

**THE RULES AND REGULATIONS FOR ISSUE / RENEWAL OF
STEVEDORING LICENCE ARE FOLLOWS**

**PORT REGULATION FOR ISSUE OF STEVEDORING
LICENCE:**

1. **SHORT TITLE AND COMMENCEMENT :**
 - (i)These regulations may be called the Mormugao Port Trust (Licensing of Stevedores) Regulations, 1987.
 - (ii)They shall come into force on the date the approval of the Central Government of these regulations is published 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 Mormugao as constituted under the Act;
 - (iii)'Chairman' means the Chairman of the Board;
 - (iv)'Form' means annexed to these regulations;
 - (v)'Stevedores' means a person to whom stevedoring license 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 Mormugao 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 licenses 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, transhippers and any other work involved in the Stevedoring of vessels, within the Port.
 - (2)No Stevedores shall be allowed to work on board any vessel in the Port except under a license issued by the Board under these regulations.

4. **PRODUCTION OF EVIDENCE FOR ISSUE OF STEVEDORING LICENCE:-**

No Licence for stevedoring be granted unless the applicant produces evidence for:

 - (a)That he 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 employed on account of wage and compensation under the Workmen's Compensation Act, 1923 Payment of Wages Act, 1936, Industrial Disputes Act, 1947 or any other law for the time being in force and makes a deposit of rupees one lakh in cash or 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 licenced 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. 1.00 lakh so as to meet any contingency.

NOTE: The vessel owners, vessel operators, steamer gents and importers and exporters would also be eligible for grant of a licence.

5. **DUTIES AND RESPONSIBILITIES OF STEVEDORES:**

Every Stevedore, shall be subject to the following duties, obligations and responsibilities during the currency of stevedoring license issued to him by the Board, 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 Indian Dock Labourers Act 1934 the Indian Dock Labourers Regulations, 1948, the Dock Workers (Safety, Health and Welfare) Scheme, 1961 and notifications issued thereunder, the Industrial Disputes Act, 1947, the payment of Bonus Act, 1965, and Rules, Regulations and Schemes issued thereunder for the time being in force;
- b. he shall carry out the operations with his own gear arranged 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 of his dependants under the provisions 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 and for such purpose the amount of the 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 Board is damaged in the

- course of any such operation, the Stevedores 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. he shall agree to refer any dispute or differences between him and the Mormugao Port Trust as to the payment of compensation, its quantum or any connected question to sole Arbitrator nominated by the Port Trust/Board;
 - i. he shall be responsible to employ at least one experience person to supervise in every vessel in respect of which he has undertaken the stevedoring operations;
 - j. he shall be responsible to ensure that such supervisor supervises the slinging or unslinging of goods in the hold, in between decks, in between docks that are provided with cross pins and fore and aft beams for 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 work and also ensure that the crane chain is not taken out of the square of the hatchway and that the hook does not catch comings or foul any of the aspects of the gear or damage any structure or erection ashore;
 - k. he shall submit promptly any information asked for by the Chairman or the Traffic Manager from time to time;
 - l. he shall ensure that all the dues of the Mormugao Port Trust and Mormugao, Dock Labour Board are paid on the appointed date, failing which his licence shall not be renewable and be liable to be cancelled under these regulations.
 - m. he shall provide for adequate supervision over the workers employed by him in order to ensure maximum productivity consistent with the requirements of safety;
 - n. he shall provide all the necessary gear, equipment duly tested for the respective type of cargo;
 - o. he shall produce gear, equipment, with necessary annealing and test certificates, for inspection periodically or whenever demanded by the Inspector, Dock Safety or the Traffic Manager;
 - p. he shall provide the workers necessary protective safety appliances appropriate for the type of cargo;
 - q. he shall get the work of stevedoring done only through his own staff and the staff and workers drawn from the Mormugao Dock Labour Board;
 - r. he shall ensure that the workers are available at work site through out the shift period and render the optimum output and shall take effective steps to improve the performance, whenever output falls below normal;
 - s. he shall make adequate arrangements for ancillary operations such as filling, stitching and breaking of cargo, stacking of cargo, stowage of cargo on board the vessel;
 - t. 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;
 - u. 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;
 - v. he 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. save as otherwise provided in these regulations, the Stevedore shall comply with the provisions of the Major Port Trusts Act 1963, Indian Ports Act, 1908 and Rules and Regulations framed there under.

6. APPLICATION FOR GRANT/RENEWAL OF LICENCE:

1. The application for grant or renewal stevedoring licence shall be made in Form-A to the Traffic Manager
2. The Applicant shall pay licence fee of Rs.4,500/- before the licence is issued or renewed. Every licence 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. The earnest money shall be liable to be forfeited for breach of all or any of the terms and conditions of the licence or for breach of all or any of the provisions of these regulations.
3. Every licence granted or renewed under these regulations shall be in Form 'B'.
4. The application for renewal of stevedore licence shall be made at last one month before the expiry of the licence. If application for renewal is not received within the stipulated period of one month, such applications may be accepted on payment of Rs.50/- by the Board, provided that the application renewal together with the late fee is received by the Traffic Manager before the actual date of expiry of the licence.
5. The Stevedore shall produce a Bank Guarantee for Rs. 1.00 lakh so as to meet any contingency.
6. In the event of loss or defacing of the Original licence a duplicate licence to be obtained on an application made to the Traffic Manager on payment of rupees one hundred.

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

1. Where the Stevedore is a firm or a company it shall immediately be communicated 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 firm or a Company holding a stevedoring licence shall be communicated to the Chairman forthwith. The firm 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 decision is taken on such fresh application.

8. POWER OF CHAIRMAN TO SUSPEND A LICENCE PENDING INQUIRY:

The Chairman shall take decision in the matter of any violation of the terms and conditions of the stevedoring licence by the Stevedore. The Chairman, pending inquiry, may suspend the licence issued to a stevedore for a period not exceeding three months if he finds it expedient and necessary to do so in the interest of the Port.

9. **SUSPENSION OF LICENCES:**

(1)The Chairman may at any time suspend for such period as it may deem fit or cancel the licence issued to a stevedore for violation of any of the terms of the licence or for any of the reasons listed below:-

- (i)Consistent violation for safety precautions.
- (ii)Consistent low productivity,
- (iii)Consistent lack of supervision over stevedoring workers,
- (iv)Consistent improper and unsafe handling of packages,
- (v)Miss-representation or miss statement of material facts,
- (vi)On the stevedore being adjudged insolvent or has gone into liquidation,
- (vii)Causing obstruction to any work in the Port,
- (viii)Sub-letting of work to any other individual or parties,
- (ix)Any mis-conduct which in the opinion of the Board warrants such cancellation or suspension.

(2)No stevedoring licence shall be cancelled or suspended until the stevedore has been given a reasonable opportunity for showing cause why his licence should not be cancelled or suspended and recording of reasons for such cancellation or suspension.

10. **APPEAL:**

1. Any person aggrieved by the orders of the Chairman granting or refusing to grant a licence or renewing or refuse to renew a licence or suspending a licence may prefer an appeal in writing to the Central Government within 30 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 satisfied the Central Government that he had sufficient cause for not making an application within such period.
11. Notwithstanding anything contained in these 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:**

(1)On coming into force of these Regulations so much any regulations in force for the purpose in Mormugao Port as related to the matters covered by these regulations shall stand repealed.

(2)Notwithstanding such repeal anything done or any action taken under such regulations shall in so far as such thing or action is not inconsistent with the provisions of these Regulations to be deemed to have been done or taken under the provisions aforesaid as if they were in force when such thing was done or such action was taken and shall continue in force accordingly.

FORM 'A'
MORMUGAO PORT TRUST
Traffic Department

To,
The Traffic Manager,
Mormugao Port Trust.

Application form for the Grant/Renewal of Stevedoring Licence, for the period of two years.

1. Name of the applicant:
2. Whether individual, firm or Company:
3. Full address:
4. 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:
5. Previous experience in the field:
(The cargo and tonnage stevedored in the previous 3 years to be furnished).
6. Amount of financial ability to meet the obligations on account of wages, compensation under Workman's Compensation Act etc. (A certificate from the Bankers as to the financial ability and Income Tax Clearance Certificate to be produced):
7. 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):
8. Whether the applicant has cleared all the bills, if any, on an account of transaction he/they had with Mormugao Port Trust, Dock Labour Board and the Labour engaged directly through the contractor for cargo handling operations. (Proof of clearance/certificate to be produced):
9. Whether the licence fee has been paid. If so, a receipt should be produced:

We affirm that the particulars given are true to the best of my knowledge and belief):

We agree to furnish any other information/produce any record for inspection as may be required, to consider the request for grant of licence:

We agree to abide the Mormugao Port Trust (Licensing of Stevedores) Regulations, 1986 and to comply with the directions made by the Mormugao Port Trust from time to time, if the licence is issued/renewed:

Place:

Dated:

applicant.

Signature of the

FORM 'B'
MORMUGAO PORT TRUST
Traffic Department

Licence for undertaking stevedoring operations at the Mormugao Port.

1. Name of the Licence:
2. Address:
3. Period for which the licence is granted:

Requirement of the application/ documents for issue of the Licences

I) **Applicant for stevedoring licence has to furnish his application in the prescribed form 'A' alongwith the following documents:**

1. Company's profile (Should accompanied by company's registration, experience in the field etc.)
2. Copies of Income tax Returns filed for the last 2 years.
3. Letter from the steamship company/Charter or ships/owner of cargo, with whom the contract for handling cargo subsists on is proposed to be entered.
4. A Certificate from your Banker regarding financial standing to meet the obligation to the workers & staff employed on account of wage and compensation under the workmen's compensation.
5. Undertaking stating that you have in your employment such minimum staff.
6. Experience certificates, if any. (in other ports etc., tonnage handled statement)

Upon approval by Chairman for issuing licence, the below mentioned documents have to be submitted by the applicant.

1. 2 Bank Guarantees of Rs. 1.00 lakh each, valid for licencing period of 2 years(format will be provided by this office) issued by a Nationalised Bank.
 - a) to meet against any financial obligation on account of wage & compensation under workmen's compensation Act, 1923.
 - b) to make good of the loss occurring due to any contingency.
2. Minimum gears (List of gears alongwith test certificate.)
3. Payment of licence fees of Rs.4500/-
4. Payment of E.M.D. Rs.5000/-

**DOCUMENTS TO BE FURNISHED FOR RENEWAL OF STEVEDORING
LICENCE**

Applicant has to furnish his application in the prescribed form 'A' alongwith the following documents:

1. 2 Bank Guarantees of Rs. 1.00 lakh each, valid for licencing period of 2 years.
 - a) to meet against any financial obligation on account of wage & compensation under workmen's compensation Act, 1923.
 - b) to make good of the loss occurring due to any contingency.
2. Copies of Income tax Returns filed for the last 2 years.
3. A Certificate from your Banker regarding financial standing to meet the obligation to the workers & staff employed on account of wage and compensation under the workmen's compensation.
4. Undertaking stating that you have in your employment such minimum staff.

5. Receipt of payment of licence fee of Rs. 4,500/-
6. List of gears alongwith test certificate and undertaking thereof.
7. NO Dues Certificate from CDC/FA &CAO
8. NO Dues Certificate from CHLD/MPT
9. Safety Performance Report for obtaining NOC from Dock Safety.