

Panaji, 19th October, 2017 (Asvina 27, 1939)

SERIES I No. 29

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

NOTE

There are two Extraordinary issues to the Official Gazette, Series I No. 28 dated 12-10-2017 as follows:-

(1) Extraordinary dated 12-10-2017 from pages 1437 to 1438 from Department of Finance, Office of the Commissioner of Commercial Taxes, Not. No. CCT/26-2/2017-18/13/3048 regarding the conditions and safeguards for furnishing LoU for supply of goods or services.

(2) Extraordinary No. 2 dated 16-10-2017 from pages 1439 to 1442 from Department of Urban Development, Not. No. 11/46/2017-DMA/2025 regarding the Goa Real Estate (Regulation and Development) (Appellate Tribunal Members, Officers and Employees Appointment and Service Conditions) Rules, 2017.

INDEX

Department	Notification/Order	Subject	Pages
1. Labour Under Secretary	Not.- 24/17/2017-LAB/708	Consideration for more transparency in the existing system of inspection of BRAP, 2017.	1443
2. Law & Judiciary Member Secretary	Not.- GLSA/GOA/NOTIFICATION-1/2017	Amendment of the Goa State Legal Services Authority Regulation, 1998.	1446
3. Planning Dir. & ex officio Joint Secy.	Not.- DPSE/IV/UID/Aadhaar Act/2017/1653	Appointment of date of giving effect for Goa Aadhar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2017.	1450
4. Public Health Under Secretary	Ord.- 48/13/2016-I/PHD/1937	Revival of posts.	1450
5. Science, Technology and Environment	Not.- 1/24/2010/STE-Dir/550 (1) S.O. 2582(G) (2) G.S.R. 1203(G)	(1) Specification of ordinary places of sitting and the territorial jurisdiction of NGT. (2) The Wetlands (Conservation and Management) Rules, 2017.	1450 1452
6. Mormugao Port Trust	Not. (a) GAD/Legal-Amend/Regs./23/2017/2252 (b) GAD/Legal-Amend/Regs./23/2017/2253	Mormugao Port Trust Stevedoring and Shore Handling Regulations, 2017. Mormugao Port Regulations, 2017.	1459 1472

GOVERNMENT OF GOA

Department of Labour

Notification

24/17/2017-LAB/708

As per the recommendations proposed by Department of Industrial Policy and Promotion (DIPP), Government of India in Business Reform Action Plan, 2017, the Department of Labour & Employment, Government of Goa has considered to bring in more transparency in the existing system of inspections.

For the purpose of inspection, an establishment would be selected based on the risk criteria of industry. All the high risk

industries would be inspected by concerned Labour Inspectors. Medium risk establishments have an option to choose between departmental inspection and Third Party Inspection while all low risk establishment are exempted from inspection and third party certification in lieu of submission of self certification for compliance to all applicable labour laws.

Under the following Acts:-

1. The Equal Remuneration Act, 1976.
2. The Minimum Wages Act, 1948.
3. The Maternity Benefit Act, 1961.
4. The Goa, Daman and Diu Labour Welfare Act, 1986.
5. The Payment of Bonus Act, 1965.

6. The Payment of Wages Act, 1936.
7. The Inter State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979.
8. The Motor Transport Workmen Act, 1961.
9. The Contract Labour (Regulation and Abolition) Act, 1970.
10. The Goa, Daman & Diu Shops and Establishments Act, 1973.

Risk based Selection of Establishment for Inspection

1. Risk based selection of establishments for inspection:

Selection of establishments for inspection shall be on the basis of risk assessment as per the following criteria:

- (a) Number of workers.
- (b) Number of contract workers.
- (c) Nature of activity of the establishment.
- (d) Exemption from inspection/self-certification.
- (e) Third Party Certification.

2. Risk based assessment and categorization of establishments:

(a) Risk categorization on the basis of number of workers:

The Department of Labour and Employment risk profiles, industries as high risk, medium risk and low risk establishments with respect to the risk to workers in terms of their entitlements viz. wages, bonus & other remuneration, leave, holidays, working hours, work site facilities, safety & health, welfare and social security measures like gratuity, EPF, ESI, accident compensation etc.

Experience of the department indicates that larger the establishment lower has been the compliance. The risk based categorization on the basis of number of workers of establishment is as follows:

* *High Risk:* Establishments employing above 100 workers (including contract/

/outsourced workers) on any day of the preceding calendar year.

* *Medium Risk:* Establishments employing 10-100 workers (including contract/outsourced workers) on any day of the preceding calendar year.

* *Low Risk:* Establishments employing less than 10 workers on any day of the preceding calendar year.

(b) Risk categorization on the basis of number of contract workers engaged:

There are certain establishments employing large number of contract workers and in some cases number of contract workers exceeds the number of regular workers. In such establishments the terms and conditions of employment of regular workers and contract workers are totally different and it is observed that in several such cases contract workers are prone to exploitation. The risk categorization of industries on the basis of number of contract workers is as follows:

* *High Risk:* All such establishments employing contract workers, where total number of contract workers exceeds 25% of the total employed workers on any day of the preceding calendar year.

* *Medium Risk:* All such establishments employing contract workers, where total number of contract workers is less than 25% of the total employed workers on any day of the preceding calendar year.

(c) Risk categorization on the basis of nature of activity of the establishment.—

In certain activities workers are prone to risk of accidents and health hazards, which has been classified as follows:

* *High Risk:* The establishments under taking the following activities are categorized as high risk establishments.

1. Steel Industries.
2. Hotel Industries, Restaurants and Eating Houses.
3. Pharmaceuticals and Chemicals Industries.
4. Automobiles-Servicing and Repairing.
5. Construction Industries-maintenance of building and roads.
6. Brick and Kilns Industries.
7. Cashew Industries.
8. Glass Industries.
9. Jute and Coir Industries.
10. Lime kilns Industries.
11. Match and Fire Works/Explosive Industries.
12. Motor Transport undertaking.
13. Saw Mills Industries.
14. Stone breaking/crushing.
15. Cement and concrete products Industry.
16. Distilleries and Breweries Industries.
17. Paper Industries and Paper Boards.
18. Marine Industries (Ship Building).
19. Plastic Manufacturing Industries.
20. Ophthalmic lenses manufacturing industries.
21. Aluminum foil and PVC films manufacturing.
22. Freshener Industries.
23. Tobacco Industries.
24. Manufacturing of Agricultural equipments
25. Foam Industries.
26. Manufacturing Tyres, Tubes and other Rubber products.
27. Fertilizer Industries.
28. Manufacturing Ice blocks.
29. Aerated water.
30. Powder coating and painting Industries and Steel fabrication.
31. Fishnet Industries.
32. Manufacturing of Machine Tools.
33. Manufacture of Oxygen and Medical Oxygen.
34. Leather tanning.
35. Fish and Food canning.
36. Petroleum and Petroleum Products.
37. Slaughter Houses.
38. Liquefied Petroleum gas (filling plant)
39. Electrical and Electronic Industries.
40. Hydraulic fittings.
41. Zinc Oxide.
42. Insecticides and Pesticides.
43. Soap and Detergent Industries.
44. Metal products manufacturing.
45. Coal Industry.
46. Coke, Casting and Pig Iron.
47. Cashew Shell Oil Industries.
48. Gold and Silver plating Industries.
49. Manufacturing of Optic Fiber Cable.
50. Motor Winding Industry.
51. Wax Industry.
52. Explosive Industry

* *Medium risk*

The following establishments are categorized as medium risk establishments:

1. Clubs and Canteens.
2. Garment Industries.
3. Private Hospital, Nursing Homes and Clinics.
4. Salt pans.
5. Handloom weaving.
6. Printing Press and Offset Printing.
7. Cinema Industry.
8. Laboratories (R&D).
9. Watch and Ward.
10. Bakery Products.
11. Masala Industries.
12. Laundry.
13. Cold Storage.
14. Warehouse.
15. Flour mills.
16. Poultry and other farms (Spice plantations).
17. Shoe making Industries.
18. Farming (Fish, Agriculture, Horticulture).
19. Tailoring.
20. Manufacturing of Sports Products.
21. Manufacturing of Household utensils.
22. Incense sticks Industries.
23. Handicrafts Industries.
24. Manufacturing of cardboards and plywoods.
25. Manufacturing of Stationery.
26. Assembling of Electronic and Electrical products.
27. Manufacturing of Funeral materials.
28. Manufacturing of Ice-cream.
29. Manufacturing of Cosmetics and Perfumes.

** Low Risk*

Establishments which are not included in High or Medium risk industry category would be categorized as low risk industries.

(d) Exemption from inspection/self-certification.—

* Medium risk establishments with a history of satisfactory compliance under all the applicable Acts over 5 years from date of commencement of business, will be exempted from inspection subject to submission of self-certification (or third party certification) every year for a period of two years initially. This is subject to condition that no accidents, complaints and lock-down have been reported in the two years of self-certification/third-party certification.

* Low risk establishments have been exempted from inspection subject to condition that the establishment will submit a self-certification every year with regards to compliance under all applicable Acts. However, Labour Inspectors may conduct random inspection of the establishment with prior approval from Labour Commissioner, in case of any receipt of complaints from workmen, union and others or any other grievances that may arise and may undertake compliance inspection once in five years.

(e) Third Party Certification.—

*Medium risk establishments are also permitted to opt for Third Party Certification for a period of two years. After expiry of two years from the date of third party certification, the inspection shall be scheduled by the concerned Labour Inspector. After one year from the date of inspection by the Labour Inspector, the establishment may again opt for third party certification, continuing with the cycle as described before.

The employers of all medium risk establishments shall furnish combined annual return along with self-certificate or certificate by third party agency to the department every year.

Empanelment of agencies: For the purpose of carrying out Third Party certification, the Government shall empanel Third Party agencies. If any complaint is received against any establishment after the inspection from any source by the department and on enquiry the establishment is found guilty then the third party certification shall stand revoked by the issuing authority and fresh inspection would be carried out by Labour Department.

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 11th October, 2017.



Department of Law & Judiciary

Law (Establishment) Division

Goa State Legal Services Authority

Notification

GSLSA/GOA/NOTIFICATION-1/2017

In exercise of the powers conferred under the provisions of Section 29-A of the Legal Services Authorities Act, 1987, The Goa State Legal Services Authority hereby pleased to amend the Schedule I, Schedule II and Schedule III of Regulation Nos. 19, 20 and 21 respectively of the Goa State Legal Services Authority Regulation, 1998 to revise fees of Advocates on the Panel of High Court Legal Services Committee, District Legal Services Authorities and Taluka Legal Services Committees as under w.e.f. the date of publication of this notification.

SCHEDULE-I
(Vide Regulation No. 19)

High Court Legal Services Committee	Maximum fees (per case) Rs.
1. Writ Petition (Division Bench)	10,000/-
2. Writ Petition (Single Bench)	6,000/-
3. Writ Appeal in the High Court	10,000/-
4. Letters Patent Appeal	10,000/-
5. Second Appeal in the High Court	10,000/-
6. First Appeal in the High Court	10,000/-
7. Appeal from Order	5,000/-
8. Civil Miscellaneous Application	2,000/-
9. Civil Revision Application	4,000/-
10. Criminal Appeal	10,000/-
11. Criminal Revision Application	4,000/-
12. Criminal Miscellaneous Application	2,000/-

Instruction for payment in Schedule I:

(i) For Drafting of substantive pleading for Writ Petition/Appeal before Single Bench, fees be paid @ Rs. 2,000/- and before the Division Bench @ Rs. 2500/-. And for drafting the rest such as Counter Affidavit, Memo of Appeal, Revision, Reply, Replication, fees be paid @ Rs. 1,500/-.

(ii) For Drafting of Miscellaneous applications such as stay, bail, direction, exemption etc., fees be paid @ Rs. 500/- per application subject to maximum of Rs. 2,000/- for all applications.

(iii) Appearance – @ Rs. 1000/- per effective hearing and @ Rs. 750/- for non-effective hearing (Subject to certification by the Dy. Registrar/Sherisedar for the High Court).

(iv) The maximum fees listed above shall be towards the appearance for effective and non-effective hearing i.e. in addition to the drafting charges stated above at (i) & (ii).

SCHEDULE-II
(Vide Regulation No. 20)

District Legal Services Authority	Maximum fees (per case) Rs.
1	2
1. Sessions Case (u/s 302 of the I.P.C.)	10,000/-
2. Sessions Case (others offence/s)	8,000/-
3. Childrens' Court:	
(i) (a) Sessions Cases u/s 302	10,000/-
(b) Sessions Cases (other offence/s)	8,000/-
(ii) Other Cases (warrant/summons triable)	4,000/-
(iii) (a) To assist victim of sessions triable offence and	1,500/-
(b) Of other offence.	1,000/-

1	2
4. Special Criminal Cases before N.D.P.S. Court:	
(a) Commercial Quantity Cases	10,000/-
(b) Non-Commercial Quantity Cases & other cases	6,000/-
5. Special cases— Prevention of Corruption	10,000/-
6. All other special cases coming under other Act.	6,000/-
7. SC/ST (Prev. of Atro.) Act	4,000/-
8. Criminal Appeal	4,000/-
9. Criminal Revision	2,000/-
10. Misc. Criminal Application	1,600/-
11. Civil Suit	8,000/-
12. Regular Civil Appeal	6,000/-
13. Misc. Civil Appeal	4,000/-
14. Civil Revision Application	2,000/-
15. Tenancy Revision Application	2,000/-
16. Tenancy Appeal	3,000/-
17. Co-operative Appeal	3,000/-
18. Co-operative Revision Application	2,000/-
19. Rent Revision	2,000/-
20. Motor Accident Claim Petition	6,000/-
21. Land Acquisition Cases	4,000/-
22. Misc. Civil Application	1,600/-
23. Execution Applications	2,000/-

SCHEDULE-III

(Vide Regulation No. 21)

Taluka Legal Services Committee	Maximum fees (per case) Rs.
1	2
1. Special Civil Suit (including Bank Suits)	8,000/-
2. Regular Civil Suit (including Matrimonial Petition, Bank suits)	6,000/-
3. Misc. Civil Applications	1,600/-
4. Inventory Proceeding	4,000/-
5. Execution Application	2,000/-
6. Regular Criminal Cases	
7. Criminal cases to be tried as summons/summarily (including DVA and other Act)	4,000/-
8. Misc. Criminal Applications (including application for maintenance).	2,000/-
9. Principal Magistrate Juvenile Justice Board Apna Ghar	1,600/-
(i) To represent Juvenile in conflict with Law.	4,000/-
(ii) (a) To assist victims of sessions triable offence and	1,500/-
(b) Of Other Offence/s	1,000/-

1	2
10. To assist Child in Need of Care and Protection before Child Welfare Committee	1,000/-

Instruction for payment in Schedule II & III:

(i) For drafting of substantive pleading for Suit, Claim Petition, fees be paid @ Rs. 1,500/-.

(ii) For drafting of Matrimonial Proceedings such as Divorce, Maintenance, Custody, Restitution etc. succession Probate, Memo of Appeal, Revision, Written Statement, Reply Rejoinder, Replication etc. fees be paid @ Rs. 1,200/-.

(iii) For drafting of Miscellaneous applications such as stay, bail, direction exemption etc. fees be paid @ Rs. 400/- per application subject to maximum of Rs. 800/- for all the applications.

(iv) Appearance @ Rs. 750/- per effective hearing and @ Rs. 500/- for non-effective hearing. (Subject to certification by the Superintendent/Bench Clerk).

(v) Rs. 5,000/- be paid extra in cases of Sessions Triable Offence/s punishable with imprisonment for life and above wherein number of witnesses examined are 20 or more (excluding hostile witnesses) and the matter shall be considered as bulky. This provisions shall also be applicable to item at Sr. No. 1 to 3 of Schedule-II.

For other Courts/Authority	Maximum (per case) Rs.
1. Industrial Tribunal and Labour Courts	6,000/-
2. Administrative Tribunal	6,000/-
3. District Consumer Disputes Redressal Forum	4,000/-
4. State Consumer Disputes Redressal Commission/Tribunal	4,000/-
5. Revenue Authority (including Revenue Board Commissionerates, Collectorates, SDO/SDM)	4,000/-
6. Directorate of Panchayats	4,000/-
7. Vigilance (to defend in disciplinary Inquiry if representation by Lawyer permitted).	4,000/-

Instruction for payment to other Courts/Authority:

(i) For drafting of Substantive Application/Claim Petition and drafting of substantive Reply, Written Statement, Rejoinder, Replication etc., fees be paid @ Rs. 1,200/-.

(ii) Appearance @ Rs. 750/- per effective hearing and @ Rs. 500/- for non-effective hearing. (Subject to certification by the Competent Authority).

By order and in the name of the Honourable the Chief Justice, High Court of Bombay and Patron-in-Chief of the Goa State Legal Services Authority.

S. C. Chandak, Member Secretary (Goa State Legal Services Authority).

Panaji, 22nd August, 2017.

Department of Planning

Directorate of Planning, Statistics & Evaluation

Notification

DPSE/IV/UID/Aadhaar Act/2017/1653

In exercise of the powers conferred by sub-section (3) of section 1 of the Goa Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2017 (Goa Act 11 of 2017) (hereinafter referred to as the 'said Act'), the Government of Goa hereby appoints the 19th day of October, 2017, as the date on which the provisions of the said Act shall come into force.

By order and in the name of the Governor of Goa.

Dr. Y. Durga Prasad, Director & ex officio Joint Secretary (Planning).

Porvorim, 11th October, 2017.



Department of Public Health

Order

48/13/2016-I/PHD/1937

Sanction of the Government is hereby accorded for revival of the following 21 posts of Medical Officer under Directorate of Health Services in the Level 10 in Pay Matrix [pay scale of Rs. 15,600-39,100+G.P. Rs. 5,400/- (pre-revised)] with immediate effect:—

Sl. No.	Name of the post	Attached to	No. of posts
1	2	3	4
1.	Medical Officer	Sub District Hospital, Ponda	4
2.		Primary Health Centre, Ponda	1
3.		Asilo Hospital, Mapusa	6

1	2	3	4
4.	Medical Officer	Hospicio Hospital, Margao	6
5.		Rural Medical Dispensary, Volvoi	1
6.		Primary Health Centre, Aldona	1
7.		T. B. Hospital, Margao	1
8.		S.C. Assolna, Primary Health Centre, Chinchinim	1
Total			21 posts

The expenditure shall be debitible under the respective Budget Head.

This issues with the recommendation of the Administrative Reforms Department vide their U. O. No. 524/F dated 14-7-2017; approval of the Department of Personnel vide their U. O. No. 2901/F dated 13-9-2017 and concurrence of the Finance (Rev. & Cont.) Department vide U. O. No. 1400028826/F dated 4-10-2017.

By order and in the name of the Governor of Goa.

Maria Seomara De Souza, Under Secretary (Health).

Porvorim, 6th October, 2017.



Department of Science, Technology & Environment

Notification

1/24/2010/STE-DIR/550

The following notifications published in the Gazette of India is hereby published for general information of public:—

(1) S. O. 2582(E) dated 10-8-2017.

(2) G.S.R. 1203(E) dated 26-9-2017.

By order and in the name of the Governor of Goa.

Parag M. Nagarcenkar, Director (Environment).

Porvorim, 11th October, 2017.

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

Notification

New Delhi, the 10th August, 2017

S. O. 2582(E).— In exercise of powers conferred by sub-section (3) of section 4 of the National Green Tribunal Act, 2010 (19 of 2010) and in supersession of the notifications of the Government of India in the erstwhile Ministry of Environment and Forests number S. O. 1003(E), dated the 5th May, 2011 and number S.O. 1908(E), dated the 17th August, 2011, except as respected things done or omitted to be done before such supersession, the Central Government hereby specified the ordinary places of sitting and the territorial jurisdiction of the National Green Tribunal as under:—

TABLE

Sl. No.	Zone	Place of sitting	Territorial jurisdiction
1	2	3	4
1.	Northern	Delhi (Principal place)	Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir, Goa, National Capital Territory of Delhi and Union territories of Chandigarh, Daman and Diu and Dadra and Nagar Haveli.
2.	Western	Pune	Maharashtra and Gujarat.
3.	Central	Bhopal	Madhya Pradesh, Rajasthan and Chhattisgarh.
4.	Southern	Chennai	Kerala, Tamil Nadu, Andhra Pradesh, Telangana, Karnataka, Union territories of Ponducherry and Lakshadweep.
5.	Eastern	Kolkata	West Bengal, Odisha, Bihar, Jharkhand, Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, Sikkim and Union territory of Andaman and Nicobar Islands.

[F. No. 17(4)/2010-PL/NGT(Vol.IV)]
ARUN KUMAR MEHTA, Addl. Secy.

MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE

Notification

New Delhi, the 26th September, 2017

G.S.R. 1203(E).— Whereas the wetlands, vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage;

And whereas many wetlands are threatened by reclamation and degradation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alteration (water withdrawal and changes in inflow and outflow), over-exploitation of their natural resources resulting in loss of biodiversity and disruption in ecosystem services provided by wetlands;

And whereas clause (g) of article 51A of the Constitution stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;

And whereas the Environment (Protection) Act, 1986 is a comprehensive legislation to provide protection and improvement of the environment, including inter-alia, wetlands, and for matters connected therewith;

And whereas the National Environment Policy, 2006 recognises the ecosystem services provided by wetlands and emphasizes the need to set up a regulatory mechanism for all wetlands so as to maintain their ecological character, and ultimately support their integrated management;

And whereas India is a signatory to the Ramsar Convention on Wetlands and is committed to conservation and wise use of all wetlands within its territory;

And whereas the Central Government has published the Wetlands (Conservation and Management) Rules, 2010, vide number G.S.R. 951(E), dated the 4th December, 2010;

And whereas conservation and wise use of wetlands can provide substantial direct and indirect economic benefits to state and national economy, and thereby the Central Government stands committed to mainstreaming full range of wetland biodiversity and ecosystem services in development planning and decision making for various sectors:

And whereas the State Governments and Union Territory Administrations need to take into account wetland ecosystem services and biodiversity values likewise within their developmental programming and economic well-being, also taking into cognizance that land and water, two major ecological constituents of wetland ecosystems, are enlisted as State subjects as per the Constitution;

And whereas the Central Government considered it necessary to supersede the Wetlands (Conservation and Management) Rules, 2010 for effective conservation and management of wet lands in the country;

And whereas the Central Government had, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986, published the draft Wetlands (Conservation and Management) Rules, 2016, vide number G.S.R. 385 (E) dated 31st March, 2016 for information of the public likely to be affected thereby; and notice was given that the said draft rules would be taken into consideration by the Central Government after expiry of a period of sixty days from the date on which copies of the Gazette notification is made available to the public;

And whereas the Central Government has received the suggestions and objections from the State Governments, Union Territories and its organisations, individuals and civil society organisations on the draft Wetlands (Conservation and Management) Rules, 2016;

And whereas the suggestions and objections received in response to the above mentioned draft rules have been duly considered by the Central Government in consultation with State Governments and Union Territory Administrations.

Now, therefore, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 and section 23 of the Environment (Protection) Act, 1986 and in supersession of the Wetlands (Conservation and Management) Rules, 2010, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules for conservation and management of wetlands, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Wetlands (Conservation and Management) Rules, 2017.

(2) These shall come into force from the date of their publication in the Official Gazette.

2. *Definitions.*— (1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Environment (Protection) Act, 1986;

(b) “Authority” means the State Wetlands Authority or Union Territory Wetlands Authority, as the case may be;

(c) “Committee” means the National Wetlands Committee referred to in rule 6;

(d) “ecological character” means the sum of ecosystem components, processes and services that characterise the wetlands;

(e) “integrated management plan” means a document which describes strategies and actions for achieving wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;

(f) “Ramsar Convention” means the Convention on Wetlands signed at Ramsar, Iran in 1971;

(g) “wetland” means an area of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;

(h) “wetlands complexes” means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;

(i) “wise use of wetlands” means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;

(j) “zone of influence” means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services.

(2) The words and expressions used in these rules and not defined, but defined in the

Act, shall have the meanings assigned to them in the Act.

3. *Applicability of rules.*— These rules shall apply to the following wetlands or wetlands complexes, namely:—

(a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;

(b) wetlands as notified by the Central Government, State Government and Union Territory Administration:

Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

4. *Restrictions of activities in wetlands.*— (1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.

(2) The following activities shall be prohibited within the wetlands, namely,—

(i) conversion for non-wetland uses including encroachment of any kind;

(ii) setting up of any industry and expansion of existing industries;

(iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008, electronic waste covered under the E-Waste (Management) Rules, 2016;

(iv) solid waste dumping;

(v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;

(vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,

(vii) poaching.

Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.

5. *Wetlands Authorities.*— (1) The Central Government hereby constitutes the State Wetlands Authority in each State with the following members, namely:—

(i) Minister In-charge of the Department of Environment/Forests of the State Government or Minister In-charge of the Department handling wetlands — Chairperson;

(ii) Chief Secretary of the State or Additional Chief Secretary equivalent — Vice Chairperson;

(iii) Secretary in-charge of the Department of Environment — Member *ex-officio*;

(iv) Secretary in-charge of the Department of Forests — Member *ex-officio*;

(v) Secretary in-charge of the Department of Urban Development — Member *ex-officio*;

(vi) Secretary in-charge of the Department of Rural Development — Member *ex-officio*;

(vii) Secretary in-charge of the Department of Water Resources — Member *ex-officio*;

(viii) Secretary in-charge of the Department of Fisheries — Member *ex-officio*;

(ix) Secretary in-charge of the Department of Irrigation and Flood Control — Member *ex-officio*;

(x) Secretary in-charge of the Department of Tourism — Member *ex-officio*;

(xi) Secretary in-charge of the Department of Revenue — Member *ex-officio*;

(xii) Director, State Remote Sensing Centre — Member *ex-officio*;

(xiii) Chief Wildlife Warden — Member *ex-officio*;

(xiv) Member Secretary, State Biodiversity Board — Member *ex-officio*;

(xv) Member Secretary, State Pollution Control Board — Member *ex-officio*;

(xvi) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change — Member *ex-officio*;

(xvii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the State Government; and

(xviii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands — Member Secretary.

(2) The Central Government hereby constitutes the Union Territory Wetlands Authority for each Union Territory with the following members, namely:—

(i) Administrator or Chief Secretary of the Union Territory — Chairperson;

(ii) Secretary in-charge of the Department of Environment — Vice-Chairperson;

(iii) Secretary in-charge of the Department of Forests — Member *ex-officio*;

(iv) Secretary in-charge of the Department of Urban Development — Member *ex-officio*;

(v) Secretary in-charge of the Department of Rural Development — Member *ex-officio*;

(vi) Secretary in-charge of the Department of Water Resources — Member *ex-officio*;

(vii) Secretary in-charge of the Department of Fisheries — Member *ex-officio*;

(viii) Secretary in-charge of the Department of Irrigation and Flood Control — Member *ex-officio*;

(ix) Secretary in-charge of the Department of Tourism — Member *ex-officio*;

(x) Secretary in-charge of the Departments of Revenue — Member *ex-officio*;

(xi) Director, Remote Sensing Centre — Member *ex-officio*;

(xii) Member Secretary, Union Territory Pollution Control Committee — Member *ex-officio*;

(xiii) Member Secretary, Biodiversity Board of the UT — Member *ex-officio*;

(xiv) Chief Wildlife Warden — Member *ex-officio*;

(xv) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change — Member *ex-officio*;

(xvi) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the Union Territory Administration; and

(xvii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands — Member Secretary.

(3) The State Wetlands Authority or Union Territory Wetlands Authority may co-opt other members, not exceeding three in number, if required.

(4) The State Wetlands Authority or Union Territory Wetlands Authority shall exercise the following powers and perform the following functions, namely:—

(a) prepare a list of all wetlands of the State or Union Territory within three months from the date of publication of these rules;

(b) prepare a list of wetlands to be notified, within six months from the date of publication of these rules, taking into cognizance any existing list of wetlands prepared/notified under other relevant State Acts;

(c) recommend identified wetlands, based on their Brief Documents, for regulation under these rules;

(d) prepare a comprehensive digital inventory of all wetlands within a period of one year from the date of publication of these rules and upload the same on a dedicated web portal to be developed by the Central Government for the said purpose; the inventory to be updated every ten years;

(e) develop a comprehensive list of activities to be regulated and permitted within the notified wetlands and their zone of influence;

(f) recommend additions, if any, to the list of prohibited activities for specific wetlands;

(g) define strategies for conservation and wise use of wetlands within their jurisdiction; wise use being a principle for managing these ecosystems which incorporates sustainable uses (such as capture fisheries at subsistence level or harvest of aquatic plants) as being compatible with conservation, if ecosystem functions (such as water storage, groundwater recharge, flood buffering) and values (such as recreation and cultural) are maintained or enhanced;

(h) review integrated management plan for each of the notified wetlands (including trans-boundary wet lands in coordination with Central Government), and within these plans consider continuation and support to

traditional uses of wetlands which are harmonized with ecological character;

(i) in cases wherein lands within boundary of notified wetlands or wetlands complex have private tenancy rights, recommend mechanisms for maintenance of ecological character through promotional activities;

(j) identify mechanisms for convergence of implementation of the management plan with the existing State/Union Territory level development plans and programmes;

(k) ensure enforcement of these rules and other relevant Acts, rules and regulations and on half-yearly basis (June and December of each calendar year) inform the concerned State Government or Union Territory Administration or Central Government on the status of such notified wetlands through a reporting mechanism;

(l) coordinate implementation of integrated management plans based on wise use principle through various line departments and other concerned agencies;

(m) function as nodal authority for all wetland specific authorities within the State or Union Territory Administration;

(n) issue necessary directions for conservation and sustainable management of wetlands to the respective implementing agencies;

(o) undertake measures for enhancing awareness within stakeholders and local communities on values and functions of wetlands; and

(p) Advise on any other matter *suo-motu*, or as referred by the State Government/ /Union Territory Administration.

(5) The concerned Department of the State Government or Union Territory shall provide all necessary support and act as nodal Department and Secretariat to the Authority.

(6) The Authority shall, within ninety days of publication of these rules, shall constitute,—

(a) a technical committee to review brief documents, management plans and advise on any technical matter referred by the Wetland Authority; and

(b) a grievance committee consisting of four members to provide a mechanism for hearing and forwarding the grievances raised by public to the Authority;

(7) The Committees referred to in sub-rule (6) shall meet at least once in every quarter to perform their functions.

(8) The Authority shall meet at least thrice in a year.

(9) The term of non-official members of the Authority nominated by State Government or Union Territory Administration, shall be for a period not exceeding three years.

6. *Constitution of National Wetlands Committee.*— (1) The Central Government, hereby constitutes the National Wetlands Committee with the following members, namely:—

(i) Secretary, Ministry of Environment Forest and Climate Change, Government of India — Chairperson;

(ii) Special Secretary or Additional Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change, Government of India — Vice-Chairperson;

(iii) Additional Director General, Wildlife, Ministry of Environment, Forest and Climate Change, Government of India — Member *ex-officio*;

(iv) Adviser or Joint Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change — Member *ex-officio*;

(v) Joint Secretary, Ministry of Tourism, Government of India — Member *ex-officio*;

(vi) Joint Secretary, Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India — Member *ex-officio*;

(vii) Joint Secretary, Ministry of Agriculture and Farmers Welfare, Government of India — Member *ex-officio*;

(viii) Joint Secretary, Ministry of Social Justice and Empowerment, Government of India — Member *ex-officio*;

(ix) Joint Secretary, Ministry of Urban Development, Government of India — Member *ex-officio*;

(x) Joint Secretary, Ministry of Rural Development, Government of India — Member *ex-officio*;

(xi) The Chairman, Central Pollution Control Board — Member *ex-officio*;

(xii) Director, Zoological Survey of India or Scientist F— Member *ex-officio*;

(xiii) Director, Botanical Survey of India or Scientist F— Member *ex-officio*;

(xiv) Director, Space Application Centre, Ahmedabad or Scientist F— Member *ex-officio*;

(xv) Member, Central Water Commission — Member *ex-officio*;

(xvi) Adviser, Niti Aayog — Member *ex-officio*;

(xvii) Three representatives of State Government or Union Territory Administration on a rotational basis for a tenure of two years each;

(xviii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning & socio-economics; and

(xix) Director/Additional Director/Joint Director dealing with wetlands, Ministry of Environment, Forest and Climate Change — Member Secretary.

(2) The National Wetlands Committee may co-opt other members, not exceeding three in number, if required.

(3) The National Wetlands Committee shall perform the following functions, namely:—

(a) advise the Central Government on appropriate policies and action programmes for conservation and wise use of wetlands;

(b) evolve norms and guidelines for integrated management of wetlands based on wise use principle;

(c) monitor implementation of these rules by the Authority;

(d) advise the Central Government on proposals received from State Governments or Union Territory Administrations for omission of the prohibited activities as referred in sub-rule (2) of rule 4;

(e) recommend designation of wetlands of international importance under Ramsar Convention;

(f) recommend trans-boundary wetlands for notification;

(g) review progress of integrated management of Ramsar sites and transboundary wetlands;

(h) advise on collaboration with international agencies on issues related to wetlands; and

(i) advise on any other matter *suo-moto*, or as referred by the Central Government.

(4) The tenure of non-official members of the Committee shall not exceed three years.

(5) The Committee shall meet at least once in every six months.

7. *Delegation of powers and functions to the State Governments and Union Territory Administrations.*— (1) The concerned Department of the State Government or Union Territory Administration shall, within a period of one year from the date of publication of these rules, prepare a Brief Document for each of the wetland identified for notification, providing:—

(a) demarcation of wetland boundary supported by accurate digital maps with coordinates and validated by ground truthing;

(b) demarcation of its zone of influence and land use and land cover thereof indicated in a digital map;

(c) ecological character description;

(d) account of pre-existing rights and privileges;

(e) list of site-specific activities to be permitted within the wetland and its zone of influence;

(f) list of site specific activities to be regulated within the wetland and its zone of influence; and

(g) modalities for enforcement of regulation;

(2) Based on the Brief Document, the Authority shall make recommendations to the State Government or Union Territory Administration for notifying the wetlands.

(3) The State Government or Union Territory Administration shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Authority.

(4) (a) In case of trans-boundary wetlands, the Central Government shall coordinate with concerned State Governments and Union Territory Administrations to prepare the Brief Document containing information as listed in sub-rule (1).

(b) Based on the Brief Document, the National Wetlands Committee shall make recommendations to the Central Government for notification of the wetland.

(c) The Central Government shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Committee.

(5) (a) The Central Government shall create a dedicated web portal for information relating to wetlands.

(b) The Central Government, State Government and Union Territory Administration shall upload all relevant information and documents pertaining to wetlands in their jurisdiction.

[F. No. J-220/2178/2003-CS (W) Pt. V]
Dr. A. DURAISAMY, Scientist 'G'

V. No. A-1165/2017.

MORMUGAO PORT TRUST

Notification

GAD/Legal-Amend/Regs./23/2017/2252

In exercise of the powers conferred under Section 123 of the Major Port Trusts Act, 1963 (Act 38 of 1963), the Board of Trustees of the Port of Mormugao hereby, makes the Regulations, namely, the Mormugao Port Trust Stevedoring and Shore Handling Regulations, 2017 in supersession of the existing Mormugao Port Trust (Licensing of Stevedores) Regulations, 2010 and subject to the approval of the Central Government, are here set out in the schedule annexed to this Notification and published as per sub-section (2) of Section 124 of Act.

Sd/- (I. JEYAKUMAR), Chairman of the Board of Trustees of the Port of Mormugao.

Mormugao, 11th October, 2017.

Mormugao Port Trust Stevedoring and Shore Handling Regulations, 2017

GOA

Dated: October, 2017.

In exercise of the powers conferred under Section 123 of the Major Port Trusts Act, 1963 (Act 38 of 1963), the Board of Trustees of the Port of Mormugao hereby, in supersession of the existing Mormugao Port Trust (Licensing of Stevedores) Regulations, 2010 and subject to the approval of the Central Government, frames Mormugao Port Trust Stevedoring and Shore Handling Regulations, 2017 hereasunder:

1. *Short title.*— (i) These Regulations may be called “The Mormugao Port Trust Stevedoring and Shore Handling Regulations, 2017”.

(ii) These Regulations shall come into force w.e.f. the date on which it is published in the Official Gazette.

2. *Definitions.*— In this Regulation, 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 Chairman of the Board.

(iv) “Traffic Manager” or “TM” means the Traffic Manager of the Port Trust Board and Head of the Traffic Department.

(v) “Form” means forms annexed to these Regulations.

(vi) “Port” or “MPT” shall mean Mormugao Port Trust.

(vii) “Stevedore” is an agent authorized under these Regulations for loading and unloading and stowage of cargo in any form on board the vessels in Ports.

(viii) Stevedoring includes loading, unloading and stowage of cargo in any form on board the vessels in Ports.

(ix) Shore Handling includes arranging and receiving the cargo to/from the hook point, inter modal transport from wharf to stack-yard and vice-versa and also receiving and delivering of cargo from/to wagons/trucks.

(x) “TAMP” shall mean Tariff Authority for Major Ports.

(xi) “Royalty” shall mean the amount fixed by Mormugao Port Trust which is payable by the Stevedoring and Shore Handling Agents to Mormugao Port Trust from the revenue receivable (based on the tariff fixed by TAMP) by them for rendering stevedoring and/or shore handling services to their principals. It may be clarified whether royalty will be charged as per percentage of revenue or per tonne basis keeping in view that TAMP will fix different tariff for different types of cargoes.

(xii) "Stevedoring and Shore Handling Agent" shall mean person(s) having combined Stevedoring and Shore Handling License issued under these Regulations for undertaking Stevedoring and Shore handling activities in Mormugao Port Trust.

(xiii) "Licensee" shall mean a person to whom a Stevedoring & Shore Handling License has been issued under these Regulations.

3. *Scope.*— The Regulations shall cover the following activities:-

(i) Stevedoring activities undertaken by the Port and/or licensed Stevedore in a Major Port.

(ii) Shore Handling activities undertaken by the port and/or licensed Shore Handling Agents or by agents under any other name.

(iii) The Stevedoring and Shore handling shall cover the activities on board and on shore respectively.

(iv) Combined Stevedoring and Shore Handling licenses will be handled by MPT and any exceptions would need to be approved by the Board or equivalent authority basis credible justification for it.

(v) No Agency shall undertake to perform these activities in MPT unless and until they are issued a valid license by the Port for the purpose.

(vi) The Stevedoring and Shore Handling Regulations do not apply to port operated Stevedoring & Shore Handling; this exemption is only for operations entirely carried out by the Port and not for operations carried out by agents partly or fully using port's labour.

(vii) Stevedoring Regulations also do not apply to PPP & BOT berth operations.

4. *Stevedoring and Shore Handling Charges.*— (i) TAMP shall notify the normative tariff for Stevedoring and Shore Handling

activities, separately for mechanized and manual operations based on a set of Guidelines to be issued to TAMP. This tariff shall be ceiling tariff. In case of any change in Role for TAMP in future, Boards of Major Ports will fix and notify the Rates based on the performance norms enforced in MPT as per Performance Norm Policy Guidelines.

(ii) All port customers will be notified on the ceiling tariffs set for Stevedoring and Shore Handling activities. The tariff will be mandatorily displayed on the MPT website.

(iii) The Traffic Manager shall be the nodal officer responsible for monitoring of Stevedoring and Shore Handling tariffs. The TM will be responsible for handling all complaints on violation of Stevedoring and Shore Handling ceiling tariff.

(iv) MPT shall appoint a nodal officer responsible for Stevedoring and Shore Handling tariffs. He shall also be responsible for handling complaints on receiving complaints regarding violation of stevedoring and shore handling tariff.

(v) MPT shall charge a royalty for the Stevedoring and Shore-handling. MPT shall fix a per Metric Tonne royalty rate from all agents based on the rates as per Scale of Rates. No discrimination will be made among the Stevedoring and Shore Handling agents on the royalty license fee.

5. *License for Stevedores and Shore Handling Agents.*— (1) MPT shall host the Stevedoring and Shore Handling Regulations, 2017 in its website and any eligible person/firm/company which fulfils the eligibility criteria can apply for license at any time on-line along with requisite documents.

(2) The Stevedoring and Shore Handling Licenses shall be issued by the Port to applicant subject to fulfillment of following criteria:

(i) Applicant is a company registered under the Company's Act or a Partnership Firm or any other legal entity.

(ii) Applicant deposits Security Amount of atleast Rs. 5 lakhs to meet any contingency which shall be refunded without interest after adjusting the claims, if any, when the Licensee ceases to operate.

(iii) Applicant submits an undertaking to provide equipment/gear required for both the operations as specified by the Port Trust Board.

(iv) Applicant submits an undertaking to employ atleast six (6) supervisory personnel with minimum 2 years of Cargo handling/stowage experience for undertaking both the functions. Their Profiles have to be enclosed alongwith the application.

6. *License Fees.*— The fee for issue of license shall be Rs. 50,000/- excluding taxes for a period of 3 yrs. which may be revised from time to time by the Port Trust Board.

7. *Validity/Renewal of License.*— (i) The license will be valid for a period of three financial years from the date of issuance of license.

(ii) The daily performance report capturing productivity achieved by the Stevedoring agent in the prescribed format shall be submitted by the Stevedoring & Shore Handling agent to the Traffic Department online. The Chairman of the Port Trust, Traffic Manager or the officer acting on his behalf will review the performance of Stevedoring & Shore Handling agent every month.

(iii) Compliance of terms and conditions of the license issued to the agents, safety norms followed by the agents will be monitored by Traffic Manager and a report to be submitted to the Chairman.

(iv) If the Traffic Manager finds any default on the part of Stevedoring & Shore Handling agent, he shall cause to issue warning in the event of first default and in the event of second default, the license of the Stevedoring & Shore Handling agent shall be liable to be cancelled, apart from levying penalties.

(v) At the end of three years, the license shall be renewed strictly on the basis of above mentioned performance reports.

(vi) The application for renewal of license shall be submitted in prescribed form, at least three months prior to expiry of license alongwith the requisite fee/late fees. Before renewal of the license a report may be obtained from the Inspector appointed under the Dock Workers/Safety Health and Welfare Act, 1986 in respect of compliance with the safety norms as per the statute and the same may be taken into consideration for granting renewal.

(vii) If the application for renewal is not received within the stipulated period of 3 months, such applications may be accepted by the Traffic Manager, upon payment of Rs. 5000/- excluding taxes, to the Port, provided that the application for renewal together with the late fee is received by the Traffic Manager before the actual date of the expiry of the license.

(viii) Before issue of renewal of licenses, a report regarding the safety performance and compliance of Dock Safety Statutes shall be obtained from the 'Inspector' declared under the Dock Workers (Safety, Health and Welfare) Act, 1986 which shall be taken into consideration while granting the renewal of the license. If the Stevedore & Shore Handling agent fulfils the required conditions and is eligible for renewal but awaiting safety clearance before expiry of the license period, Port may permit the Stevedoring operation by executing an Indemnity bond.

(ix) The application for grant/renewal of Stevedoring license shall be made in Form "A" to the Traffic Manager.

(x) Every License granted or renewed under these Regulations shall be in Form "B".

(xi) In the event of loss or defacing of the original license, a duplicate license may be obtained on an application made to the Traffic Manager on payment of Rs. 2000/-, excluding taxes.

8. *Migration to The New Stevedoring and Shore Handling Scheme.*— The new Stevedoring and Shore Handling Regulation shall come into effect from the date of its notification unless otherwise specified in these Regulations. All existing licensees undertaking stevedoring and shore handling activity in MPT will have to apply for fresh license under these Regulations. If such licensees do not apply for fresh license under these Regulations for switching over to the new scheme, their license(s) shall be terminated by MPT after giving due notice to them. The migration to the new scheme shall be allowed subject to fulfillment of all the provisions of these Regulations.

9. *Duties And Responsibilities.*— Stevedores & Shore Handling agents shall perform the following duties, responsibilities and performance parameters and ensure the safe and efficient handling, keeping in view the following basic criteria:

(i) The Stevedore & Shore Handling agents shall comply with applicable safety norms in relation to such operations and with the applicable statutes regarding labour.

(ii) Stevedoring & Shore Handling agents shall indemnify the Board against all third party claims arising out of such operations.

(iii) The Stevedore & Shore Handling agents shall be solely responsible for any accident or damage resulting either out of negligence, from the use of defective gear or for any other reasons/actions.

(iv) Whenever casual workers are deployed, the Stevedore & Shore Handling agents should ensure that such workers are covered by the insurance policy and such other benefits as applicable under Law.

(v) In the event of any accident, the Stevedore & Shore Handling agents are liable to settle the claim as per the Workmen's Compensation Act.

(vi) The Stevedore & Shore Handling agents shall pay scheduled charges to Port in advance.

(vii) The Stevedore & Shore Handling agents may deploy adequate supervisory personnel per vessel.

(viii) The Stevedore & Shore Handling agents shall ensure that all the amount due to the Board is paid on the appointed dates, failing which the license is liable to be cancelled.

(ix) The Stevedore & Shore Handling agents shall comply with such instructions as may be issued from time to time by the Traffic Manager or any officer acting on his behalf, in the interest of safety, operational requirement, improved productivity and labour discipline.

(x) If any gear, plant or any other property of the Board is damaged in the course of stevedoring and shore handling operation the Stevedore and Shore Handling agent shall compensate the Board for such loss or damage.

(xi) Stevedore & Shore Handling agents shall deploy necessary equipment as indicated by the Port in the license.

(xii) Stevedore & Shore Handling agents shall achieve the performance norms fixed by the Port.

(xiii) The Stevedore & Shore Handling agencies shall publish their tariff along with break up in their websites and in the website of the Port.

10. *Cancellation/Suspension of License.*— (A) The port may at any time suspend or cancel the license issued to a Stevedore & Shore Handling agent for violation of any of the terms of license or for any reasons listed below:

(i) The firm does not achieve the performance norms issued by the Port Authority for an average over a period of three (3) months.

(ii) The firm is found to be charging higher than the ceiling tariff defined for Stevedore & Shore Handling activities in the Port.

(iii) The CEO of the Stevedoring and Shore Handling firm has been convicted by the Court of any offence involving moral turpitude and sentenced in respect thereof, to imprisonment for not less than six months, and a period of five years has not elapsed from the date of expiry of the sentence.

(iv) Violation of safety regulations and mandatory Dock Safety measures.

(v) Adopting improper and unsafe handling methods.

(vi) Misrepresentation or misstatement of material facts.

(vii) Firm adjudged insolvent or going into liquidations.

(viii) Transfer of the stevedoring operations or sublet of the license to any other individual or parties.

(ix) Violation of security related rules & instructions like ISPS code compliance.

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

(xi) Indulging in illegal/corrupt practices.

(xii) Causing obstruction to any work in the Port, compromising safety, illegal or malicious acts and/or for non-compliance of any direction given by the Traffic Manager or an officer acting on his behalf.

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

(C) Provided further that, the written order communicating the suspension/

cancellation/refusal to issue licenses for any of the violation listed in Clause (a) above or otherwise, shall be made reasonably within a period of 30 days from the date of original intimation/notice issued to a Stevedore.

11. *Appeal.*— (i) Any person aggrieved by any order relating to cancellation/suspension/refusal to issue licenses, may prefer an appeal in writing to the Chairman, MPT or any other higher authority, as the case may be, within 30 days of the communication of the order appealed against.

12. *Deployment of Workers From Port/DLBs/ License Holder or outside.*— (i) Existing practice of deploying port labour by Stevedore and Shore Handling agents may continue. In case the Port is unable to supply the requisite workers against the requisition placed by Stevedore and Shore Handling agent, the port may allow the Stevedore and the Shore Handling agent to make their own arrangement for this purpose. No notional booking or levying of charges should be made and agents shall not be levied any charges for labour, in case the Port Trust does not supply the labour.

13. *Performance Norms.*— (i) Productivity norms for the Stevedore and Shore Handling agents shall be calculated basis "Performance Norm Policy". Performance based penalty & incentives shall be enforced in accordance with the "Performance Norm Policy". Port Trust shall re-assess the penalty bands and/or incentive bands in the frequency as prescribed by the performance norm.

(ii) Daily performance report in the prescribed format shall be submitted by the Stevedoring & Shore Handling agent to the Traffic Department online. Performance of the agent in terms of productivity achieved will be reviewed by the Port Chairman every month. The monthly performance summary capturing productivity achieved by the respective agents will be published on the Port website to ensure transparency to the customers.

(iii) Licenses of agents failing to meet productivity norms for an average over a period of 3 months can be revoked by the Port Authority.

(iv) In case of Dry Bulk cargo the norms fixed by MPT under the Berthing Policy for Dry Bulk Cargo for Major Ports, 2016 shall be the performance norms for the purpose of these Regulations also.

(v) In respect of other cargo, not covered under the Berthing Policy for Dry Bulk Cargo for Major Ports, 2016, including break-bulk and container the performance norms will be those fixed by MPT for the purpose of these Regulations.

(vi) The Stevedoring and Shore Handling Agents will also be liable to performance based penalty and incentives in accordance with the Berthing Policy for Dry Bulk Cargo for Major Ports, 2016 as will be adopted by MPT from time to time with the approval of TAMP or any other Competent Authority.

14. *Training, Use of Modern Technology.*—
(i) The personnel deployed in Stevedoring & Shore Handling activities shall be trained in modern methods of cargo handling for improving the productivity, efficiency and safety.

15. *Miscellaneous.*— (i) The Traffic Manager may issue, from time to time, such appropriate operational guidelines/instructions or such other directions as is required for the smooth implementation and execution of these Regulations; after obtaining the approval of the Chairman.

(ii) The forms required for grant/renewal of stevedoring license under these Regulations shall be such as may be prescribed from time to time.

16. *Interpretation.*— (i) If any question arises as to the interpretation of these Regulations or in respect of any matter not hereinabove or subsequently provided for, the same shall be decided by the Chairman, MPT.

17. *Repeal and Savings.*— (i) “The Mormugao Port Trust (Licensing of Stevedores) Regulations, 2010” and the procedures, practices and customs corresponding to these Regulations and in force immediately before the commencement of these Regulations are hereby repealed.

(ii) Provided that any order made or action taken under the Regulations, procedure, practices and customs so repealed shall be deemed to have been made or taken under the corresponding provisions of these Regulations.

FORM-A

(Under Regulation 7 (ix) of The Mormugao Port Trust Stevedoring and Shore Handling Regulations, 2017)

MORMUGAO PORT TRUST

Traffic Department

To,
The Traffic Manager,
Mormugao Port Trust.

Application Form for the Grant/Renewal of Stevedoring and Shore Handling Licence

- | | |
|--|---|
| 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 ship/owner of cargo, with whom the contract for stevedoring their vessel/cargo subsists or is proposed to be entered
(Proof of contract for the period covered is to be appended. The approximate tonnage for each party is to be indicated) :
- 6) Previous experience in the field, if any
(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 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 conversant with Rules and Regulations
(A list of the staff and their experience to be furnished) :
- 10) Whether the applicant has cleared all the amounts, if any, on account of transactions he had with the Mormugao Port Trust/CHLD ? :
- 11) Whether the licence fee and the security deposit has been paid ?
(The receipt for the payment is to be attached. The licence fee and the deposit will be refunded if licence is not issued/renewed) :
- 12) Whether the applicant has deposited a sum of Rs. 5 lakhs in the form of Pay order/Demand Draft? :

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

I agree 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 Mormugao Port Trust Stevedoring and Shore Handling Regulations, 2017.

and to comply with any other conditions made by the Chairman or any other officer authorized under Mormugao Port Trust Stevedoring and Shore Handling Regulations, 2017 from time to time, if the licence is issued/renewed.

Place:

Signature of Applicant

Date:

N. B. The grant/renewal of Licence will be entirely at the discretion of the Chairman.

FORM-B

(Under Regulation 7 (x) of Mormugao Port Trust Stevedoring and Shore Handling Regulations, 2017)

MORMUGAO PORT TRUST
Traffic Department

Ref. No.

Dt.

Licence For Undertaking Stevedoring Operations at the Mormugao Port Trust.

1. Name of the Licencee:
2. Address:
3. Period for which the licence is granted:
4. This licence is issued subject to the the Mormugao Port Trust Stevedoring and Shore Handling Regulations, 2017.

Signature of Licensing Authority

Chairman, Mormugao Port Trust

*The conditions will be drawn mainly based on the Mormugao Port Trust Stevedoring and Shore Handling Regulations, 2017.

मुर्गांव पत्तन न्यास
मुर्गांव पत्तन न्यास स्टीवीडोरिंग तथा शोर हैण्डलिंग
विनियम, २०१७

गोवा

दिनांक: ऑक्टोबर, २०१७

अधिसूचना

महापत्तन न्यास अधिनियम, १९६३ (१९६३ का ३८) की धारा-१२३ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुर्गांव पत्तन का न्यासी मंडल, मौजूदा मुर्गांव पत्तन न्यास (स्टीवीडोरिंग तथा शोर हैण्डलिंग) विनियम, २०१७ का अधिक्रमण करते हुए केन्द्र सरकार के अनुमोदन के अधीन मुर्गांव पत्तन न्यास स्टीवीडोरिंग तथा शोर हैण्डलिंग विनियम, २०१७ बनाता है। यह विनियम इस अधिसूचना से संलग्न अनुसूची में निर्धारित है और अधिनियमकी धारा -१२४ की उप-धारा (२) के अनुसार प्रकाशित किए गए हैं।

हस्ता/—

(आई. जेयकुमार)

मुर्गांव पत्तन न्यासी मंडल के अध्यक्ष

मुर्गांव पत्तन न्यास स्टीवीडोरिंग तथा शोर हैण्डलिंग
विनियम, २०१७

महापत्तन न्यास अधिनियम, १९६३ (१९६३ की धारा ३८) की धारा १२३ के तहत प्रदत्त शक्तियों का प्रयोग करते हुए मुर्गांव पत्तन के न्यासी मंडल ने मौजूदा मुर्गांव पत्तन न्यास (स्टीवीडोरिंग तथा शोर हैण्डलिंग) विनियम,

२०१० का अधिक्रमण करते हुए तथा केन्द्र सरकार के अनुमोदन के अधीन मुर्गांव पत्तन न्यास स्टीवीडोरिंग तथा शोर हैण्डलिंग विनियम, २०१७ बनाता है —

१. संक्षिप्त नाम — (i) इन विनियमों को “मुर्गांव पत्तन न्यास स्टीवीडोरिंग तथा शोर हैण्डलिंग विनियम, २०१७” कहा जाए।

(ii) ये विनियम सरकारी राजपत्र में उनके प्रकाशन की तारीख से लागू होंगे।

२. परिभाषा — इन विनियमों में जब तक संदर्भ में अन्यथा अपेक्षित न हो —

(i) “अधिनियम” का अर्थ महापत्तन न्यास अधिनियम १९६३ है।

(ii) “मंडल” का अर्थ अधिनियम के अंतर्गत गठित मुर्गांव पत्तन का न्यासी मंडल है।

(iii) “अध्यक्ष” का अर्थ मंडल का अध्यक्ष है।

(iv) “यातायात प्रबंधक” अथवा “टीएम” का अर्थ है पत्तन न्यास मंडल का यातायात प्रबंधक तथा यातायात विभाग के प्रमुख।

(v) “फार्म” का अर्थ है इन विनियमों के साथ संलग्न फार्म।

(vi) “पत्तन” अथवा “एमपीटी” का अर्थ होगा मुर्गांव पत्तन न्यास।

(vii) “स्टीवीडोर” पत्तनों में जहाजों पर किसी भी प्रकार नौभार के भारण, अभारण तथा स्टोवेज हेतु प्राधिकृत एजेंट है।

(viii) स्टीविडोरिंग में पत्तन में जहाजों पर किसी की प्रकार के नौभार का भारण, अभाण तथा स्टोवेज शामिल है।

(ix) शोर हैण्डलिंग में हुक प्वाइंट तक/से नौभार की व्यवस्था व प्रापण, वार्फ से स्टेक—यार्ड तथा वापसी क्रम में इन्टर मोडल ट्रान्सपोर्ट तथा वैगनों/ट्रकों से/तक नौभार का प्रापण तथा प्रेषण, शामिल है।

(x) “टैम्प” का अर्थ है महापत्तनों के प्रशुल्क प्राधिकारी।

(xi) “रॉयल्टी” का अर्थ है मुरगांव पत्तन न्यास द्वारा नियत राशि जो स्टीविडोरिंग तथा शोर हैण्डलिंग एजेण्टों द्वारा उनके प्रधानों को स्टीविडोरिंग तथा/अथवा शोर हैण्डलिंग सेवाओं के लिए उनके द्वारा प्राप्य राजस्व (टैम्प द्वारा नियत प्रशुल्क के आधार पर) से मुरगांव पत्तन न्यास को देय है। यह स्पष्ट किया जाए कि टैम्प विभिन्न प्रकार के नौभारों के लिए अलग-अलग प्रशुल्क नियत करेगा इस बात को ध्यान में रखते हुए क्या राजस्व की प्रतिशत या प्रति टन आधार पर रायल्टी प्रभारित की जाएगी।

(xii) “स्टीविडोरिंग तथा शोर हैण्डलिंग एजेण्ट” वह व्यक्ति/वे व्यक्ति है जिनके पास मुरगांव पत्तन न्यास में स्टीविडोरिंग तथा शोर हैण्डलिंग क्रियाकलाप निष्पादित करने के लिए इन विनियमों के तहत जारी समेकित स्टीविडोरिंग तथा शोर लाइसेंस है।

(xiii) “लाइसेंसधारी” वह व्यक्ति है जिन्हें इन विनियमों के तहत स्टीविडोरिंग तथा शोर हैण्डलिंग लाइसेंस जारी किया गया है।

३. विस्तार.— इस विनियम के अंतर्गत निम्नलिखित गतिविधियां शामिल होंगी :-

(i) महापत्तन में पत्तन द्वारा तथा/अथवा लाइसेंसड स्टीविडोरिंग द्वारा कार्यान्वित स्टीविडोरिंग गतिविधियां।

(ii) पत्तन तथा/अथवा लाइसेंसड शोर हैण्डलिंग एजेण्टों अथवा किसी अन्य नाम के तहत एजेण्टों द्वारा कार्यान्वित शोर हैण्डलिंग गतिविधियां।

(iii) स्टीविडोरिंग तथा शोर हैण्डलिंग के अंतर्गत जहाज की तथा तटीय गतिविधियां शामिल होंगी।

(iv) संयुक्त स्टीविडोरिंग तथा शोर हैण्डलिंग लाइसेंसिस एमपीटी द्वारा नियंत्रित किए जाएंगे और किसी भी अपवाद को मंडल या समतुल्य प्राधिकरण द्वारा समुचित औचित्य के आधार पर अनुमोदित करना होगा।

(v) कोई भी एजेसी इन गतिविधियों को एमपीटी में तब तक कार्यान्वित नहीं करेगी जब तक कि उन्हें इस प्रयोजनार्थ पत्तन द्वारा वैध लाइसेंस जारी न किया जाए।

(vi) स्टीविडोरिंग तथा शोर हैण्डलिंग विनियम पत्तन प्रचालित स्टीविडोरिंग तथा शोर हैण्डलिंग पर लागू नहीं होते हैं, यह छूट केवल पत्तन द्वारा पूर्णतया प्रचालित कार्यों के लिए है, न कि पत्तन श्रमिकों के माध्यम से एजेंट द्वारा आंशिक या पूर्णतया किए जा रहे कार्यों के लिए।

(vii) स्टीविडोरिंग विनियम पीपीपी तथा बीओटी बर्थ प्रचालनों पर भी लागू नहीं होते हैं।

४. स्टीविडोरिंग तथा शोर हैण्डलिंग प्रभार.— (i) टैम्प मैकनाइज्ड तथा मैनुअल प्रचालनों के लिए अलग से टैम्प को प्रस्तुत किए जानेवाले दिशानिर्देशों के आधार पर स्टीविडोरिंग तथा शोर हैण्डलिंग क्रियाकलापों के लिए सामान्य प्रशुल्क अधिसूचित करेगा। यह प्रशुल्क अधिकतम प्रशुल्क होगा। भविष्य में टैम्प की भूमिका में यदि कोई परिवर्तन होता है तो महापत्तनों के मंडल निष्पादन मानक नीति दिशानिर्देशों के अनुसार एमपीटी में लागू निष्पादन—मानकों के आधार पर दरों को नियत कर अधिसूचित करेगा।

(ii) स्टीविडोरिंग तथा शोर हैण्डलिंग क्रियाकलापों के लिए सभी पत्तन प्रयोक्ता अधिकतम प्रशुल्क के आधार पर अधिसूचित होंगे। प्रशुल्क को एमपीटी की वेबसाइट पर अधिदेशात्मक रूप से प्रदर्शित किया जाएगा।

(iii) स्टीविडोरिंग तथा शोर हैण्डलिंग प्रशुल्क के मानिटरिंग हेतु यातायात प्रबंधक जिम्मेदार नोडल अधिकारी होंगे। स्टीविडोरिंग तथा शोर हैण्डलिंग सीलिंग प्रशुल्क के उल्लंघन संबंधी शिकायतों पर टीएम विचार करेंगे।

(iv) स्टीविडोरिंग तथा शोर हैण्डलिंग प्रशुल्क के लिए एमपीटी एक नोडल अधिकारी का चयन करेंगे। वे स्टीविडोरिंग तथा शोर हैण्डलिंग प्रशुल्क के उल्लंघन के संबंध में प्राप्त शिकायतों पर विचार करेंगे।

(v) स्टीविडोरिंग तथा शोर हैण्डलिंग हेतु एमपीटी रायल्टी प्रभारित करेगा। एमपीटी, दरमानों के आधार पर सभी एजेण्टों से प्रति मेट्रीक टन रॉयल्टी दर नियत करेगा। रॉयल्टी लाइसेंस शुल्क के संबंध में स्टीविडोरिंग तथा शोर हैण्डलिंग एजेण्टों के बीच कोई पक्षपात नहीं किया जाएगा।

५. स्टीविडोरिंग तथा शोर हैण्डलिंग एजेण्टों के लिए लाइसेंस.— १. एमपीटी, स्टीविडोरिंग तथा शोर हैण्डलिंग विनियम, २०१७ को अपनी वेबसाइट पर अपलोड करेगा और पात्र व्यक्ति/फर्म/कंपनी जो पात्रता मानदण्डों को पूरा करते हैं वे लाइसेंस के लिए अपेक्षित दस्तावेजों सहित किसी भी समय ऑन—लाईन आवेदन कर सकते हैं।

२. आवेदक को स्टीविडोरिंग तथा शोर हैण्डलिंग लाइसेंस पत्तन द्वारा तभी जारी किया जाएगा यदि वे निम्नलिखित मानदण्डों को पूरा करते हैं :—

(i) आवेदक, कंपनी अधिनियम के तहत पंजीकृत एक कंपनी या एक पार्टनरशिप फर्म या कोई अन्य विधिक अस्तित्व है।

(ii) आवेदक, किसी भी आकस्मिकता को पूरा करने के लिए कम से कम ५ लाख रुपए की प्रतिभूति राशि जमा करेगा जो राशि लाइसेंसधारी जब प्रचालन बंद करता है तो दावा, यदि कोई हो, को समायोजित करने के पश्चात ब्याज के बिना वापस करेगा।

(iii) आवेदक वचन देता है कि पत्तन न्यास मंडल द्वारा निर्दिष्ट किए अनुसार दोनों प्रचालनों के लिए आवश्यक उपकरण/गियर की व्यवस्था करेगा।

(iv) आवेदक यह भी वचन देता है कि वह कम से कम छह (६) पर्यवेक्षकीय कार्मिकों को नियोजित करेगा जिन्हें दोनों कार्य करने के लिए नौभार सम्ललाई/स्टोवेज में न्यूनतम २ वर्षों का अनुभव हो। आवेदन के साथ उन्हें अपना विवरण संलग्न करना होगा।

६. लाइसेंस शुल्क.— लाइसेंस जारी करने हेतु शुल्क ३ वर्षों की अवधि के लिए कर रहित रु. ५०,०००/— है जो पत्तन न्यास मंडल द्वारा समय-समय पर संशोधित किया जाएगा।

७. लाइसेंस की वैधता/नवीनीकरण.— (i) यह लाइसेंस, जारी होने की तारीख से तीन वित्तीय वर्षों के लिए वैध होगा।

(ii) स्टीविडोरिंग एजेण्ट द्वारा प्राप्त उत्पादकता दशनिवाला दैनिक निष्पादन रिपोर्ट स्टीविडोरिंग तथा शोर हैण्डलिंग एजेण्ट निर्धारित प्रपत्र में यातायात विभाग को ऑनलाईन प्रस्तुत करेगा। पत्तन न्यास के अध्यक्ष, यातायात प्रबंधक या उनकी ओर से कार्यकारी अधिकारी प्रति माह स्टीविडोरिंग तथा शोर हैण्डलिंग एजेण्ट के निष्पादन का पुनरीक्षण करेंगे।

(iii) एजेण्टों को जारी लाइसेंस की शर्तों का अनुपालन, एजेण्टों द्वारा अपनाए जानेवाले सुरक्षा मानकों का मानिट्रिंग यातायात प्रबंधक द्वारा किया जाएगा जिसकी रिपोर्ट अध्यक्ष को प्रस्तुत की जाएगी।

(iv) यातायात प्रबंधक द्वारा स्टीविडोरिंग तथा शोर हैण्डलिंग एजेण्ट की ओर से यदि कोई चूक पायी जाती है तो वे पहली चूक पर चेतावनी जारी करेंगे और चूक पर स्टीविडोरिंग तथा शोर हैण्डलिंग एजेण्ट पर शास्ति लगाने के अतिरिक्त उनका लाइसेंस रद्द किया जाएगा।

(v) तीन वर्षों की समाप्ति पर लाइसेंस को अनिवार्यतः उपरोक्त उल्लिखित निष्पादन रिपोर्टों के आधार पर नवीनीकृत किया जाएगा।

(vi) लाइसेंस नवीनीकरण हेतु आवेदन लाइसेंस समाप्ति से कम से कम तीन माह पहले अपेक्षित शुल्क/विलंब शुल्क सहित निर्धारित प्रपत्र में प्रस्तुत किया जाएगा। लाइसेंस नवीनीकरण से पहले नियमों के अनुसार सुरक्षा मानकों के अनुपालन के संबंध में गोदी कामगार/सुरक्षा स्वास्थ्य तथा कल्याण अधिनियम, १९८६ के तहत नियुक्त निरीक्षक से रिपोर्ट प्राप्त की जाए जिसपर लाइसेंस का नवीनीकरण करते समय विचार किया जाएगा।

(vii) यदि नवीनीकरण हेतु आवेदन ३ माह की निर्धारित अवधि के भीतर प्राप्त नहीं होता है तो ऐसे आवेदन पत्तन को कर रहित रु. ५०००/— का भुगतान कर, यातायात प्रबंधक द्वारा स्वीकार किए जा सकते हैं बशर्ते कि विलंब शुल्क सहित नवीनीकरण हेतु आवेदन लाइसेंस समाप्ति की वास्तविक तारीख से पूर्व यातायात प्रबंधक को प्राप्त होते हैं।

(viii) नवीकृत लाइसेंस जारी करने से पूर्व, सुरक्षा निष्पादन तथा गोदी सुरक्षा संविधि के अनुपालन की रिपोर्ट गोदी कामगार (सुरक्षा, स्वास्थ्य व कल्याण) अधिनियम, १९८६ के तहत घोषित “निरीक्षक” से प्राप्त करनी होगी, जिसपर लाइसेंस का नवीनीकरण करते समय विचार किया जाएगा। यदि स्टीविडोर तथा शोर हैण्डलिंग एजेण्ट आवश्यक शर्तों को पूरा करते हैं और नवीनीकरण के लिए पात्र है किन्तु लाइसेंस अवधि की समाप्ति पूर्व सुरक्षा निर्बाधता की प्रत्याशा में है, तो पत्तन एक क्षतिपूर्ति बंधपत्र निष्पादित करते हुए स्टीविडोरिंग प्रचालन की अनुमति दे सकता है।

(ix) स्टीविडोरिंग लाइसेंस की मंजूरी/नवीनीकरण के लिए फार्म “क” में यातायात प्रबंधक को आवेदन प्रस्तुत करना होगा।

(x) इन विनियमों के अंतर्गत मंजूर या नवीनीकृत प्रत्येक लाइसेंस फार्म “ख” में होगा।

(xi) मूल लाइसेंस गुम होने पर या खराब होने पर यातायात प्रबंधक को आवेदन कर, कर रहित रु. २०००/— का भुगतान करने पर लाइसेंस की दूसरी प्रति प्राप्त की जा सकती है।

८. नई स्टीविडोरिंग तथा शोर हैण्डलिंग योजना का अंगीकरण.— जब तक इन विनियमों में अन्यथा निर्दिष्ट न हो नया स्टीविडोरिंग तथा शोर हैण्डलिंग विनियम, इसकी अधिसूचना की तारीख से लागू होगा। सभी मौजूदा लाइसेंसधारी जो एमपीटी में स्टीविडोरिंग तथा शोर हैण्डलिंग कार्य लेते हैं उन्हें इन विनियमों के तहत लाइसेंस के लिए आवेदन करना होगा। यदि लाइसेंसधारी इन विनियमों के तहत नई योजना में जाने के लिए नए लाइसेंस के लिए आवेदन नहीं करता है तो उन्हें योग्य नोटिस देते हुए एमपीटी उनके लाइसेंस (लाइसेंसों) को समाप्त करेगा। नई योजना में अन्तरण तभी अनुमत होगा जब इन विनियमों के सभी प्रावधानों की पूर्ति की जाती है।

९. कर्तव्य तथा उत्तरदायित्व.— स्टीविडोर तथा शोर हैण्डलिंग एजेण्ट निम्नलिखित कर्तव्यों, दायित्वों तथा कार्य-निष्पादन मानदण्डों का अनुपालन करेंगे और निम्नलिखित मूलभूत मापदण्डों को ध्यान में रखते हुए सुरक्षित तथा कार्यक्षम सम्वहलाई सुनिश्चित करेंगे:—

(i) स्टीवीडोर तथा शोर हैण्डलिंग एजेण्ट ऐसे प्रचालनों से संबंधित यथा लागू सुरक्षा मापदण्डों तथा श्रम संबंधी अध्यादेशों का अनुपालन करेंगे।

(ii) स्टीविडोर ऐसे प्रचालनों से उत्पन्न तीसरे पक्ष के सभी दावों के लिए मंडल को क्षतिपूर्ति करेगा।

(iii) लापरवाही, खराब गियर के इस्तेमाल अथवा किसी अन्य कारणवश/कार्रवाई के कारण हुई किसी दुर्घटना या क्षति के लिए स्टीविडोर तथा शोर हैण्डलिंग एजेण्ट अकेला उत्तरदायी होगा।

(iv) जब भी नैमित्तिक कामगारों को नियोजित किया जाता है तो स्टीविडोर तथा शोर हैण्डलिंग एजेण्ट सुनिश्चित करेगा कि ऐसे कामगारों को बीमा पॉलिसी तथा नियमों के तहत यथा लागू ऐसे अन्य सुविधाओं के तहत शामिल किया गया है।

(v) किसी भी दुर्घटना के मामले में स्टीवीडोर तथा शोर हैण्डलिंग एजेण्ट कामगार क्षतिपूर्ति अधिनियम के अनुसार दावे का निपटान करने के लिए जिम्मेदार होगा।

(vi) स्टीवीडोर तथा शोर हैण्डलिंग एजेण्ट पत्तन को अग्रिम में निर्धारित प्रभागों का भुगतान करेगा।

(vii) स्टीवीडोर तथा शोर हैण्डलिंग एजेण्ट प्रति जहाज पर्याप्त पर्यवेक्षकीय कार्मिकों को तैनात करेगा।

(viii) स्टीवीडोर तथा शोर हैण्डलिंग एजेण्ट सुनिश्चित करेगा कि मंडल को देय पूरी राशि नियत तारीख को अदा की जाती है अन्यथा लाइसेंस रद्द किया जाएगा।

(ix) स्टीविडोर तथा शोर हैण्डलिंग एजेण्ट सुरक्षा, प्रचालन आवश्यकता, उन्नत उत्पादकता तथा श्रम अनुशासन की दृष्टि से यातायात प्रबंधक अथवा उनकी और से कोई भी कर्मचारी अधिकारी द्वारा समय-समय पर जारी ऐसे अनुदेशों का अनुपालन करेगा।

(x) स्टीविडोरिंग तथा शोर हैण्डलिंग प्रचालन के दौरान यदि मंडल के किसी भी गियर, संयंत्र या किसी अन्य सम्पत्ति को हानि पहुंचती है तो स्टीविडोर तथा शोर हैण्डलिंग एजेण्ट ऐसी हानि या क्षति के लिए मंडल को क्षतिपूर्ति करेगा।

(xi) स्टीविडोर तथा शोर हैण्डलिंग एजेण्ट लाइसेंस में पत्तन द्वारा सूचित किए अनुसार आवश्यक उपकरण परिनिर्जित करेगा।

(xii) स्टीवीडोर तथा शोर हैण्डलिंग एजेण्ट पत्तन द्वारा नियत कार्यनिष्पादन मानकों को हासिल करेगा।

(xiii) स्टीविडोर तथा शोर हैण्डलिंग एजेन्सी अपना प्रशुल्क ब्रेक-अप सहित अपनी वेबसाईट में अपलोड करेंगे।

१०. लाइसेंस को रद्द/स्थगित करना: (क) पत्तन, लाइसेंस की किसी भी शर्त का उल्लंघन करने पर या नीचे सूचित किसी भी कारणों की वजह से किसी भी समय स्टीविडोर तथा शोर हैण्डलिंग एजेण्ट को जारी लाइसेंस स्थगित या रद्द कर सकता है :—

(i) यदि फर्म, औसतन तीन (३) महीनों से अधिक अवधि के लिए पत्तन द्वारा जारी निष्पादन मानकों को प्राप्त नहीं करते हैं।

(ii) यदि फर्म पत्तन में स्टीविडोरिंग तथा शोर हैण्डलिंग क्रियाकलापों के लिए निष्पादित अधिकतम प्रशुल्क से अधिक प्रभारित करते हैं।

(iii) स्टीविडोरिंग तथा शोर हैण्डलिंग फर्म के सीईओ को नैतिक अधमता के लिए अपराध न्यायालय द्वारा दोष सिद्ध हुआ हो और उस मामले में छह माह से कम की सजा न हो और सजा खत्म होने की तारीख से पांच वर्ष की अवधि समाप्त न हुई हो।

(iv) सुरक्षा विनियमों तथा अधिदेशात्मक गोदी सुरक्षा उपायों का उल्लंघन करता है।

(v) अनुचित तथा असुरक्षित सम्वहलाई पध्दतियों को अपनाता है।

(vi) वास्तविक तथ्यों को अयथार्थ रूप से प्रस्तुत करना या अनुचित रूप से बताना।

(vii) फर्म दिवालिया सिद्ध हुआ है अथवा परिसमापन होनेवाला है।

(viii) स्टीवीडोरिंग प्रचालन किसी अन्य व्यक्ति का पार्टियों को हस्तांतरित करना या लाइसेंस सबलेट करना।

(ix) सुरक्षा संबंधी नियम व आईएसपीएस संहिता अनुपालन जैसे अनुदेशों का उल्लंघन करना।

(x) ऐसा कोई भी कदाचार जिसके लिए मंडल के विचार से लाइसेंस रद्द या स्थगित किया जा सकता है।

(xi) अवैध तथा भ्रष्ट व्यवहार करता हो।

(xii) पत्तन में किसी भी कार्य में रूकावट पैदा करना, सुरक्षा के संबंध में अवैध या विद्वेषपूर्ण व्यवहार के साथ समझौता करना यातायात प्रबंधक या उनकी ओर से कार्यकारी अधिकारी द्वारा दिए किसी भी निदेशों का अनुपालन न करना।

(ख) उपबन्धित है कि ऐसा कोई भी लाइसेंस रद्द या स्थगित नहीं किया जाएगा जब तक कि लाइसेंसधारी को यह कारण बताने का पर्याप्त

अवसर न दिया जाएगा कि क्यों न उनके लाइसेंस को रद्द या स्थगित, जैसी भी स्थिति हो, किया जाए।

(ग) आगे यह भी उपबंधित है कि उपर्युक्त खण्ड (क) के सूचीबद्ध किसी भी उल्लंघन के लिए अथवा अन्य प्रकार से लाइसेंस जारी करने हेतु स्थगन/निरसन/इन्कार सूचित करते हुए लिखित आदेश, स्टीविडोर के लिए जारी आरंभिक सूचना की तारीख से ३० दिनों को अवधि के भीतर, यथाचित रूप से लागू किया जाएगा।

११. अपील.— (i) लाइसेंस को रद्द/स्थगित/जारी करने से इन्कार करने संबंधी किसी आदेश से यदि कोई व्यक्ति ग्रसित होता है तो उस आदेश, जिसके विरुद्ध अपील की जा रही है, की प्राप्ति के ३० दिनों के भीतर अध्यक्ष, एमपीटी या किसी अन्य उच्च प्राधिकारी, जैसी भी स्थिति हो, को लिखित में अपील कर सकता है।

१२. पत्तन/डीएलबी/लाइसेंसधारी या बाहर से कामगारों की तैनाती.— (i) स्टीविडोर तथा शोर हैण्डलिंग एजेण्टों द्वारा पत्तन श्रमिकों को तैनात करने की मौजूदा पध्दति जारी रखी जाए यदि पत्तन स्टीविडोर्स तथा शोर हैण्डलिंग एजेण्टों की आवश्यकतानुसार पत्तन अपेक्षित कामगारों की आपूर्ति नहीं कर सकता है तो पत्तन इस प्रयोजन के लिए स्टीविडोर्स शोर हैण्डलिंग को अपनी व्यवस्था करने की अनुमति दे सकता है। यदि पत्तन न्यास श्रमिकों की आपूर्ति नहीं करता है तो कोई नोशनल बुकिंग अथवा प्रभार उगाही नहीं होगी और श्रमिकों के लिए एजेण्टों से कोई प्रभार नहीं लिए जाएंगे।

१३. निष्पादन मानक.— (i) स्टीविडोर तथा शोर हैण्डलिंग एजेण्टों के उत्पादकता मानक “निष्पादन मानक नीति” के आधार पर परिकल्पित किए जाएंगे। निष्पादन आधारित शास्ति तथा प्रोत्साहन “निष्पादन मानक नीति के अनुसरण में लागू किया जाएगा। पत्तन न्यास, शास्ति बैण्डस् तथा/अथवा प्रोत्साहन बैण्डस् निष्पादन मानक द्वारा यथा निर्धारित फ्रिक्वेन्सी में पुनः मूल्यांकित करेगा।

(ii) स्टीविडोरिंग तथा शोर हैण्डलिंग एजेण्टों दैनिक निष्पादन रिपोर्ट निर्धारित प्रपत्र में यातायात विभाग को ऑनलाईन प्रस्तुत करेगा। प्राप्त उत्पादन के अनुसरण में एजेण्ट के निष्पादन का पुनरीक्षण प्रति माह अध्यक्ष द्वारा किया जाएगा। संबंधित एजेण्टों द्वारा प्राप्त उत्पादकता दर्शानेवाली मासिक निष्पादन विवरण पत्तन की वेबसाइट पर दिया जाएगा ताकि उपभोक्ताओं के लिए पारदर्शिता सुनिश्चित की जा सके।

(iii) एजेण्ट जो औसतन तीन माह से अधिक अवधि के लिए उत्पादकता मानक पूरा नहीं कर पाता है तो उनका लाइसेंस पत्तन प्राधिकारी द्वारा रद्द किए जा सकता है।

(iv) शुल्क बल्क नौभार के मामले में शुष्क बल्क नौभार बर्थिंग महापत्तन २०१६ की नीति के अन्तर्गत एमपीटी द्वारा नियत मानक इन विनियमों के प्रयोजनार्थ भी निष्पादन मानक होंगे।

(v) अन्य नौभार के मामले में जो ब्रेक बल्क सहित शुष्क बल्क नौभार महापत्तन २०१६ की बर्थिंग नीति के अन्तर्गत शामिल नहीं है, निष्पादन मानक वह होंगे जो इन विनियमों के प्रयोजनार्थ एमपीटी द्वारा नियत किए गए हों।

(vi) स्टीविडोरिंग तथा शोर हैण्डलिंग एजेण्ट शुल्क बल्क नौभार महापत्तन २०१६ की बर्थिंग नीति के अनुसरण में निष्पादन आधारित शास्ति तथा प्रोत्साहन प्राप्त होगा जैसा कि टैम्प अथवा किसी अन्य सक्षम प्राधिकारी के अनुमोदन से एमपीटी द्वारा समय-समय अपनाया जाएगा।

१४. प्रशिक्षण, आधुनिक प्रौद्योगिकी का इस्तेमाल.— स्टीविडोरिंग तथा शोर हैण्डलिंग कार्यकलापों में तैनात कार्मिकों को उत्पादकता, कार्यक्षमता तथा सुरक्षा को सुधारने की दृष्टि से नौभार सम्मलई की आधुनिक पध्दतियों में प्रशिक्षित किया जाएगा।

१५. विविध.— (i) यातायात प्रबंधक, अध्यक्ष का अनुमोदन प्राप्त करने के पश्चात समय-समय ऐसे उचित प्रचालन दिशानिर्देश/अनुदेश या ऐसे अन्य निदेश जारी कर सकता है जो इन विनियमों के सुचारू कार्यान्वयन तथा निष्पादन के लिए आवश्यक है।

(ii) इन विनियमों के तहत स्टीविडोरिंग लाइसेंस की मंजूरी/नवीकरण के लिए आवश्यक फार्म समय-समय पर अध्यक्ष द्वारा निर्धारित किए अनुसार होंगे।

१६. निर्वचन.— यदि इन विनियमों के निर्वचन के संबंध में या किसी भी मामले में जो यहां ऊपर उल्लिखित न हो या बाद में उपबन्धित किया हो, के बारे में कोई प्रश्न उठता है तो अध्यक्ष एमपीटी द्वारा उस पर निर्णय दिया जाएगा।

१७. निरसन और व्यावृत्ति.— (i) मुरगांव पत्तन न्यास (स्टीविडोर्स की लाइसेंसिंग) २०१० तथा इन विनियमों के समरूप तथा इन विनियमों के लागू होने से तत्काल पहले प्रवृत्त पक्रियाओं, पध्दतियों तथा रीतियों का एतद्द्वारा निरसन किया जाता है।

(ii) यह भी उपबन्धित है कि इन विनियमों, प्रक्रियाओं, पध्दतियों तथा रीतियों के तहत बनाए आदेशों अथवा पर की गई कार्रवाई जिनका निरसन हुआ है का तात्पर्य इन विनियमों के तत्संबंधी प्रावधानों के तहत बनाए गए या की गई माना जाए।

फार्म “क”

मुरगांव पत्तन न्यास स्टीवीडोरिंग तथा शोर हैण्डलिंग विनियम,
२०१७ के विनियम ७ (ix) के तहत

मुरगांव पत्तन न्यास

यातायात विभाग

सेवा में,
यातायात प्रबंधक,
मुरगांव पत्तन न्यास.

स्टीवीडोरिंग तथा शोर हैण्डलिंग लाइसेंस की मंजूरी/नवीकरण हेतु आवेदन

१. आवेदक का नाम :
२. क्या व्यक्ति, फर्म या कंपनी है (पार्टनरशिप/कंपनी का अनुच्छेद प्रस्तुत किया जाए) :
३. पूर्ण पता:
४. वर्ष जिसके लिए लाइसेंस अपेक्षित है :
५. उस स्टिमशिप कंपनी/चार्टर ऑफ शिप/माल के मालिक का/के नाम, जिनके साथ उनके जलयानसें/माल के स्टीवीडोर से संबंधित कार्य के लिए संविदा जारी है या करने का प्रस्ताव है (समाविष्ट अवधि के लिए संविदा का प्रमाण संलग्न किया जाए। प्रत्येक पार्टी के लिए लगभग टनेज सूचित किया जाए)
६. इस क्षेत्र में पूर्व अनुभव, यदि कोई (पिछले तीन वर्षों में स्टीवीडोर किए गए कार्गो व टनेज के ब्यौरे प्रस्तुत करें)
७. कामगार प्रतिपूर्ति अधिनियम आदि के अंतर्गत वेतनों, प्रतिपूर्ति के कारण दायित्वों को पूरा करने के लिए वित्तीय योग्यता की राशि (बैंकों से वित्तीय योग्यता का प्रमाणपत्र तथा आयकर निपटान प्रमाणपत्र प्रस्तुत करें)
८. क्या संविदा किए गए जलयान/माल के संबंध से स्टीवीडोर संबंधी कार्य को करने के लिए आवेदक ने पर्याप्त गियरों का अधिग्रहण कर लिया है/करने के लिए सहमत है ?
(गियरों की सूची आवश्यक प्रमाणपत्र के साथ प्रस्तुत की जाए)
९. क्या आवेदक के पास नियमों व विनियमों का अनुभव रखने वाले तथा से परिचित पर्याप्त कर्मचारी है/नियोजित करना चाहता है । (कर्मचारी व उनके कार्य अनुभव की सूची प्रस्तुत की जाए)।
१०. क्या आवेदक ने मुरगांव पत्तन न्यास/सीएचएलडी के साथकिए सम्बन्धितों संबंधी सभी राशि, यदि कोई का निपटान किया है ?
११. क्या लाइसेंस शुल्क तथा प्रतिभूमि जमा अदा किया गया है ? (भुगतान की रसीद संलग्न की जानी है (यदि लाइसेंस जारी/नवीकृत नहीं किया जाता है तो लाइसेंस शुल्क तथा जमा राशि वापस की जाएगी)
१२. क्या आवेदक ने वेतन आदेश/डिमांड ड्राफ्ट के रूप में पांच लाख रूपए जमा किए है ?
मैं सुनिश्चित करता हूँ कि प्रस्तुत जानकारी मेरी सर्वोत्तम जानकारी के अनुसार सही है ।
लाइसेंस की मंजूरी हेतु अनुरोध पर विचार करने हेतु निरीक्षण के लिए यथा अपेक्षित अन्य कोई जानकारी/रिकार्ड प्रस्तुत करने के लिए सहमति देता हूँ ।
यदि मुझे लाइसेंस जारी/नवीकृत किया जाता है तो मैं मुरगांव पत्तन न्यास (स्टीवीडोरिंग तथा शोर हैण्डलिंग) विनियम, २०१७ तथा मुरगांव पत्तन न्यास स्टीवीडोरिंग तथा शोर हैण्डलिंग विनियम, २०१७ के तहत अध्यक्ष अथवा प्राधिकृत किसी अन्य अधिकारी द्वारा समय-समय पर जारी अन्य किसी भी भातों का अनुपालन करने की सहमति देता हूँ।

आवेदक के हस्ताक्षर

स्थान

दिनांक

वि.सू. लाइसेंस की मंजूरी/नवीकरण पूर्णतया अध्यक्ष के निर्णयानुसार होगा ।

फार्म “ख”

(मुरगांव पत्तन न्यास स्टीवीडोरिंग तथा शोर हैण्डलिंग विनियम, २०१७ के विनियम ७ (x) के तहत)

मुरगांव पत्तन न्यास

यातायात विभाग

संदर्भ सं.:

दिनांक:

मुरगांव पत्तन न्यास ने स्टीवीडोरिंग प्रचालन कार्य करने हेतु लाइसेंस

१. लाइसेंसधारी का नाम :
२. पता :
३. मंजूर लाइसेंस की अवधि :
४. मुरगांव पत्तन न्यास स्टीवीडोरिंग तथा शोर हैण्डलिंग विनियम, २०१७ के अधीन लाइसेंस जारी किया जाता है ।

लाइसेंसदाता प्राधिकारी के हस्ताक्षर

अध्यक्ष, मुरगांव पत्तन न्यास

*मुख्यतया मुरगांव पत्तन न्यास स्टीवीडोरिंग की लाइसेंसिंग तथा शोर हैण्डलिंग विनियम, २०१७ के आधार पर शर्तें निर्धारित की जाएंगी ।

Notification

GAD/Legal-Amend/Regs./02/2017/2253

Mormugao Port Regulations, 2017

GOA

Dated: October, 2017.

In exercise of the powers conferred by Section 123 of the Major Port Trusts Act, 1963 (38 of 1963) the Board of Trustees of the Port of Mormugao hereby makes the Regulations further to amend the Mormugao Port Regulations, subject to the approval of the Central Government and the same is here set out in the schedule annexed to this notification and published in accordance with sub-section (2) of Section 124 of the Act.

Sd/- (I. JEYAKUMAR), Chairman of the Board of Trustees of the Port of Mormugao.

Mormugao, 11th October, 2017.

SCHEDULE

In exercise of the powers conferred by Section 123 read with Section 124 of the Major Port Trusts Act, 1963 (38 of 1963) the Board of Trustees of the Port of Mormugao

hereby makes the following Regulations further to amend the Mormugao Port Regulations, viz.:

(1) *Short title and commencement.*— (i) These Regulations may be called the Mormugao Port (Amendment) Regulations, 2017.

(ii) They shall come into force from the date of the approval of the Central Government sanction published in the Gazette of India.

(2) *Regulation 60.*— (i) Delete the existing sub-clause (v) of Clause (C) of Regulation 60 replace the same with the following:

Regulation 60(C)(v): The licensee shall pay an amount of Rs. 5000/- as non refundable licence fee in respect of ship repairing licence, Rs. 5000/- as non refundable licence fee in respect of ship chandling licence, Rs. 5000/- as non refundable licence fee in respect of chipping and painting licence, Rs. 5000/- as non refundable licence fee in respect of miscellaneous trade licence (survey work) and Rs. 5000/- as non refundable licence fee in respect of miscellaneous trade licence (sampling and analysis) for a

period of three financial years within seven days from the date of intimation of the intention to issue/renew the licence by the Port authorities. The licensee shall also deposit an amount of Rs. 10000/- in respect of ship repairing licence, Rs. 10000/- in respect of ship chandling licence, Rs. 10000/- in respect of chipping and painting licence, Rs. 10000/- in respect of miscellaneous trade licence (survey work) and Rs.10000/- in respect of miscellaneous trade licence (sampling and analysis) as Security Deposit along with the licence fee. The licence fee mentioned above will be for three financial years. 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 in case the same is not renewed.

(ii) Delete the existing sub-clause (xii)(a) of Clause (C) of Regulation 60 and replace the same with the following:

Regulation 60(C)(xii)(a): Such licence issued by the Board is valid for three financial years. If the licensee desires to renew the licence he or 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 Rs. 500/- as late fee, provided the application for renewal together with the receipt in token of payment of the late fees is received by the Port authorities before the actual expiry of the licence.

(iii) Delete the existing sub-clause (xii)(b) of Clause (C) of Regulation 60 and substitute the same with the following:

Regulation 60(C)(xii)(b): If the licence issued to the licensee is lost a duplicate copy of the licence will be issued to the licensee at his or her written request on payment of Rs. 1000/-.

(iv) Add the following as new Clause (E) after Clause (D) in Regulation 60:

Regulation 60(E) Registration of Vessel Agents:

The Application for Registration of Vessel Agents shall be made in the prescribed proforma addressed to the Traffic Manager/Mormugao Port Trust. The proforma application for registration/renewal of Vessel Agents can be downloaded from Mormugao Port Trust website 'www.mptgoa.com'. The "Registration of Vessel Agents" is subject to the following conditions:

1. In case of a person/persons/firm desirous of handling cargo vessel, the applicant shall give a letter from his principals appointing him as cargo vessel local agent. In the case of a person/persons/firm desirous of handling container vessel, the applicant shall give a notarized copy of agency agreement with container line.

2. The applicant shall furnish Security Deposit of Rs. 25000/- (Rupees Twenty five thousand only).

3. The applicant shall pay a one time registration fee of Rs. 10000/- (Rupees Ten thousand only). If a vessel agent, for some reason, ceases to be registered for sometime and applies for a fresh registration, he has to once again pay the registration fee of Rs. 10000/-.

4. The applicant shall pay renewal fee of Rs. 1000/- (Rupees One thousand only) for renewal of his registration.

5. In case of renewal, the applicant shall submit his application atleast 3 months before the expiry of his registration. If he fails to apply within this period, the applicant will be charged a late fee of Rs. 500/- (Rupees Five hundred only). However, if the applicant fails to apply for renewal before the expiry of his registration, his registration will not be renewed and his application will be treated as a fresh application wherein the

applicant will once again have to pay the registration fee of Rs. 10000/-.

6. In case of loss of license, the applicant will be charged a duplicate license fee of Rs. 1000/- (Rupees One Thousand Only).

7. The applicant shall duly submit Certificate of Incorporation with Memorandum and Articles of Association duly notarized/Partnership Deed. In case, the applicant is a sole proprietor, he should submit a notarized copy of Registration Certificate of Establishment.

8. The applicant shall furnish an undertaking for the acceptance of full liabilities for the outstanding dues on account of their principal. This undertaking should inter alia contain a guarantee to indemnify the Board of Trustees of the Port of Mormugao against all claims, damages or liabilities whatsoever, arising directly or indirectly during the course of or any time, the vessel is within the Port Limits.

9. The applicant, in case of a cargo handling vessel, shall submit a Undertaking Letter stating the estimated number of ships/vessels to be handled by him during the license period. In case of a container vessel agent, the applicant shall submit a Undertaking Letter stating the estimated number of containers to be handled by him during the license period.

10. The applicant shall furnish the names, designations, registered office address and telephone numbers of his Principal Officers including his representatives who will be attending the berthing meetings. He shall also furnish the address of his local office.

11. The applicant shall furnish the details of his previous experience in the field of ship agency. He shall also furnish the experience of his executives.

12. The applicant shall submit Original No Dues Certificate from Central Documentation Centre, Finance Department, Mormugao Port Trust before each renewal.

13. The registration of any ship agent, who is not fulfilling his obligation towards the Board (Payment of dues etc.) as a ship agent, is liable to be cancelled as per the orders of the Chairman during the period of registration. This will not entitle the ship agent for refund of registration fees.

14. The ship agents shall make pre-payment of Port charges in respect of their vessels calling at this Port on the basis of self assessment.

15. The applicant shall produce copy of PAN Card and Income Tax Returns for the previous two years in respect of the company/partnership firm/sole proprietor as the case may be.

16. The ship agents shall furnish the nature and composition of the firm under which the agency is to be operated with all supportive documents.

17. Applicant in case of container vessel shall have to submit in addition a notarized copy of Agency Agreement, if any, between him and any Foreign Shipping Company. In case there is no such agreement with any other Shipping Company, this document shall not be required. He shall also have to submit a Coastal License Certificate issued by Director General of Shipping, in case of coastal vessel.

18. The Registration shall be valid for three financial years and shall be renewed on the same conditions as provided herein above.

19. All existing ship agents are requested to apply in the prescribed proforma available on the Mormugao Port Trust's website.

20. The registration of new ship agents is at the discretion of the Chairman/MPT or an Officer so authorised by the Chairman.

BR No. 113 dated 20-11-1965 approved by Ministry vide letter No. 7-PG(4)/66 dated 15.10.66.

Foot Note:

1. Govt. sanction (i) PGL-56-76 dtd. 14-9-1976
- (ii) GSR No. 849 dtd. 22-9-1982
- (iii) PLS/PGL-24/84 dtd. 20-9-1985
- (iv) GSR No. 99(E) dtd. 19-2-1996
- (v) GSR No. 609 dtd. 01-10-1999.

मुरगांव पत्तन न्यास

मुरगांव पत्तन विनियम, २०१७

गोवा

दिनांक: ऑक्टोबर, २०१७

अधिसूचना

महापत्तन न्यास अधिनियम, १९६३ (१९६३ का ३८) की धारा—१२३ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुरगांव पत्तन का न्यासी मंडल केन्द्र सरकार के अनुमोदन के अधीन मुरगांव पत्तन विनियम में आगे और संशोधन करने के लिए एतद्द्वारा विनियम बनाता है। यह विनियम इस अधिसूचना से संलग्न अनुसूची में निर्धारित है और अधिनियम की धारा—१२४ की उप-धारा (२) के अनुसार प्रकाशित किए गए हैं।

हस्ता/—

(आई. जेयकुमार)

मुरगांव पत्तन न्यासी मंडल के अध्यक्ष

अनुसूची

महापत्तन पत्तन न्यास अधिनियम, १९६३ (१९६३ का ३८) की धारा १२४ के साथ पठित धारा—१२३ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुरगांव पत्तन का न्यासी मंडल, मुरगांव पत्तन न्यास विनियमों में आगे और संशोधन करने हेतु निम्नलिखित विनियम बनाता है, यथा;

१. संक्षिप्त नाम और प्रारंभ.— १. (i) इन विनियमों को मुरगांव पत्तन (संशोधन) विनियम, २०१७ कहा जाएगा।

(ii) ये विनियम भारत के राजपत्र में केन्द्र सरकार का अनुमोदन प्रकाशित होने की तारीख से लागू होंगे।

२. विनियम—६० में— (i) विनियम—६० के खण्ड (ग) के मौजूदा उप खण्ड (v) को हटाकर उसे निम्नलिखित से प्रतिस्थापित किया जाए :—

विनियम—६० (ग) (v): पत्तन प्राधिकारी द्वारा लाइसेंस जारी /नवीकृत करने की सूचना देने की तारीख से सात (७) दिन के भीतर लाइसेंसधारी तीन वित्तीय वर्षों के लिए जलयान मरम्मत के संबंध में अप्रतिदेय रू. ५०००/— लाइसेंस फीस, शिपचांडलिंग लाइसेंस के लिए अप्रतिदेय लाइसेंस फीस रू. ५०००/—, चिपिंग और पेंटिंग के लाइसेंस के लिए अप्रतिदेय फीस रू. ५०००/—, विविध व्यापार लाइसेंस (सर्वे कार्य) के लिए अप्रतिदेय फीस रू. ५०००/— तथा विविध व्यापार लाइसेंस (सैम्पलिंग ने तथा एनेलिसीस) के लिए रू. ५०००/— अदा करेगा। लाइसेंस फीस के साथ जमानती जमा के रूप में लाइसेंसधारी जलयान मरम्मत के लाइसेंस के लिए रू. १००००/—, शिपचांडलिंग लाइसेंस के लिए रू. १००००/—, चिपिंग और पेंटिंग के लाइसेंस के लिए रू. १००००/— और विविध व्यापार (सर्वे कार्य) के लाइसेंस के लिए रू. १००००/—, तथा विविध व्यापार लाइसेंस (सैम्पलिंग तथा एनेलिसीस) के लिए रू. १००००/— अदा करेगा। उपर बताई गई लाइसेंस फीस तीन वित्तीय वर्षों के लिए है। यदि लाइसेंस को नवीकृत नहीं किया जाता है तो लाइसेंस की शर्तों का संतोषजनक अनुपालन करने पर लाइसेंस समाप्ति पर जमानती जमा वापस की जाएगी।

(ii) विनियम—६० के खण्ड (ग) के मौजूदा उप खण्ड (xii) (क) को हटाकर उसे निम्नलिखित से प्रतिस्थापित किया जाए:—

विनियम—६० (ग) (xii) (क): मंडल द्वारा जारी इस प्रकार का लाइसेंस तीन वित्तीय वर्षों के लिए वैध होगा। यदि लाइसेंसधारी लाइसेंस नवीकृत करना चाहता है, तो लाइसेंस समाप्त होने के एक महीने पहले इसके नवीकरण के लिए आवेदन कर सकता है। यदि लाइसेंस के नवीकरण के लिए आवेदन नियत तारीख तक प्राप्त नहीं होता है तो रू. ५००/— विलम्ब शुल्क का भुगतान करने पर लाइसेंस का नवीकरण किया जाएगा बशर्ते कि नवीकरण का आवेदन साथ ही विलंब शुल्क के भुगतान की रसीद पत्तन के प्राधिकारी के पास, लाइसेंस समाप्ति की वास्तविक तारीख से पहले पहुंच जाता है।

(iii) विनियम ६० के खण्ड—(ग) के उप खण्ड xii (ख) को निम्नलिखित से प्रतिस्थापित किया जाए:—

विनियम (६०) (ग) (ii) (ख): यदि लाइसेंसधारी को जारी लाइसेंस खो जाता है, तो उसके लिखित अनुरोध पर रू. १०००/—का भुगतान करने पर लाइसेंस जारी किया जाएगा।

(iv) विनियम ६० में खण्ड (घ) के पश्चात नये खण्ड (ङ) के रूप में निम्नलिखित को जोड़ा जाए :—

विनियम ६० (ङ)— जहाज एजेण्टों का पंजीकरण

जहाज एजेण्टों के पंजीकरण हेतु आवेदन, निर्धारित प्रोफार्मा में यातायात प्रबंधक/मुरगांव पत्तन न्यास को प्रेषित किया जाए। जहाज एजेण्ट के पंजीकरण/नवीकरण हेतु प्रोफार्मा आवेदन मुरगांव पत्तन न्यास की वेबसाइट www.mptgoa.com से डाऊनलोड कर सकते हैं। जहाज एजेण्ट का पंजीकरण निम्नलिखित शर्तों के अधीन होगा :—

1. यदि कोई व्यक्ति/फर्म नौभार जहाज की सम्हलाई करना चाहते हैं तो आवेदक को अपने प्रमुखों से ऐसा पत्र देना होगा जिसमें उन्हें नौभार जहाज स्थानीय एजेण्ट के रूप में नियुक्त किया गया है। यदि कोई व्यक्ति/फर्म कटेनर जहाज की सम्हलाई करना चाहते हैं तो आवेदक को कटेनर लाईन के साथ एजेन्सी करार की नोटराईज्ड प्रति देनी होगी।
2. आवेदक को रु. २५,०००/— (रुपए पच्चीस हजार मात्र) का जमानती जमा प्रस्तुत करना होगा।
3. आवेदक को एक—समयी पंजीकरण शुल्क के रूप में रु. १०,०००/— (रुपए दस हजार मात्र) अदा करने होंगे। यदि जहाज एजेण्ट कुछ कारणवश थोड़े समय के लिए पंजीकरण रद्द करता है तो नए पंजीकरण के लिए आवेदन करने हेतु उन्हें पंजीकरण शुल्क के रूप में पुनः रु. १०,०००/— अदा करने होंगे।
४. आवेदक अपने पंजीकरण के नवीकरण हेतु रु. १०००/— (रुपए एक हजार मात्र) की नवीकरण शुल्क अदा करेगा।
5. नवीकरण के मामले में आवेदक अपना पंजीकरण समाप्त होने से कम से कम ३ माह पूर्व आवेदन प्रस्तुत करेगा। यदि वे निर्धारित अवधि के भीतर आवेदन नहीं करते हैं तो आवेदक को विलंब शुल्क के रूप में रु. ५००/— (रुपए पांच सौ मात्र) अदा करने होंगे। साथ ही यदि आवेदक अपने पंजीकरण की समाप्ति अवधि से पहले नवीकरण के लिए आवेदन नहीं करता है तो उनका पंजीकरण नवीकृत नहीं किया जाएगा और उनके आवेदन को नया आवेदन मानते हुए उसे पुनः पंजीकरण शुल्क रु. १०,०००/— अदा करने होंगे।
6. यदि लाइसेंस गुम हो जाता है तो आवेदक को ड्युप्लीकेट लाइसेंस शुल्क के रूप में रु. १०००/— (रुपए एक हजार मात्र) का भुगतान करना होगा।
7. आवेदक को ज्ञापन तथा यथावत नोटराईज्ड आर्टिकल्स ऑफ एसोसिएशन/पार्टनरशिप विलेख के साथ इनकार्पोरेशन सर्टिफिकेट यथावत प्रस्तुत करना होगा। यदि आवेदक एकमेव प्रोप्राईटर है तो उसे संस्थापन पंजीकरण प्रमाणपत्र की नोटराईज्ड प्रति प्रस्तुत करनी होगी।

8. आवेदक अपने प्रमुखों की ओर से बकाया देयताओं का पूरा दायित्व स्वीकार करने का वचनपत्र प्रस्तुत करेगा। इस वचनपत्र में यह भी गारण्टी रहेगी कि जहाज पत्तन सीमाओं में रहने के दौरान या किसी भी समय प्रत्यक्ष या अप्रत्यक्ष रूप से होनेवाली हानि या देयताओं के लिए मुरगांव पत्तन के न्यासी मंडल को क्षतिपूरित करेगा।
9. नौभार सम्हलाई जहाज के मामले में आवेदक को वचन पत्र प्रस्तुत करना होगा जिसमें उन्हें लाइसेंस अवधि के दौरान उनके द्वारा सम्हलाए जानेवाले जहाजों की अनुमानित संख्या स्पष्ट करनी होगी। कटेनर जहाज एजेण्ट के मामले में आवेदक को वचन—पत्र प्रस्तुत करना होगा जिसमें उन्हें लाइसेंस अवधि के दौरान उनके द्वारा सम्हलाए जानेवाले कटेनरों की अनुमानित संख्या स्पष्ट करनी होगी।
10. आवेदक अपने प्रतिनिधियों सहित उन प्रमुख अधिकारियों के नाम, पंजीकृत कार्यालय का पता तथा दूरभाषा संख्या प्रस्तुत करेंगे। जो बर्थिंग बैठकों में उपस्थित रहेंगे। साथ ही उन्हें अपने स्थानीय कार्यालय का पता भी प्रस्तुत करना होगा।
11. आवेदक को जहाज एजेन्सी के क्षेत्र में अपने पूर्व अनुभव की जानकारी प्रस्तुत करनी होगी। साथ ही उन्हें अपने कार्यकारियों के अनुभव संबंधी जानकारी भी देनी होगी।
12. आवेदक को प्रत्येक नवीकरण से पहले केन्द्रीय प्रलेखन केन्द्र, वित्त विभाग, मुरगांव पत्तन न्यास से मूल अदेय प्रमाणपत्र प्रस्तुत करना होगा।
13. कोई भी जहाज एजेण्ट जो जहाज एजेण्ट के रूप में मंडल की ओर अपनी बाध्यताएं पूरा नहीं करता है तो अध्यक्ष के आदेशानुसार उसका पंजीकरण रद्द किया जा सकता है किन्तु जहाज एजेण्ट को पंजीकरण शुल्क वापस नहीं किया जाएगा।
14. जहाज एजेण्ट इस पत्तन में आनेवाले अपने जहाजों के संबंध में स्वमूल्यांकन आधार पर पत्तन प्रभारों की पूर्व—अदायगी करेगा।
15. आवेदक, कंपनी/पार्टनरशिप फर्म/एकमेव प्रोप्राईटर, जो भी मामला हो, के संबंध में पिछले दो वर्षों की इनकम टैक्स रिटर्न तथा पैन कार्ड की प्रतिलिपि प्रस्तुत करेगा।
16. जहाज एजेण्ट उस फर्म की प्रकृति तथा रचना के बारे में सभी सहायक दस्तावेज सहित जानकारी देंगे जिसके तहत एजेन्सी प्रचालित की जानी है।
17. कटेनर जहाज के मामले आवेदक को अपने और किसी विदेश शिपिंग कंपनी के बीच एजेन्सी करार, यदि कोई, की नोटराईज्ड

- प्रतिलिपि प्रस्तुत करनी होगी। किसी अन्य शिपिंग कंपनी के साथ यदि ऐसा कोई करार नहीं है तो यह दस्तावेज आवश्यक नहीं है। तटीय जहाज के मामले में उन्हें शिपिंग महानिदेशालय द्वारा जारी कोस्टल लाइसेंस सर्टिफिकेट भी प्रस्तुत करना होगा।
20. नए जहाज एजेण्टों का पंजीकरण अध्यक्ष/एमपीटी या अध्यक्ष द्वारा प्राधिकृत ऐसे कोई अधिकारी के विवेक पर होगा।
- पत्र सं. ७—पीजी (४)/६६ दिनांक २५-१०-६६ के तहत मंत्रालय द्वारा अनुमोदित वीआर सं. ११३ दिनांक २०-११-१९६५
- पाद टिप्पणी
१. सरकार मंजूरी (i) पीजील—५६—७६ दि. १४-९-७६
(ii) साकानि स. ८४९ दि. २२-९-१९८२
(iii) पीलस/पीजील—२४/८४ दि. २०-९-८५
(iv) साकानि सं. ९९ दि. १९-२-९६
(v) साकानि स. ६०९ दि. ०१-१०-९९.
18. पंजीकरण तीन वित्तीय वर्षों के लिए वैध होगा और उपर उल्लिखित किए अनुसार उन्हीं शर्तों पर नवीकृत किया जाएगा।
19. मौजूदा सभी जहाज एजेण्टों से अनुरोध है कि वे मुरगांव पत्तन न्यास की वेबसाइट पर उपलब्ध निर्धारित प्रोफार्मा में आवेदन करें।

www.goaprintingpress.gov.in

Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 35.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—265/200—10/2017.