity and labour discipline.

8) The stevedore shall not make payment of any illegal certification by whatever name called or any form of Illegal Inducement to any worker.
(a) Any firm or company holding a stevedoring licence shall immediately communicate to the docks Manager any change in Director, Managing Director or Partners as the case may be.
(b) Any change in the name title or constitution of a firm or a company holding stevedoring licence shall be communicated to the Docks Manager forthwith. The firm or company undergoing such change shall submit a fresh application for the grant of licence provided that the Docks Manager may with the sanction of the Chairman allows the firm or company to carry on business till such time as a decision is taken on such fresh application. The fresh licence required to be issued, in such cases, will, however, attract the same charges as are payable for the Issue of a new licence.

(10) The Chairman shall report any violation of the terms and condition of the stevedoring licence by the stevedore to the Government and may pending enquiry, suspend for a period not exceeding three months, licence issued to the stevedore if he finds it expedient and necessary to do so in the interest of the Port.

(11) The Chairman may at any time suspend for such a period as he may deem fit or cancel the licence Issued to stevedore for violation of any of the terms of licence or for any of the reasons listed below.

(i) Violation of safety precautions,
(ii) Low Productivity
(iii) Lack of supervision over the stevedoring work.
(iv) Improper and unsafe handling of packages.
(v) Misrepresentation or mis-statement of facts.
(vi) Stevedore being adjudged insolvent or going in liquidation causing obstruction to any work in the Port.
(vii) Subletting to any other individual or party.
(viii) Making payment of illegal gratification by whatever name called or in form of illegal inducement to the workers; and
(ix) Misconduct which in the opinion of the Chairman warrants such cancellation or suspension.

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

(12) A licence shall be cancelled, if after the grant thereof it is discovered that the application for licence contained any misrepresentation of material facts or if the licencee shall have been adjudged insolvent or shall have gone into liquidation, as the case may be.

(13) Upon these regulations coming into force the Docks Bye Law Nos.66, 66A and 67 of the Bombay Port Trust Docks Bye Laws shall stand repealed

14) APPEAL:

1. Any person aggrieved by any order under these regulations may prefer an appeal, in writing to the Central Government within thirty days of the communication of the 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.

(15) Notwithstanding anything contained in these Regulations, Stevedoring licence may be in force on the date of Issue of these Amendment 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
FORM ‘A’
MUMBAI PORT TRUST – DOCKS

APPLICATION FORM FOR THE GRANT / RENEWAL OF STEVEDORING LICENCE

1. Name of the firm/individual : 
   (Article of Ownership / partnership to be produced for the grant of fresh licence)
2. Full Address :
3. Year/s for which licence is required :
4. Whether the applicant has entered into contract with a steamship company for stevedoring the vessels calling at this Port (Proof of contract for the period to be produced):
5. Financial ability (Proof of financial ability to meet the obligations to labour on account of wages and compensations under Workermen’s Compensation Act etc. from their Bankers to be produced in the case of the grant of fresh licence):
6. Whether the applicant is willing to acquire / maintaining minimum gear (in the case of renewal) prescribed under the Regulations (list of minimum gear furnished. Details of gear maintained shall be furnished in case of renewal):
7. Whether the applicant is willing to employ has in his employment (in the case of renewal) such minimum staff prescribed under the Regulations (minimum requirement of staff furnished in the list attached. Details of staff employed shall be furnished in the case of renewal):
8. Previous experience in the field (Not applicable in the case of renewal of licence):
9. Whether the applicant has cleared all the dues, if any, on account of transactions he had with the Bombay Docks Labour Board / Bombay Stevedores Association. (Proof of clearance certificate to be produced)

10. Whether licence fee has been paid? If so, the receipt should be produced (payment of licence fee in case of renewal shall be made in advance under the Rules)

I agree to pay on advice the fees for the grant of fresh stevedoring licence prescribed therefore.

If the licence is granted/renewed, I will abide by the Regulations, Rules and Conditions as may be prescribed or comply with any other directions from time to time by the Board of the Bombay Dock Labour Board.

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SIGNATURE OF THE APPLICANT

Date:
Station:

NB:
(a) The applicant shall furnish/produce any other information or records as may be required by the Board to consider his request for the grant of licence.
(b) The grant of licence will be entirely at the discretion of the Board.
(c) The applicant should fulfill the requirements at items (6) and (7) before the grant of the licence.
(d) While applying for the grant of fresh licence or for renewal of licence, the applicant may strike off the words/lines whichever not applicable.

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