

VISAKHAPATNAM PORT TRUST
Licensing of Stevedores and allied matters Regulations - 1967

MINISTRY OF SURFACE TRANSPORT

(Ports wing)

NOTIFICATION

New Delhi, the 29th February, 1988

G.S.R. 105 (E) -- In exercise of the powers conferred by sub section (1) of section 124 read with sub-section (1) of section 132 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves the Visakhapatnam Port Trust (Licensing of Stevedores and Allied matters) Regulations, 1987, made by the Board of Trustees of Visakhapatnam in exercise of powers conferred of them by section 123 of the said Act and published in the Andhra Pradesh Government Gazette dated 24th December, 1987 and 31st December, 1987 as detailed in the schedule annexed to this Notification.

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

SCHEDULE

THE VISAKHAPATNAM PORT TRUST (LICENSING OF STEVEDORS AND ALLIED MATTERS) REGULATIONS, 1967

DRAFT NOTIFICATION

In exercise of the powers conferred by Sub-sections (1) to (o) of Section – 123 of the Major Port Trusts Act, 1963 (Act 38 of 1963), the Board of Trustees of the Port of Visakhapatnam hereby makes the following Regulations subject to the approval of the Central Government, for licensing of Stevedores, and the same having been pre-published in the Andhra Pradesh Gazette as, required under Section 124 of the said Act, namely:-

1. (i) Short Title – These Regulations may be called “The Visakhapatnam Port Trust (Licensing of Stevedores and Allied Matters) Regulations, 1987”.
- (ii) They shall come into --- with effect from the date of, final publication in the gazette.
2. Definitions - In these Regulations, unless the context otherwise requires-
 - (i) “Act” means the Major Port Trusts Act, ‘ 1963.
 - (ii) “Board” means the (Major) Board of Trustees of the Port of Visakhapatnam as constituted under the Act.
 - (iii) “Chairman” means Chairman of the “Board”.
 - (iv) “Dock Labour Board” means the Visakhapatnam Dock Labour Board” constituted under the Dock Workers (Regulations of Employment) Act, 1948 (Act 9 of 1948).
 - (v) “Form” means form annexured to these Regulations.
 - (vi) ‘Port’ means Visakhapatnam Port.
 - (vii) ‘Port Trust means Visakhapatnam Port Trust.
 - (viii) ‘Stevedore’ 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 Regulation11.
 - (ix) “Traffic Manager” means the Officer of the Visakhapatnam Port Trust for the time being in charge of the Traffic Department and includes the Deputies and Assistants to the Traffic Manager and any other Officers 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 Stevedores 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 – No licence to work as a stevedore shall be granted unless the applicant:-

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

(b) Produces evidence of his financial standing to meet the obligations to the labour, workers and staff employed on account of wages 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 Rs. One Lakh in cash or any other acceptable security which will be refunded / discharged after the termination / expiry of the licence and that he shall also produce a Bank Guarantee for Rs. One Lakh in the Prescribed proforma of the Board valid during the currency of the licence so as to meet any contingency.

(c) Undertakes to have in his employment such minimum staff and have in his possession such minimum gear as may be prescribed by the Chairman for under taking stevedoring efficiently.

NOTE:- The vessel owners, vessel operators, steamer agent 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 labour / 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, the Dock Workers (Regulations f Employment) Act, 1948 (9 of 1948) the Rules and Regulations framed there under, the Industrial Disputes Act, 1947, the payment of Bonus Act, 1965, and Rules, Regulations and Scheme issued there under, relating to such operations and for the time being in force.

(b) He shall carry out the operations with the gear owned or hired by him.

© 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.

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(f) Whenever the Board has to pay compensation to any employee or his dependants under the provision of Workmen's Compensation Act in consensus of any accident arising out of, 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 as conclusive between the Board and Stevedore.

(g) If any gear, Plant and other property of the Port Trust Board is demand in the course of any such operations, the Stevedore shall compensate the Board to such loss or damage, the extent of which shall be decided by the Chairman after carrying our a proper enquiry.

NOTE: For the purpose of Sub- Regulations (f) and (g) referred to above the term employee or worker shall include the Registered or casual worker of the Dock Labour Board.

(h) He shall agree to refer any dispute or difference between him and the Visakhapatnam Port Trust as to the payment of compensation, its quantum or any connected question to an Arbitrator nominated by the Chairman.

(i) He shall be responsible to employ at least one experienced person viz., foreman to supervise in every vessel in respect of which he has undertaken the stevedoring operations.

(j) He shall submit promptly any information asked for / by the Chairman or any officer of the Board from time to time.

(k) He shall ensure that all the dues of Port Trust Board and Dock Labour Board are paid on the appointed dates, failing which his licence shall not be renewal and be liable to be cancelled under these regulations.

(l) We shall provide for adequate supervision over the workers employee by him in order to ensure maximum productivity consistent with the requirement 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 an dust certificate for inspection periodically are whenever demounted by the Inspector, Dock Safety or the Traffic Manager or Dock Labour Board. He shall be in possession of the minimum gear as may be prescribed by the Chairman from time to time.

(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 work site throughout the shift period, except during the recess hours and render the normal output as prescribed by the Dock Labour Board 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, storage of cargo etc., on board the vessels.

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- (r) (i) He shall undertake to pay to workers engaged by him wages and allowances 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.
- ii) He shall ensure that the early time rate wage of the casual workmen is any, employed by him should be fixed according to the minimum of revised scales applicable to the respecting categories or on the existing patterns whichever is better.
- (s) He shall not assign, transfer or in any manner with any interest or benefit in or under the to any other person without the prior approval in writing of the Chairman.
- (t) 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.

REGULATION-6

APPLICATION FOR GRANT / RENEWAL OF LICENCE

- (i) The application for Grant / Renewal of Stevedoring Licence shall be made in FORM-"A" to the Traffic Manager.
- (ii) The applicant shall pay a licence fee of Rs.4,500/- before the licence is issued / 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.
- (iii) Every licence granted or renewed under these Regulations shall be in FORM-"B".
- (iv) The application for renewal of Stevedore Licence shall be made at least one month before the expiry of licence. If the 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 Chairman, provided that the application for renewal together with the late fee of Rs.50/- is received by the Traffic Manager before the actual date of expiry of licence.
- (v) No applications for renewal of licences received after the date of expiry of the licence will be considered.
- (vi) In the event of loss or defacing of the original licence, a duplicate licence may be obtained on an application made to the Traffic Manager on payment of Rs.100/-.

7. Change in name, constitution etc. to be communicated:

- i) Where the stevedore is a firm or company, it shall immediately communicate to the Chairman any change in the Director, Manager Director or partners as the case may be, with a copy of the document in support of such change.
- ii) Any change in the, title or constitution of a firm or a company holding a Stevedoring Licence shall be communicated to the Chairman forthwith.
- iii) The firm or company under going 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 Traffic Manager shall report any violation of the terms and conditions of the stevedoring

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licence by the stevedore to the Chairman, who may, pending enquiry suspend for a period not exceeding three months the licence issued to a stevedore if the finds it expedient and necessary to do so in the interest of the port.

9. Suspension of licence: The Chairman may at any time suspend for such period as he 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:

- a) Violation of safety precautions.
- b) Low productivity.
- c) Lack of supervision over stevedoring workers.
- d) Improper and unsafe handling of packages.
- e) Mis-representation or mis-statement of material facts.
- f) On the stevedore being adjudged in solvent or has gone into liquidation.
- g) Causing of obstruction in any work in the port.
- h) Sub letting of work to other individual or parties.
- i) Any mis-conduct, which in the opinion of the Chairman warrants cancellation or suspension.
- j) No stevedoring licence shall be cancelled or suspended, if the stevedore has been given a reasonable opportunity because why this licence should not be canceled and after recording of reasons for such cancellation or suspension.

10. Appeal:

- i) Any person aggrieved by orders of the Chairman granting or refusing to grant a licence or renewing or refusing to renew a licence or suspending a licence under these Regulations may prefer an appeal in writing to the Central Government within 30 days of the communication of the order appealed against.
- j) The Central Government shall pass such order on the appeal as it deems fit after giving an opportunity of being heard to the appellant.
- k) Not with standing anything contained in the sub-regulations(i), the appeal may be admitted after the period of 30 days, the appellant satisfy the Central Government that he has sufficient cause for not making an application within such period.

11. Not with standing any thing contained in these Regulations, stevedoring licence which may be in force on the date of issue of these Regulation 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 of Certain Regulations: The Regulations 63 and 6 of the Visakhapatnam Port Dock Regulations, 1967 shall stand repealed.

RULES SUPPLEMENT TO PART-II – EXTRAORDINARY
OF
THE ANDHRA PRADESH GAZETTEE
Published by authority

No.36, Hyderabad, Friday, December, 24 1999

NOTIFICATION BY HEADS OF DEPARTMENTS, ETC.

PRIVATE ADVERTISEMENT

VISAKHAPATNAM PORT TRUST

DRAFT NOTIFICATION

AMENDMENT TO THE VISAKHAPATNAM PORT TRUST (LICENCING OF STEVEDORESAND ALLIED MATTERS) REGULATIONS, 1987.

GSR NO. In exercise of the powers conferred by Sec.13 (f) to (o) of the Major Port Trust Act, 1963 (Act 38 of 1963), the Board of Trustees of the Port of Visakhapatnam hereby makes the following amendment to the Visakhapatnam Port Trust (Licencing of Stevedores and Allied Matters) Regulations, 1987 with the sanction of the Central Govt. u/s 124 (1) OF THE SAID Act vide Ministry of Surface Transport, New Delhi letter No. _____ Dt. _____ and being published in the A.P. Gazette as required under Section 124 (2) of the said Act.

AMENDMENT

1. Short title and commencement:-

- (i) These Regulations shall be called The Visakhapatnam Port Trust (Licensing of Stevedores and Allied Matters) Amendment Regulations, 1998.
- (ii) It shall come into force from the date of publication of the same in the Official Gazettee.

2. To substitute the word "Chairman" wherever occurs under Regulations 3(1), 3(2), 4(a), 4(c), 5, 5(g), 5(h), 5(j), 5(n), 5(e), 6(IV), 7(i) and 7(ii) with the words "Traffic Manager or any person authorized by the Chairman".

3. In Regulation 10, to incorporate the words "Traffic Manager" or "before the words" the Chairman".

Visakhapatnam,
Dt.14-12-1999.

N. DHILLESWARA RAO
SECRETARY
Visakhapatnam Port Trust

REGULATION NO.113. (A)

ISSUE OF SHIP CHANDLING LICENCE

The Traffic Manager, may from time to time issue a Ship Chandling licences to firms and individuals approved by the Customs Authorities and recognized Steamer Agents, grant them permission to perform the work of Ship Chandling on vessels in Port and no Ship Chandler shall be allowed to do Ship Chandling work on any vessel in Port, unless he is holding such a licence.

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For the purpose of issue of Ship Chandling licence, two Steamer Agents shall recommend beyond 5 applicants at any time.

The Traffic Manager may at any time cancel any licence issued under Regulation 113 (5) or may suspend/terminate the same from such period as may specify for breach of any of the terms and conditions of the licence or for breach of any of the Acts, Rules and Regulations. The Ship Chandling licence may like-wise be cancelled or suspended if, after the grant thereof it is discovered that the application for the licence contained any mis-representation or mis-statements of material facts, or if the licence has been adjudged insolvent or has gone into liquidation as the case may be or if the licence or his workmen cause any damage to Board's property or to any vessels, goods, cargo or equipment thereof or if the licence or his workmen cause any obstruction to any work in the Port. The licence shall also be cancelled on any written complaint by the Customs department for the violation of customs law by the licensee or/and his/her authorized agent. Provided that no such licence shall be cancelled or suspended until the holder of the licence has been given a reasonable opportunity for showing cause, why his licence should not be cancelled or suspended as the case may be.

Provided further that no such opportunity for showing cause shall be necessary when the licence is suspended pending an enquiry, against the holder of the licence for contravention of any of the terms thereof or for contravention of any of the Acts, Rules and Regulations or for doing any thing for which the licensee is liable under this Regulation to be cancelled or suspended.

If any party is aggrieved against the decision of the Traffic Manager regarding issue of Ship Chandling licence he may preper an Appeal in writing to the Deputy Chairman within 30 days from the date of receipt of the decision of the Traffic Manager. If he is further aggrieved with the decision of the Dy.Chairman he may prefer a revision to the Chairman, Visakhapatnam Port Trust within 30 days from the date of receipt of the Dy.Chairman's Orders, whose decision shall be final and cannot be questioned by anybody.

If the licensee is aggrieved by the decision of the Traffic Manager regarding the termination of his licence and forfeiture of the security deposit, he may prefer an appeal in writing to the Dy.Chairman, Visakhapatnam Port Trust, within 30 days from the date of receipt of the Traffic Manager's orders and the decision of the Deputy Chairman is final.

REGULATION NO.113 (B).

**TERMS AND CONDITIONS FOR ISSUE OF THE LICENCE TO SHIP
CHANDLING**

1) Every Ship Chandler shall apply in the prescribed proforma annexed as Appendix-F in the Dock Regulations, to the Traffic Manager, Visakhapatnam Port Trust for granting Ship Chandling licence. The proforma application for the issue of ship chandling licence can be obtained from the Office of the Traffic Manager on payment of Rs.5/- for each application.

2) The application for Ship chandling licence shall accompany a 'No Objection Certificate' from Customs authorities, a letter from a recognized Steamer Agent and a solvency certificate from the Tahsildar not below Rs.25,000/-. The applications without the above mentioned papers are liable to be rejected summarily.

3) The Ship Chandling licence only enables the licence to enter the Customs barrier for the purpose of carrying out his professional work, but does not authorise him/them to board the vessels in the Port for this purpose. Permission to board the vessels should be obtained from the Steamer Agents. The licences or his/her authorized agent shall show the Ship chandling licence granted to him whenever he is asked for the same by the Port Trust, Customs and Central Industrial Security Force authorities. The licences or his/her authorised agent shall abide by the Acts, rules and regulations of the Customs authorities and shall ensure that the same are fully complied with before entering and leaving the Port premises, for doing the Ship chandling work.

4) The licensee shall pay an amount of Rs.450/- as licence fee within 7 days from the date of intimation of the intention to issue / renew the licence by the Traffic Manager. The licence shall also deposit an amount of Rs.250/- as Security Deposit along with the licence fee. The security Deposit will be refunded after satisfactory compliance of the terms and conditions of the licence at the termination of the licence.

5) The licence shall be terminated summarily without any notice to the licensee if the licensee boarded or attempts to board any vessel without obtaining prior permit from the concerned Steamer Agents and the Security Deposit of the amount of Rs.250/- shall be forfeited.

6) The licence may be cancelled or withdrawn by the Traffic Manager at any time without assigning any reason.

7) The licensee is only authorized to enter the Port premises on work connected with his Ship chandling licence on Port, working days between 0600 a.m. and 0600 p.m. and on other days between 1100 a.m. and 1.00 p.m. However the licensee may be permitted at the discretion of the Traffic Manager or any other Officer authorized by him to enter the Port premises for urgent work after the above-mentioned period; provided that no material is taken in to or out of Customs barrier without prior permission of the customs.

8) The licence shall not be transferable to anybody. Excepting the licence or his/her authorized agent, no other person shall operate on the licence.

9) The ship chandling licence issued by the Traffic Manager is valid for one year from the date of issue. If the licensee desires to have a renewal of licence he

shall apply one month before the expiry of the licence. If the application for renewal is not received within the stipulated period, the licence may be renewed on payment of an amount of Rs.25/- as late fee, provided the application for renewal together with the receipt in token of payment of the late fees is received by the Traffic Manager before the actual expiry of the licence.

10) If the licensee of his/her authorized agent/agents commits/commit breach of any of the terms and conditions of licence and/or the Acts, Rules and Regulations applicable to the Port Trust, the licence is liable to be cancelled without assigning any reason or notice and the Security Deposit shall be forfeited either in part or in full at the discretion of the Traffic Manager.

REGULATION NO.113(C)

ISSUE OF SHIP-REPAIRING/CHIPPING AND PAINTING LICENCE

The Traffic Manager, may at his discretion, from time to time issue ship/repairing/chipping and painting licences to firms and individual cleared by the Customs Authorities and grant them permission to perform the work of ship repairing/ chipping and painting on vessels in Port and no Ship repairer/chipper and painter shall be allowed to do ship repairing / chipping and painting work on any vessel in Port, unless he/she is holding such a licence.

The Traffic Manager may at any time cancel any licence issued under Regulation 113(D) or may suspend/terminate the same for such period as may be specified for breach of all or any of the Acts, Rules and Regulations. The Ship repairing/chipping and painting licence may be cancelled or suspended if, after the grant thereof, it is discovered that the application for the licence contained any misrepresentation or mis-statements of material facts, or if the licensee has been adjudged insolvent or has gone into liquidation as the case may be or if the licensee or his/her workmen cause any damage to Board's property or to any vessels, goods, cargo or equipment thereof or if the licensee of his/her workmen cause an obstruction to any work in the Port. The licence shall also be cancelled on any written complaint by the Customs department for the violation of Customs LAW(S) by the licensee or/and his/her authorized agent. Provided that no such licence shall be cancelled or suspended until the holder of the licence has been given a reasonable opportunity to show cause why his/her licence should not be cancelled or suspended as the case may be.

Provided further that no such opportunity for showing cause need be given when the licence is suspended pending on enquiry against the holder of the licence for contravention of all or any of the terms thereof or for contravention of all or any of the Acts, Rules and Regulations or for doing any thing for which the Licensee is liable under this Regulation to be cancelled or suspended.

If any party is aggrieved against the decision of the Traffic Manager regarding issue of Ship repairing /chipping and painting licence he/she may prefer an appeal in writing to the Deputy Chairman within 30 days from the date of receipt of the decision of the Traffic Manager. If he/she is further aggrieved with the decision of Deputy Chairman, he/she may prefer a revision to the Chairman, Visakhapatnam Port Trust within 30 days from the date of receipt of the Deputy Chairman's Orders.

If the licensee is aggrieved by the decision of the Traffic Manager regarding the termination of his/her license and forfeiture of the Security Deposit, he/she may prefer an appeal in writing to the Deputy Chairman, Visakhapatnam Port Trust, within 30 days from the date of receipt of the Traffic Manager's orders.

REGULATION NO.113(D)

**TERMS AND CONDITIONS FOR ISSUE OF LICENCE TO SHIP
REPAIRING/CHIPPING AND PAINTING**

Every ship repairer/chipper and painter shall apply in the prescribed proforma annexed as Appendix 'J' (in the Dock Regulations), to the Traffic Manager, Visakhapatnam Port Trust for granting ship repairing/chipping and Painting licence. The proforma application for the issue of ship repairing/chipping and painting licence can be obtained from the Office of the Traffic Manager on payment of Rs.5/- for each application.

ii) The application for ship repairing/chipping and painting licence shall accompany a 'No Objection Certificate' from Customs authorities and a credibility certificate from the Nationalised Bank for an amount not below Rs.25,000/-. The applications without the above mentioned papers are liable to be rejected summarily.

iii) The ship repairing/chipping and Painting licence only enable the licence to enter the Customs barrier for the purpose of carrying out his/her professional work, but does not authorise him/her to board the vessels in the Port for this purpose. Permission to Board the vessels should be obtained from the Steamer Agents. The permission from the Steamer Agent (s) so obtained shall be shown to the Security Staff of the Port by the licensee or his/her authorized agent on each occasion before entering Dock Area, failing which Security staff shall not permit the licensee or his/her agent to enter the Dock Area. The licensee or his/her authorised agent shall also show the ship repairing/chipping and painting licence granted to him/her whenever he/she is asked for same by the Port Trust, Customs and Central Industrial Security Force Authorities. The licensee or his/her authorized agent shall abide by the Acts, Rules and Regulations of the Customs authorities and shall ensure that the same are fully complied with, before entering and leaving the Port premises, for doing the ship repairing/chipping and painting work.

iv) The licensee shall inform the names and particulars of his/her Agent(s) in advance if he/she intends to do the business, for which a licence is granted/renewed through them, and obtained the specific approval in writing and also identify card(s) permitting them to enter the Dock Area from the Traffic Manager. No person who is not approved by the Traffic Manager as authorized Agent(s) of the licensee and/or fails to produce the identity card on demand shall enter the Dock area or do the business.

v) The licensee shall pay an amount of Rs.2,100/- as licence fee in respect of licence for ship repairing and Rs.1,100/- in respect of licence for chipping and painting within 7 days from the date of intimation of the intention to issue/renew the licence by the Traffic Manager. The licensee shall also deposit an amount of Rs.1,000/- in respect of licence for ship repairing and Rs.1000/- in respect of licence for chipping and painting as security deposit along with the licence fee.

The Security deposit will be refunded in cases of satisfactory compliance of the terms and conditions of the licence at the termination of the licence.

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vi) The licensee shall submit any information asked for by the Traffic Manager at any time and in manner and form prescribed by the Traffic Manager from time to time.

vii) The licence shall be terminated summarily if the licensee boards or attempts to board any vessel without obtaining prior permission from the concerned Steamer Agents, and thereupon the Security Deposit the amount of Rs.1,100/- or Rs.1000/- as the case may be shall stand forfeited, provided that no such licence shall be terminated until the licensee has been given a reasonable opportunity to show cause why his/her licence should not be terminated.

viii) The licence may be cancelled or withdrawn by the Traffic Manager at any time without assigning any reason.

ix) The licensee is only authorized to enter the Port premises on work connected with the ship repairing/chipping and painting licence on Port working days between 0600 a.m and 0600 p.m. and on other days between 11.00 a.m. and 1.00 p.m. However the licensee may be permitted at the discretion of the Traffic Manager or any other Officer authorize by him to enter the Port premises for urgent work after the above mentioned period; provided that no material is taken into or out of Customs barrier without prior permission of the Customs.

x) The licence shall not be transferable to anybody. Excepting the licensee or his/her authorized agent no other person shall operate the licence.

xi) That in the event of it being considered necessary to exclude the public from the whole or any part of the Harbour premises in any days or portions of a day, in a state of emergency, the Traffic Manager may at his discretion, which shall be final, suspend this licence for such period or periods.

xii) (a) The ship repairing/chipping and painting licence issued by the Traffic Manager is valid for one year from the date of issue. If the licensee desires to have a renewal of licence he/she shall apply one month before expiry of the licence. If the application for renewal is not received within the stipulated period, the licence may be renewed on payment of an amount of Rs.68.65/- as late fee, provided the application for renewal together with the receipt in token of payment of the late fees is received by the Traffic Manager before the actual expiry of the licence.

b) If the licence issued to the licensee is lost, a duplicate copy of the licence will be issued to the licensee at his/her written request and also on payment of Rs.25/-.

xiii) If the licensee or his/her authorized Agent/Agents commits/Commit breach of all or any of the terms and conditions of the licence and/or the Act, Rules

and Regulations applicable to the Port Trust, the licence is liable to be cancelled without assigning any reason or notice and the security deposit shall be forfeited either in part or in full at the discretion of the Traffic Manager.

xiv) The licence holder should possess at least two Lloyds certified welders to attend ship repairing work.

xv) The licence holder must carry out ship repairs at least for 5 vessels during the licensing year.

xvi) The applicant (Licensee) must have a properly equipped workshop, under supervision of a qualified Marine Engineer.

xvii) The workshop of the licensee shall be inspected by one of the Officers of the Mechanical Engineering Department of the Port Trust for considering the adequacy of the facilities available for granting/renewal of ship repairing licence.

(N.B.:- Conditions (xiv) to (xvii) will only apply to the ship repairing licence).

REGULATION No.113 (E)

**ISSUE OF LICENCE FOR TAILORING/ LAUNDRY/ BARBER / COBBLER AND
MISCELLANEOUS SERVICE TRADES**

The Traffic Manager may from time to time issue the above licences to firms and individuals approved by the Customs authorities. No person shall be allowed for the above business unless he/she is holding such a licence.

The Traffic Manager may at any time cancel any licence issued under Regulation 113(F) or may suspend/terminate the same for such period as may be specified for breach of all/or any of the terms and conditions of the licence or for breach of all/or any of the Acts, Rules and Regulation. The licence shall also be cancelled on any written complaint by the Customs department for the violation of Customs Law(s) by the Licensee and/or his/her authorized Agent. Provided that no such licence shall be cancelled or suspended until the holder of the licence has been given a reasonable opportunity to show cause why his/her licence should not be cancelled or suspended as the case may be.

Provided further that no such opportunity to show cause need be given when the licence is suspended pending an enquiry against the holder of the licence for contravention of all/or any of the terms thereof or for contravention of all/or any of the Acts, Rules and Regulations or for doing anything for which the licence is liable under this regulation to be cancelled or suspended.

If any party is aggrieved against the decision of the Traffic Manager regarding issue of licence he/she may prefer an appeal in writing to the Deputy Chairman within 30 days from the date of receipt of the decision of the Traffic Manager. If he/she is further aggrieved with the decision of Deputy Chairman, he/she may prefer a revision to the Chairman, Visakhapatnam Port Trust within 30 days from the date of receipt of Deputy Chairman's orders.

If the licensee is aggrieved by the decision of Traffic Manager regarding the termination of his/her licence and forfeiture of the Security deposit, he/she may prefer an appeal in writing to the Deputy Chairman, Visakhapatnam Port Trust within 30 days from the date of receipt of the Traffic Manager's orders.

REGULATION NO.113 (F)

**TERMS AND CONDITION FOR ISSUE OF LICENCE FOR TAILORING
/LAUNDRY/ BARBER/ COBBLER AND MISCELLANEOUS SERVICE TRADES**

- (i) Every Trader shall apply in the prescribed proforma annexed as Appendix "K (in the Dock Regulations), to the Traffic Manager, Visakhapatnam Port Trust for granting licence. The application form for the issue of licence can be obtained from the office of the Traffic Manager on payment of Rs.5/- for each application.
- (ii) The application for licence shall accompany a "No objection certificate" from Customs authorities. The application without "No objection certificate" from the Customs is liable to be rejected summarily.
- (iii) The holder of the licence must understand that the licence granted to him/her by the Traffic Manager only entitles him/her to enter the Customs barrier for the purpose of carrying on his/her professional work for which he/she is a licensee but

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does not authorise him/her to Board the Vessels in the Port for this purpose. Permission to board the vessels should be obtained from the Steamer Agents. The permission from the Steamer Agent so obtained shall be shown to the Security staff of the Port by the licensee or his/her authorized agent on each occasion before entering Dock Area, failing which security staff shall not permit the licensee or his/her authorized agent to enter the Dock area. The licensee or his/her authorized agent shall also show the licence granted to him/her whenever he/she is asked for the same by the Port Trust, Customs and Central Industrial Security Force Authorities. The licensee or his/her authorised agent shall abide by the Acts, Rules and Regulations of the Customs Authorities and shall ensure that the same are fully complied with before entering and leaving the Port premises for doing the business.

(iv) The licensee shall inform the names and particulars of his/her Agent (s) in advance if he/she intends to do the business, for which a licence is granted / renewed through them and obtain the specific approval in writing and also identity card(s) permitting them to enter the Dock area from the Traffic Manger. No person who is not approved by Traffic Manager as authorized Agent(s) of the licence and/or who fails to produce the identity card on demand shall enter the Dock area or do the business.

(v) The licensee shall pay an amount of Rs.100/- as licence fee within 7 days from the date of intimation of the intention to issue/renew the licence by the Traffic Manger. The licensee shall also deposit an amount of Rs.250/- as Security Deposit along with the licence fee. The Security Deposit will be refunded in cases of satisfactory compliance of the terms and conditions of the licence at the time of termination of the licence.

(vi) The licensee shall submit information, which may be asked for by the Traffic Manger at any time and in the manner and form prescribed by the Traffic Manager.

(vii) The licence shall be terminated summarily if the licensee and/or his/her authorised agent boards or attempts to board any vessel without obtaining prior permission from the concerned Steamer Agents and thereupon the Security Deposit of the amount of Rs.250/- shall stand forfeited. Provided that no such licence shall be terminated until the licensee has been given a reasonable opportunity to show cause why his/her license should not be terminated.

(viii) The licence may be cancelled or withdrawn by the Traffic Manager at any time without assigning any reason.

(ix) The licensee is only authorized to enter the Port premises on work connected with his/her licence on Port working days between 06.00 A.M to 06-00 P.M. and on other days between 11-00 A.M. to 01-00 P.M. However, the licensee may be permitted at the discretion of the Traffic Manager or any other Officer authorised by him to enter the Port Premises for urgent work even after the above mentioned period.

(x) The licence shall not be transferable to any body, excepting the licensee or his/her authorized agent no other person shall operate on the licence.

(xi) That in the event of it being considered necessary to exclude the public from the whole or any part of the harbour premises on any days or portion of a day, in a state of emergency, the Traffic Manger may at his discretion, which shall be final, suspend this licence for such period or periods.

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(xii) The license is permitted to take only literature and catalogues. He/she should not carry samples of articles into/out of the Dock area for the sale on board the vessel.

(xiii) If the licence issued to the licensee is lost, a duplicate copy of the licence will be issued to the licensee at his/her written request also on payment of Rs.25/-.

(xiv) The licence issued by the Traffic Manager is valid for one year from the date of issue. If the licensee desires to have a renewal of licence he/she shall apply one month before the expiry of the licence.

If the application for renewal is not received within the stipulated period, the licence may be renewed on payment of an amount of Rs.25/- as late fee, provided the application for renewal together with the receipt in token of payment of the late fees is received by the Traffic Manager before the actual expiry of the licence.

(xv) If the licensee or his/her authorized agent/agents commits/commit breach of all or any of the terms and conditions of licence and/or the Acts, Rules and Regulations applicable to the Port Trust, the licence is liable to be cancelled without assigning any reason or notice and the security deposit shall be forfeited either in part or in full at the discretion of the Traffic Manager.

Consequent upon the framing of the above Regulations No.113 (C) to (F) in Visakhapatnam Port Trust of Miscellaneous charges under Chapter-III – Part III of Visakhapatnam Port Trust Scale of Rates (1971 edition) is deleted.

AUTHORITY

- 1) MOST's letter No.PGL – 71 / 75, dt.3-7-76. Gazette No.31, dt.5-8-1976.