



# V.O.CHIDAMBARANAR PORT TRUST REGULATIONS

TUTICORIN PORT EMPLOYEES (ACCEPTANCE OF EMPLOYMENT AFTER RETIREMENT) REGULATIONS, 1979 (Published in the Gazette of India dated 1.3.1979)

TUTICORIN PORT EMPLOYEES (TEMPORARY SERVICE) REGULATIONS, 1979 (Published in the Gazette of India, dated 1.3.1979)

TUTICORIN PORT TRUST (ADAPTATION OF RULES) REGULATIONS, 1979 (Published in the Gazette of India, dated 1.3.1979)

MAJOR PORT TRUSTS (PROCEDURE AT BOARD MEETINGS) RULES, 1981 (Published in the Gazette of India, dated 13.7.1981)

MAJOR PORT TRUSTS (PAYMENT OF FEES AND ALLOWANCE TO TRUSTEES) RULES, 1981. (Published in the Gazette of India, dated 28.1.1982)

TUTICORIN PORT EMPLOYEES (CLASSIFICATION, CONTROL AND APPEAL) REGULATIONS, 1979 (Published in the Gazette of India, dated 1.3.1979)

TUTICORIN PORT EMPLOYEES (CONDUCT) REGULATIONS, 1979 (Published in the Gazette of India dated 1.3.1979)

THE TUTICORIN PORT TRUST (RECRUITMENT OF HEADS OF DEPARTMENT) REGULATIONS, 1991 (Published in the Gazette of India, dated 26.7.1991)

TUTICORIN PORT (AUTHORISATION OF PILOTS) REGULATIONS, 1979 (Published in the Gazette of India, dated 1.3.1979)

TUTICORIN PORT EMPLOYEES (LEAVE) REGULATIONS, 1979 (Published in the Gazette of India, dated 1.3.1979)

TUTICORIN PORT TRUST (ALLOTMENT OF RESIDENCES) REGULATIONS, 1979 (Published in the Gazette of India, dated 1.3.1979)

TUTICORIN PORT TRUST (PENSION FUND) REGULATIONS, 1979 (Published in the Gazette of India, dated 1.3.1979)

TUTICORIN PORT EMPLOYEES (LEAVE TRAVEL CONCESSIONS) REGULATIONS, 1979 (Published in the Gazette of India, dated 1.3.1979)

TUTICORIN PORT TRUST EMPLOYEES (RETIREMENT) REGULATIONS, 1979 (Published in the Gazette of India, dated 16.3.1979)

TUTICORIN PORT EMPLOYEES (RECRUITMENT, SENIORITY AND PROMOTION) REGULATIONS, 1979 (Published in the Gazette of India, dated 16.3.1979)

TUTICORIN PORT EMPLOYEES (GRANT OF ADVANCES FOR BUILDING OF HOUSES) REGULATIONS, 1979 (Published in the Gazette of India, dated 19.3.1979)

TUTICORIN PORT EMPLOYEES (GENERAL PROVIDENT FUND) REGULATIONS, 1979 (Published in the Gazette of India, dated 16.3.1979)

TUTICORIN PORT TRUST EMPLOYEES (HOUSE BUILDING ADVANCE SPECIAL FAMILY BENEFIT FUND SCHEME)

TUTICORIN PORT TRUST EMPLOYEES (FAMILY SECURITY FUND) REGULATIONS, 1986 (Published in the Gazette of India, dated 16.6.1986)

TUTICORIN PORT TRUST EMPLOYEES (WELFARE FUND) REGULATIONS, 1996

TUTICORIN PORT TRUST EMPLOYEES (EDUCATIONAL ASSISTANCE) REGULATIONS, 1990 (Published in the Gazette of India, dated 31.10.1990)

TUTICORIN PORT TRUST EMPLOYEES (CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT) REGULATIONS, 1996 (Published in the Gazette of India, dated 02.11.1996)

TUTICORIN PORT SAFETY REGULATIONS, 1985 (Published in the Gazette of India, dated 15.12.1987)

TUTICORIN PORT TRUST (DISTRRAINT OR ARREST AND SAIL OF VESSELS) REGULATIONS, 1988 (Published in the Gazette of India, dated 19.1.1989)

TUTICORIN PORT TRUST (LICENSING OF STEVEDORES) REGULATIONS, 1985 (Published in the Gazette of India, dated 20.12.1985)

TUTICORIN PORT TRUST (LICENSING OF SHIP REPAIRING, SHIP CHANDLING, CHIPPING AND PAINTING AND MISCELLANEOUS TRADES) REGULATIONS, 1984 (Published in the Gazette of India, dated 07.04.1984)

MAJOR PORT OF NEW TUTICORIN RULES, 1977 (Published in the Gazette of India, dated 25.03.1977)

PORT OF TUTICORIN (HARBOR CRAFT) RULES 1976 (Published in the Gazette of India, dated 30.09.1980)

**TUTICORIN PORT EMPLOYEES (ACCEPTANCE OF EMPLOYMENT AFTER RETIREMENT)  
REGULATIONS, 1979 (Published in the Gazette of India dated 1.3.1979)**

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G.S.R.106(E) In exercise of the powers conferred by Section 126, read with Section 28 of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:-

### **1. Short title and commencement:**

(a) These regulations may be called the Tuticorin Port Employees (Acceptance of Employment after Retirement) Regulations, 1979.

(b) They shall come into force on the 1st April, 1979.

### **2. Application:**

These regulations shall apply to all those employees who are holding or who have held Class I posts under the Board.

### **3. Definitions:**

In these regulations, unless the context otherwise requires:-

(a) "Board" and "Chairman" shall have the same meaning assigned to them in the Major Port Trusts Act, 1963 (38 of 1963)

(b) "Class I posts" means the posts classified as such by the Board from time to time under the Tuticorin Port Employees (Classification, Control and Appeal) Regulations, 1979

(c) "Competent Authority" means the "Chairman" for the purpose of these regulations.

(d) "Port Trust" means the Tuticorin Port Trust.

### **4. Permission for employment:**

(a) No person, who has held a Class I post under the Board immediately before retirement shall accept any commercial employment including an employment as contractor for or in connection with the execution of Board's works or as an employee of such contractor, before the expiry of two years from the date of retirement without obtaining the previous permission of the competent authority.

Explanation: For the purpose of this regulation, the term "commercial employment" means:-

(i) an employment in any capacity including that of an agent under a company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes

also a directorship of such company and partner-ship of such firm, but does not include employment under a body corporate wholly or substantially owned or controlled by the Government;

(ii) Setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the retired employee:

(A) has no professional qualifications and matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience; or

(B) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position; or

(iii) Has to undertake work involving liaison or contract with the offices or officers of the Board.

(2) No person who is covered by these regulations and has not obtained the necessary permission shall be given any contract with Board.

(3) The officers concerned to whom these regulations apply shall be required to sign at the time of sanctioning the retirement benefits, an undertaking in such form, as may be prescribed by the competent authority, that they shall not accept any commercial employment within two years of retirement without obtaining the previous permission of the competent authority.

Note: The undertaking shall be given on a non-judicial stamp paper of appropriate value, the cost of which shall be borne by the retiring officer.

(4) In default, an officer:-

(i) If governed by the Pension Regulations of the Board, shall forfeit his pension for the period during which he is so employed or for such longer period as the competent authority may direct; and

(ii) If governed by the Contributory Provident Fund Regulations shall be liable to compensate the Board to the extent the competent authority may decide for not honoring the undertaking made earlier to the contrary;

Provided that before imposing any such penalty, such officer shall be given a reasonable opportunity of making representation against the penalty proposed

Provided further that an officer permitted by the competent authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for continuance therein

(5) The application for permission to take up an employment within two years of retirement shall be made to the competent authority in Form A appended to regulations (Appendix A)

## **5. Conditions for grant of permission:**

The grant of permission under this regulation shall be subject to the fulfillment of the following conditions, namely:-

- (a) Whether the officer while in service had any such dealing with the proposed employer as might provoke the suspicion that he had shown favor to the latter;
- (b) Whether his duties are such that his official knowledge and experience could be used to give the employer an unfair advantage;
- (c) Whether his duties are such as might bring him into conflict with the Port Trust.
- (d) Whether the proposed employment is of a thoroughly reputable kind;

Note:- Employment involving contract or Liaison work with the Board shall not be considered as employment of a thoroughly reputable kind; and

- (e) Whether there are any exceptional circumstances, which would make the refusal of consent a real hardship to the employee.

#### **(6) Permission for employment outside India:**

(1) No employee (whether governed by the Pension or Contributory Provident Fund Schemes of the Trust) who has held a Class I post under the Board immediately before his retirement shall accept any employment under a foreign government or employment outside India without obtaining the previous permission of the competent authority.

(2) The officer shall be required to sign an undertaking to this effect at the time of sanctioning retirement benefits.

(3) In default, an officer:-

- (a) if governed by the pension scheme of the Trust, shall forfeit the pension for the period during which he is so employed or for such longer period as the Board or the Chairman may direct; and
- (b) if governed by the Contributory Provident Fund Scheme of the Trust, shall be liable to compensate the Trust to the extent the Board or the Chairman may decide for not honoring the undertaking made earlier to the contrary;

Provided that before imposing any such penalty, such officer shall be given a reasonable opportunity of making representation against the penalty proposed

Provided further that an officer permitted by the competent authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for the continuance therein;

Explanation: The employment under a foreign Government shall include employment under a local authority or corporate or any other institution or organization which functions under the control of supervision of a foreign Government.

#### **7. Reckoning of two years period:**

The period of two years for the purpose of these regulations shall in the case of an officer who is re-employed after retirement without a break in the same or another Class-I post, be reckoned from the date from which he finally quits the Board's service.



## 8. Appeal:

When the Chairman grants the permission applied for, subject to any conditions or refuses such permission, the officer may, within thirty days of receipt of the order of the Chairman to the effect, make a representation to the Central Government against any such conditions or the refusal and the Government may make such orders thereon as it deems fit.

Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this Regulation without giving the officer making the representation an opportunity to show cause against the order proposed to be made

## FORM A

Form of application for permission to accept employment within a period of two years after retirement.

1. Name of the Officer (In Block letters) :

2. Date of retirement:

3. Particulars of the Department in which the officer served during five years preceding retirement (with duration):

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Name of the Department Post held Duration

-----

From To

-----

4. Post held at the time of retirement and period for which held:

5. Pay scale of the post and the pay drawn by the Officer at the time of retirement:

6. Retirement benefits:

(i) If governed by the Contributory

Provident Fund Scheme:

(a) Amount of special contribution:

(b) Amount of Trust' contribution:

- (c) Amount of any other contribution:
- (ii) If governed by the Pension Scheme:
  - (a) Pension expected/sanctioned (commutation, if any, should be mentioned)
  - (b) Gratuity, if any,

7. Details regarding employment proposed to be taken up:

- (a) Name of the firm/company/co-operative society etc.:
- (b) Whether the Official had during his official career any dealings with the firm/company etc.:
- (c) Name of Job/post offered:
- (d) Whether post was advertised, if not how offer was made:
- (e) Description of the duties of job/post:
- (f) Does it involve liaison/contract work with Tuticorin Port Trust:
- (g) Remuneration offered for the post/job:

8. Any information which the applicant desires to furnish in support of his request.

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Station:

Date:

NOTE: - The principle Regulations were published in the Gazette of India vide GSR 106 (E) dated the 1st March, 1979 and subsequently amended vide GSR 122(E) of the Gazette of India, dated the 24th February, 1992.

## **TUTICORIN PORT EMPLOYEES (TEMPORARY SERVICE) REGULATIONS, 1979**

**(Published in the Gazette of India, dated 1.3.1979)**

GSR 99(E) – In exercise of the powers conferred by section 126, (read with section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:-

### **1. Short title, commencement and application.-**

(1) These regulations may be called the Tuticorin Port Employees (Temporary Service) Regulations, 1979,

(2) They shall come into force on the first day of April, 1979.

(3) They shall apply to all persons who hold a post under the Board but who do not hold a lien on any post under that Board. Provided that they shall not apply to :-

- (i) employees engaged on contract;
- (ii) employees not in whole-time employment;
- (iii) employees paid out of contingencies;
- (iv) persons employed in extra-temporary establishment, if any, or in workcharged establishment;
- (v) such other categories of employees as may be specified by the Board.

### **2. Definitions,-**

In these Regulations, unless the context otherwise requires:-

- (i) "appointing authority" means the authority empowered to make appointment to the post under the Tuticorin Port Employees (Classification, Control and Appeal) Regulations, 1979.
- (ii) "employee" means an employee of the Board;
- (iii) "temporary service" means officiating service in a temporary or in a permanent post under the Board consisting of period of duty and leave;
- (iv) words and expressions used herein and not defined but defined in the Major Port Trusts Act, 1963 (38 of 1963) shall have the meanings respectively, assigned to them in that Act.

### **3. Deleted**

#### 4. Deleted

#### 5. Termination of services of temporary employees :-

(1) (a) The service of a temporary employee, shall be liable to termination at any time by notice in writing given either by the employee to the appointing authority, or by the appointing authority to the employee.

(1) (b) The period of such notice shall be one month unless otherwise agreed to by the appointing authority and by the employee.

Provided that the service of any such employee may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay plus allowances for the period of the notice, or as the case may be, for the period by which such notice falls short of one month or any other period agreed to under clause (b) of this sub-regulation.

Provided further that the compensatory (city) and house rent allowances, where admissible, shall be payable on the expiry of the notice period and after it is certified by the appointing authority that the employee continued to reside during the period of notice at the station where he was last employed, notwithstanding the fact that he was not expected to return to duty at the same station.

"Note- The following procedure shall be adopted by the appointing authority while serving notice on such employee under clause (a):-

(i) The notice shall be delivered or tendered to the employee in person.

(ii) Where personal service is not practicable, the notice shall be served on such employee by registered post, acknowledgement due at the address of the employee available with the appointing authority.

(iii) If the notice sent by registered post is returned unserved, it shall be published in the official gazette and upon such publication, it shall be deemed to have been personally served on such employee on the date it was published in the official Gazette of the State in which the post is situated".

2 (a) Where a notice is given by the appointing authority terminating the service of the temporary employee or where the service of any such employee is terminated either on the expiry of the period of such notice or forth with by the payment of pay plus allowances, the Board or the Chairman may, of its or his own motion or otherwise, re-open the case and after calling for the record of the case and after making such enquiry as it deems fit, may:-

(i) confirm the action taken by the appointing authority; or

- (ii) withdraw the notice; or
- (iii) reinstate the employee in service, or
- (iv) make such other order in the case as it may consider proper;

Provided that no case shall be reopened under this sub-clause after the expiry of three months:-

- (i) in a case where notice is given, from the date of notice;
- (ii) In a case where no notice is given, from the date of termination of service.

(b) Where an employee is reinstated in service under sub-regulation (1) the order of reinstatement shall specify:-

- (i) the amount of proportion of pay and allowances, if any to be paid to the employees for the period of his absence between the date of termination of service and the date of reinstatement; and
- (ii) Whether the said period shall be treated as period spent on duty for any specified purposes.

#### **6. Termination of temporary service on account of physical unfitness**

Notwithstanding anything contained in regulation 5, the services of a temporary employee, may be terminated at any time without notice on his being declared physically unfit for continuance in service by an authority who would have been competent to declare him as permanently incapacitated for service had his appointment been permanent.

#### **7. Deleted**

#### **8. Deleted**

#### **9. Terminal gratuity payable to temporary employees:-**

(1) A temporary employee who retires on superannuation or is discharged from service or is declared invalid for further service shall be eligible for gratuity at the rate of :-

- (a) One half of a month's pay for each completed year of his service, if he had completed not less than five years continuous service at the time of retirement, discharge or invalidment;
- (b) one month's pay for each completed year of his service subject to a maximum of fifteen months' pay or fifteen thousand rupees, whichever is less, if he had completed not less than ten years continuous service at the time of retirement, discharge or invalidment.

Provided that the amount of terminal gratuity payable under this sub-regulation shall not be less than the amount which the employee would have got as a matching Port's contribution to the Provident Fund if he were a member of a Contributory Provident Fund Scheme from the date of his continuous temporary service, subject to the condition that the matching contribution shall not exceed 8 1/3% of his pay.

(1-A) In the case of a temporary employee who is compulsorily retired from service as a disciplinary measure, the provisions of sub-regulation (1) shall apply subject to the modification that the rate of gratuity payable in his case shall not be less than two thirds of, but in no case exceeding the rate specified in clause (a), or, as the case may be, clause (b) of sub-regulation (1).

(1-B) In the case of temporary employees who retires from service on attaining the age of superannuation or on his being declared to be permanently incapacitated for further service by the appropriate medical authority after he has rendered temporary service of not less than ten years or who has sought voluntary retirement by giving three months notice in writing on completion of 20 years, provisions of sub-regulation (1) shall not apply and in accordance with the provisions of the Central Civil Services (Pension) Rules, 1972, adopted by the Tuticorin Port Trust (Adaptation of Rules) Regulations, 1979:-

(i) such an employee shall be eligible for the grant of superannuation, invalid or retiring pension, as the case may be, and retirement gratuity and

(ii) in the event of his death after retirement the members of his family shall be eligible for the grant of family pension.

(2) In the event of death of a temporary employee while in service, his family shall be eligible for family pension and death gratuity at the same scale and under the same provisions as are applicable to permanent employees under the Central Services (Pension) Rules, 1972, adapted by the Tuticorin Port Trust (Adaptation of Rules) Regulations, 1979.

(3) No gratuity shall be admissible under this regulation to an employee-

(a) Who resigns his post or who is removed or dismissed from service as a disciplinary measure;

(b) Who is re-employed after retirement on superannuation or retiring pension.

"Provided that a temporary employee who resigned from service to take up with prior permission an appointment under a Corporation or a Company wholly or substantially owned or controlled by the Government or under a Body controlled or financed by Government shall be paid terminal gratuity at the date prescribed under sub-regulation (1) in respect of the service rendered by him under the board".

"Provided further that a temporary employee who has been absorbed in the Central Autonomous Body with the permission of the Competent Authority shall have an option to count the service rendered under the Board for the purpose of pension under the autonomous body if it has a pension scheme instead of drawing terminal gratuity under the first proviso"

Explanation:-

For the purpose of this sub-regulation:-

(i) Central Autonomous Body means a body which is financed wholly or substantially from Cess or Central Government grants and includes a Central Statutory Body or a Central University but does not include a Public Undertaking falling under the purview of the Bureau of Public Enterprises.

(ii) "financed substantially" means that more than 50% of the expenditure is met by Cess or Central Government grants.

(4) Omitted

(5) Where gratuity under this regulation is paid to or in respect of an employee who is not covered by rule 54 of the Central Civil Services (Pension) Rules, 1972, no other gratuity or pensionary benefits is payable.

(6) For the purpose of this regulation;

(a) gratuity shall be calculated on the basis of pay which the employee was receiving immediately before the retirement or on the date of his death;

(b) pay shall mean pay as defined in Fundamental Rule 9 (21) (a) (i);

(c) period of extraordinary leave if any availed of by the employee concerned shall be taken into account for computing the completed service on the same basis as it is taken into account for the purpose of calculation of pension and retirement gratuity/death gratuity under rule 21 of the Central Civil Services (Pension) Rules, 1972, adopted by the Tuticorin Port Trust (Adaptation of Rules) Regulations, 1979, and

(d) an increment earned during the currency of earned leave not exceeding 120 days or during the first 120 days of earned leave exceeding 120 days expiring on the date of retirement though not actually drawn shall form part of the pay for purpose of calculating terminal death gratuity.

## 10. Deleted

Principal Regulations:

(i) The Tuticorin Port Employees (Temporary Service) Regulations, 1979 were published vide GSR 99(E) of the Gazette of India Extraordinary, dated the 1st March, 1979.

(ii) The Tuticorin Port Employees (Temporary Service) Amendment Regulations, 1979, published in GSR 968 of the Gazette of India, dated the 20th September, 1980.

(iii) The Tuticorin Port Employees (Temporary Service) Amendment Regulations, 1984, published in GSR 291(E) vide Ministry of Shipping and Transport's Notification No.PW/PER-15-84, dated the 22nd March, 1985.

(iv) The Tuticorin Port Employees (Temporary Service) Third Amendment Regulations, 1991, published in GSR 665(E), of the Gazette of India, dated the 6th November, 1991.

**TUTICORIN PORT TRUST (ADAPTATION OF RULES) REGULATIONS, 1979 (Published in the  
Gazette of India, dated 1.3.1979)**

G.S.R. 97(E): In exercise of the powers conferred by Section 126, read with Sections 28 and 134 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following first Regulations, namely:-

**1. Short title and commencement**

- (1) These regulations may be called the Tuticorin Port Trust (Adaptation of Rules), Regulations, 1979.
- (2) They shall come into force on the first day of April, 1979.

**2. Application**

They shall apply to the Port Trust of Tuticorin.

**3. Definitions**

In these regulations, unless the context otherwise requires,-

- (a) "Act" means the Major Port Trusts Act, 1963;
- (b) "appointed day" means the date on which the Act is made applicable to the Port Tuticorin;
- (c) "Board" shall have the meaning assigned to it in the Act;
- (d) "existing rules and orders" means the rules and orders made under the various Acts and rules in force prior to the appointed day in connection with administration of the Port;
- (e) "Port" means the Port of Tuticorin.

**4. Existing Rules to Continue**

Existing rules and orders and subsequent amendments thereto made on or after the appointed day relating to the following matters shall, to the extent they are not inconsistent with the provisions of the Act or any regulations made there under, and until they are altered, repealed or amended by the Board, continue in force as if they were made by the Central Government under the Act, namely:-

- (i) matters specified under Section 28 of the Act, and



(ii) matters specified in clause (b) and clauses (e) to (n) of Section 123 of the Act;

Provided that any amendment aforesaid to the existing rules and orders, not advantageous to an employee, shall not be made applicable to such employee unless the Board obtains the previous sanction of the Central Government.

## **5. Form of Receipt**

The receipt to be given in pursuance of sub-section (2) of Section 42 of the Act shall, as far as practicable, be in the form set out in the Appendix to these regulations.

## **6. Period of Notice**

The period within which notice of loss or damage shall be given under sub-section (2) of Section 43 of the Act shall be seven clear working days from the date of taking charge of such goods under sub-section (2) of Section 42 of the Act.

## **7. Period of Responsibility**

No responsibility shall be attached to the Board under Section 43 of the Act after a period of seven clear working days from the date of taking charge of the goods by the Board, in respect of such goods.

Explanation:-In computing the period of seven clear working days referred to in this regulation or regulation 6, account shall not be taken of the day of taking charge of the goods.

## APPENDIX

(See Regulation 5)

Book No. ----- S.No. \_\_\_\_\_

Cargo handled by Gang No. ----- Maistry \_\_\_\_\_

### PORT OF TUTICORIN RECEIPT FOR IMPORT CARGO

Book No. -----

Boat Note No.

Date : \_\_\_\_\_

Loading from Boats/Direct Landing Shift I On .....

II

III

of Boat No. -----

Time of Entry

Tally of cargo ex. S.S. \_\_\_\_\_ M/s. \_\_\_\_\_ Agent at

M V.

Berth I, II, III, IV/ Mooring

By Derrick No. \_\_\_\_\_ At Hatch No. \_\_\_\_\_

Time commenced -----

Time finished -----

### Contents and State of Contents Unknown

Sling No.	Timing of			Description of packages	Markes and numbers	Particulars of Tally	Total	Weight Cwt. Or Lbs. Or Kilos	Remarks
	Slings Landed	Slings Cleared	Cargo cleared						
								Total	

Received copy of tally sheet

Agent Representative

Port Tally Clerk

**MAJOR PORT TRUSTS (PROCEDURE AT BOARD MEETINGS) RULES, 1981 (Published in the Gazette of India, dated 13.7.1981)**

G.S.R. 725 – Whereas the draft of the Major Port Trusts (procedure at Board Meetings) Rules, 1981 was published, as required by sub-section (2) of section 122 of the Major Port Trusts Act, 1963 (38 of 1963, at pages 872-873 of the Gazette of India, Part II, Section 3, Sub section (i), dated the 28th March, 1981, under the notification of the Government of India in the Ministry of Shipping and Transport (Ports Wing), No. G.S.R. 343, dated the 12th March , 1981, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of forty-five days from the date of publication of the said notification in the Official Gazette;

And whereas the copies of the said Gazette were made available to the public on the 4th April, 1981;

And whereas no objections and suggestions have been received from the public before the expiry of the period of the aforesaid;

Now, therefore, in exercise of the powers conferred by sub section(i) of section 122 of the said Act, the central Government hereby makes the following rules, namely:-

1. (1) These rules may be called the Major Port Trusts (Procedure at Board Meetings) Rules, 1981.  
(2) They shall come into force on the date of their final Publication in the Official Gazette.  
(3) They shall, subject to the provisions of Section 16 of the Major Port Trusts Act, 1963 (38 of 1963), apply to the business transacted at the meeting of the Boards of Trustees of the Ports of Calcutta, Bombay, Madras, Cochin, Visakhapatnam, Kandla, Mormugao, Paradip, Tuticorin, New Mangalore and Nava Sheva .
2. (1) Frequency of meetings – A meeting of the Board other than a special meeting referred to in rule 3, shall be held atleast once in three months.  
(2) The Board shall, from time to time, determine the date and time of its meetings.  
Provided that where the Board is unable to do so for any reason, the chairman, may do so, for reasons to be recorded in writing.  
(3) A meeting of the Board shall be held at Port premises of the respective Ports, except where the Board in advance decides to hold any meeting at any other place for reasons to be recorded in writing.

### **3. Calling of special meetings**

The Chairman or in his absence the Deputy Chairman, if appointed may, whenever he things fit and shall, upon the return request of not less than three Trustees, call a special meeting of the Board.

#### 4. Circulation of Agenda, etc

Agenda and notes or memoranda thereon, if any, for any meeting of the Board shall be circulated to the Trustees at least three days before the date of the meeting.

Provided that in the case of special meeting, such agenda and notes or memoranda shall be circulated at least one day before the date of the meeting.

#### 5. Discussion on items not included in the agenda

The Chairman, or in his absence, the Deputy Chairman, if appointed may at his discretion include for discussion at any of the meetings of the Board, including a special meeting any item not included in the agenda, if the same is in his opinion, of sufficient importance or urgency or both and cannot be held over for the consideration of the Board at any subsequent meeting.

#### 6. Poll

If a poll is demanded on any question, the names of the Trustees voting and the nature of their votes shall be recorded by the President of the meeting.

**Explanation** – For the purpose of this rule and rules 7 and 8, the expression 'President' shall mean the Chairman or, in his absence the Deputy Chairman, if appointed, and in the absence of the both any person chosen by the Trustees present from among themselves to preside at the meeting of the Board.

#### 7. Minutes of the meetings

(1) Minutes of the Proceedings at each meetings of the Board shall, be recorded in a book to be provided by the Board for this purpose, which shall be signed as soon as practicable by the President of such meeting and shall be opened to inspection by any Trustee during office hours.

(2) Minutes of the proceedings excepting such portion thereof, as the Chairman or, in his absence the Deputy Chairman, if appointed, may direct in any particular case shall also be opened to the inspection of the public at the office of the Board during office hours.

(3) The names of the Trustees present at each meeting shall be recorded in the minutes book.

(4) A Trustee present at any meeting of the Board shall sign his name in a book or register to be provided by the Board for the purpose.

#### 8. Adjournment of meeting

The president of a meeting may adjourn it to a later date, which date shall either be announced at the meeting in which case intimation shall be sent to the Trustees absent at the meeting before the date of meeting.

**Note:** The Principal Rules were published in the Gazette of India as GSR 725, dated 13.7.1981 and amended vide GSR 819 (E) dated 28.7.1988.

**MAJOR PORT TRUSTS (PAYMENT OF FEES AND ALLOWANCE TO TRUSTEES) RULES, 1981.**  
**(Published in the Gazette of India, dated 28.1.1982)**

GSR 134 Whereas the draft of the Major Port Trusts (Payment of Fees and Allowances to Trustees) Rules, 1981 was published as required by sub-section (2) of Section 122 of the Major Port Trusts Act, 1963 (38 of 1963) at pages 1559-1561 of the Gazette of India Part II, Section 3, Sub Section (i) dated 4th July, 1981 under the notification of the Government of India in the Ministry of Shipping and Transport (Ports wing) No. GSR 626 dated the 23rd June, 1981, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of forty five days from the date of publication of the said notification in the official Gazette;

AND WHEREAS the copies of the said Gazette were made available to the public on the 11th August, 1981;

AND WHEREAS no objections and suggestions have been received from the public before the expiry of the period aforesaid;

NOW THEREFORE, in exercise of the powers conferred by sub-section (1) of section 122 of the said Act, the Central Government hereby makes the following rules, namely:-

1. (1) These rules may be called the Major Port Trusts (Payment of Fees and Allowances to Trustees) Rules, 1981.  
(2) They shall come into force on the date of their publication in the Official Gazette.  
(3) They shall, subject to the provisions of Section 18 of the Act apply to the Port Trust Boards of Calcutta, Bombay, Madras, Cochin, Visakhapatnam, Kandla, Mormugao, Paradip, Tuticorin and New Mangalore.

## **2. DEFINITIONS**

Unless the context otherwise requires:-

- (a) 'Act' means the Major Port Trusts Act, 1963, (38 of 1963);
- (b) words and expressions used in these rules have the meanings respectively assigned to them in the Act.

## **3. FEES PAYABLE**

Every Trustee of the Board other than the Chairman and the Deputy Chairman, where appointed, or any other Trustee who is a servant of the Government or servant of the Board, shall be entitled to a fee of:

- i) rupees two hundred and fifty for attendance of each ordinary or special meetings of the board;
- ii) rupees hundred for attendance at each meeting of any committee other than the meeting of the committee held on the same day in continuation of or preparatory to an ordinary or special meeting of the Board;

Provided that, the aggregate amount of fees payable to any Trustee in respect of the meetings of the Board/and/or Committees held during any calendar month shall not exceed rupees one thousand.

**NOTE:** A Trustee present at any meeting of the Board or a Committee thereof shall sign his name in a book or register to be kept for the purpose.

#### **4. PAYMENT OF TRAVELLING ALLOWANCE**

(1) All out- station Trustees, other than those who are servants of the Government or the servants of the Board, attending any meeting of the Board or any of its Committees shall, in addition to such fees as is payable under Rule 3, be entitled to receive travelling allowance on the scale applicable to the highest class of officers of the Central Government.

(2) All outstation Trustees, other than those who are servants of the Government or the servants of the Board, attending any meeting of the Board or of any of its Committees shall, in addition to such fees as are payable under Rule 3 and Travelling Allowance, also be entitled, to receive daily allowance at the rate applicable to the highest class of officers of the Central Government for the period of journey performed to and from the place of Board or Committee meeting and Head Quarters.

**NOTE I:** For the purpose of daily allowance, the period of journey by the shortest possible route and from the place of Board or Committees meeting and the Headquarters, shall be taken as the period of journey.

**NOTE II:** The Headquarters for the purpose of this rule shall be the normal place of residence of the Trustee.

#### **5. PAYMENT OF CERTAIN ALLOWANCE TO A TRUSTEE WHO IS A GOVERNMENT SERVANT OR THE SERVANT OF THE BOARD.**

A Trustee who is a servant of the Government or a servant of the Board and who attends any meeting of the Board or any of its Committees shall be entitled to receive travelling allowance and daily allowance in accordance with the provisions of the service rules applicable to him.

#### **6. PAYMENT OF CERTAIN ALLOWANCE TO A TRUSTEE WHO IS A MEMBER OF PARLIAMENT OR OF LEGISLATURE OF STATE.**

Notwithstanding anything contained in Rules 3 and 4, a Trustee who is also a member of Parliament or a member of the Legislature of a State shall not be entitled to any fees other than the compensatory

allowance as defined in clause (a) of Section 2 of the Parliament (Prevention of Disqualification) Act, 1959(10 of 1959) or, as the case may be, other than the allowances, if any, which a member of a Legislature of the State may, under any law for the time being in force in the State relating to the prevention of disqualification of membership of the State Legislature, receipts without incurring such disqualification.

## 7. REPEAL AND SAVINGS

(1) On and from the date of publication of these rules, the rules mentioned in a Scheduled annexed hereto or hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken or any order made or directions given under the said rules shall be deemed to have been done, taken, made or given, as the case may be, under the corresponding provision of these rules.

SCHEDULE (See Rule 7)

	S.No	Title of the rules repealed

1. Major Port Trusts (Payment of Fees and Allowance to Trustees) Rules, 1964
2. Mormugao Port Trust (Payment of Fees and Allowance to Trustees) Rules, 1964
3. Paradip Port Trust (Payment of Fees and Allowance to Trustees) Rules, 1967
4. Board of Trustees of the Port of Bombay (Payment of Fees and Allowances to Trustees) Rules, 1975
5. Board of Trustees of the Port of Calcutta (Payment of Fees and Allowances to Trustees) Rules, 1975
6. Board of Trustees of the Port of Madras (Payment of Fees and Allowances to Trustees) Rules, 1975
7. Board of Trustees of the Port of Tuticorin (Payment of Fees and Allowances to Trustees) Rules, 1979.
8. Board of Trustees of the Port of New Mangalore (Payment of Fees and Allowances to Trustees) Rules, 1980

**NOTE:** The Principle Rules were published in the Gazette of India as G.S.R.134(E), dated the 28th January, 1982 and amended vide G.S.R. 797 (E) dated 18.7.1988. G.S.R 635 (E) dated 15.10.1991 and G.S.R. 70(E) dated 11th February, 1997.



**TUTICORIN PORT EMPLOYEES (CLASSIFICATION, CONTROL AND APPEAL) REGULATIONS,  
1979 (Published in the Gazette of India, dated 1.3.1979)**

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**Schedule**

G.S.R. 101(E): In exercise of the powers conferred by section 126, read with section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following Regulations, namely:-

## **Part I – General**

### **1. Short title and commencement**

- (1) These regulations may be called the Tuticorin Port Employees (Classification, Control and Appeal) Regulations, 1979.
- (2) They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions**

In these regulations, unless the context otherwise requires,-

- (a) "Act" means the Major Port Trusts Act, 1963 (38 of 1963);
- (b) "Appointing authority" in relation to an employee means the authority prescribed as such in the Schedule;
- (c) "Board", "Chairman" and "Head of Department" shall have the same meanings as in the Act;
- (d) "disciplinary authority" means the authority competent under these regulations to impose on an employee any of the penalties specified in regulation 8;
- (e) "employee" means an employee of the Board and includes any such person on foreign service or whose services are temporarily placed at the disposal of the Board and also any person in service of the Central or a State Government or a local or other authority whose services are temporarily placed at the disposal of the Board.
- (f) "Schedule" means the Schedule annexed to these regulations.

### **3. Application**

- (1) These regulations shall apply to every employee of the Board but shall not apply to:-
  - (a) persons in casual employment;
  - (b) persons liable to be discharged from service or less than one month's notice; and

(c) persons for whom special provision is made in respect of matters covered by these regulations, by or under any law for the time being in force or by or under any agreement entered into by or with the previous approval of the Board before or after the commencement of these regulations, in regard to matters covered by such special provisions;

(2) Notwithstanding anything contained in sub-regulation (1) the Board may by order exclude from the operation of all or any of these regulations any class or classes of employees.

(3) If any doubt arises as to whether these regulations or any of them apply to any person, the matter shall be referred to the Board for its decision.

## **PART II – Classification**

**4. (1)** Classification of posts:- All posts under the Board shall for the purposes of these regulations be classified as follows:-

(a) Class I posts, that is to say, posts carrying a pay in a scale of pay, the maximum of which is more than Rs.14,600/-, in the revised pay structure.

(b) Class II posts, that is to say, posts carrying a pay in a scale of pay, the maximum of which is more than Rs.11,975/- but more than Rs.14,600/- in the revised pay structure.

(c) Class III posts, that is to say, posts carrying a pay in a scale of pay the maximum of which is more than Rs.7,330/- but not more than Rs.11,975/- in the revised pay structure.

(d) Class IV posts that is to say, posts carrying a pay in a scale of pay, the maximum of which is Rs.7,330/- or below in the revised pay structure.

Provided that after the general revision of the pay structures referred to in sub-regulation (1), the revised pay limits corresponding to those mentioned in sub-regulation(1) shall be as specified by the Central Government, until the pay limits are formally modified by amendment to the regulations.

**(2)** Any other made by the competent authority and in force immediately before the commencement of these regulations relating to classification of posts in the Port of Tuticorin and the Tuticorin Port Trust shall continue in force until altered rescinded or amended by an order of the Board under sub-regulation (1).

## **PART III - Appointing authorities**

### **5. Appointment to posts**

(i) All appointments to the posts under the Board which are covered by clause (a) of sub-section (1) of section 24 of the Act shall be made by the Central Government after consultation with the Chairman.

(ii) all appointments to other Class I and Class II posts under the Board which are not covered by clause (a) of sub-section (1) of section 24 of the Act shall be made by the authorities as specified in the Schedule.

## **6. Appointments to other posts**

All appointments, other than the appointments referred to in regulation 5, shall be made by the authorities specified in this behalf in the Schedule.

## **PART IV– SUSPENSION**

### **7. Suspension**

(1) An employee may be placed under suspension--

(a) where a disciplinary proceeding against him is contemplated or is pending; or

(aa) where, in the opinion of the authority afore said, he has engaged himself in activities prejudicial to the interests of the security of the state; or

(b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

(2) The order of suspension shall be made --

(a) in the case of an employee holding a post referred to in clause (a) of sub-section (1) of section 24 of the Act by the Chairman;

(b) in any other case by the appointing authority:

Provided that no such order relating to an employee holding a post referred to in clause (a) of sub-section (1) of section 24 of the Act shall have effect until it is approved by the Central Government.

(3) An employee shall be deemed to have been placed under suspension by an order of appointing authority --

(a) with effect from the date of his detention, if he is detained in custody for a period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Provided that if the employee is acquitted or granted bail, he/she shall be reinstated in service forthwith

**Explanation:** The period of forty eight-hours referred to in clause (b) of this sub-regulation shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these regulations and the case is remitted for further inquiry or action or with any other directions the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence, of or by, a decision of a court of law, and the disciplinary authority on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the authority competent to do so from the date of the original order of dismissal removal or compulsory retirement and shall continue to remain under suspension until further orders.

Provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

(6) (a) An order of suspension made or deemed to have been made under this regulation shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where an employee is suspended or is deemed to have been suspended, (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

## **PART V – Discipline**

### **8. Penalties.**

The following penalties may, if the charge(s) is/are proved, and keeping in view of the gravity of the charge(s) so proved and as hereinafter provided, be imposed on an employee, namely:-

Minor Penalties:

- (i) Censure;
- (ii) Withholding of his promotion;
- (iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Board by negligence or breach of orders;
- (iii)(a) Reduction to a lower stage in the time-scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his pension;
- (iv) Withholding of increments of pay;

#### Major Penalties:

- (v) Save as provided for in Clause (iii)(a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;
- (vi) Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay; grade, post or service from which he was reduced with or, without further direction regarding conditions of restoration to the grade or post, or service from which the employee was reduced and his seniority and pay on such restoration to that grade, post or service;
- (vii) Compulsorily retirement;
- (viii) Removal from service which shall not be a disqualification for further employment;
- (ix) Dismissal from service which shall ordinarily be a disqualification for future employment.

Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or regard for doing or forbearing to do any official act is established, the penalty mentioned in Clause (viii) or Clause (ix) shall be imposed;

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

**Explanation.** - The following shall not amount to a penalty within the meaning of this regulation, namely

- (i) Withholding of increments of an employee for failure to pass a departmental examination in accordance with the regulations or orders governing the post or the terms of his appointment;
- (ii) Stoppage of an employee at the efficiency for failure time scale on the ground of his unfitness to cross the bar;

- (iii) Non-promotion whether in a substantive or officiating capacity of an employee, after consideration of his case, to a grade or post for promotion to which he is eligible;
- (iv) Reversion to a lower grade or post of an employee officiating in a higher grade or post on the ground that he is considered, after trial, to be unsuitable for such higher grade or post or on administrative grounds unconnected with his conduct;
- (v) Reversion to his permanent grade or post of an employee appointed on probation to another grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing probation;
- (vi) Replacement of the services of an employee whose services have been borrowed from the Central or a State Government or an authority under the control of the Central or a State Government at the disposal of the authority which had lent his services;
- (vii) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;
- (viii) Termination of the services:--
  - (a) of an employee appointed on probation during or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing probation; or
  - (b) of an employee employed under an agreement in accordance with the terms of such agreement;
  - (c) of a temporary employee under rule 5 of Tuticorin Port Employees (Temporary Service) Regulations, 1979.

## **9. Disciplinary authorities**

The authorities mentioned in the Schedule shall be competent to impose the penalties on the employees of different grades and services as indicated in the said Schedule.

## **10. Procedure for imposing major penalties**

(1) No order imposing any of the penalties specified in clauses (v) to (ix) of regulation 8 shall be made except after an inquiry held, as far as may be, in the manner provided in this regulation and regulation 11.

(2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or mis-behaviour as contemplated in the Tuticorin Port Employees (Conduct) Regulations, 1979 against an employee, it may itself inquire into, or appoint an authority, including any serving or retired official of the State or Central Government, Public Sector Undertaking or any Port, to inquire into the truth thereof.

**Explanation:** Where the disciplinary authority itself holds the inquiry, any reference in sub-regulation (7), sub-regulation (20) or sub-regulation (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.

(3) Where it is proposed to hold an inquiry against an employee under this regulation or regulation 11, the disciplinary authority shall draw up or cause to be drawn up --

(i) the substance of the imputations of misconduct or misbehaviour into definites and distinct articles of charge;

(ii) a statement of the imputation of misconduct or misbehaviour in support of each article of charge, which shall contain --

(a) a statement of all relevant facts including any admission of confession made by the employee;

(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

(4) The disciplinary authority shall deliver or cause to be delivered to the employee a copy of the article of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the employee to submit, within 30 days, a written statement of his defence and to state whether he desires to be heard in person.

(5) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted or if it considers it necessary so to do, appoint, under sub-regulation (2), an Inquiring authority for the purpose, and where all the articles of charge have been admitted by the employee in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in regulation 11.

(b) If no written statement of defence is submitted by the employee the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary so to do, appoint under sub-regulation (2), an inquiring authority for the purpose.

(c) Where the disciplinary authority itself inquires into any articles of charge or appoints an inquiring authority for holding an inquiry into such charge, it may, by an order, appoint any person to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.



(6) The disciplinary authority shall where it is not the inquiring authority, forward to the inquiring authority

- (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehavior;
- (ii) a copy of the written statement of defense, if any, submitted by the employee;
- (iii) a copy of the statements of witnesses, if any referred to in sub-regulation (3);
- (iv) evidence providing the delivery of the documents referred to in sub-regulation (3) to the employee; and
- (v) a copy of the order appointing the "Presenting Officer".

(7) The employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the Statement of the imputations of misconduct or misbehavior, as the inquiring authority may, by a notice in writing, specify in this behalf or within such further time, not exceeding ten days, as the inquiring authority may allow.

(8) The employee may take the assistance of any other employee to present the case on his behalf, but shall not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner or the disciplinary authority having regard to the circumstances of the case, so permits.

Provided that the employee may take the assistance of any other employee posted at any other station, if the Inquiring Authority having regard to the circumstances of the case, and for reasons to be recorded in writing so permits;

Note: (a) The employee shall not take the assistance of any other employee who has three pending disciplinary cases on hand in which he has to give assistance.

(b) The employee may also take the assistance of a retired employee to present the case on his behalf, subject to such conditions as may be specified by the Board from time to time by general or special order in this behalf.

(9) If the employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee thereon.

(10) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee pleads guilty.

(11) The inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee may, for the purpose of preparing his defence --

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-regulation (3);

(ii) submit a list of witnesses to be examined on his behalf;

Note:-- If the employee applies orally or in writing for the supply of copies of the statements of witness mentioned in the list referred to in sub-regulation (3), the inquiring authority shall, furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses of the disciplinary authority.

(iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of the Board but not mentioned in the list referred to in sub-regulation (3).

Note:-- The employee shall indicate in the notice the relevance of the documents required by him to be discovered or produced by the Board.

(12) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition;

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(13) On receipt of the requisition referred to in sub-regulation (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority:

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the interest of the Port Trust, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the employee and withdraw the requisition made by it for the production or discovery of such documents.

- (14) (a) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority.
- (b) The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the employee.
- (c) The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority.
- (d) The inquiring authority may also put such questions to the witnesses as it thinks fit.

- (15) (a) If it appears necessary before the close of the case on the side of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the employee or may itself call for new evidence or recall and re-examine any witness and in such case the employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned.
- (b) The inquiring authority shall give the employee an opportunity of inspecting such documents before they are taken on the record.
- (c) The inquiring authority may also allow the employee to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interest of justice.

Note: -- New evidence shall not be permitted or called for and no witness shall be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

- (16) (a) When the case for the disciplinary authority is closed, the employee shall be required to state his defense, orally or in writing, as he may prefer.
- (b) If the defence is made orally, it shall be recorded and the employee shall be required to sign the record, in either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.
- (17) (a) The evidence on behalf of the employee shall then be produced and the employee may examine himself on his side if he so prefers.
- (b) The witnesses produced by the employee shall then be examined and may be cross-examined on behalf of the disciplinary authority.

(18) The inquiring authority, may, after the employee closes his case, and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the employee to explain any circumstances appearing in the evidence against him.

(19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the employee, or permit them to file written briefs of their respective cases, if they so desire.

(20) If the employee to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this regulation, the inquiring authority may hold the inquiry ex-parte.

(21) (a) Where a disciplinary authority competent to impose any of the penalties specified in clause (i) to (iv) of regulation 8 but not competent to impose any of the penalties specified in clauses (v) to (ix) of regulation 8, has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (v) to (ix) of regulation 8 should be imposed on the employee, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

(b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the employee such penalty as it may deem fit in accordance with these regulations.

(22) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself;

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein before provided.

(23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain --

- (a) the articles of charge and the statement of imputations of misconduct or misbehavior;
- (b) the defense of the employee in respect of each article of charge;
- (c) an assessment of the evidence in respect of each article of charge;
- (d) the findings on each article of charge and the reasons therefore.

Explanation: If in the opinion of the inquiry authority, the proceedings of the inquiry establish any article of charge different from the original articles of charge, it may record its findings on such article of charge:

Provided that the findings on such article of charge shall not be recorded unless the employee has either admitted the facts on which such article of charge is based or has a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include --

- (a) the report prepared by it under clause (i);
- (b) the written statement of defense, if any, submitted by the employee;
- (c) the oral and documentary evidence produced in the course of the inquiry;
- (d) the written briefs, if any, filed by the Presenting Officer or the employee or both during the course of inquiry; and
- (e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

## **11. Action on the inquiry report**

(1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority, shall thereupon proceed to hold the further inquiry according to the provisions of regulation 10 as far as may be.

(2) The disciplinary authority shall forward or caused to be forwarded a copy of the report of inquiry, if any, held by the Disciplinary Authority or where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority together with its own tentative reasons, for disagreement, if any, with the findings of Inquiring Authority on any article of charge to the employee who shall be required to submit if he so desires, his written representation or submission to the Disciplinary Authority within 15 days, irrespective of whether the report is favourable or not to the employee.

(2A) The Disciplinary Authority shall consider the representation, if any, submitted by the employee and record its findings before proceeding further in the matter as specified in sub-regulations (3) and (4).

(3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iv) of regulation 8 should be imposed on the employee, it shall notwithstanding anything contained in regulation 12 make an order imposing such penalty.

(4) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (v) to (ix) of regulation 8 should be imposed on the employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity of making representation on the penalty proposed to be imposed on the basis of the evidence adduced during the inquiry:

Provided that in every case where it is necessary to consult the Central Government the record of the inquiry shall be forwarded by the disciplinary authority along with its recommendations to the Central Government for passing order.

## **12. Procedure for Imposing Minor Penalties**

(1) No order imposing any of the penalties specified in clauses (i) to (iv) of regulation 8 shall be passed except after --

(a) informing in writing the employee of the proposal to take action against him and of the allegations on which it is proposed to be taken and giving him an opportunity to make any representation he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in sub-regulations (3) to (23) of regulation 10, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;

(c) taking the representation, if any, submitted by the employee under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;

(d) recording a finding on each imputation of misconduct or misbehaviour; and

(e) consulting the Central Government where such consultation is necessary.

(2) The record of the proceedings of such cases shall include --

(i) a copy of the intimation to the employee of the proposal to take action against him;

(ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;

(iii) his representation, if any;

- (iv) the evidence produced during the inquiry;
- (v) the advice of the Central Government, if any;
- (vi) the findings on each imputation of misconduct or misbehaviour; and
- (vii) the orders on the case together with the reasons therefor.

(3) Notwithstanding anything contained in clause (b) of sub-regulation (1), if in a case it is proposed, after considering the representation, if any, made by the employee under clause (a) of that sub-regulation to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the employee or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-regulation (3) to (23) of regulation 10, before making an order imposing on the employee any such penalty.

### **13. Communication of orders**

Orders made by the disciplinary authority shall be communicated within 45 days of the order to the employee who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority, and a copy of its findings on each article of charge, or where the disciplinary authority is not the inquiry authority, a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him).

### **14. Common proceedings**

(1) Where two or more employees are concerned, in any case, the Chairman or the authority competent to impose a penalty of dismissal from service on all such employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

Note:- If the authorities competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the other authorities.

(2) Subject to the provisions of sub-section (1) of section 25 of the said Act, and regulation 9, any such order shall specify --

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceedings;
- (ii) the penalties specified in regulation 8 which such disciplinary authority shall be competent to impose; and

(iii) whether the procedure prescribed in regulations 10 and 11 or regulation 12 or regulation 17 may be followed in the proceeding.

## **15. Special procedure in certain cases**

Notwithstanding anything contained in regulations 10, 12 and 14 --

(i) where a penalty is imposed on an employee on the ground of conduct which had led to his conviction on a criminal charge, or

(ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing it is not reasonably practicable to hold an inquiry in the manner provided in these regulations; or

(iii) where the Chairman is satisfied that in the interest of the security of the port it is not expedient to follow such procedure, the disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit;

Provided that an employee may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i)

Provided that the approval of the Central Government shall be obtained for passing such orders in relation to an employee referred to in clause (a) of sub-section (1) of section 24 of the said Act.

## **16. Provisions regarding officers lent by the Board**

(1) Where the services of an employee are lent by the Board to a State or Central Government or an authority subordinate to them or to a local or other authority (hereinafter in this regulation referred to as "the borrowing authority"), the borrowing authority shall have the powers of the appointing authority for the purpose of placing such employee under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him :

Provided that the borrowing authority shall forthwith inform the Board of the circumstances leading to the order of suspension of such employee or the commencement of the disciplinary proceedings; as the case may be.

(2) In the light of the findings in the disciplinary proceedings conducted against an employee --

(i) if the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of regulation 8 should be imposed on the employee, it may, after consultation with the Board, make such orders on the case as it deems necessary :

Provided that in the event of a difference of opinion between the borrowing authority and the Board, the services of an employee shall be replaced at the disposal of the Board.



(i) if the borrowing authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of regulation 8 should be imposed on the employee, it shall replace his services at the disposal of the lending authority and transmit to it the proceeding of the inquiry and thereupon the lending authority may, if it is the Disciplinary Authority, pass such orders thereon as it may deem necessary, or, if it is not the Disciplinary Authority, submit the case to the Disciplinary Authority which shall pass orders on the case as it may deem necessary :

Provided that before passing any such order the disciplinary authority shall comply with the provisions of these regulations.

**Explanation:** The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary as far as may be, in accordance with regulation 10.

## **17. Provisions regarding officers borrowed by the Board**

(1) Where an order of suspension is made or a disciplinary proceeding is taken against an employee whose services have been borrowed from the Central Government or a State Government or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter in these regulations referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings as the case may be.

(2) In the light of the findings in the disciplinary proceedings taken against the employee --

(i) if it is decided that any of the penalties specified in clauses (i) to (iv) of regulation 8 should be imposed on him the disciplinary authority may subject to the provisions of sub-regulation (3) of regulation 11, after Consultation with the lending authority pass such orders on the case as it deems necessary;

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority the services of the employee shall be replaced at the disposal of the lending authority.

(ii) if the disciplinary authority is of the opinion that any of the penalties specified in clause (v) to (ix) of regulation 8 should be imposed on the employee, it shall replace his services at the disposal of the lending authority and transmit it with the proceedings of the inquiry for such action as it deems necessary.

## **PART VI – APPEALS**

### **18. Appeals against orders of the Central Government**

Notwithstanding anything contained in this part, appeal shall lie before the competent Court of Law against any order made with the approval of the Central Government.

Note: Any order passed by an inquiring authority in the course of an inquiry under Regulation 10 is not appealable.

### **19. Appeals against orders of suspension**

An employee may appeal against an order of suspension to the authority to which the authority which made or is deemed to have made the order is immediately subordinate.

### **20. Appeals against orders imposing penalties**

(1) The authorities mentioned in the schedule shall be competent to entertain appeals against the orders imposing the penalties indicated in the Schedule.

(2) Any employee of a Board aggrieved by an order involving his reduction in rank, removal or dismissal may, within the time mentioned in regulation 22 and in the manner laid down in regulation 23 prefer an appeal--

(a) to the Central Government, where such order is passed by the Chairman;

(b) to the Chairman, in any other case:

Provided that where the person who made the order appealed against becomes, by virtue of his subsequent appointment the appellate authority in respect of such order, an appeal against such order, shall lie to the Central Government and the Central Government in relation to that appeal shall be deemed to be the appellate authority for the purposes of this regulation.

### **21. Appeals in other cases -- An appeal against an order**

(a) stopping an employee at the efficiency bar in the time scale on the ground of his un-fitness to cross the bar;

(b) reducing or withholding the pension or denying the maximum pension admissible to the employee;

(c) determining the pay and allowances for the period of suspension to be paid to an employee on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose; and

(d) reverting to a lower grade or post an employee officiating in a higher grade or post otherwise than as a penalty; shall lie, in the case of an order made in respect of any employee, to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service, would lie.

Explanation.-- In this regulation -

(i) "employee" includes a person who has ceased to be in the employment of the Board;

(ii) "pension" includes additional pension, gratuity and any other retirement benefit.

## **22. Period of limitation for appeals**

No appeal preferred under this Part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant;

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient causes for not preferring the appeal in time.

## **23. Form and contents of appeals**

(1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be present to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. But it shall contain all materials statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in it.

(3) The authority which made the order appealed against shall, on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the Appellate Authority without any avoidable delay, and without waiting for any direction from the Appellate Authority.

## **24. Submission of appeals**

Every appeal shall be submitted through the authority which made the order appealed against:

Provided that a copy of the memorandum of appeal may be submitted direct to the appellate authority.

## **25. Withholding of appeals**

(1) The authority which made the order appealed against may withhold the appeal if --

(i) it is an appeal against an order from which no appeal lies; or

(ii) it does not comply with any of the provisions of regulation 23; or

(iii) it is not submitted within the period specified in regulation 22 and no cause is shown for the delay; or

(iv) it is a representation of an appeal already decided and no new facts or circumstances are adduced:

Provided that an appeal withheld on the ground only that it does not comply with the provisions of regulation 23 shall be returned to the appellant and if it is re-submitted within one month thereof after compliance of the said provisions, shall not be withheld.

(2) Where an appeal is withheld, the appellant shall be informed of the facts and the reasons therefore.

(3) At the commencement of each quarter, a list of appeals withheld by any authority during the previous quarter together with the reasons for withholding them shall be furnished by that authority to the appellate authority.

## **26. Transmission of appeals**

(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under regulation 25 together with its comments thereon and the relevant records

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under regulation 25 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

## **27. Consideration of appeal**

(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of regulation 7 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in regulation 8 or enhancing any penalty imposed under the said regulation, the appellate authority shall consider --

(a) where the procedure laid down in those regulations has been complied with, and if not, whether such non-compliance has resulted in denial of justice;

(b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and

(c) whether the penalty imposed is adequate, inadequate or service; and pass orders--

(i) confirming, enhancing, reducing, or setting aside the penalty; or

(ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case :

Provided that --

(i) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of regulation 8 and an inquiry under regulation 10 has not already been held in the case, the appellate authority shall, subject to the provisions of regulation 15, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of regulation 10 and thereafter, on a consideration of the proceedings of such inquiry and after giving the appellant a reasonable opportunity, as far as may be in accordance with the provisions of sub-regulation (4) of regulation 11 of making a representation against the penalty proposed on the basis of the evidence adduced during such inquiry, make such orders as it may deem fit;

(ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of regulation 8 and an inquiry under regulation 10 has already been held in the case, the appellate authority shall, after giving the appellant a reasonable opportunity as far as may be in accordance with the provision of sub-regulation (4) of regulation 11, of making a representation against the penalty proposed on the basis of the evidence adduced during such enquiry make such orders as it may deem fit; and

(iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of regulation 10, of making a representation against such enhanced penalty.

(3) In an appeal against any order specified in regulations 19 to 21, the appellate authority shall consider all the circumstances of the case and make such orders as may deem just and equitable.

## **28. Implementation of orders in appeal**

The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

## **PART VII – REVIEW**

### **29. Review**

(1) Notwithstanding anything contained in these regulations --

(i) the Central Government; or

(ii) the Board;

(iii) the Chairman; or

(iv) the appellate authority, within six months of the date of the orders proposed to be reviewed,

or

(v) any other authority, specified in this behalf by the Board by a general or special order, and within such time as may be prescribed in such general or special order:

may at any time either on his or its own motion or otherwise call for the records of any inquiry and review any order made under these regulations from which no appeal is allowed, but no appeal has been preferred or from which no appeal is allowed after consultation with the Central Government where such consultation is necessary and may

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any reviewing authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of regulation 8 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in these clauses; no such penalty shall be imposed except after an inquiry in the manner laid down in regulation 10 and after giving a reasonable opportunity to the employee concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry and except after consultation with the Central Government where such consultation is necessary:

Provided further that no power of review shall be exercised by the Chairman, or any other authority specified in clause (iv) of sub-regulation

(1) as the case may be, unless --

(i) the authority which made the order in appeal; or

(ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceedings for review shall be commenced until after -

(i) the expiry of the period of limitation for an appeal; or

(ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for review shall be dealt with in the same manner as if it were an appeal under these regulations.

## PART VIII -- Miscellaneous

### 30. Service or orders notices, etc

Every order, notice and other process made or issued under these regulations shall be served in person on the employee concerned or communicated to him by registered post:

Provided that if a notice or order or other process made or issued under these regulations sent by registered post is refused by the employee it shall be deemed to have been served on him.

### 31. Power to relax time limit and condone delay

Save as otherwise expressly provided in these regulations, the authority competent under these regulations to make any order may, if the charge(s) is/are proved and keeping in view of the gravity of the charge(s) so proved or if, sufficient cause is shown, extend the time specified in these regulations for anything required to be done under these regulations or condone any delay.

### 32. Interpretation

Where a doubt arises as to whether any authority is sub-ordinate to or higher than, any other authority or as to the interpretation of any of the provisions of these regulations, the matter shall be referred to the Central Government for its decision.

## Schedule

(See regulations 2(b), 2(f) 6, 9 and 20)

Description of post	Appointing Authority	Authority competent to impose penalties which it may impose (with reference to clauses (i) to (ix) in regulation 8)		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
(I) Posts covered by clause (a) of sub-section(1) of section 24 of the Major Port Trusts Act, 1963.	Central Government after consultation with the Chairman	Chairman	(i) to (iv) Minor Penalties	Central Government
		Central Government.	All	Central Government

(II) Class I posts (other than those covered by Clause (a) of sub-section (1) of Section 24 of the Major Port Trusts Act, 1963.)	Chairman	Dy. Chairman  Chairman	(i) to (iv) Minor Penalties  All	Chairman  Central Government
(III) Class II	Chairman	Dy. Chairman  Chairman	(i) to (iv) Minor Penalties  All	Chairman  Central Government
(IV) Class III	Head of Department	Head of Department	All	Dy. Chairman
(V) Class IV	Head of Department	Head of Department	All	Dy. Chairman

[PET-67/78]

D.K.JAIN, Joint Secy.

**FOOT NOTE:** The Tuticorin Port Employees (Classification, Control and Appeal) Regulations, 1979, were published in the Gazette of India Extraordinary vide GSR 101(E), dated the 1st March, 1979 and subsequently amended vide

- (1) GSR 90(E), dated the 21st January, 1990.
- (2) GSR 466(E), dated the 10th October, 1996.
- (3) GSR 366(E), dated the 29th June, 1998.
- (4) GSR 280(E), dated the 23rd April, 2004.
- (5) GSR 771(E), dated the 25th November, 2004.



**TUTICORIN PORT EMPLOYEES (CONDUCT) REGULATIONS, 1979**  
**(Published in the Gazette of India dated 1.3.1979)**  
**(As Amended)**

G.S.R. 100(E).-- In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:-

**1. Short title and Application**

(1) These regulations may be called the Tuticorin Port Employees (Conduct) Regulations, 1979.

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

(a) Except as otherwise provided by or under these regulations, they shall apply to all persons employed in connection with the affairs of the Tuticorin Port Trust:

**2. Definitions**

In these regulations, unless the context otherwise required:-

(a) "Board", "Chairman", "Deputy Chairman", and "Head of a Department", shall have the meanings respectively assigned to them in the Major Port Trusts Act, 1963 (38 of 1963);

(b) "employee" means an employee of the Board;

(c) "Government" means the Central Government;

(d) "members of family" in relation to an employee includes:-

(i) the wife or husband, as the case may be, of the employee, whether residing with the employee or not but does not include a wife or husband, as the case may be, separated from the employee by a decree or order of a competent court;

(ii) son or daughter or step-son or step-daughter of the employee and wholly dependent on him, but does not include a child or step-child who is no longer dependent in any way on the employee or of whose custody the employee has been deprived of by or under any law;

(iii) any other person related, whether by blood or marriage, to the employee's wife or husband, and wholly dependent on the employee;

(e) "prescribed authority" means the appointing authority as prescribed in the Tuticorin Port Employees (Classification, Control and Appeal) Regulations, 1979.

### 3. General

(1) Every employee shall, at all times, maintain absolute integrity and devotion to duty and do nothing which is of unbecoming of him as such employee.

"(1)(A) No employee shall--

- (a) act in a manner prejudicial to the interest of the Port;
- (b) be absent without sanctioned leave;
- (c) neglect work or show negligence in the performance of work including slowing down of work;
- (d) commit any act which is subversive of discipline or good behavior;
- (e) abet or attempt to abet any act which amounts to misconduct; and
- (f) act insubordination or disobedience, whether individually or in combination with others".

(2) No employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm, with which he has dealings in his capacity as such employee or with any other firm having dealings with the Board :

Provided that where the acceptance of such employment by a member of the family of such employee cannot await the prior permission of the Board or is otherwise considered urgent, the matter shall be reported by the employee to the Board and the employment may be accepted provisionally subject to the permission of the Board.

(3) Every employee shall desist from dealing with a case relating to award of a contract or exercise of patronage in favour of a firm or company in which any member of his family is employed.

(4) No employee shall bid at auctions arranged by or on behalf of the Board.

(5) Participation by an employee in proselytising activities or the direct or indirect use of his position and influence in such activities is objectionable.

(6) Every employee is expected to maintain a reasonable and decent standard of conduct in his private life and not bring discredit to his employer by his misdemeanour. In cases where an employee is reported to have conducted himself in a manner unbecoming of a servant of the Board as, for instance by neglect of his spouse and family, action may be taken against him on that score.

(7) An employee who is convicted by a court of law or arrested shall report the fact of his conviction or arrest to his departmental superiors promptly. Failure to do this may render him liable to disciplinary action.

#### **4. Taking part in Politics and Election**

(1) No employee shall take part in, an election to any legislature or local authority;

Provided that -

(i) an employee qualified to vote at such election, may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) an employee shall not be deemed to have contravened the provisions of this regulation by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

(2) No employee shall -

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, Public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence;

(ii) notwithstanding anything contained in this sub-regulation an employee covered by the definition of "workman" under the Industrial Disputes Act, 1947 (14 of 1947), would, however, have the opportunity for redressal of his grievances as permissible under the aforesaid Act.

(3) No employee shall join, or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

#### **5. Connection with press or Radio**

(1) No employee shall, except with the previous sanction of the Board, own wholly or in part or conduct, or participate in the editing or managing of, any newspaper or other periodical publication.

(2) No employee shall, except with the previous sanction of the Board, or any other authority empowered by it in this behalf, or in the bonafide discharge of his duties, publish a book himself or through a publisher or contribute an article to a book or a compilation of article or participate in a radio broadcast or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that no such sanction shall be required if such publication, broadcast or such contribution is of a purely literary, artistic or scientific character

## **6. Criticism of Board/Government**

No employee shall, in any radio broadcast or in any document, publish anonymously or in his own name or in the name of any other person or in any communication to the press or in any other public utterance, make any statement of fact or opinion -

(i) Which has the effect of an adverse criticism of any current or a recent policy or action of the Central Government, State Government, the Board or any other Major Port Trust.

Provided that in the case of any employee specified in the proviso to sub-regulation (2) of regulation 1, nothing contained in this regulation shall apply to bonafide expression of views by him as an office bearer of a trade union of such employees for the purpose of safeguarding the service conditions of such employees or for securing any improvement therein; or

(ii) Which is capable of embarrassing the relations between the Board, the Central Government, the Government of any State or any other Major Port Trust; or

(iii) Which is capable of embarrassing the relations between the Central Government and the Government of any foreign State :

Provided that nothing in this regulation shall apply to any statements made or views expressed by an employee in his official capacity or the due performance of the duties assigned to him.

## **7. Evidence before committee or any other Authority**

(1) Save as provided in sub-regulation (3), no employee shall, except with the previous sanction of the Board, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-regulation (1), no employee giving such evidence shall criticise the policy or any action of the Board or of any Major Port Trust or of the Central Government or of a State Government.

(3) Nothing in this regulation shall apply to --

(a) evidence given at an enquiry before an authority appointed by the Central or a State Government, by Parliament or by a State legislature or by the Board or by any other Major Port Trust; or

(b) evidence given in any judicial enquiry; or

(c) evidence given in any departmental enquiry ordered by authorities subordinate to the Government or by the Board or by any other Major Port Trust or by the Chairman or Deputy Chairman or Head of a Department.

## **8. Unauthorized communication of information**

No employee shall, except in accordance with any general or special order of the Board or in the performance in good faith the duties assigned to him, communicate directly or indirectly, any official document or any part thereof or information to any person to whom he is not authorized to communicate such documents or information.

Explanation: If an employee quotes or copies in his representation, appeal, etc., circulars and instructions of the Board or any other Major Port Trust, or Government, including those marked secret, notes and other information from files to which he is not authorized to have access, or which he is ordinarily not expected to have seen or to have retained, the action shall amount to unauthorized communication of information and shall be construed as involving contravention of this regulation.

## **9. Subscriptions**

No employee shall, except with the previous sanction of the Chairman, ask for, or accept contribution to, or otherwise associate himself with the rising of, any fund or other collections in pursuance of any object whatsoever.

Explanation

- (1) Mere payment of subscription to a charitable or benevolent fund does not by itself violate this regulation.
- (2) Voluntary association of an employee with the collection of Flag Day contributions is permissible without any specific sanction under this regulation.
- (3) Collection of subscriptions by an employee as a member of a service union of employees from amongst other members of the union -
  - (i) is unobjectionable and does not require prior sanction if --
    - (a) the proceeds are proposed to be utilised for welfare activities of the union;
    - (b) a matter affecting the general interests of the members of the union is in dispute and it is permissible under the rules of the union to spend its funds over such matters.
- (4) No employee of the Board shall approach the general public or any individual or any industrial or commercial firm, organisation, etc. with whom the Port has any type of dealings for collecting funds for the unions.

## **10. Gifts**

(1) No person employed in the Port shall accept or permit any member of his family or any person acting on his behalf to accept any gift from any individual having official dealings with him or from any industrial or commercial firm, organisations, etc., with whom the Port Trust has dealings.

Explanation: The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advance provided by any person other than a near relative or personal friend having no official dealings with the employee.

Note: - (I): A casual meal, lift or other social hospitality shall not be deemed to be a gift.

Note: - (II): An employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organizations, etc.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, an employee may accept gifts from his near relatives but he shall make a report to the Board, if the value of any such gift exceeds:-

(i) Rs.500 in the case of an employee holding any Class I or Class II post;

(ii) Rs.250 in the case of an employee holding any Class III post; and

(iii) Rs.100 in the case of an employee holding any Class IV post.

(3) On such occasions as are specified in sub-regulation (2), an employee may accept gifts from his personal friends having no official dealing with him, but he shall make a report to the Board if the value of any such gift exceeds

(i) Rs.200 in the case of an employee holding any Class I or Class II post;

(ii) Rs.100 in the case of an employee holding any Class III post; and

(iii) Rs.50 in the case of an employee holding any Class IV post.

(4) In any other case, an employee shall not accept any gift without the sanction of the Board if the value thereof exceeds -

(i) Rs.75 in the case of an employee holding any Class I or Class II post; and

(ii) Rs.25 in the case of an employee holding any Class III or Class IV post.

## **11. Dowry**

No employee shall -

(i) give or take or abet the giving or taking of dowry; or

(ii) demand, directly or indirectly, from the parents or guardian of bride or bridegroom, as the case may be, any dowry.

## **12. Public demonstrations, in honour of employees**

No employee shall, except with the previous sanction of the Board, receive any complementary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour or in the honour of any other employee :

Provided that nothing in this regulation shall apply to -

- (i) a farewell entertainment of a substantially private and informal character held in honour of the employee or any other employee on the occasion of his retirement or transfer or any person who has recently quitted service under the Board; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

Explanation: Acceptance of invitation to declare buildings, etc.. open to lay the foundation stones of new buildings, or to allow public places, institutions to be named after him attract the provisions of this regulation.

## **13. Private trade or employment**

(1) No employee shall, except with the previous sanction of the Board, engage, directly or indirectly, in any trade or business or undertake any employment;

Provided that an employee may, without such sanction, undertake honorary work of social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer, but he shall not undertake or shall discontinue such work, if so directed by the Board.

Explanation:

- (a) Canvassing by an employee in support of the business of insurance agency, commission agency, etc., owned or managed by his wife or any other member of his family, shall be deemed to be breach of this sub-regulation.
- (b) Every employee shall report to the Board if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(2) No employee shall, except in the discharge of official duties, take part without the previous sanction of the Board, in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956) or under any other law for the time being in force, or any co-operative society for commercial purposes.

Provided that an employee may take part in the registration, promotion or management of --

(i) a literary, scientific, or charitable society or of a company, club or similar organisation the aims and objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860) or the Companies Act, 1956, or any other law for the time being in force; or

(ii) a co-operative society substantially for the benefit of employees registered under the Cooperative Societies Act, 1912 (2 of 1912) or any other law for the time being in force.

(3) No employee shall accept any fee for any work done by him for any public body or any private person without the previous sanction of the Board.

#### **14. Investments, lending and borrowing**

(1) No employee shall speculate in any stock, share or other investments.

Explanation: Frequent purchase or sale or both of shares securities or other investments shall be deemed to be speculation within the meaning of this sub-regulation.

(2) No employee shall make, or permit any member of his family or any person acting on his behalf to make, any investment likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether a security or investment is of the nature referred to in sub-regulation

(1) or sub-regulation (2), the decision of the Board thereon shall be final.

(4) No employee shall, except with the previous sanction of the Board, lend money to any person possessing land or valuable property within the local limits of his authority or at interest to any person;

Provided that an employee may make an advance of pay to a private servant, or give a loan of small amount, free of interest, to a personal friend or relative; even if such person possesses land within the local limits of his authority.

(5) No employee shall save in the ordinary course of business with a bank or firm of standing, lend or borrow or deposit money as a principal or an agent under pecuniary obligation to any person within the local limits of his authority or any other person with whom he is likely to have dealings; nor shall permit any member of his family, except with the previous sanction of the Board, to enter into any such transaction;

Provided that an employee may accept a purely temporary loan of small amount, free of interest, from a personal friend or relative or operate a credit account with bona-fide tradesman.

(6) When an employee is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub-regulation (4) or sub-regulation (5), he shall forthwith report the circumstances to the Board and shall thereafter act in accordance with such order as may be passed by the prescribed authority.



## **15. Insolvency and habitual indebtedness**

(1) An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee against whom any legal proceeding is instituted for the recovery of any debt due from him or adjudging him as an insolvent shall forthwith report full facts to the Board.

(2) When an attachment order is to be enforced against an employee, the Chairman or Deputy Chairman should -

- (i) determine whether the employee's financial position has reached a stage at which confidence in him must be diminished and, if so,
- (ii) consider the question of taking disciplinary action against him.

## **16. Movable, immovable and valuable property**

(1) No employee shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any other member of his family:

Provided that any such transaction conducted otherwise than through a regular or reputed dealer or with person having official dealings with the employee, shall require the previous sanction of the prescribed authority.

(2) Where an employee enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds Rs.10,000/- in the case of an employee holding any Class I or Class II post or Rs.5000/- in the case of an employee holding any Class III or Class IV post.

Provided that no employee shall enter into such transaction except with or through a regular or reputed dealer or agent or with the previous sanction of the prescribed authority.

Explanation: For the purpose of this sub-regulation, the expression "movable property" includes, inter alia, the following property, namely-

- (a) Jewellery, insurance policies the annual premia of which exceeds Rs.2000/- or one sixth of the total annual emoluments received from Government, whichever is less, shares, securities and debentures;
- (b) Loans advanced by such employee, whether secured or not;
- (c) Motor cars, motor cycles or any other means of conveyance; and
- (d) refrigerators, radios and radiograms.

(3) Every employee shall, on his admission in the service of the Board, submit a return as an annexure 'D' of all immovable properties owned, acquired or inherited by him on lease or mortgage, either in his own name or in name of any member of his family or in the name of any other person:

Provided that every group 'A' and group 'B' employee shall submit an annual return in the prescribed form as in Annexure 'D' during the month of January every year.

(4) The Board or the prescribed authority may, at any time, by general or special order, require an employee to submit, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or by any member of his family, as may be specified in the order. Such statement shall, if so required by the Board, or by the prescribed authority, include details of the means by which or the source from which such property was acquired.

Explanation. --

(a) The construction of the house results in acquisition of immovable property and attracts the provisions of this regulation. The purchase of movable property required for the construction of the house attracts this regulation.

(b) Transactions as members of a Hindu Undivided Joint Family shall not require the prior permission of the prescribed authority. In such cases, transactions in immovable property should be included in the annual property returns and those in movable property should be reported to the prescribed authority immediately after completion of the transaction or immediately after the employee comes to know of them. If the employee is unable to give an idea of his share of such property, he may give details of the full property and the names of the members who share it.

(5) Notwithstanding anything contained in these regulations, no employee shall, except with the previous sanction of the prescribed authority -

(a) acquire by purchase, mortgage, lease, gift or otherwise either in his own name or in the name of any member of his family, any immovable property situated outside India.

(b) dispose of by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family.

(c) enter into any transaction with any foreigner, foreign Government, foreign organisation or concern for the acquisition or disposal of any immovable property as mentioned above either in his own name or in the name of any member of his family.

## **17. Vindication of acts and character of Employees**

No employees shall, except with the previous sanction of the Board, have recourse to any Court or the Press for the vindication of the any official act which has been a subject matter of adverse criticism or an attack of defamatory character.

Explanation: Nothing in this regulation shall be deemed to prohibit an employee from vindicating his private character or any act done by him in his private capacity and where any action vindicating his private character or any act done by him is taken, the employee shall submit a report to the Board regarding such action.

## **18. Canvassing of non-official or other outside influence**

No employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Board.

## **19. Bigamous marriages**

No employee -

- (a) shall enter into or contract a marriage with a person having a spouse living, or
- (b) who having a spouse living, shall enter into or contract a marriage with any person;

Provided that the Board may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this regulation.

(3) Every person who enters into the Board's service after the commencement of these regulations shall make, before such entry, a declaration in Annexure 'C'

(4) An employee who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Board.

## **20. Drinking**

An employee shall -

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such intoxicating drink or drug;

- (c) not consume any intoxicating drink or drug in public place;
- (d) not appear in a public place in a state of intoxication;
- (e) not use intoxicating drinks or drugs to excess.

## **21. Interpretation**

If any question arises relating to the interpretation of these regulations, it shall be referred to the Central Government whose decision thereon shall be final.

## **22. Delegation of Powers**

The Board may, by general or special order, direct that any powers exerciseable by it or any prescribed authority under these regulations (except the powers under regulation 21 and this regulation) shall, subject to such conditions, if any, as may be specified in the order, be exerciseable also by such Officer or authority as may be specified in the order.

NOTE: The Tuticorin Port Employees (Conduct) Regulations, 1979 published in the Gazette of India Dt. 1.3.1979 and subsequently amended vide

- (i) Notification No: PW-PET-43/80, dated the 4th October, 1980.
- (ii) Notification No: PW-PET-43/80, dated the 4th October, 1980.
- (iii) Notification No: PW-PET-60/78, dated the 7th August, 1984.
- (iv) Notification No: PR-12013/2/87-PET, dated the 27th March, 1987.
- (v) Notification No: PR-12013/14/88-PE.I, dated the 19th December, 1988.
- (vi) Notification No: PR-12013/20/88-PE.II, dated the 8th June, 1989.

## FORM I

(Form of report/application (for permission) to the prescribed authority for the building of, or addition to, a house under Regulation 16)

This is to report to you that I propose to build a house.

This is to request that permission may be granted to me for the building of a house.

The estimated cost of the land and the building is given below:

### LAND

- (1) Location (Survey numbers, Village, District, State)
- (2) Area
- (3) Cost

### BUILDING

- (1) Bricks (Rate/Quantity/Cost)
- (2) Cement (Rate/Quantity/Cost)
- (3) Iron and Steel (Rate/Quantity/Cost)
- (4) Timber (Rate/Quantity/Cost)
- (5) Sanitary fittings (Cost)
- (6) Electrical fittings (Cost)
- (7) Any other special fittings (Cost)
- (8) Labour charges
- (9) Other charges, if any

Total cost of land and Building-

Yours faithfully,

## FORM II

(Form of report to the prescribed authority after completion of the building/extension of a house under Regulation 16)

Sir,

In my letter No. ....

dated ..... I had reported that I proposed to build a house and permission was granted to me in order No. .... dated ..... for the building of house. The house has since been completed and I enclose a Valuation Report, duly certified by .....

.....

(A firm of Civil Engineers or a Civil Engineer of repute)

Yours faithfully,

Date: (Signature .....)

## VALUATION REPORT

I/We hereby certify that I/We have valued House .....

constructed by Shri/Shrimathi @ .....

..... and I/we give below the value at which estimate the cost of the house under the following headings:

Heading Cost

Rs.      Ps.

1. Bricks :

2. Cement :

3. Iron and Steel :

4. Timber :

5. Sanitary fittings :

6. Electrical fittings :

7. All other special fittings :

8. Labour charges :

9. All other charges :

-----

Total cost of building

-----

Date:

Signature of the valuation authority

+ (here enter details of the house)

@ (here enter name etc. of the employee)

**ANNEXURE 'A'**

Form of undertaking to be furnished by the employee if the port undertakes the defence under Regulation 17

The Board having been pleased to undertake my defence in the above proceedings, I hereby agree to render such assistance to the Board as may be required for my defence and further agree that I shall not hold the Board in any way responsible if the proceedings and in a decision adverse to me.

Signature of the employee

**ANNEXURE 'B'**

Form of bond to be executed by the employee for obtaining advance for undertaking the defence by himself under Regulation 17.

By this Bond I .....(here give the name and other particulars of the employee including the post held by him) acknowledge myself bound to the Board in the sum of Rs..... (here enter a sum representing double the amount advanced) to the said Board.

Now the above written bond is conditioned to be void in case the above bounden (employee), his personal representative or any person acting for and on behalf of the above bounden (employee) shall on demand, pay to said Board or its representatives or assigns or their attorney authorised to receive the same the said sum of Rs.....but in the event of the above bounden (employee) or his personal representative or any person acting for and on his behalf failing to pay the said sum on demand, the above written bond shall remain in full force and effect.

Dated this the \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

Signature of the employee:

Witness:

.....  
  
.....  
  
.....



## ANNEXURE 'C'

### Declaration

I, Shri/Shrimathi/Kumari \_\_\_\_\_ declare as under :-

- \* (i) That I am unmarried/a widower/a widow.
- \* (ii) That I am married and have only one wife living.
- \* (iii) That I am married and have more than one wife living. Application for grant of exemption is enclosed.
- \* (iv) That I am married and that during the life time of my spouse I have contracted another marriage. Application for grant of exemption is enclosed.
- (v) That I am married and my husband has no other living wife, to the best of my knowledge.
- (vi) That I have contracted a marriage with a person who has already one wife or more living. Application for grant of exemption is enclosed.

@ 2. I solemnly affirm that the above declaration is true and I understand that in the event of the declaration being found to be incorrect after my application, I shall be liable to be dismissed from service.

Date:

Signature

\*Please delete clauses not applicable.

@ Applicable in the case of clauses (i), (ii) and (iii) only. Application for Grant of Exemption

[Vide para 1 (iii) (iv) (vi) of the Declaration]

To

-----

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Sir,

I request that in view of the reasons stated below, I may be granted exemption from the operation of restriction on the recruitment to service of a person having more than one wife living/woman who is married to a person already having one wife or more living.

Reasons:

Yours faithfully,

Date:

Signature

**THE TUTICORIN PORT TRUST (RECRUITMENT OF HEADS OF DEPARTMENT) REGULATIONS,  
1991 (Published in the Gazette of India, dated 26.7.1991)**

In exercise of powers conferred by Section 28, read with Section 124, of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of the Port of Tuticorin hereby makes the following regulations, namely:-

**1. Short title and commencement**

These regulations may be called the Tuticorin Port Trust (Recruitment of Heads of Department) Regulations, 1991.

**2. Application**

They shall apply to all posts covered by Clause (a) of Sub-section (1) of 24 of the Act. .

**3. Definitions**

In these regulations, unless the context otherwise requires:-

- (a) "Act" means the Major Port Trusts Act, 1963 (38 of 1963);
- (b) "appointing authority" means the authority empowered under the Act to make appointment to that post;
- (c) "Board", "Chairman", "Deputy Chairman" and "Head of Department" have the meaning respectively assigned to them under the Act;
- (d) "direct recruit" means a person recruited upon application for direct recruitment to a post of Head of Department on the basis of an examination or interview, or both, and includes a persons already in the Board's service who may, upon application for direct recruitment, be allowed to appear for such examination or interview or both, and is selected;
- (e) "Schedule" means the Schedule appended to these regulations;
- (f) "Schedule Castes" and "Scheduled Tribes" shall have the meanings assigned to them in Clauses (24) and (25) of Article 366 of the Constitution of India;
- (g) "Selection post" means a post to which appointment is to be made on the basis of merit;
- (h) "Selection Committee" means the Committee constituted under Regulation 11 for the purpose of making recommendation for transfer / deputation / promotion or direct recruitment of a candidate to a post of Head of Department;
- (i) "analogous posts" means a post of which the duties and level of responsibilities and / or the pay ranges are comparable to those posts to which selection is to be made;

(j) "Employees on probation" means the incumbent appointed to the post under these regulations and in whose case the successful completion of probation period has not yet been ordered by a Competent Authority.

#### **4. Appointment**

All appointments to posts of Heads of Department to which these regulations apply shall be made in accordance with the provisions of these regulations. Appointments may be made either by promotion, transfer or deputation of employees or by direct recruitment.

#### **5. Method of recruitment**

The method of recruitment, the qualifications in respect of age, education, training, requirements of minimum experience, essential and/ or desirable classification of posts as selection posts and other matters connected with the appointment to various posts shall be as shown in the Schedule:

Provided that the prescribed upper age limit may be relaxed:-

By the Central Government up to 5 years where the minimum experience prescribed is 10 years or more and up to 3 years where the minimum experience prescribed is 5 to 9 years:

in the case of a candidate belonging to a Scheduled Caste or a Scheduled Tribe, in accordance with such orders as the Central Government may issue from time to time for appointment to services or posts under it in favor of Scheduled Castes and Scheduled Tribes.

Provided further that the prescribed educational and other qualifications may, for good and sufficient reasons, be relaxed by the Central Government, if a candidate is otherwise found suitable and well qualified

#### **6. Probation**

(1) Every person appointed to a post of Head of Department specified in column (i) of the Schedule, whether by direct recruitment or by promotion or transfer/ deputation, shall subject to the provisions of sub-regulation (2) and sub-regulation (3) of Regulation 8 be on probation for a period of two years.

(2) The period of probation may, if the appointing authority deems fit, be extended for a specific period at a time, but the total period of such extensions shall not, save where any extension is necessary by reason of any departmental or legal proceedings pending against the employee, exceed the initial period of the probation prescribed.

#### **7. Confirmation**

(1) When a person appointed on probation to a post of Head of Department has completed his probation to the satisfaction of the appointing authority, the appointing authority shall convey its approval to that effect. He shall also be eligible for confirmation in that post if he is not confirmed in a lower post earlier held by him under the Board.

(2) Until a Head of Department on probation is confirmed/ declared to have completed probation to the satisfaction of the appointing authority under this regulation or is discharged or reverted under regulation 8, he shall continue to have the status of an employee on probation.

## **8. Discharge or reversion of Head of Department on probation**

(1) A person appointed on probation to a post of Head of Department who has no lien on any post shall be liable to be discharged from service at any time on the basis of his performance or conduct during the period of probation, he is considered unfit for further retention in service;

(2) A Head of Department on probation who holds a lien on a post may be reverted at any time in the circumstances specified in sub-regulation (1).

(3) A Head of Department on probation who is not considered suitable for confirmation or who has not completed probation to the satisfaction of the appointing authority at the end of the period of probation prescribed in regulation 6, shall be discharged or reverted in accordance with sub-regulation (1) or sub-regulation (2), as the case may be .

## **9. Application for direct recruitment**

A candidate for appointment by direct recruitment shall apply before such date in such form and in such manner as may from time to time be prescribed by the Chairman. He shall also submit such proof of his age, qualifications or experience, as the Chairman may require.

## **10. Eligibility and disqualification's for direct recruitment**

(1) In order to be eligible for direct recruitment to a post of Head of Department, a candidate must be :-

(a) a citizen of India; or

(b) a subject of Nepal; or

(c) a subject of Bhutan; or

(d) a Tibetan or refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India; or

(e) a person of Indian origin who has migrated from Pakistan, Bangladesh, Burma, Sri Lanka or the East African countries of Kenya, Uganda or the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India:

Provided that a candidate belonging to category (a) shall produce such proof of his nationality, as Chairman may, from time to time require:

Provided further that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favor a certificate of eligibility has been issued by the Government of India:

(2) No person:

(a) who has entered into or contracted a marriage with person having a spouse living, or

(b) who having a spouse alive, has entered into or contracted a marriage with any other person, shall be eligible for appointment to any grade or post to which these regulations apply;

Provided that the appointing authority may, if satisfied, that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing exempt any person from the operation of this sub-regulation.

(3) A candidate must satisfy the appointing authority that his character and antecedents or such as to make him suitable for appointment to any grade or post. No candidate who has been convicted by a Court of Law for any offence involving moral turpitude or who has been adjudged as an insolvent shall be eligible for appointment.

(4) If any question arises whether a candidate does or does not satisfy all or any other requirements of this regulation, the same shall be decided by the Central Government.

(5) The Central Government, may modify or waive any of the requirements of sub-regulation (1) when an appointment for work of a special nature is to be made and it is not practicable to obtain a suitable candidate who fulfils the requirements of these regulations.

(6) Physical fitness of candidate:- A candidate shall be in good mental and bodily health and free from any physical defects likely to interfere with the discharge of his duties as a Head of Department. A candidate who, after such medical examination as the appointing authority may specify, is found not to satisfy those requirements will not be appointed provided that a candidate already in the service of the Board or any other Central Government Organization shall not be required to undergo such medical examination.

## **11. Selection Committee**

(1) A Selection Committee may be constituted to advise and assist the appointing authority in the matter of making selection of candidates for appointment to post of Heads of Department.

(2) The Selection Committee shall be composed of the following persons, namely:-

(i) Additional Secretary / Joint Secretary to the Government of India, Ministry of Surface Transport,

(ii) Chairman, Tuticorin Port Trust,

(iii) Any other Officer having wide experience as may be nominated by the Central Government.

## **12. Manner of recruitment**

(1) (a) When a post of Head of Department to which these regulations apply falls vacant and is to be filled by promotion / transfer / deputation, the Chairman shall forward to the appointing authority names, age, qualifications, experience and other relevant particulars of all officers who are eligible for promotion / transfer / deputation to the post, together with his recommendations, wherever the Schedule provides for deputation also, the Chairman may if considered necessary or if directed by the Central Government call for application from eligible candidates from other Major Port Trusts / Central / State Governments / Public Sector units / autonomous bodies.

(b) The appointing authority may, on receipt of such information either:-

(i) make an appointment by promotion / transfer / deputation from amongst the candidates so sponsored.

(ii) refer the candidates to the Selection Committee referred to in regulation 11 with direction to scrutinize the case and make appropriate recommendation and then make an appointment by promotion / transfer / deputation on the basis such recommendation, or

(iii) direct that the vacancy be filled by direct recruitment in the manner laid down in these regulations.

(2) All appointments by direct recruitment shall be made by the appointing authority on the recommendations of the Selection Committee:

Provided that it shall be open to the appointing authority, for reasons to be recorded in writing, not to accept such recommendation in any particular case.

### **13. Advertisement of posts**

Vacancies intended to be filled by direct recruitment shall be advertised and a copy of the advertisement shall be sent to the local Employment Exchange.

### **14. Canvassing support shall be disqualifications**

Any endeavour on the part of a person or his relations or friends to canvass support by direct or indirect method for his application for appointment to a post of Head of Department to which these regulations apply shall disqualify him for the appointment.

### **15. Suppression of facts**

Any candidate who is found to have knowingly furnished any particulars which are false or to have suppressed material information of a character which, if known would ordinarily have debarred him from getting appointment in the Board's service, is liable to be disqualified and, if appointed, to be dismissed from service.

### **16. Eligibility of existing employees for direct recruitment**

When the posts required to be filled by direct recruitment are advertised, employees already in service may also apply, provided that they possess the prescribed qualifications and experience.

### **17. Cancellation of appointment orders**

If a candidate selected for direct appointment to a post fails to join duty within the date mentioned in the appointment order and where no such date is mentioned, within 30 days of the date of issue of the appointment order, or within such extended period as the appointing authority fix, the appointment order shall be deemed to have been cancelled.

### **18. Payment of travelling allowance for attending interviews**

All candidates called for interview and/or for written test in connection with selection to a post shall be entitled to reimbursement of travel expenses from the place of posting / residence to the venue of interview /written test and back by rail in first class or the actual expenditure whichever is less.

## **19. Interpretation**

If any question arises as to the interpretation of these regulations or in respect of any matter not herein above or subsequently provided for, the same shall be decided by the Central Government.

## **20. Repeal and Savings**

All regulations, procedures, practices and customs corresponding to these regulations and in force immediately before the commencement of these regulations are hereby repealed;

Provided that any order made or action taken under the regulations, procedures, practices and our customs so repealed shall be deemed to have been made or made under the corresponding provisions of these regulations.

NOTE: (1) The Tuticorin Port Trust (Recruitment of Heads of Department) Regulations, 1991, were published vide GSR 506 (E) of the Gazette of India, Extraordinary, dated the 26th July, 1991.

(2) The Tuticorin Port Trust (Recruitment of Heads of Department) Amendment Regulations, 1993, were published vide GSR 582 (E) of the Gazette of India, Extraordinary, dated the 27th August, 1993.

(3) The Tuticorin Port Trust (Recruitment of Heads of Department) Amendment Regulations, 2001, were published vide GSR 194 (E) of the Gazette of India, Extraordinary, dated the 16th March, 2001.

**TUTICORIN PORT (AUTHORISATION OF PILOTS) REGULATIONS, 1979 (Published in the  
Gazette of India, dated 1.3.1979)**

G.S.R. 98 (E) – In exercise of the powers conferred by the provision to sub – section (I) of section 24, read with section 28 and section 128, of the Major Port Trusts Act, 1963 (38 of 1963) the Central Government hereby makes the following regulations namely :

**Short Title and Commencement:**

**1. These regulations may be called the Tuticorin Port**

(Authorization of Pilots) Regulations, 1979 they shall come into force on the 1<sup>st</sup> day of April, 1979.

**2. Definitions**

In these regulations, unless the context otherwise requires:-

- (a) "Board" "Chairman" and "Deputy Chairman" shall have the meaning assigned to them in the Major Port Trusts Act, 1963;
- (b) "Deputy Conservator" means the Deputy Conservator of the Port and the officer in whom the direction and management of pilotage are vested;
- (c) "Harbor Master" means the officer appointed as such by the Board to perform such duties as may, from time to time, be assigned to him by the Deputy Conservator.
- (d) "Limits of compulsory pilotage waters" means the limits defined in relation to the port under sub-section (2) of section 4 of the Indian Ports Act, 1908 (15 of 1908);
- (e) "Pilot" means a person lawfully appointed and licensed as such by the Board subject to the authorization of the Central Government, to pilot in the Port any vessel as directed by the Deputy Conservator/Harbor Master.

3. Harbor Master's Control over Pilots,- The Harbor Master shall have control over pilotage charged of vessels while entering or leaving the port or mooring or berthing or unearthing at any berth in the port.

4. Pilots to be licensed,-

(1) Every pilot shall hold a license to perform the duties of a pilot for the Port of Tuticorin and such license, subject to the sanction of the Central Government, may be issued and be revocable by the Board.

(2) A pilot severing his connection with the Board shall forthwith deliver his license to the Board.

5. Conditions for joining the Pilot Service.- A person shall not be licensed as a pilot unless and until he satisfies the Board that fulfils the following conditions



(a) The conditions of eligibility laid down in regulations 15 (1) and 15 (2) of the Tuticorin Port Employees (Recruitment, Seniority and Promotion) Regulations, 1979;

(b) that on the date of appointment as a Probationer Pilot, he is of an age not below 24 and not exceeding 35 years;

"Provided that prescribed upper age- limit may be relaxed by the Board."

(i) in the case of a candidate who is an ex-serviceman, i.e. ex- employee of India's Defense Forces, and who has put in not less than six months continuous service in the Defense Forces to the extent of the service rendered by him in the Defense Forces plus three years where the vacancy to be filled in a vacancy reserved for such ex-servicemen and dependants of those killed in action and to the extent of the service rendered by him in the Defense Forces where the vacancy is to be filled in an unreserved vacancy.

(ii) In the case of a candidate belonging to the Scheduled Caste or a Scheduled Tribe, in accordance with such orders of the Central Government as may be issued from time to time for appointments to services or posts under it in favors of the Scheduled Caste and the Scheduled Tribes:

(c) and that the possesses the qualifications detailed in regulation 6 below

#### **6. Qualifications of Candidates – (1) A candidate for a Pilotage License shall:**

(a) be in possession of a certificate of competency as Master (Foreign- going) granted by the Government of India or its equivalent and should have, preferably, experience of at least six months as First Mate on a foreign-going ship;

(b) obtain a certificate of physical fitness from such medical authority as may be prescribed by the Board for the purpose;

(c) produce certificates of good character and sobriety;

(d) unless the Board otherwise determines, serve a period of probationary training of not less than 6 months; and completion of the training the probationer may if recommended by the Harbor Master and subject to the approval of the Deputy Conservator , apply to be examined as to his qualifications to pilot ships.

#### **7. Subjects of Examination – The subjects for the examination shall include following, namely**

(i) Regulations and Rules relating to navigation in the Port;

(ii) the course and distance between any two places within the Port limits;

(iii) the ebb and flow of tides;

(iv) the depth and character of soundings;

(v) the anchorages, rocks shoals and other dangers, the land marks buoys and beacons and lights within the Port;

- (vi) the management of ships and steamers, how to bring them to anchor and to keep them clear on their anchors in a tideway;
- (vii) to handle a vessel under all conditions;
- (viii) to moor, unmoor and get under-way
- (ix) Harbor Craft Rules of the Port
- (x) Safety Rules of the Port;
- (xi) Quarantine Rules;
- (xii) The Indian Ports Act 1908 (15 of 1908) and the Major Port Trusts Act 1963 (38 of 1963); and
- (xiii) Such other subjects as may be determined by the Examination Committee in this behalf.

## **8. Examination Committee**

The examination shall be conducted in the manner prescribed by the Board by an Examination Committee constitute as follows:

- (1) The Deputy Conservator (Chairman)
- (2) The Harbor Master, and in his absence, another marine officer nominated by the Chairman.
- (3) A Master of a Foreign-going ship.

## **9. Failure to Pass an Examination**

In the event of a probationer failing to pass the specified examination within nine months of his appointment, he will be liable to be discharged..

## **10. Pilot's Distinguishing Flag**

- (1) Each pilot shall be provided with a distinguishing flag, which is to be hoisted on the vessel which in his charge in a position where it can best be seen distinct from other signals.
- (2) A similar flag hoisted at the signal station shall be used in communicating with the vessel when the pilot is on board.
- (3) Notwithstanding anything contained in sub-regulations (1) and (2) the pilot shall also maintain VHF communication with the Port Control and obey all instructions conveyed from the Port Control.

## **11. Pilots to obey the order of the authority**

A pilot shall obey and execute all lawful orders and regulations given or issued by the Board, the Deputy Conservator and /or the Harbor Master.

## **12. Pilot's Behavior**

(1) Every pilot shall at all times exercise strict sobriety and shall throughout the time he is in charge of a vessel, use his utmost care and diligence for her safety, the safety of all other vessels in the proximity and all port installations and crafts.

(2) He shall, when necessary, keep the lead, Echo-sounder, Radar and/or any other navigational aid going while the vessels are under-way and shall not lay the vessel aground without a written order from the owner's Master /Officer in command of the vessel.

(3) Notwithstanding the provisions contained in sub-regulation (2), the Pilots shall take such appropriate action in the special circumstances of the case as may be necessary to safeguard the port, all port property, installations, navigational channel, other ships and crafts in the port in the larger interests of the port and her users.

## **13. Pilot's behavior towards the Master of the vessel etc**

A pilot shall show due civility to the owner, Master and Officers of any vessel under his charge. The pilot will bring to the attention of the Deputy Conservator or Harbor Master any instances when the Master or Officer – in – command behaved in an uncivil manner.

## **14. Pilot to obtain certificate of services performed by them**

(1) A pilot shall, on boarding a vessel, hand the Arrival/Departure report to the Master, who shall enter in the report all the required particulars over his signature.

(2) Transporting and Anchoring Certificates shall be filled in by the pilot and presented to the Master for signature when the duties of the pilot are completed.

## **15. Pilots to go on board vessels in good time**

A pilot about to take charge of a vessel which is outward bound or which is about to be moved from the berth in which she is lying, shall go on board and report himself to the Master/Officer in command at the time appointed. The Pilot shall comply with the rule in force on the subject at the Port of New Tuticorin.

## **16. Pilots when on duty to carry with them their license, etc**

A pilot when on duty shall always have with him his license, an official Tide Table for the port, a copy of the Port Rules and the Pilotage Regulations for the time being in force.

## **17. Provisions for accommodation and Food**

A pilot shall, if necessary, be provided with reasonable accommodation and shall be supplied with breakfast between 7 A.M. And 9.AM lunch between 12 Noon and 2 P.M and dinner between 6.P.M. And 8 P.M (I.S.T). The pilot may leave the vessel at anchor or alongside in the harbor and go for his meals if not provided with food. This matter, should, however, be brought to the attention of the Deputy Conservator, Harbor Master.

## **18. Pilots to see that anchors are ready to let go**

A pilot, before taking charge of an outward-bound vessel;, shall enquire the Master/Officer – in – charge of the vessel that the vessel is in readiness in all respects with regard to here engines, steering gear, Telegraph, Windless, mooring winches, navigational lights and signals, whistle/siren for sound signals and also that anchors are got ready to be let gone instantly.

## **19. Pilots giving evidence**

A pilot shall not attend to give evidence on any trial or inquiry to which he is not a party unless under sub-poena without the permission of the Deputy Conservator and a pilot under sub-poena to give evidence shall forth with report the fact in writing to the Deputy Conservator.

## **20. Pilots to give information of any alterations in Navigational mark, etc**

A pilot who has observed any alteration in the depth of the channels or noticed that any buoys, beacons or light vessels have been driven away, broken down, damaged, or shifted from position or become aware of any circumstances likely to affect the safety of navigation, shall forthwith send a detailed report tin writing to the Deputy Conservator and Harbor Master. The same may be recorded in the Harbor Master's Log Book also.

## **21. Pilots to report casualties**

A pilot shall, immediately after the occurrence of any accident involving any vessel in his charge, report the facts relating to the accident to the Deputy Conservator and/or the Harbor Master as soon as possible followed by a report in writing to the Deputy Conservator through the Harbor Master with all details of damages, reasons for the accident and the responsibility for the same within 24 hours of the occurrence.

**22.** Harbor Master to regulate attendance of pilots on be kept in the office of the Deputy Conservator or Harbor Master to vessels requiring their services and a list showing the rotation in which pilots (having regard to their respective classes) are to be allotted to such vessels, shall be kept in the office of the Deputy Conservator or Harbor Mastered.

### **23. Commencement of Pilots duties in regard to outward bound vessel**

The duties of a pilot in regard to an outward-bound vessel shall commence from the time 'Stations' are called and the pilot has proceeded to the navigational bridge for the purposes of piloting the outward-bound vessel to sea from the wharf, piersd , berth, jetty or anchorages as the case may be.

### **24. Cease of Pilot's duties in regard to outward-bound vessel**

The duties of a pilot in regard to an outward-bound vessel shall cease when he has piloted the vessel to the limits of the compulsory pilotage waters (or to such a position that the Master / Officer – in – Command does not consider it necessary to engage the services of the pilot anymore and the pilot also in his opinion feels, that in the prevailing circumstances that the Master/Officer – in- command can safely take the vessel out to sea).

### **25. Commencement of Pilot's duties in regard to inward-bound vessel**

The duties of a pilot in regard to an inward bound vessel shall commence after he has boarded the vessel and proceeded to the navigational bridge and taken charge from the Master for the purposes of piloting the vessel inward into the harbor and when the said vessel enters the compulsory pilotage limits of the port.

### **26. Action to be taken by a pilot on boarding a vessel – A pilot, on boarding the vessel, shall**

(a) Ascertain whether there is, or has been during the voyage any infectious diseases of the nature specified in the Port Quarantine Rules for the time being in force, among the persons on board the vessel; if there is or has been any such disease he shall anchor the vessel, hoist the quarantine signals and carry out the instructions contained in the said rules in this behalf;

(b) ascertain the vessel's present draft and see that both anchors are clear to be let gone ; see that the Navigational Ensign is hoisted and that the flags denoting the name of the vessel and any other signals, as required under the port Rules from time to time, are hoisted in such a manner as to be clearly seen from the Port Signal Station.

**27.** Cease of Pilot's duties in regard to inward-bound vessel; the duties of a pilot in regard to any inward – bound vessel shall cease when the vessel is safely moored or anchored at any wharf, pier, berth, jetty or anchorage as the case may be.

## **28. Moving of vessels**

(1) No pilot shall, where the vessel is under way, move or direct the moving of any vessel within the port from one position to another unless the master is on board.

(2) Where the Master leaves the vessel before the movement is completed, the pilot shall direct the vessel to be anchored in such safe position as may be most easily reached by the Master, and shall not give directions to proceed with the moving until the return of the Master to the vessel.

(3) Throughout the moving of the vessel, the number of officers and crew on board and available for duty shall not be less than the number sufficient to perform any duty which may be required; and if the pilot on boarding the vessel considers that the number is not sufficient, he shall invite the Master's attention to the Port Rules and refuse to proceed with the moving.

Explanation :- In this regulation, the expression "Master" shall include the first or other officers duly authorized to act for the master in the event of the Master being incapacitated from performing the duties of his office.

## **29. Loss of License**

A Pilot losing his license shall forthwith give notice in that behalf to the Deputy Conservator, stating the circumstances in which the license was lost and the Deputy Conservator, shall, unless he is satisfied that the loss has not been caused by the Pilot's misconduct, issue the pilot a temporary license pending the grant of duplicate license by the Board.

## **30. Pilot's Examination of charts**

Every pilot shall attend the office of the Deputy Conservator or the Harbor Master to acquaint himself with the latest plans and charts of the Port and ascertain any other information concerning the port and also fill up the Harbor Master's Log book on completion of his pilotage duties every day.

## **31. Pilot's Uniform**

A pilot shall wear when on duty such uniform as may be prescribed by the Board.

## **32 Interpretation**

If any question arises as to the interpretation of these regulations, the same shall be referred to the Board for its decision.

## **TUTICORIN PORT EMPLOYEES (LEAVE) REGULATIONS, 1979 (Published in the Gazette of India, dated 1.3.1979)**

G.S.R.102(E) - In exercise of the powers conferred by Section 126 read with Section 28, of the Major Port Trusts Act, 1963 (38 of 1963) the Central Government hereby makes the following regulations, namely:-

### **1. Short Title and Commencement**

- (1) These regulations may be called the Tuticorin Port Employees (Leave ) Regulations, 1979.
- (2) They shall come into force on the 1st day of April, 1979.

### **2. Application**

These regulations shall apply to all persons who are employed in the service of the Board on or after the commencement of these regulations.

### **3. Definitions**

In these regulations, unless the context otherwise requires:

- (a) "Commuted leave" means leave taken under regulations 23,
- (b) "competent authority" means the authority to whom powers have been delegated by the Board in this regard.
- (c) "completed year of service" and "one year's service" means continuous for the specified duration under the Central Government or Erstwhile Tuticorin Minor Port Trust or the Board and includes the period spent on duty as well as on leave including extra-ordinary leave.
- (d) "earned leave" means leave earned in respect of periods spent on duty;
- (e) "earned leave due" means the amount of earned leave to the credit of an employee on the date of commencement of these regulations under the rules in force prior to that date plus the amount of earned leave calculated under regulation 21 diminished by the amount of earned leave taken on or after the commencement of these regulations;
- (f) "employee" means an employee of the Board;
- (g) "employee in permanent service" means an employee who holds substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended;
- (h) "employee in quasi-permanent service" means an employee who has been declared quasi permanent under the relevant rules;
- (i) " half pay leave" means leave earned in respect of completed years of service;

(j) "half pay leave due " means the amount of half pay leave calculated under regulation 22 for the entire service, diminished by the amount of half pay leave on private affairs and on medical certificate, taken before the commencement of these regulations and half pay leave taken on or after that date;

(k) "leave" includes earned leave , half pay leave, commuted leave, leave not due and extraordinary leave;

(l) words and expressions used herein and not defined but defined in the Major Port Trusts Act, 1963 (38 of 1963) , shall take the meanings, respectively, assigned to them in that Act.

Explanation: The period of suspension of an employee which is treated as dies non, should be reckoned as service for the purpose of these regulations.

#### **4. Employees on transfer or on Foreign Service**

(1) The employees to whom these regulations apply shall continue to be governed by these regulations while on temporary transfer to the State or Central Government or while on foreign service within India.

(2) In the case of employees on Foreign Service outside India (including service within U.N. Agencies, within or outside India) or on temporary transfer to the armed forces of the Union, these regulations shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer, as the case may be.

#### **5. Right to leave**

Leave cannot be claimed as of right. The authority empowered to grant leave shall have discretion to grant leave or to refuse or revoke leave at any time according to the exigencies of the Board's service, but it shall not be opened to that authority to alter the kind of leave due and applied for except at the written request of the employee.

#### **6. Regulation of claim to leave**

An employee's claim to leave is regulated by the regulations in force at the time the leave is applied for and granted.

#### **7. Effect of dismissal or removal or resignation on leave at credit**

(1) Except as provided in sub regulation (2), any claim to leave at the credit of an employee who is dismissed or removed or who resigns from Board's service ceases from the date of such dismissal or removal or resignation.

(2) An employee who is dismissed or removed from service and is re-instated on appeal or revision , shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

#### **8. Commutation of one kind of leave into another**

(1) The application of an employee for commutation of one kind of leave into another may be considered only if the same has been received by the leave sanctioning authority or any other authority designed in this behalf, within a period of 30 days of concerned employee joining his/her duties on the expiry of the relevant spell of leave availed of by him/her.



(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the employee, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

Note: Extra-ordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of regulation 24.

(3) The commutation of one kind of leave into another, granted already to an employee when he was in service, cannot be considered after the employee quits the service on retirement since according to the provision under Regulation 7(1) and 29(1)(a) all leave standing at his credit lapses as soon as he ceases to be in service.

## **9. Combination of different kinds of leave**

Except as otherwise provided in these regulations, any kind of leave under these regulations, may be granted in combination with or in continuation of any other kind of leave.

Explanation: (1) Casual leave which is not recognized as leave under these regulations shall not be combined with any other kind of leave admissible under these regulations.

Explanation: (2) Casual leave can be combined with special casual leave but not with any other kind of leave.

## **10. Maximum amount of continuous leave**

Unless the Board, in view of the exceptional circumstances of the case, otherwise determines, no employee shall be granted leave of any kind of or a continuous period exceeding five years.

## **11. Application for leave**

Any application for leave or for extension of leave shall be made in Form-1 to the authority competent to grant leave.

## **12. Leave Account**

A leave account shall be maintained in Form No.2 for each employee by the authority authorized by the Board.

## **13. Verification of title to leave**

(1) No leave shall be granted to an employee until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

Note: The order sanctioning leave shall indicate the balance of earned leave/Half pay leave at the credit of the employee.

(2) (a) Where there is a reason to believe that the obtaining of admissibility report will be unduly delayed, the authority competent to grant leave may calculate, on the basis of available information, the amount of leave admissible to the employee and issue provisional sanction of leave for a period not exceeding 60 days.

(b) The grant of leave under this sub-regulation shall be subject to verification by the authority maintaining the leave account and a modified sanction for the period of leave may be issued where necessary.

Note: In the case of leave preparatory to retirement or where cash payment in lieu of leave at credit is granted, an undertaking for the recovery of leave salary, if any, paid in excess, shall be taken from the employee.

(3) (a) Leave not to be granted in certain circumstances;-

(a) "Leave shall not be granted to an employee whom the competent punishing authority has decided to dismiss, remove or compulsorily retire from the services of the Board."

(b) "Leave shall not be granted to an employee under suspension"

#### **14. Grant of leave on medical certificate**

(1) An application for leave on medical certificate made by an employee shall be accompanied by a medical certificate in Form No.3 given by the Ports Medical Officer defining as clearly as possible the nature and probable duration of the illness;

Provided that if the employee falls ill in places, where the Port's Medical Officer is not available medical certificate shall be obtained from any authorized medical attendant and in places where no authorized medical attendant is available, the medical certificate shall be obtained from a Registered Medical Practitioner.

(2) A Medical Officer shall not recommend the grant of leave if any case in which there appears to be no reasonable prospect that the employee concerned will ever be fit to resume his duties and in such cases the opinion that the employee is permanently unfit for Board service shall be recorded in the medical certificate.

(3) The authority competent to grant leave may at its discretion secure a second medical opinion in case of certificate issued by an authorized medical attendant or Registered Medical Practitioner by requesting the Port Medical Officer to have the applicant medically examined on the earliest possible date.

(4) It shall be the duty of the Medical Officer referred to in sub-regulation(3) to express an opinion both as regards the facts of the illness and regards the necessity for the amount of leave recommended and for that purpose he may either require the applicant to appear before him or before a medical officer nominated by him.

(5) The grant of a medical certificate under this regulations does not in itself confer upon the employee concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

(6) The authority competent to grant leave may in its discretion, waive the production of a medical certificate in case of an application for leave for a period not exceeding three days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

## **15. Leave to an employee who is unlikely to be fit to return to duty**

- (1) (a) When a medical authority has reported that there is no reasonable prospect that the employee will ever be fit to return to duty, leave shall not necessarily be refused to such employee.
- (b) The leave may be granted, if due, by authority competent to grant leave on the following conditions:
- (i) If the medical authority is unable to say with certainty that the employee will never again be fit for service, leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to a medical authority.
  - (ii) If an employee is declared by a medical authority to be completely and permanently incapacitated for further service leave or an extension of leave may be granted to him after the report of the medical authority has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of report of the medical authority does not exceed six months.
- (2) An employee who is declared by a medical authority to be completely and permanently incapacitated for further service shall:
- (a) if he is on duty, be invalided for service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority if, however, he is granted leave under sub-regulation (1) he shall be invalided from service on the expiry of such leave;
  - (b) if he is already on leave, be invalided from service on the expiry of that leave or extension of leave, if any, granted to him under sub-regulation (1).

## **16. Commencement and termination of leave**

Except as provided in regulation 17, leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

## **17. Combination of holidays with leave**

- (1) When the day, immediately preceding the day on which an employee's leave begins or immediately following the day on which his leave expires, is a holiday or one of a series of holidays, the employee may be permitted to leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays.

Provided that -

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance.

(b) his early departures does not entail a correspondingly early transfer from another station of an employee to perform his duties; and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the employee who was performing his duties during his absence or in the discharge from Boards service of a person temporarily appointed to it.

(2) On condition the departing employee remains responsible for the moneys in his charge , the Head of Department may, in any particular case waive the application of clause (a) of the proviso to sub regulation (1).

(3) Unless the authority competent to grant leave in any case otherwise directs

(a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the day after the holiday; and

(b) if holidays are suffixed to leave, the leave is treated as having terminated on the day of its expiry and any consequent re-arrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

Note - 1: Compensatory leave granted in lieu of duty performed by an employee on Sunday or a Holiday for a full day may be treated as holiday for the above purpose.

Note - 2: Prefixing and suffixing holidays to leave, other than leave on Medical certificate, shall be allowed automatically except in cases where for Administrative reasons permission for prefixing or suffixing holidays to leave is specifically withheld. In the case of leave on medical certificate, if the day on which an employee is certified medically fit for rejoining duty happens to be holiday, he shall be automatically allowed to suffix such holiday(s) to his medical leave and such day(s) shall not be counted as leave.

## **18. Recall to duty before expiry of leave**

(1) In case the employee is recalled to duty before the expiry of his leave, such recalled duty shall be treated as compulsory in all cases and the employee shall entitled.

(a) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered , and to draw-

(i) travelling allowance under rules made in this behalf for the journey; and

(ii) leave salary, until he joins his post , at the same rate at which he would have drawn it but for recall to duty;

(b) if the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave and to receive:-

(i) Leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining the post at the same rate at which he would have drawn it but for recalled to duty;

(ii) a free passage to India;

(iii) refund of his passage from India if he has not completed half the period of leave by the date of leaving for India as on recall, or three months, whichever is shorter;

(iv) travelling allowance, under the rules for the time being in force, for travel from the place of landing in India to the place of duty.

## **19. Return from leave**

(1) An employee on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-regulation (1) an employee on leave preparatory to retirement shall be precluded from returning to duty save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.

(3) An employee who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in Form No.4 obtained from the Ports' Medical officer or Authorised Medical Attendant or a Registered Medical Practitioner.

(4) (a) An employee returning from leave is not entitled in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave.

(b) Such employee shall report his return to duty to the authority which granted him leave or to the authority, if any, specified in the order granting him the leave and await order.

Note: An employee who had been suffering from tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommends light work for him.

Explanation:

(i) Registered Medical Practitioner for the purpose of this regulation shall include Registered allopathic, Ayurvedic, Unani or Homeopathic Medical Practitioners i.e. Registered Doctors, Vaid, Hakims and Homeopaths.

(ii) Notwithstanding anything contained in the preceding sub-paragraph the leave sanctioning authority, may in its discretion, either altogether waive the requirements of a medical certificate or may accept a certificate from a Vaid, Hakims or a Homeopath in case of applications for leave on grounds of sickness for a period not exceeding 3 days at a time. Such leave shall not however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

## **20. Absence after expiry of leave**

(1) Unless authority competent to grant leave extends the leave, an employee who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be

debited against his leave account as though it were half pay leave to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

(2) Wilful absence from duty after the expiry of leave will render an employee liable to disciplinary action.

## **21. Earned leave and Calculation of Earned Leave**

(1) (a)

(i) An employee shall be entitled to earned leave at the rate of 30 days for each calendar year.

(ii) The leave account of every employee shall be credited with earned leave in advance in two installments of 15 days each on the 1<sup>st</sup> January and July every year.

(iii) When an employee is appointed during the course of a calendar year, earned leave should be credited to his leave account at the rate of 2 ½ days for each completed calendar month of services which is likely to render in the calendar half year in which he is appointed.

Note: If an employee is appointed on the 13<sup>th</sup> March, the number of complete months for his service in that half year will be 3 and the credit will be  $3 \times 2 \frac{1}{2} = 7 \frac{1}{2}$  days rounded to 8 days. If he is appointed on 20<sup>th</sup> April, the number of complete months will be only 2 and the credit will be  $2 \times 2 \frac{1}{2} = 5$  days.

(iv) The credit for the half year in which an employee is due to retire or resigns from the service shall be afforded only at the rate of 2 ½ days per completed calendar month, upto the date of retirement or resignation .

(v) When an employee is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2 ½ days per completed calendar month upto the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service

(b) The leave at credit of an employee at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year do not exceed the maximum limit of 300 days

(c) (i) where an employee not in permanent employee is appointed without interruption of service substantively to a permanent post, his leave account shall be credited with the earned leave which would have been admissible if his previous duty has been rendered as an employee in permanent employment diminished by any earned leave already taken.

(d) A period spent in Foreign Service shall count as duty for purposes of this rule, if contribution towards leave salary is paid on account of such period.

(vi) Where an employee joining a new post without availing full joining time by reasons that

(a) he is ordered to join the new post at a new place of posting without availing of full joining time to which he is entitled or,

(b) he proceeds alone to the new place of posting and joins the post without availing the full joining time and takes his family later within the permissible period of time for claiming travelling allowance for the family,

(c) the number of days of joining time as admissible under such Rule (4) of Rule 5 if the Central Civil Services (joining time) Rules 1979, subject to the maximum of 15 days reduced the number of days actually availed of shall be credited to his leave account as Earned Leave.

(d) provided that the earned leave at his credit together with the unavailed joining time allowed to be so credited shall not exceed to 300 days.

(2) subject to the provisions of the regulation 5 and 29, the maximum earned leave that may be granted at a time shall be 180 days.

(3) If an employee has availed of extra-ordinary leave and /or some period of absence has been treated as dies non in a half year, the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by 1/10th of the period of such leave and/or dies non subject to maximum of 15 days.

(4) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

Note: 1: Eligibility in cases of officials on leave on the last day of a particular half-year: "If an employee is on leave on the last day of any particular half of a calendar year, he shall be entitled to earned leave credited on the first day of the succeeding half year, provided the authority competent to grant leave has reason to believe that the employee will return to duty on its expiry".

Note:2: " When an employee avails of leave towards the end of a half year and such leave extends beyond the close of the half year into the next half year, that portion of leave which falls in the half year which is coming to a close is to be deducted from the leave at credit of the employee and the balance leave carried forward to the next half-year. The advance credits of 15 days, due at the commencement of next half-year, shall be allowed in the following manner:-

(5) In the case of employees having at credit Earned Leave of 285 days or less on 1st January/1st July of a year, Earned Leave of 15 days or proportionately less in respect of retiring persons or those leaving service during the next half-year may continue to be credited to their leave account in advance as at present.

(6) In cases where the earned leave at credit as on 1st January/1st July is 300 days or less but more than 285 days , an advance credit of 15 days will be made in the leave account and the resultant total shall be shown as 300+the number of days exceeding the ceiling of 300 days. Number of days exceeding the ceiling of 300 days will be shown in brackets. Leave taken during the current half year -will first be adjusted against the figures shown in brackets and the balance if any credited to the EL account at the close of the half year subject to the ceiling of 300 days. If the earned leave taken during the half year is more than 15 days, the number of days in excess of 15 days will, however, have to be debited to the leave account.

## **22. Half pay leave**

(1) The half pay leave account of every employee shall be credited with the half pay leave in advance, in two installments of ten days each on the 1st day of January and July of every calendar year.

(2) (a) The leave shall be credited to the said leave account at the rate of 5/3 days for each calendar month of service which he is likely to render in the half year of the calendar year in which he is appointed.

(b) The credit for the half year in which an employee is due to retire or resigns from the service, shall be allowed at the rate of 5/3 days per completed calendar month upto the date of retirement or resignation.

(c) When an employee is removed or dismissed from service , or dies while in service , the credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar month upto the end of the calendar month preceeding the calendar month in which he is removed or dismissed from service or dies in service.

(d) Where a period of absence or suspension of an employee has been treated as "dies non", in a half year , the credit to be afforded to his half pay leave account at the commencement of next half year, shall be reduced by one eighteenth of the period of "dies non", subject to a maximum of ten days.

(3) The leave under this regulation may be granted on medical certificate or on private affairs.

(4) While affording credit of half pay leave , fraction of a day shall be rounded off to the nearest day. Provided that, in the case of employee not in permanent employ or quasi permanent employ, no half pay leave shall be granted unless the authority competent to grant leave has reasons to believe that the employee will return to duty on its expiry except in the case of an employee who has been declared completely and permanently incapacitated for further service by a medical authority.

(5) Credit for the incomplete portion upto 31.12.1985:

Employees may be allowed the benefit of half pay leave for incomplete period of service of 1985, till 31st December 1985, by crediting their half pay leave account at the rate of 5/3 days p.m. on 1st January 1986, along with the advance credit of half pay leave. While calculating the completed months of service, the month may be rounded off to the next higher if it exceeds 15 days.

## **23. Commuted leave**

(1) commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to an employee subject to the following conditions

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry:



(b) when commuted leave is granted, twice, the amount of such leave shall be debited against the half pay leave due;

(Sub-clause (c) is deleted vide GSR 535 (E), dated 22.11.1996)

(2) Half pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilised for an approved course of a study certified to be in the public interest by the leave sanctioning authority

(3) where an employee who has been granted commuted leave resigns from service or at his request is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered.

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the employee for further service or in the event of his death.

Note: commuted leave may be granted at the request of the employee even when earned leave is due to him.

(4) Commuted leave upto a maximum of 60 days can be granted to a female employee in continuation of maternity leave without medical certificate.

(Sub-regulation (4) is added vide GSR 535 (E), dated 22.11.1996)

## **24. Leave not due**

(1) save in the case of leave preparatory to retirement, leave not due may be granted to an employee in permanent employ or quasi-permanent employ subject to the following conditions -

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry;

(b) leave not due shall be limited to the half pay leave he is likely to earn thereafter.

(c) leave not due shall be granted to an employee limited to a maximum of 360 days during the entire service on medical certificate

(Sub-clause (c) is substituted vide GSR 535 (E), dated 22.11.1996)

(d) leave not due shall be debited against the half pay leave the employee may earn subsequently.

(2) Leave not due may be granted to temporary employees who are suffering from T.B Leprosy, Cancer or Mental illness for a period not exceeding 360 days during the entire service subject to the fulfilment of conditions in clauses(a),(b) and (d) of sub-regulation (1) subject to the following further conditions;-

(i) that the employee has put in a minimum of one year of service;

(ii) that the post from which the employee proceeds on leave is likely to last till his return to duty and;

(iii) that the request for grant of such leave is supported by a medical certificate as envisaged in clauses (c) and (d) of sub-regulation (2) of regulation 25.

(3) (a) Where an employee who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced and the leave salary shall be recovered.

(b) where an employee who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently;

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill-health incapacitating the employee for further service or the event of his death.

Provided further that no leave salary shall be recovered under clause (a) or under clause (b), if the employee is compulsorily retired prematurely under rules 48 (1) (b) of the Central Civil Services (Pension) Rules, 1972 or is retired by giving him notice or not less than 3 months in writing or 3 months pay and allowances in lieu of such notice under regulations (5) of T.P.T.E. (Retirement) Regulations, 1979.

(Above proviso is added vide GSR 535 (E), dated 22.11.1996)

## **25. Extra-ordinary leave**

Extraordinary leave shall be granted to an employee in special circumstances:-

(a) When no other leave is admissible,

(b) When other leave is admissible, but the employees applies in writing for the grant of extraordinary leave.

(Sub-regulation (1) is added vide GSR 535 (E), dated 22.11.1996)

(2) Unless the chairman in view of the exceptional circumstances of the case otherwise determines, no employee who is not in permanent employ or quasi-permanent employ, shall be granted extraordinary leave on any one occasion in excess of the following limits;

(a) three months without medical certificate;

(b) six months for common ailments, where the employee has completed one year's continuous service on the date of leave of the kind due and admissible under these regulations including three months extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by the regulations;

(c) upto eighteen months on medical certificate where the employee who has completed one year's continuous service is undergoing treatment for cancer, mental illness, pulmonary tuberculosis or pleurisy of tubercular origin, tuberculosis of any part of the body and leprosy;

(d) eighteen months, where the employee who has completed one year's continuous service is undergoing treatment for-

(i) pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium;

Note: The concession of extra ordinary leave upto eighteen months shall be admissible also to an employee suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under a tuberculosis specialist recognised as such by the State Administrative Medical Officer and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(ii) Tuberculosis of any other part of the body by a qualified tuberculosis specialist or a civil surgeon or staff surgeon, or

(iii) Leprosy in a recognised leprosy institution or by a Civil Surgeon or Staff Surgeon or a specialist in leprosy hospital recognised as such by the State Administrative Medical Officer concerned.

(e) Twenty four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest provided the employee concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these regulations, including three months extraordinary leave under clause (a).

3. (a) Where an employee is granted extraordinary leave in relaxation of the provisions contained in clause (e) of sub regulation (2) he shall be required to execute a bond in Form No.5 undertaking to refund to the board the actual amount of expenditure incurred by the Board during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of 3 years after return to duty.

(b) The bond shall be supported by sureties from two permanent employees having status comparable to or higher than that of the employee.

(4) Employees belonging to the Scheduled Castes or the Scheduled Tribes may, for the purpose of attending the pre-examination Training Course at the centres notified by the Board from time to time, be granted extraordinary leave by Heads of Department in relaxation of the provisions of sub-regulation (2)

(5) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purpose of sub-regulation (2)

(6) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

Explanation 1: Technically, an employee on a casual leave is not treated as absent from stay, and his pay is not intermitted, Casual leave however, must not be given so as to cause evasion of the rules regarding:-

- (i) date of reckoning of pay and allowances
- (ii) charge of office,
- (iii) commencement and end of leave.
- (iv) Return to duty or so as to extend the terms of leave beyond the time admissible by regulation.

Explanation 2: Special Casual leave may be allowed to an employee for a period not exceeding 30 days in any one calendar year. The period of absence in excess of 30 days should be treated regular leave of the kind admissible under the leave regulations applicable to the persons concerned. For this purpose employee may, as a special case, be permitted to combine special casual leave with regular leave. Special casual leave connected with sterilisation / reconciliation under family welfare programme may be suffixed as well as prefixed to regular leave or casual leave but not to both.

Expansion 3: The Special Casual Leave may be allowed only;-

- (a) for undergoing sterilisation operations and for trade union activities recognised by the Board, and
- (b) for participation in sporting events of national or international importance and when the employee concerned is selected for such participation.
  - (i) in respect of international sporting events by any National Sports Federation or Association recognised by the All India Council of Sports and approved by the Ministry of Education, or
  - (ii) in respect of events of national importance, when the sporting event in which participation takes place, it held on an interzonal or intercircle basis and the employee concerned takes part in the event in a team as duly nominated representative on behalf of the Port, State Zone or Circle as the case may be.
- (c) Heads of Department may grant special casual leave in cases of natural calamities, bundh etc., The employees who stay at places far from the Headquarters as a result of which they have to commute a long distance to their office, and due to dislocation of traffic arising out of natural calamities, bundh, etc., shall be granted special casual leave by the Heads of Departments concerned.

(Sub-clause (c) is added vide GSR 535 (E), dated 22.11.1996)

The concession is not to be allowed for participating either in a national or international sporting event in which such participation of the employee concerned takes place in a personal capacity and not in a representative capacity.

## **26. Leave to a Probationer, Person on Probation and an Apprentice**

- (1) (a) A probationer shall be entitled to leave under these regulations as if he had held his post substantively otherwise than on probation.
- (b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend;
- (i) beyond the date on which the probationary period as already sanctioned or extended expires, or
  - (ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.
- (2) A person appointed to a post on probation shall be entitled to leave under these regulations as a temporary or a permanent employee according as his appointment is against a temporary or a permanent post;
- Provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these regulations as a permanent employee.
- (3) An apprentice shall be entitled to -
- (a) leave, on medical certificate, on leave salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship:
  - (b) extraordinary leave under regulation 25.

## **27. Persons Re-employed after Retirement**

In the case of person re-employed after retirement the provisions of these regulations shall apply as if he had entered Board's Service for the first time on the date of his re-employment.

## **28. Leave preparatory to Retirement**

- (1) An employee may be permitted by the competent authority to take leave preparatory to retirement to the extent of earned leave due not exceeding 300 days as prescribed in regulation 21 together with half pay leave due, subject to the condition that such leave extends upto and includes the pay proceeding the date of retirement.

Note: The leave granted as leave preparatory to retirement shall not include extra-ordinary leave.

(300 days is substituted vide GSR 535 (E), dated 22.11.1996)

## **29. Leave beyond the date of Retirement or Quitting of Service**

(1) No leave shall be granted to an employee beyond

- (a) the date of his retirement, or
- (b) the date of his final cessation of duties, or
- (c) the date of his resignation from service, or
- (d) the date from which leave preparatory to retirement would have commenced had it not been refused under sub-regulation (2)

Provided that if in any exceptional case it becomes necessary to grant leave after this date but before the date of retirement, it may be granted and adjusted against the leave available to him after retirement under sub-regulation (2)

(Sub-Regulation (2&3) is deleted vide GSR 644 (E), dated 31.7.2000)

(4) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of an employee who retires from service on obtaining the age of retirement while under suspension or while disciplinary or criminal proceedings pending against him if in the view of such authority there is a possibility of some money becoming recoverable on conclusion of the proceedings against him. On conclusion of the proceedings he will become eligible the amount so withheld after adjustment of port dues, if any.

(Sub-clause (4) is substituted vide GSR 644 (E), dated 31.07.2000)

(i) during the period of extension any earned leave due in respect of the period of such extension and to the extent necessary, the earned leave which could have been granted to him under sub-regulation (2) had he retired on the date of retirement.

(ii) After the expiry of the period of extension

(a) the earned leave which could have been granted to him under sub-regulation (2) had he retired on the date of retirement diminished by the amount of such leave availed of during the period of extension; and

(b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the public service.

(6) Where an employee to whom, clause (c) of sub-regulation (1) is applied the authority competent to grant leave shall suo moto issue an order granting cash equivalent of leave salary of earned leave if any, at the credit of the employee on the date of such retirement, subject to the maximum of 300 days.

Provided that the employee, who is retired by the Board by giving him pay and allowances in lieu of notice may apply for leave within the period for which such pay and allowances were given, and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

Where the service of an employee, is terminated by notice or by payment of pay and allowances in lieu of notice or other wise in accordance with the terms and conditions of his appointment he may be granted suo motu by the authority competent to grant leave cash equivalent in respect of earned leave at his credit on the date on which he ceases to be in service subject to a maximum of 300 days.

If an employee resigns or quits service he may be granted suo motu by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit subject to a maximum of 150 days.

Cash equivalent of leave salary in case of death in Service. In case an employee dies while in service, the cash equivalent of the leave salary that the deceased employee would have got has not gone on earned leave would have been due and admissible to him but for the death on the date immediately following the death and in any case not exceeding leave salary for 300 days shall be paid to his family without any reduction on account of pension equivalent of death cum retirement gratuity.

Note: In addition to the cash equivalent of leave salary admissible under the regulation, the family of the deceased employee shall also be entitled to payment of dearness allowance as per orders issued in this behalf from time to time.

Encashment of unutilized Earned Leave on the date of retirement on superannuation. The employees be paid cash equivalent of leave salary in respect of the period of earned leave at their credit at the time of retirement on superannuation subject to the following conditions:-

- (a) the payment of cash equivalent of leave salary shall be limited to a maximum of 300 days of earned leave
- (b) the cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump sum as one time settlement:
- (c) cash payment under this regulation will be equal to leave salary as admissible for earned leave and dearness allowance admissible on that leave salary at the rates in force on the date of retirement.
- (d) the authority competent to grant leave shall suo motu issue order granting cash equivalent of earned leave at credit on the date of retirement.

(Explanation is deleted vide GSR 535 (E), dated 22.11.1996)

### **31. (A)**

#### **1. Procedure for encashment of earned leave while in service.**

Every employee shall be allowed to encash earned leave once in a calendar year. It will be limited to 50% of the leave standing at the credit of an employee and will be subject to the employee availing of at least 7 days earned leave simultaneously or at different spells earlier and the balance at the time of encashment.

The encashed earned leave shall be debited to the earned leave account of the employee as if actually he has availed it.

The total of earned leave availed of and the earned leave encashed at a time shall not exceed 300 days.

The amount of such encashment shall be the pay and allowances, such as, variable dearness allowance, fixed dearness allowance, special dearness allowance and non-practicing allowance, and any other emoluments which may be specially classified as pay for this purpose, for which the employee would have been eligible had he actually gone on leave, but does not include bonus, commission, house rent allowance, CCA and any other allowances and will be paid in advance.

The amount paid in lieu of surrender leave shall not count as emoluments for any purpose. It shall not also be subjected to recoveries in respect of provident fund, subscription, loans, advances etc.

Employees who are on deputation on foreign service terms to Government of India or State Government, or to other Public Sector Undertakings or other Ports will also be eligible for the benefit of these regulations, the entire liability being borne by the Tuticorin Port Trust Board.

**(B)**

Encashment of Half Pay Leave:

1. The entire Half pay leave at the credit of the employee who retire on superannuation /pre-mature retirement shall be allowed to be encashed subject to the conditions that Pension and Pension equivalent of other retirement benefits shall be deducted from the amounts payable as cash equivalent.

2. The encashment will be subject to the following conditions:-

(a) In respect of future retirees the amount of encashment of HPL will be calculated and paid together with encashment of earned leave.

(b) Calculation of cash equivalent in respect of Half Pay Leave at credit shall be made in the manner prescribed below.

Cash payment Half pay leave No of days of HPL in lieu of salary plus DA due on the date of half pay if admissible retirement/quitting leave (minus) pension the service on component = pension equivalent superannuation of gratuity subject to the and relief on limits prescribed.

pension if DA is

admissible on

half pay leave X

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30

(d) The amount so calculated shall be paid in one lump sum as a one time settlement.



Leave Salary:- (1) Except as provided in sub-regulations 5 and 6 an employee on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

(2) An employee on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub regulation (1)

(3) An employee on commuted leave is entitled to leave salary equal to the amount admissible under sub-regulation (1)

(4) An employee on extraordinary leave is not entitled to any leave salary.

(5) (a) An employee who is granted leave beyond the date of retirement or quitting of service, as the case may be, as provided under regulation 30 shall be entitled during such leave to leave salary as admissible under this regulation, reduced by the amount of pension and pension equivalent of other retirement benefits.

(b) If during such re-employment he is granted leave earned by him during the period of re-employment, the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.

(6) In the case of a person to whom the employee's State Insurance Act 1948(34&1948) applies , leave salary payable during leave other than earned leave shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(7) (a) If in the case of an employee who retires or resigns from service the leave availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary, if any, over drawn.

(b) Where the quantum of earned leave already availed of by an employee who is dismissed or removed from service or who dies while in service is in excess of the leave credited, the over payment of leave salary shall be recovered in such cases.

Explanation: (i) An employee who is granted terminal or refused leave under the provisions of regulation 30 shall be paid in lump sum the amount equivalent to leave salary and allowances, if any, admissible during such leave for the entire period of such leave as one-time settlement

(ii) No permission for private employment during leave preparatory to retirement shall be granted, However an employee on leave preparatory to retirement may in a special case be permitted to take up employment with public sector undertakings without any restriction in the rate of the leave salary admissible to him.

Drawal of leave salary: The leave salary payable under these regulations shall be drawn in rupees in India.

Advance of leave salary- An employee including an employee on foreign service proceeding on leave for a period not less than 30 days may be allowed an advance in lieu of leave salary up to a months' pay including allowances, as provided in General Financial Rules 1963 subject to deduction on account of Income Tax, Provident Fund, House Rent, recovery of advances, etc,

35. Maternity leave:- (1) A female employee (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 135 days from the date of its commencement. During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

Note:- In the case of a person to whom the Employees State Insurance Act, (34 of 1948) applies the amount of leave salary payable under this regulation shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

2. Maternity leave not exceeding 6 weeks may also be granted to female employee (irrespective of number of surviving children) in case of miscarriage, including abortion on production of Medical Certificate as laid down in Regulation 14.

(a) Maternity leave may be combined with leave of any other kind

3. (b) In continuation of maternity leave

Leave of any kind due and admissible (including commuted leave for a period not exceeding 60 days and Leave not due) up to a maximum of 1 year may, if applied for, be granted without medical certificate in continuation of maternity leave granted under (Sub Regulation 1)

4. Maternity Leave for adoptive Mother:

In the case of adoptive mother who are Port employees, the facility of leave of the kind due and admissible (including Leave Not Due and commuted leave not exceeding 60 days without production of Medical Certificate) not exceeding 1 year may be extended subject to the following conditions:

The facility will not be available to an adoptive mother already have been two living children at the time of adoption.

The maximum admissible period of 1 year leave of kind due and admissible without production of medical certificate will be reduced by the age of child, as in the following instructions:

(a) If the age of the adopted child is less than one month leave at one year may be allowed

(b) If the age of the child is six months, leave upto six months may be allowed.

(c) If the age of the child is nine months or more, leave upto three months may be allowed. Thus the child would have the mother's attention for at least three months.

Maternity leave shall not be debited against the leave account:

Explanation-1: Abortion induced under the medical termination of pregnancy act, 1971 should also be considered as the case of abortion for the purpose of granting maternity leave.

Explanation-2: Abortion does not include ' threatened abortion' and maternity leave cannot be granted in the case of ' threatened abortion'

6. Paternity Leave for male employees:

A male employee (including an apprentice) with less than two surviving children may be granted paternity leave for a period of 15 days during the confinement of his wife. During the period of such leave, he shall be paid leave salary pay drawn immediately before proceeding on leave.

Paternity leave shall not be debited against the leave account and may be combined with any other kind of leave as in the case of maternity leave. It may not normally be refused under any circumstances.

7. In the light of provisions under Regulations 35 (1) and 35 (i), a female employee in whose case the period of ninety days has not expired on the date of notification shall also be entitled to the maternity leave of 135 days. Similarly, paternity leave to a male employee may also be allowed in case of his wife had given birth to the child on the date not prior to 135 days from the date of notification.

Special Disability Leave for injury intentionally Inflicted:- (1) The authority competent to grant leave may grant special disability leave to an employee (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused in, or in consequence of his official position.

Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice.

Provided that the authority competent to grant leave may, if it is satisfied as to the cause of the disability, permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

The period of leave granted shall be such as is certified by the Medical Officer and shall in no case exceed 24 months.

Special disability leave may be combined with leave of any other kind.

Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

Special disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the proviso to clause (b) of sub-regulation (7) be debited against the leave account.

Leave salary during such leave shall-

(a) for the first 120 days of any period of such leave including a period of such leave granted under sub-regulation (6) be equal to leave salary while on earned leave; and

(b) for the remaining period of any such leave, be equal to leave salary during half pay leave.

Provided that an employee may, at his option, be allowed leave salary as in clause (a) for a period not exceeding another 120 days and in that event the period of such leave shall be debited to his half pay leave account.

(a) In the case of a person to whom the Workmen's Compensation Act, 1923 ( 8 of 1923) applies, the amount of leave salary payable under this regulation shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said Act.

(b) In the case of person whom the Employee's State Insurance Act, 1948 (34 of 1948) applies the amount of leave salary payable under this regulation shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

#### Special Disability Leave for Accidental Injury:-

The provision of regulation 36 shall apply also to an employee whether permanent or temporary who is disabled by injury accidentally incurred in or the consequence of the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds.

2.The grant of special disability leave in such case shall be subject to the further conditions.

that the disability of due to disease, must be certified by the Port Medical Officer to be directly due to the performance of the particular duty.

that if the employee has contracted such disability during service,it must be, in the opinion of the authority competent to sanction leave, exceptional in character; and

that the period of absence recommended by the Port Medical Officer may be covered in part by leave under this regulation and in part by any other kind of leave and that the amount of special disability leave granted on leave salary equal to that admissible of earned leave shall not exceed 120 days.

### **38. Hospital Leave**

(1) The authority competent to grant leave may grant hospital leave to an employee whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance of hazardous tasks while under medical treatment in a hospital or otherwise, for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

(2) Hospital leave shall be granted on the production of medical certificate from the Port Medical Officer.

(3) Hospital leave may be granted for such period as the authority granting it may consider necessary on leave salary-

(i) equal to leave salary while on earned leave for the first 120 days of any period of such leave; and

(ii) equal to leave salary during half pay leave for the remaining period of any such leave.

(4) Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible, provided the total period of leave, after such combination, does not exceed 28 months.

5. (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under the regulation shall be reduced by the amount of compensation payable under clause (d) of sub section (1) of Section 4 of the said Act.
- (b) In the case of a person to whom the Employees State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under the regulation shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

### **39. Seamen's Sick Leave**

(1) An employee servicing on board a vessel may while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave, by authority competent to grant leave, on leave salary equal to full pay for a period not exceeding six weeks.

Provided that such leave shall not be granted if the Port Medical Officer certifies that the employee is malingering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in wilfully causing or aggravating disease or injury.

(2) A Seaman disabled in the exercise of his duty may be allowed leave on leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely:-

- (a) Port Medical Officer must certify the disability
  - (b) the disability must not be due to the seaman's own carelessness or inexperience;
- (3) (a) In the case of a person to whom the Workmen's Compensation Act 1923 (8 of 1923) applies, the amount of leave salary payable under this regulation shall be reduced by the amount of compensation payable under clause (d) of sub section (1) of section 4 of the said Act
- b. In the case of a person to whom the Employees State Insurance Act, 1948 (34 of 1948) applies the amount of leave salary payable under this regulation shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(4) Seamen's sick leave shall not be debited against the Leave account and may be combined with any other kind of leave which may be admissible provided the total period of leave after such combination does not exceed 28 months.

#### **Quarantine Leave:-**

- (1) Where, in consequence of the presence of an infectious disease referred to in sub-regulation (2) in the family or house hold of an employee at his place of duty , residence or so-journ, his attendance at his office is considered hazardous to the health of other employees, such employee may be granted quarantine leave.
- (2) (a) For the purposes of sub-regulation (1) cholera, small -pox, plague, diptheria, typhus fever and cerebrospinal meningitis may be considered as infectious diseases, Chickenpox shall not, however, be considered as an infectious disease unless the Board Medical

Officer or Public Health Officer considers that because of doubt as to the true nature of the disease (for example, small pox), there is reason for the grant of such leave.

(b) In the case of an employee stationed in an area under the administration of a State Government such other diseases as may have been declared by that Government has infectious for the purpose of quarantine leave rules in force in that State, may also be considered as infectious disease for the purpose of this regulation.

(3) (a) Quarantine leave may be granted by Head of the office on the certificate of a Board Medical Officer or public Health Officer for a period not exceeding 21 days or, in exceptional circumstances, 30 days.

(b) Any leave necessary in excess of this period shall be treated as leave due and admissible and shall be debitable to the leave account of the employee.

Quarantine leave, subject to the maximum laid down in sub-regulation (3), may also be granted; when necessary, in continuation of other leave,

(5) An employee on Quarantine leave shall be treated as on duty, No substitute shall be appointed while he is on such leave.

Condition for grant of Study Leave:- (1) subject to the conditions specified herein, study leave may be granted to an employee with due regard to the exigencies of public service to enable him to undergo, in or out of India a special course of study consisting of higher studies or a technical subject having direct and close connection with the sphere of his duty.

2. Study Leave may also be granted:-

for a course or training or study tour in which an employee may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to the Board from the point of view of public Interest and is related to sphere of duties of the employee; and

for the purpose of studies connected with the frame-work or back-ground of the public administration subject to the conditions that-

(a) the particular study or study tour should be approved by the authority competent to grant leave; and

(b) the employee should be required to submit on his return, a full report on the work done by him while on study leave;

for the studies which may not be closely or directly connected with the work of an employee but which are capable of widening his mind in a manner likely to improve his abilities as an employee and to equip him better to collaborate with those employed in other branches of the public services.

Note:- Application for study leave in cases falling under clause (iii) shall be considered on merits of each case.

Study leave shall not be granted unless-

- (i) It is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest.
- (ii) It is prosecution of studies other than academic or literary subjects:

Provided that a Medical Officer may be granted study leave for prosecuting a course of post-graduate study in Medical Sciences if the Chief Medical Officer of the Board certifies to the effect that such study shall be valuable in increasing the efficiency of such medical officer in the performance to his duties

Provided further that a specialist or a technical person may be granted study leave on merits of each case, for prosecuting a post graduate course of a study directly related to the sphere of his duty in case the head of Department certifies that the course of study shall enable the specialist or the technical person as the case may be, to keep abreast with the modern development with field of his duty improve his technical standards and competence and thus substantially benefit the Board;

the Department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Scheme administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education.

Study leave shall not ordinarily be granted to an employee-

- (i) who has rendered less than five years' service under the Government;
  - (ii) who is due to retire, or has the option to retire, from the Board's service within three years of the date on which he is expected to return to duty after the expiry of the leave.
- (6) Study leave shall not be granted to an employee with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

#### **42. Maximum amount of study leave**

The maximum amount of study leave, which may be granted to an employee, shall:-

- (a) Ordinarily twelve months at any one time; and
- (b) during his entire service twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules)

#### **43. Application for study leave**

(i) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.

(ii) The course of study contemplated by the employee and any examination which he proposes to undergo shall be clearly specified in such application

(2) Where it is not possible for the employee to give full details in his application, or if, after leaving India he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be, and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

#### **44. Sanction of study leave**

(1) A report regarding the admissibility of the study leave shall be obtained from the officer maintaining service records. The study leave, if any, already availed of by the employee shall be included in the report.

(2) Where an employee borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted.

(3) Where the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting the leave through the Ministry concerned.

Note:- The Head of the Mission shall be contacted by the employee for issue of any letters of introduction or for other similar facilities that may be required.

(4) (a) Every employee in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form No. 6 or Form No. 7 as the case may be, before the study leave or extension of such study leave granted to him commences.

(b) Every employee not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form No. 8 or Form No. 9 as the case may be before the study leave or extension of such leave granted to him commences.

(5) (a) On completion of the course of study the employee shall submit to the authority which granted him the study leave, certificates of examinations passed or special course of study undertaken, indicating the date of commencement and termination of the course with the remarks, if any, of the authority incharge of the course of study.



(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

#### **45. Accounting of study leave and combination with leave of other kinds**

(1) Study leave shall not be debited against the leave account of the employee.

(2) Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave other than extraordinary leave, involve a total absence of more than twenty eight months generally and thirty six months for the courses leading to Ph.D. Degree from the regular duties of the employee.

EXPLANATION: The limit of twenty eight months/thirty six month of absence prescribed in this sub regulation includes the period of vacation.

(3) An employee granted study leave, in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to the other conditions laid down in regulation 18 being satisfied, draw study allowance in respect thereof:

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

#### **46. Regulation of study leave extending beyond the course of study**

When the course of study falls short of study leave granted to an employee he shall resume duty on the conclusion of the course of a study, unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of short fall as ordinary leave.

#### **47. Leave salary during study leave**

(1) During study leave availed of outside India, an employee shall draw leave salary equal to the pay that the employee drew while on duty with the Board immediately before proceeding on such leave and in addition the dearness allowance, house rent allowance and study allowance as admissible in accordance with the provisions of regulation 48 to 50.

2 (a) During study leave availed of in India, an employee shall draw leave salary equal to the pay that the employee drew while on duty with the Board immediately before proceeding on such leave and in addition the dearness allowance and house rent allowance as admissible in accordance with the provisions of Regulation 51.

(b) Payment of leave salary at full rate under clause (a) shall be subject to furnishing of a certificate by the employee to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part time employment.

(c) The amount if any received by an employee during the period of study leave as scholarship or stipend or remuneration in respect of any part-time employment as envisaged in sub-regulation

(2) of regulation 48 shall be adjusted against the leave salary payable under this sub-regulation subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

(d) No study allowance shall be paid during study leave for courses of study in India.

#### **48. Conditions for grant of study allowance**

(1) A study allowance shall be granted to an employee who has been granted study leave for studies outside India for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

(2) Where an employee has been permitted to receive and retain in addition to his leave salary, any scholarship or stipend that may be awarded to him from any source or any other remuneration in respect of any part time employment:-

(a) No study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees if any paid by the employee from the value of the scholarship or stipends or remuneration) exceeds the amount of study allowance otherwise admissible;

(b) in case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of net scholarship or stipend or any other remuneration in respect of any part time employment and the study allowance may be granted by the authority competent to grant leave.

(3) Study allowance shall not be granted for any period during which employee interrupts his course of study to suit his own convenience:

Provided that the authority competent to grant leave or the Head of Mission may authorise the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

(4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the condition that -

(a) the employee attends during vacation any special course of study or practical training under the direction of the employee or the authority competent to grant leave, as the case may be; or

(b) in the absence of any such direction, he produces satisfactory evidence before the Heads of the Mission or the authority competent to grant leave, as the case may be, that he was continued his studies during the vacation.

Provided that in respect of vacation falling at the end of course of study it shall be allowed for a maximum period of 14 days.

(5) The period for which study allowance may be granted shall not exceed 24 months in all.

#### **49. Rates of study allowance**

The rates of study allowance shall be fixed by the Central Government from time to time for these employees.

#### **50. Procedure for payment of study allowance**

(1) Subject to sub-regulation (2) (b) of regulation 48 payment of study allowance shall be subject to furnishing a certificate by the employee to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment.

(2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the employee he would refund to the Board any over-payment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilisation of the time spent for which study allowance is claimed.

(3) (a) In the case of a definite course of study at a recognised institution, the study allowance shall be payable by the authority competent to grant leave, if the study leave availed of is in a country when where is no Indian Mission, and by the Head of the Mission in other cases, on claims submitted by the employee from time to time supported by proper certificate of attendance.

(b) This certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term if the employee is undergoing study in an educational institution or at intervals not exceeding three months if he is undergoing study at any other institutions.

(4) (a) When the programme of a study approved does not include, or does not consist entirely of such a course of study, the employee shall submit to the authority competent to grant leave direct or through the Head of the Mission a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adopting such methods or operations to conditions obtaining in India.

(b) The authority competent to grant leave shall decide whether the diary and report show that the time of the employee was properly utilised and shall determine accordingly for what periods study allowance may be granted.

#### **51. Admissibility of allowances in addition to study allowance**

51.(1) For the first 180 days of the study leave, house rent allowance shall be paid at the rate admissible to the employee from time to time at the station from where he proceeded on study leave. The continuation of payment of house rent allowance beyond 180 days shall be subject to the production of a certificate as prescribed in para 8(d) of Ministry of Finance, O.M.. No. 2(37)-EII(b)/64, dated 27.11.1965 as amended from time to time.

51(2) Except for house rent allowance as admissible under Sub Regulation (1) and dearness allowance and study allowance, where admissible, no other allowance shall be paid to an employee in respect of the period of study leave granted to him.

## **52. Travelling allowance during study leave**

An employee to whom study leave has been granted shall not ordinarily be paid travelling allowance but the Board may in exceptional circumstances sanction the payment of such allowance.

## **53. Cost for fees for study**

An employee to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the Board may sanction grant of such fees.

Provided that in no case shall be cost of fees be paid to an employee who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain in addition to his leave salary, any remuneration in respect of part time employment.

## **54. Resignation or retirement after study leave or non-completion of the course of study**

1. If an employee resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty or fails to complete the course of study and is thus unable to furnish the certificate as required under Sub Regulation (5) of Regulation 44, he shall be required to refund-

(i) The actual amount of leave salary, dearness allowance, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Board; and

(ii) the actual amount, if any, of the cost incurred by other agencies, such as foreign Governments, Foundations and Trusts in connection with the course of study.

together with interest thereon at rates for the time being in force on Board loans from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise;

Provided that except in the case of employees who fail to complete the course of study nothing in this rule shall apply:-

(a) to an employee who, after return to duty from study leave, is permitted to retire from service on medical grounds or

(b) to an employee, who after return to duty from study leave, is deputed to serve in any statutory or autonomous body or institution under the control of the Board and is subsequently permitted to resign from service under the Board with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

- (2) (a) The study leave availed of by such employee shall be converted into regular leave standing at his credit on the date on which the study leave commenced any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.
- (b) In addition to the amount to be refunded by the employee under sub-regulation (1) he shall be required to refund any excess leave salary actually drawn over the leave salary admissible on conversion of the study leave.
- (3) Notwithstanding anything contained in this regulation the Board may if it is necessary or expedient to do so, either in the public interest or having regard to the peculiar circumstances of the case or class of cases, by order waive or reduce the amount required to be refunded under the sub-regulation (1) by the employees concerned or class of employees.

## **55. Interpretation**

Where any doubt arises as to the interpretation of these regulations, it shall be referred to the Central Government whose decision thereon shall be final.

## **56. Power to relax**

Where the Board is satisfied that the operation of any of these regulations causes undue hardship in any particular cases it may be order for reasons recorded in writing dispense with or relax the requirement of that regulation to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

**TUTICORIN PORT TRUST (ALLOTMENT OF RESIDENCES) REGULATIONS, 1979 (Published in  
the Gazette of India, dated 1.3.1979)**

G.S.R. 103 (E) - In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:-

**1. Short title and Commencement**

- (1) These regulations may be called the Tuticorin Port Trust (Allotment of Residences) Regulations, 1979.
- (2) They shall come into force on the first day of April, 1979.

**2. Application**

These regulations shall apply to the allotment of residences to all persons who are employed in the service of the Board (hereinafter referred to as "employees").

**3. Definitions**

In these regulations, unless the context otherwise requires-

- (a) "allotment" means the grant of permission to occupy a residence in accordance with the provisions of these regulations;
- (b) "allotment year" means the calendar year beginning on the 1st January or such other period as may be notified by the Board or the competent authority;
- (c) "competent authority" means the Chairman and includes any officer in the service of the Board authorised by him by a general or special order to perform all or any of his functions as a competent authority under these regulations;
- (d) "eligible office" means an office under the Board and an office or institution connected with the Board, which has been declared by the Board as eligible for accommodation under these regulations;
- (e) "emoluments" means the emoluments as defined in Fundamental Rule 45 – C but does not include compensatory allowance;

Provided that in the case of an employee who is under suspension the emoluments drawn by him on the first day of the allotment year in which he is placed under suspension. Or, if he is placed under suspension on the first day of the allotment year, the emoluments drawn by him immediately before the date shall be taken as his emoluments;

(f) "family" means the wife or husband, as the case may be, and children, step children, legally adopted children, parents, brothers, or sisters as ordinarily reside with and are dependant on the employees;

(g) "Government" means the Central Government;

(h) "Port" means the Port of Tuticorin;

(i) "Priority date" of an employee in relation to a type of residence to which he is eligible under regulation 6 means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type in a post under the Board except for periods of leave;

Provided that the date from which an employee has been continuously in service and drawing emoluments relating to a particular type or a higher type in a post under the Government, the erstwhile Tuticorin Port Trust or any other Major Port Trust shall be taken as the priority date in respect of such employee;

Provided further that in the case of an employee who is on deputation to any foreign service, the period of foreign service shall, on his reposting in an eligible office under the Board, be included for the purpose of determination of his priority date;

Provided also that where the priority date of two or more employees is the same, seniority among them shall be determined (i) by the amount of emoluments drawn by each such employee, the employee in receipt of higher emoluments taking precedence over the employee in receipt of lower emoluments; and (ii) where the emoluments are equal, by the length of service under the Board;

(j) "rent" means the sum of money payable monthly in accordance with the provisions of the Fundamental Rules in respect of a residence allotted under these regulations;

(k) "residence" means any residence for the time being, under the administrative control of the port;

(l) "sub-letting" includes sharing of accommodation by an allottee with another person with or without payment of rent by such other person but does not include a casual guest.

Explanation: Any sharing of accommodation by an allottee with close relations shall not be deemed to be "sub-letting". The question whether a person is a close relation or not shall be decided by the competent authority.

(m) "temporary transfer" means a transfer which involves an absence for a period not exceeding four months;

(n) "transfer" means a transfer from the service of the Board to any other service or post;

(o) "type" in relation to an employee means the type of residence to which he is eligible under regulation 6;

(p) words and expressions used herein and not defined but defined in the Major Port Trusts Act, 1963 (38 of 1963) shall have the meanings, respectively. Assigned to them in that Act.

#### **(4) Ineligibility of Employee owning Houses for Allotment under these Regulations**

(1) No employee shall be eligible for allotment under these regulations or, if the allotment has already been made, to the continued retention thereof, if-

(a) he owns or has, since the allotment under these regulations, become the owner in full or in part whether in his own name or in the name of any other person, of a house which is located within the limits of any local or adjoining Municipality or 8 kms. of the place of duty and in which he can, in the opinion of the competent authority, reside consistently with his position as an employee of the Board; or

(b) his wife or any dependant child owns, or has, since the allotment under these rules, become the owner in full or in part, of a house which is located within the limits of any local or adjoining Municipality or 8 kms. of the place of his duty and in which he can in the opinion of the competent authority reside consistently with his position as an employee of the Board;

Provided that if the competent authority considers that, in the interest of the Board's work, the presence of an employee is required in the port area, he may allot residence to him.

(2) Any employee, who, on any date (hereinafter referred to as the relevant date) subsequent to the date of his making application for allotment under these regulations becomes ineligible for such allotment under clause (a) or clause (b) of sub-regulation (1) shall notify the fact to the competent authority, within a period of 7 days of the relevant date. In the event of the employee's failure to do so, the competent authority may reject the application for allotment or if the allotment has already been made cancel such allotment with effect from the relevant date and require the employee to vacate the accommodation so allotted forthwith.

(3) Notwithstanding anything contained in sub-regulations (1) and (2), the competent authority may allot or reallocate accommodation to an employee, if-

(a) the house owned by him, his wife or any dependant child has been requisitioned by the Government; or

(b) it is proved to the satisfaction of the competent authority that such house was given out on lease-

(i) before the posting of the employee for service under the Board;

(ii) before the acquisition of such house by him, his wife or any dependant child and the competent authority is also satisfied that it is not possible for the lessor for reasons beyond his control to obtain vacant possession of the house;



(c ) the house is or becomes vested in a trust created by the employee after obtaining the permission of the Board under the Conduct Rules applicable to him;

(d) the house belongs to the employee as a member of the Hindu undivided family and the competent authority is satisfied that the partition of the house by metes and bounds is not feasible to make it fit for an independent residence;

(e) the plinth area of the house is less than one third of the plinth area of the house of the type to which the employee is eligible under regulation 6.

(4) Where accommodation has been allotted or reallocated to an employee under sub-regulation (3), the employee shall be liable, with effect from the date specified in the order of allotment or reallocation, to pay standard rent under Fundamental Rule 45-B, or standard rent under Fundamental Rule 45-A plus 33 1/3 per cent thereof, or pooled standard rent under Fundamental Rule 45-A plus 33 1/3 per cent thereof where the rents have been pooled or 10 per cent of his emoluments, whichever is the highest, for so long as he or his wife or any dependant child, as the case may be, is unable to obtain vacant possession of the house referred to above.

(5) If at any time it appears to the competent authority that no efforts have been made to obtain vacant possession of the house, referred to above, it shall be open to it to give suitable directions as the steps to be taken to obtain vacant possession of the said house and if such directions are not complied with, to cancel the allotment and to require the allottee to vacate the accommodation forthwith, or to charge rent for the accommodation under Government of India decision No.(2) below Fundamental Rule 45-B or twice the standard rent under Fundamental Rule 45-A or twice the pooled standard rent under Fundamental Rule 45-A where the rents have been pooled or 15 percent of his emoluments, whichever is the highest.

(6) The allotment to an employee to whom the provisions of clause (a) and clause (b) of sub-regulation (1) apply shall be cancelled with effect from the date specified in the order of cancellation. It shall, however be open to the competent authority to allot or reallocate accommodation to the employee on payment of rent under Government of India decision No. 2 below Fundamental Rule 45-B or twice the standard rent under Fundamental Rule 45-A or twice the pooled standard rent under Fundamental Rule 45-A where the rents have been pooled or 15 percent of his emoluments, whichever is the highest.

Explanation:-I

In this regulation, an employee shall be deemed to own a house in the name of any other person if the employee has acquired or transferred a house in the name of such other person-

(i) without intending thereby a benefit to such other person; and

(ii) where the employee is in actual or constructive possession of the house or enjoys its rents or profits

Explanation:-II

For the purpose of this regulation an employee shall be deemed to be the owner of a house if he is in possession thereof under the agreement of sale even though the title has not been conveyed to him.

## 5. Allotment to Husband and Wife:-

(1) No employee shall be allotted a residence under these regulations if the wife or the husband, as the case may be, of the said employee has already been allotted a residence, unless such residence is surrendered:

Provided that this sub-regulation shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any court.

(2) Where two employees in occupation of separate residences allotted under these rules marry each other, they shall, within one month of their marriage, surrender one of the residences.

(3) If a residence is not surrendered as required by sub-regulation (2) the allotment of the lower type of residence shall be deemed to have been cancelled on the expiry of such period; and if the residences are of the same type, the allotment of such one of them as the competent authority may decide shall be deemed to have been cancelled on the expiry of such period.

(4) Where both husband and wife are employed in the Board, the eligibility of each of them to allotment under these regulations shall be considered independently.

## 6. Classification of Residence

Save as otherwise provided by these regulations, an employee shall be eligible for being allotted a residence of the type appropriate to his emoluments shown in the table below:

-----Type of	*Category	of
employee or his monthly emoluments as on the first residence	day of the allotment year in which the	allotment is made -----I and
Temporary	Upto Rs. 4,300/-	

Quarters

II Rs.4,301/- to Rs. 7,500/-

III Rs.7,501/- to Rs. 9,850/-

IV Rs.9,851/- to Rs.12,000/-

V Above Rs.12,000/-

VI Only Heads of Department as per interse-seniority

VII Only Chairman and Deputy Chairman

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\* Amended vide: Board Resolution No.33 of the Meeting of the Board of Trustees held on the 21st June, 2001.

Note:- If sufficient number of employee who are eligible for a particular type of residence are not available, the residences of the type may be allotted to other employees who are eligible for the next higher or lower type of residences subject to the condition that, as and when eligible employees become available, the residences so allotted shall be vacated by such allottees.

## **7. Recovery of Rent to be subject of Fundamental Rules**

For the purpose of recovery of rent for the type of residence allotted under regulation 6 or a type of residence allotted to an employee of the Board at his own request, which exceeds that which is appropriate to the status of the post held by him, the Fundamental Rules as amended from time to time shall apply.

## **8. Application for Allotment**

(1) An employee who seeks allotment or the continuance of allotment made to him, may apply at any time in that behalf to the competent authority and he shall apply for the aforesaid purpose when directed by the competent authority to do so, in such form and manner and by such date as may be prescribed by it.

(2) All applications received otherwise than in pursuance of a direction issued under sub-regulation (1) shall be considered for allotment in the succeeding month if such applications are received before the 20th day of a calendar month.

## **9. Allotment of Residences and Offers**

(1) Save as otherwise provided in these regulations, a residence, on falling vacant shall be allotted by the competent authority to an applicant having the earliest priority date for that type of residence subject to the following conditions:-

(i) the competent authority shall not allot a residence of a type higher than that to which the applicant is eligible under regulation 6.

(ii) the competent authority shall not compel any applicant to accept a residence of a type lower than that to which he is eligible under regulation 6.

(iii) the competent authority on request from an applicant for allotment of a lower type of residence might allot to him a residence of any type below the type for which the applicant is eligible under regulation 6, on the basis of his priority date for the same.

(2) The competent authority may cancel the existing allotment to an employee and allot to him an alternative residence of a same type or in emergent circumstances an alternative residence of any type below the type of residence under the occupation of the employee if the residence in occupation of the employee is required to be vacated;

Provided that when a residence of the same type from which an employee was vacated becomes available at a later date, he shall be allotted the same, subject to his eligibility.

(3) A vacant residence may, in addition to allotment to an employee under sub-regulation (1), be offered simultaneously to other eligible employees in order of their priority dates.

(4) If the competent authority is satisfied that in the interests of the Board's work it is necessary that residences should be allotted to two or more employees it may do so on the following terms and conditions, namely : -

(a) one of them shall be the principal allottee and the other (s) shall be sub-allottees;

(b) the principal allottee shall remain personally responsible for the rent and for any damage caused to the residence beyond normal wear and tear;

(c) the rent payable by the sub-allottee (s) shall not, except with the previous sanction of the competent authority, exceed the rent as divided equally between allottees;

(d) the rent payable to the Board by the principal allottee shall be the rent payable to the Board by an one of the allottees drawing the highest emoluments as defined under Fundamental Rule 45-C had the residence been allotted to him direct by the competent authority;

Reservation of Residential Accommodation to Scheduled Castes / Scheduled Tribes Employees:-

9 (A) (Amendment Regulations published at GSR 123 (E) of the Gazette of India, Extraordinary, dated the 24th March, 1989) :-

(i) The reservation of residential accommodation for SC/ST employee shall be at 10 percent in Type I and Type II and 5 percent in Type III and Type IV Quarters.

(ii) The employees shall be entitled for allotment of their entitled type and in their turn from the separate waiting list maintained for the purpose.

(iii) Vacancies available in the quota reserved for the purpose shall be allotted in the ratio of 2:1 to Scheduled Caste and Scheduled Tribe employees respectively. In case, however, there is no Scheduled Tribes employees available, the quota reserved shall allotted to Scheduled Caste employees.

(iv) Scheduled Caste and Scheduled Tribe employees who are already in occupation of general pool accommodation shall not be entitled for allotment of higher type from the reserved quota.

9 (B)

(i) Applications from SC/ST are to be invited indicating a specified date of priority and then a seniority list from among applications is to be prepared. In case sufficient applications from SC/ST employees are not available from the applications for the current allotment year, fresh applications may be invited from members of SC/ST employees.

(ii) A register for allotment of all clear vacancies will be maintained. A 60 point roster will be maintained. In respect of Type-I & II points 10, 20, 40 and 50 should be allotted to Scheduled Caste employees and vacancies at point 30 and 60 allotted to Scheduled Tribes. In respect of Type-III and IV accommodation, the vacancies at point 20 and 40 are to be allotted to Scheduled Caste and vacancy at point 60 is to be allotted to Scheduled Tribe. SC/ST employees will also be considered for allotment as per their turns alongwith other general category employees in addition to the above reservations.

#### **10. Maintenance of separate Pools of Residences for certain categories of Employees**

(1) Notwithstanding anything contained in these regulations, the following pools of residences shall be maintained, namely: -

- (i) residence for Chairman;
- (ii) residence for Deputy Chairman, if any;
- (iii) pool of residences for Heads of Departments;
- (iv) pool of residences for lady employees, who are either unmarried or widows.

(2) The number and type of residences to be placed in these pools shall be determined by the Board from time to time.

(3) The interse seniority of the employees eligible for allotment shall be determined in accordance with their appointments to the posts which entitle them for consideration of allotment in the pool.

#### **11. Out of Turn Allotments**

(1) Notwithstanding the provisions of regulation 9, an allotment may be made by the competent authority on out of turn basis to an employee on grounds of serious illness of self or a member of his family in consultation, if considered necessary, with the prescribed medical authority. The priority date for allotment in such cases shall be the date on which the application of the employee for out of turn allotment is received by the competent authority.

(2) The Board, in respect of Type V, type VI, and type VII accommodation, and the Chairman in respect of all other cases may allot any residence on out of turn basis in special cases considering the nature of duties or conditions of deputation of the employees concerned.

#### **12. Non-acceptance of Allotment on offer or failure to occupy the allotted residence after acceptance**

(1) If an employee fails to accept the allotment within five days or, fails to take possession of the residence after acceptance within eight days, from the date of receipt of the letter of allotment, he shall not be eligible for another allotment for a period of one year from the date of allotment letter.

(2) If an employee occupying a lower type of residence is allotted or offered a residence of the type for which he is eligible under regulation 6, or the lower type, he may, on refusal of the said allotment or offer of allotment be permitted to continue in the previously allotted residences on the following conditions, namely:-

(a) that such an employee shall not be eligible for another allotment for a period of one year from the date of allotment letter for the higher class of accommodation;

(b) that while retaining the existing residence he shall be charged the same rent which he would have had to pay under Fundamental Rule 45-A in respect of the residence so allotted or offered or the rent payable in respect of the residence already in his occupation whichever is higher;

(c ) that any refusal of allotment made under sub-regulation (4) of regulation 9 shall not mean refusal of allotment for the purpose of this regulation.

### **13. Period for which allotment subsists and the concessional period for further retention**

(1) An allotment shall be effective from the date on which it is accepted by the employee and shall continue in force until:-

(a) the expiry of the concessional period permissible under sub-regulation (2) after the employee ceases to be on duty in an eligible office under the Port ;

(b) it is cancelled by the competent authority or is deemed to have been cancelled under any provision in the regulations ;

(c ) it is surrendered by the employee ; or

(d) the employee ceases to occupy the residence.

(2) A residence allotted to an employee may, subject to sub-regulation (3), be retained on the happening of any of the events specified in column (1) of the table below for the period specified in the corresponding entry in column (2) thereof, subject to the conditions that the residence is required for the bonafide use of the employee or members of his family.

TABLE -----

Events    Permissible period for retention of the residence

(1)        (2)

-----

(i) Resignation, dismissal, One month removal or termination of service.

(ii) Retirement or terminal: Two months.

(iii) Death of the allottee: Four months.

(iv) Transfer to a place outside the Head Quarters: Two months.

(v) On proceeding on foreign service in India: Two months.

(vi) Temporary transfer in India or deputation to a place outside India: Four months.

(vii) Leave (other than leave pre – For the period of leave but not paratory to retirement, refused leave medical leave, maternity leave or study leave, terminal leave, exceeding 4 months.)

(viii) Leave preparatory to retirement or refused leave under regulations 28 or 29 of the (Leave) Regulations, 1979. For the full period of leave on full average pay subject to a maximum of 4 months, inclusive of the Tuticorin Port Employees period permissible in the case of retirement.

(ix) Leave on medical grounds For the full period of leave.

Events Permissible period for retention of the residence

(1) (2)

(x) Study leave in India. For the period of leave but not exceeding six months.

(xi) Leave on medical grounds. For the full period of leave.

(xii) On proceeding on training. For the full period of training.

(xiii) Maternity leave. For the period of maternity leave plus the leave granted in continuation subject to a maximum of five months.

Explanation: The period permissible on transfer mentioned against items (iv), (v) and (vi) shall count from the date of relinquishing charge plus the period of leave if any, sanctioned to and availed of by the employee before joining duty at the new office.

(3) Where a residence is retained under sub-regulation (2), the allotment shall be deemed to be cancelled on the expiry of the admissible concessional period unless immediately on the expiry thereof, the employee resumes duty in an eligible office under the Board.

(4) An employee who has retained the residence by virtue of the concession under item (i) or item (ii) of the table below sub regulation (2), shall, on re-employment in an eligible office under the Board within the period specified in the said table be entitled to retain that residence and he may also be eligible for any further allotment :

Provided that if the emoluments of the employee on such re-employment do not entitle him to the type of residence occupied by him, he shall be allotted a lower type of residence whenever such type of residence falls vacant.

#### **14. Provisions Relating to rent**

(1) Where an allotment of accommodation or alternative accommodation has been accepted, the liability for rent shall commence from the date of occupation or the eighth day from the date of receipt of the allotment letter, whichever is earlier.

(2) An employee who, after acceptance, fails to take possession of that accommodation within eight days from the date of receipt of the allotment letter, shall be charged rent from such date upto a period of one month or upto the date of reallocation of that particular accommodation, whichever is earlier.

(3) Where an employee who is in occupation of a residence is allotted another residence, and he occupies the new residence, the allotment of the former residence shall be deemed to be cancelled from the day of occupation of the new residence. He may, however, retain the former residence without payment of rent for that day and the subsequent day for shifting.

#### **15. Personal Liability of the Employee for payment of rent till the residence is vacated and furnishing of surety by temporary employee**

(1) The employee to whom a residence has been allotted shall be personally liable for the rent thereof and for any damage beyond normal wear and tear caused thereto or the furniture, fixtures or fittings or services provided therein by the Board during the period for which the residence has been and remains allotted to him, or where the allotment has been cancelled under any of the provisions of these regulations, until the residence along with the out-houses appurtenant thereto have been vacated and full vacant possession thereof has been restored to the Board.

(2) Where an employee to whom a residence has been allotted, is neither a permanent, nor a quasi-permanent employee of the Board, he shall execute a surety bond in the form prescribed in this behalf by the competent authority with a surety, who shall be a permanent employee of the Board for due payment of rent and other charges due from him in respect of such residence and services or any other residence provided in lieu thereof.

(3) If the surety ceases to be in the service of the Board or becomes insolvent or withdraws his guarantee or ceases to be available for any other reason, the employee shall furnish a fresh bond executed by another surety within three days from the date of his acquiring knowledge of such event; and if he fails to do so, the allotment made to him shall, unless otherwise decided by the competent authority, be deemed to have been cancelled on the expiry of the time allowed for the purpose.

(4) Without prejudice to any action that may be taken under sections 130 and 131 of the Major Port Trusts Act, 1963 (38 of 1963), an employee shall also render himself liable to disciplinary action and to



such punishment as may be decided upon by competent authority in the case of any breach of this regulation.

#### **16. Surrender of an allotment and the period of notice therefore**

An employee may at any time surrender an allotment by giving notice in writing so as to reach the competent authority at least ten days before the date of vacation of the residence. The said allotment shall be deemed to be cancelled with effect from the eleventh day after the day on which the notice received by the competent authority or the date specified in the said notice, whichever is later. If he fails to give due notice, he shall be responsible for payment of rent for ten days or the number of days by which the notice given by him falls short of ten days.

Provided that if the competent authority is satisfied that the notice could not be given owing to circumstances beyond the control of the allottee, it may accept a notice for a shorter period.

#### **17. Change of Residence**

(1) An employee to whom residence has been allotted under these regulations may apply for a change of residence within the same type. Not more than one change shall be allowed in respect of one type of residence allotted to the employee.

(2) All changes under sub-regulation (1) shall be offered in the order of receipt of applications for the same in the office of the competent authority.

(3) If an employee fails to accept a change of residence offered to him within five days of the receipt of such offer of allotment he shall not be considered again for a change of allotment of that type.

(4) When the competent authority is satisfied that a change under sub-regulations (1) and (2) cannot be given because of practical difficulties, its decision thereon shall be final.

#### **18. Change of residence in the event of death of a member of family**

An employee may be allowed a change of residence on the death of any member of his family, if he applied for change within three months of such occurrence, provided that the change may be given in a type other than the type of residence as already allotted to the employee.

#### **19. Mutual Exchange of Residence**

Employee to whom residences of the same types have been allotted under these regulations may apply for permission to mutually exchange their residences. Permission for mutual exchanges may be granted if both the employees are reasonably expected to be on duty under the Board and to reside in their mutually exchanged residences for at least six months from the date of approval of such exchange.

## **20. Maintenance of Residence**

The employee to whom a residence has been allotted shall maintain the residence and premises in a clean condition to the satisfaction of the competent authority. Such employees shall not grow any tree, shrubs or plants contrary to the instructions issued by the neither competent authority nor cut or lop off any existing tree or shrubs in any garden, courtyard or, compound attached to the residence save with the prior permission, in writing, of the competent authority. Tree, plantation or vegetation grown in contravention of this regulation may be caused to be removed by the competent authority at the risk and cost of the employee concerned.

## **21. Sub Letting and Sharing of Residences**

(1) No employee shall share the residence allotted to him or any of the out-house, garages and stables appurtenant thereto except with the employees of the Board eligible for allotment under regulations and with the previous sanction of the competent authority and under such conditions as it may prescribe. The servant quarters, out houses, garages, and stables may be used only for bonafide purposes, including residences of the servants of the allottee, or for such other purposes as may be permitted by the competent authority.

(2) No employee shall sublet the whole of his residence.

Provided that an employee proceeding on leave may accommodate in the residence any other employee eligible for allotment under these regulations as a caretaker, for a period of exceeding six months with the permission of the competent authority.

(3) Any employee who shares or sublets his residence shall do so at his own risk and responsibility and shall remain personally responsible for any rent payable in respect of the residence and for any damage caused to the residence or its precincts or grounds or services provided therein by the Board beyond fair wear and tear.

## **22. Penalties for Breach of Rules or Conditions**

(1) Without prejudice to any action, that may be taken under sections 130 and 131 of the Major Port Trusts Act, 1963, (38 of 1963), the following penalties may, for good and sufficient reasons, be imposed by the competent authority for breach of these regulations and the conditions imposed thereunder namely :-

(i) if any employee to whom a residence has been allotted unauthorisedly sublets the residence or charges rent from the sharer at a rate which the competent authority considers excessive, or erects any unauthorized structure in any part of the residence, or uses the residence or any portion thereof for any purposes other than that for which it is meant, or tampers with the electric or water connections or commits any other breach of the regulations, or the terms and conditions of the allotment or uses the residences or premises or permits or suffers the residences or premises to be used for any purpose which the competent authority considers to be

improper, or conducts himself in a manner which in his opinion, is prejudicial to the maintenance of harmonious relations with his neighbors or has knowingly furnished incorrect information in any application or written statement, with a view to securing the allotment, the competent authority may without prejudice to any other disciplinary action that may be taken against him cancel the allotment.

Explanation: In this clause, the expression "employee" includes, unless the context otherwise requires, a member of the employee's family and any person claiming through him;

(ii) if the employee has in any application or statement suppressed any material fact, the competent authority may cancel the allotment with effect from the date he became ineligible for allotment under these regulations;

(iii) if an employee sublets a residence allotted to him or any portion thereof or any of the outhouses, garages or stables appurtenant thereto, in contravention of these regulations, he may, without prejudice to any other action that may be taken against him be charged enhanced rent not exceeding four times the standard rent under Fundamental Rule 45-A. The quantum of rent to be recovered and the period for which the same may be recovered in each case shall be decided by the competent authority on merits. In addition the employee may also be debarred from sharing the residence for such specified period as may be decided by the competent authority.

(2) Where action to cancel the allotments taken on account of unauthorized subletting of the premises by the allottee, a period of sixty days shall be allowed to the allottee and any other person residing with him therein to vacate the premises. The allotment shall be cancelled with effect from the date of vacation of the premises or expiry of the period of sixty days from the date of the orders of cancellation of the allotment, whichever is earlier.

(3) Where the allotment is cancelled for conduct prejudicial to the maintenance of harmonious relations with neighbors, the employee, at the discretion of the competent authority, may be allotted another residence in the same type at any other place.

(4) The competent authority shall be empowered to take all or any of the actions under sub-regulations (1) to (3) and also to declare the employee, who commits a breach of these regulations and instructions issued to him to be ineligible for allotment for a period not exceeding three years.

### **23. Overstayal in residence after cancellation of allotment**

Where after an allotment has been cancelled or is deemed to be cancelled under any provision contained in these regulations, the residence remains or has remained in occupation of the employee to whom it was allotted or of any person claiming through him, such employee shall be liable to pay damages for use and occupation of the residence, services, furniture and garden charges, equal to the market rent as may be determined by the competent authority from time to time:

Provided that an employee, in special cases, may be allowed by the competent authority, to retain a residence on payment of twice the standard rent under Fundamental Rule 45-A or twice the pooled standard rent under Fundamental Rule 45-A whichever is higher for a period not exceeding six months.

#### **24. Continuance of allotments made prior to the issue of these regulations**

Any valid allotment under the rules then in force which is subsisting immediately before the commencement of these regulations, shall be deemed to be an allotment duly made under these regulations notwithstanding that the employee to whom it has been made is not entitled to a residence of that type under regulation 6 and all the provisions of these regulations shall apply in relation to that allotment and that employee accordingly.

#### **25. Interpretation of regulations**

If any question arises as to the interpretation of these regulations, the same shall be decided by the Government.

#### **26. Relaxation of regulations**

The Chairman or the Board may, for reasons to recorded in writing, relax all or any of the provisions of these regulations in the case of any employee or residence or class of employees or type of residence.

#### **27. Delegation of powers**

The Chairman or the Board may delegate any or all the powers conferred upon him or it by these regulations to an officer under his or its control subject to such conditions as he or it may deem fit to impose.

## **TUTICORIN PORT TRUST (PENSION FUND) REGULATIONS, 1979 (Published in the Gazette of India, dated 1.3.1979)**

G.S.R. 105 (1):- In exercise of the powers conferred by section 126, read with section 28 and sub-section (1) of section 88, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following first regulations, namely:-

### **1. Short title and commencement**

- (1) These regulations may be called the Tuticorin Port Trust (Pension Fund) Regulations, 1979.
- (2) They shall come into force on the first day of April 1979.

### **2. Definitions**

In these regulations, unless the context otherwise requires:-

- (a) "Act" means the Major Port Trusts Act, 1963 (38 of 1963);
- (b) "Board" means the Board of Trustees for the Port of Tuticorin;
- (c) "Chairman" means the Chairman of the Board;
- (d) "Employee" means an employee of the Board whether permanent or temporary who has died or retired or resigned from the service under the Board or whose services have been terminated but does not include any permanent or temporary employee of the Central or State Government or a local body or other authority on deputation with the Board;
- (e) "Fund" means the Tuticorin Port Trust Pension Fund established under Regulation 3;
- (f) "general account " means the general account of the Board;
- (g) "Pension" includes family pension;
- (h) "Pension rules" means all existing regulations and orders to provide pensions, gratuity and commutation of pension which continues to be in force by virtue of the Tuticorin Port Trust (Adaptation of Rules) Regulations, 1979 or such other regulations replace or as may be framed by the Board in this behalf to modify the aforesaid regulations and orders.

### **3. Establishment of the Fund**

There shall be establish a Fund to be called the Tuticorin Port Trust Pension Fund and there shall be credited thereto-

- (a) such annual contribution from the general account as the Chairman may deem reasonably sufficient for meeting the future liability of pension and gratuity in respect of the employees;
- (b) interest and profit on investments belonging to the fund;
- (c) any other sum made over to the Fund by way of gift or donation;
- (d) refund of any excess payment of pension or gratuity as may be recovered.

#### **4. Administration of the Fund**

The Fund shall be administered by the Chairman.

#### **5. Expenditure from the Fund**

Expenditure may be incurred out of the Fund for one or more of the following purposes, namely-

- (a) payment of pension and family pension as admissible under the Pension Regulations to the employees or their family members or their dependents, as the case may be;
- (b) payment of gratuity, death-cum-retirement gratuity and terminal gratuity be admissible under the pension regulations to the employees or their family members or their dependents, as the case may be;
- (c) payment of commuted value for pension as admissible under the pension regulations.

#### **6. Disbursement of the Fund**

Disbursement shall be made out of the Fund to the employees or their family members or their dependents as per the provisions of the pension regulations under the specific sanction of the Chairman.

#### **7. Investment of the Fund**

The Chairman may invest the whole or a part of the fund in public securities or in such other securities as the Central Government may approve in this behalf.

#### **8. Interpretation**

If any question arises relating to the interpretation of these regulations the same shall be decided by the Chairman.

**TUTICORIN PORT EMPLOYEES (LEAVE TRAVEL CONCESSIONS) REGULATIONS, 1979**  
**(Published in the Gazette of India, dated 1.3.1979)**

G.R.S. 232 (E). - In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:-

**Short title and commencement**

(1) These regulations may be called the Tuticorin Port Trust Employees (Leave Travel Concession) Regulations, 1979.

**Definitions**

In these regulations, unless the context otherwise requires:-

- (a) "Accounts Officer" means the Financial Adviser and chief Accounts Officer of the Board;
- (b) "Board", "Chairman", "Deputy Chairman" and "head of a department", shall have the meanings respectively assigned to them in the Major Port Trusts Act, 1963;
- (c) "concession" means the leave travel concession admissible under these regulations;
- (d) "employee" means an employee of the Board;
- (e) "First, Second, Third and Fourth Grade Employees" shall have the meanings respectively assigned to them in the Fundamental Rules and supplementary Rules of the Central Government;
- (f) "family" shall have the meaning as assigned to it in Supplementary Rules 2 (8) for purpose of travelling allowances on transfer;
- (g) "home town" means the permanent home town or village as entered in the service book or other appropriate official record of the employee concerned, or such other place as has been declared by him, duly supported by reasons, such as ownership of immovable property, permanent residence of near relatives etc., at the place where he would normally reside but for his absence from such a station for service in the Board;
- (h) "Once in a period of two calendar years" means once in each block of two calendar years starting from the year 1978. Thus the concession on the first occasion is admissible during the block of two consecutive calendar years 1978 and 1979. The concession on subsequent occasions shall be admissible at any time during the blocks 1980 and 1981, 1982 and 1983 and so on see also explanation to sub regulation (j);

Explanation: Those employees who were already enjoying the benefit of leave travel concessions under the Government Of India rules before the commencement of these regulations, the block years of two and four as the case may be as applicable to them shall be continued for the purpose of regulating leave travel concession under sub-regulations (i) & (j).

(k) The term "shortest route" under the scheme has been given the same meaning as recognised for travel on duty.

(l) "entitled class of accommodation" means the class of accommodation decided by the class to which a Government servant is entitled under the Travelling Allowance rules, at the time the journey is undertaken.

Extend of application

(l) The concessions is admissible to the Board's employee of all grades including-

(a) the industrial and work-charged staff who are entitled to regular leave;

(b) the officers appointed on a contract basis if the period of contract is more than one year, and re-employed officers on completion of one year's continuous service.

(2) A period of unauthorized absence due to participation in strike etc. shall be deemed to cause break in service unless condoned by the appointing authority while calculating the minimum period of continuous service".  
(G.S.R-232(E) dt. 16.3.1979.

(3). The Concessions is not admissible to persons who are -

(i) not in the whole-time employment of the Board; or

(ii) paid from contingencies.

(iii) eligible for any other form of leave travel concession.(G.S.R- 232(E) dt.16.3.1979.

Explanation.- The condition of one year's continuous service on the date of the journey for admissibility of the concession is applicable equally to permanent employees and probationers as well as the temporary and officiating employees.

Officers appointed on contract basis .- Officers appointed on contract basis shall be eligible for the concession on completion of one year continuous service if the period of the contract is more than one year. Where the initial contract is for one year but is later extended, the total duration of the contract shall be taken into account for this purpose. The grant of the concession shall be subject to the conditions laid down in regulation 5.

Re-employed Officers,- (1) Re-employed Officers shall be eligible for the concession on completion of one year's continuous service and subject to the conditions laid down below:

(a) The successive blocks of two calendar years in the case of such employee shall be reckoned from the actual dates of their joining the posts under the Board.

(b) The appropriate administrative authority certifies at the time the employee concerned avails himself of the leave travel concession that he is likely to continue to serve under the Board for a period of two years from the date of his joining a post under the Board. The admissibility of the concession during the subsequent two years period shall also be subject to a similar condition.



In the case of re-employment immediately after retirement, the period of re-employed service may be treated as continuous with the previous service for the purpose of leave travel concession and the concession allowed for the re-employed period;

Provided the travel concession should have been admissible to the re-employed officer, had he not retired but had continued as a serving officer.

Officers deputed for training,- When an officer is deputed for training in India or abroad, the concession shall be admissible as follows:

Training in India:

If the headquarters are changed during the period of training the concession for self and family shall be between the station of training and the home town;

If the headquarters are not changed during the period of training, the concession for self shall be from the station of training to home town and back either to the same station or to the headquarters for the journeys actually performed. For the family, the concession shall be between headquarters and home town only.

(2) Training abroad:-

For self, Government's liability shall be limited to what is admissible if he had undertaken the journeys from the headquarters (from which he proceeded for training abroad) or the headquarters declared under SR 59 to the home town and back.

For members of the family, the head-quarters from which he proceeded on training shall be treated as the starting point for the onward journey for the purpose of the concession.

Concession for two years and four year's blocks: Travel concession to employees of the Board who are serving at places away from their home towns shall be allowed to the extent laid down below:

Once in a block of two calendar years commencing from 1978 every employee and his family shall be entitled to avail the concession. The Board shall meet the actual fares. In every case the journey should be to the home town and back and claim should be for both outward and return journeys. The journey need not necessarily commence from or and at the head quarters of an employee either in his own case or in the case of his family. But the assistance admissible shall be the amount admissible for the actual distance traveled limited to the amount that would have been admissible had the journey been performed between the head quarters and the home of the employee or declared destination.

Note: (i): Where an employee and his family live away from the place of duty for any reason, the concession may be allowed from the place of residence to the place of visit home town and back to the place of residence subject to the conditions that the claim is restricted to the rail fare by the shortest direct route between the duty station and the home town or declared place of visit as the case may be. In such cases, the employee should furnish the reasons for residing at a place other than the place of duty and the controlling authority should also satisfy itself regarding the genuineness of these reasons before admitting the claim with reference to the place of residence.

Note : (i) An employee under suspension cannot avail of leave travel concession as he cannot get any leave including casual leave while under suspension. As he continued to be in service during the period of suspension members of his family are entitled to leave travel concession.(G.S.R.232(E) dt. 16.3.1979)

(ii) An employee who has a family living away from his place of work may avail of the concession for himself alone every year for visiting his home town instead of having the concession for both self and family once in a block of two years.

Note (i): In such cases he and his family will lose the right of Leave Travel Concession to any where in India.

Note (ii): Unmarried employees who have left their wholly dependent parents, sisters and minor brothers at their home town may be given the benefit of Leave Travel concession to home town every year. This concession will be in lieu of all other leave travel concession facilities admissible to the employee himself and the aforesaid parents, sisters and minor brothers.

(iii) The concession admissible for a particular block of two years which is not availed of during the block may be availed of in the first year of the next block by the employee and his family independently of each other. According to this relaxation, there is the possibility of an employee availing of the concession twice during the same calendar year. Thus an employee may avail of the concession twice in 1980 once for the block 1978 – 1979 and the other in respect of 1980 – 1981.

(iv) Once in a block of four calendar years commencing from the year 1978, in lieu of one of the two concessions to home town available in a block of four calendar years every employee and his family shall be entitled to avail of the concession for journey to any place in India including home town subject to all other conditions laid down in the existing scheme. "The four year block commences from 1978 viz 1978-81, 1982-85 and so on. The concession for traveling to any place in India if not utilized during block of four years could be carried forward to the first year of the next block of four years. However an employee can carry forward the concession to travel anywhere in India to the first year of the next block only if he is entitled to carry forward leave travel concession to home town for that year.

Example I: During the block years of 1990-93, an employee can avail two concessions, i.e. one for 1990-91 blocks and second for 1992-93 block. Of the above two concessions, he can avail:-\

both of them to home town, or

first block to anywhere in India and the second block to home town, or

first block to home town and second to anywhere in India.

The concession to travel to anywhere in India can be carried forward to 1994 in this case only :-

If he has not availed it against the concession for the block 1990-91; and

If he has not availed the concession to home town for the block 1992-93.

If the official has failed to avail the concession due for the block 1990-91 (before the expiry of the grace period) he is losing that concession and cannot carry it forward to 1994.

To make it more illustrative, the following example is also given.

Example II : The above official is entitled to two concessions during the blocks of 1990-91 and 1992-93.

(i) In respect of 1990-91, he avails the concessions to home town before the grace period, i.e. By 31-12-1992. Then he is entitled to carry forward his leave travel concession to anywhere in India to be availed before the grace period i.e. By 31-12-1994.

(ii) In the above case suppose the official avails of leave travel concession to home town after 31-12-1992; This will be debited against the block 1992-93 and hence he will not be entitled to anywhere in India LTC in this case he will lose his entitlement for 1990-91 by not availing it before the grace period

(iii) In the event of the return journey falling in the succeeding calendar year, the concession should be counted against the year in which the outward journey commenced.

8. Concession applicable to family :- (1) The family members need not accompany the employees or even travel in the same calendar year in which the employee travels. The family members shall get the concession independently whether the employee avails it or not. The members of the family of an employee may either travel together or separately in different groups as may be convenient to them. Where they travel in different groups, at different times, reimbursement of expenditure may be allowed in respect of each group,

Provided that the different groups performed the journeys during the currency of the block year in which the first group performed its journey carry forward of the concession should be permitted even if one group has availed of it during the block period itself and other groups who have not availed of the concession.

The concession is admissible to the members of an employee's family with reference to the facts existing at the time of forward and return journeys independently. The following types of cases are given by way of illustrations, namely:

Entitles to reimbursement in respect of the outward journey only:

(i) the dependent son/daughter getting employment or getting married after going to home town or remaining therefore prosecution of studies;

(ii) the family having performed the journey to home town have no intention of completing the return journey from home town. Provided the employee foregoes in writing the concession in respect of the return journey if performed by the family members at a subsequent date.

Entitled to reimbursement in respect of the return journey only -

A newly married husband/wife coming form home town to headquarters station or a husband/wife who has been living long at home town and did not avail of the leave travel concession in respect of the outward journey;

A dependent son/daughter returning with parents or coming alone from home town where he/she has been prosecuting studies or living with grandparents etc.

A child who was previously below three/ twelve years of age but has completed three/ twelve at the time of the return journey;

A child legally adopted by an employee while staying in the home town.

Note: A child who was below twelve at the time of the outward journey but has completed twelve at the time of return journey shall be entitled to half-fare for the outward journey and full fare for the return-journey.

In case of husband and wife who are both employees, he or she can avail of the travel concession as a family member of the employees." This condition is applied only when the wife or husband is residing with the employee. If for any reason, they are residing separately they can claim the concession independently as two separate employees according to his/her own entitlements"(G.S.R-232(E) dated 16.3.1979.)

Where an employee and his family performs journeys separately, there is no objection to his presenting separate claims.

" LTC facility could be allowed for an escort who accompanies a handicapped employee on the journey subject to the following conditions:-

(i) Prior approval of the Chairman is obtained on each occasion.

(ii)The nature of physical disability of an employee is such as to necessitate an escort for the journey. In case of doubt the decision of the Chairman will be final.

(iii) The physically handicapped employee does not have an adult family member.

(iv) An employee and the escort avail of the concession if any, in the rail/bus fare as might be extended by Railways/State Roadways authorities in such cases.

(v) Any other person who is entitled to L.T.C. does not accompany the handicapped employee on the Journey".

Explanatory Memorandum. The amendment of Regulation No.8 will not affect the interests of any of the employees of the Port.

Home town :- (1) The correct test to determine whether a place declared by an employee may be accepted as his home town or not is to check whether it is the place where the employee would normally reside but for his absence from such a station for service under the Board. The criteria mentioned below may, therefore, be applied to determine whether the declaration may be accepted:

(a) whether the place declared by the employee is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and if so whether after his entry into service, the employee had been visiting that place frequently;

(b) whether the employee owns residential property in that place or whether he is a member of a joint family having such property there;

(c) whether his near relations are permanently residing in that place;

(d) whether prior to his entry into Board's service, the employee had been living there for some years.

Note 1 :- The criteria, one after the other, need be applied only in cases where the immediately preceding criterion is not satisfied.

Note 2 :- Where property is owned in more than one place the employee may choose any/one place, giving reasons for the choice, but the decision of the Controlling Officer whether or not to accept such a place as the home town of the employee shall be final.

Note 3 :- where the presence of near relation at a particular place is to be the determining criterion for the acceptance of the declaration of home town, the presence of near relations should be a more or less of permanent nature.

Where the husband and wife are both employees, they shall be treated as a single family unit and shall declare only one place to be their home town which shall be the same place for both of them. In making the declaration it is open to them to choose the home town of the parents of the husband, or the home town of the parents of the wife, or an entirely different place to be their home town, as may fit in with their traditions and personal needs. But having once declared a place to be their home town, that place shall be treated, as their joint home town for all times.

(i) The declaration shall in every case to be made to the authority who had been declared to be the Controlling Officer in respect of the employee for traveling allowance claims. Persons who enter the Board's service in future shall make such a declaration before the expiry of six months from the date of entry in service. No particular form of declaration has been prescribed.

An officer who is his own Controlling Officer for purposes of traveling allowance shall make the initial or any subsequent declaration of his home town to his next superior administrative authority for acceptance.

The declaration is subject to the acceptance of the Controlling Officer who shall satisfy himself about the correctness thereof after calling for such evidence as he may consider necessary.

The declaration shall be kept on the service book.

It is necessary to have an elaborate check on the declaration of home town by an employee. The declaration made by an employee initially may be accepted and detailed check may be applied only when he seeks a change.

The declaration of home town once made shall ordinarily be treated as final. In exceptional circumstances, the Heads of the Departments or if the employee himself is the Head of Department, the administrative Ministry may authorise a change in such declaration provided that such a change shall not be made more than once during the service of an employee.

If an employee's home town is outside India, the concession is admissible upto the Indian Railway Station or Port nearest to his home town.

alculation of claim : (1) The fare for the initial 400 kilometers (and in the case of Class IV employees 160 kilometers of a journey which is the liability of the employee shall be the fare as shown in Railway Fare Table. (i.e. The fare which the Railways should have charged if the journey were only for 400/160 kilometers), and not calculated as a proportion of the fare for the total distance traveled i.e. not the telescopic rate basis)

(1) An Employee or his family may travel by any route or halt any-where on the way to or from the home town, but the Board's assistance shall be limited to their share of the fare by the shortest route calculated on a through ticket basis.

(2) Where the shortest route by which the journey is required to be performed is disrupted due to accident's or other causes, the Controlling Officer may allow reimbursement of fare for the actual route travelled.

(3) In every case the journey should be to the home and back, but it need not necessarily commence from or end at the headquarters of the employee either in his own case or in the case of the family. But the assistance admissible shall be the amount admissible for the actual distance travelled, limited to the amount that would have been admissible and the journey been performed between the headquarters and the home town of the employee.

(i) when the journey is performed by a longer route which is not the cheapest in two different classes beyond the initial distance,

(ii) (a)" If the journey or a part there of is made by road, Board's assistance shall be on the basis of the railway fare by the authorised class or on the basis of the actual expenses whichever is less.

Note: The journey performed by road will be admissible only if the journeys were performed in, the vehicles operated by Tourism Development Corporations in Public Sector, State Transport Corporations and Transport services run by other Government or local bodies operating as regular transport service from point to point at regular intervals at fixed fare rates with the approval of transport authorities. Travel by private buses operating as regular service from point to point at regular intervals on fixed fare rates, with the approval of Regional Transport Authority State Government concerned will also be admissible. Leave Travel Concession shall not be admissible for journey by a Private Car (Owned, borrowed, or hired) or a bus or a train or van or other vehicle owned or operated on charter by private operators. An employee or his family members may avail themselves of tours, which are wholly operated and conducted by the I.T.D.C. State Tourism Development Corporations either by their own buses or buses taken on hire from outside. But it should be clearly certified by the I.T.D.C/ State Tourism Development Corporation that such tours are actually conducted operated by them, and not by any private party person.

(b) where an employee and/or his family travels by road between two points connected by rail by private car, the cost of propulsion being met by the employee himself, Board's assistance admissible shall be equivalent to what should have been admissible had the

journey been performed by rail by entitled class. In such cases, no scrutiny of actual expenses incurred for the journeys by car shall be made in the case of officers who are their own Controlling Officers, a certificate by them to the effect that they and or the members of their family travelled by private car may be accepted as adequate. In other cases reimbursement shall be allowed provided the Controlling Officer is satisfied that the journeys were actually performed by private car.

(4)(i)(a) where a recognised public transport system exists, the Board's assistance is the fares actually charged by such a system for the appropriate class of accommodation of the transport system.

Note : Appropriate class means as follows:-

(i) Officers entitled to

travel by I Class on rail: By any type of bus including super deluxe express

etc. but excluding air conditional deluxe bus.

(ii) Other Officers: By Ordinary/Express bus.

(iii) In regard to places in territory of India connected by shipping services, the entitlement of an employee to travel by ship will be regulated as in the case of journeys by ship undertaken on transfer."

(iv) For travel between places not connected by any other means of transport, an employee can avail of animal transport like pony, elephant, camel, etc. In such cases, mileage allowance will be admissible at the same rate as for journeys on transfer.

(b) Where the recognised public transport system does not exist, the Board's assistance shall be regulated as in the case of journeys undertaken on transfer."

(5) There is no objection to an employee or his family members availing themselves of concessional circular tour tickets offered by the authorities in conjunction with the leave travel concessions. It shall also be permissible while utilising such a concessional ticket, to travel in any class. Higher or lower than the entitled one and the reimbursement allowed as per note here under.

Note : In such cases also the employee shall be entitled to reimbursement of the fare for the entitled / lower class actually used by the shortest route under these scheme to visit any place in India. If an employee perform his the journey by purchasing a circular tour ticket, his claim will be regulated as between the headquarters and the declared place of visit/Home Town by the shortest direct route by the class of accommodation for which the ticket was actually purchased or entitled class whichever is less.

(6) For journeys to Port Blair under leave travel concession, the journey up to the Port of embarkation shall be regulated as usual. From the Port of embarkation to Port Blair the employee shall be entitled to the cost of sea passage by the entitled class which is given below:-

First Grade : Highest class

Second Grade : If there be only two classes, the higher class. If there are more than two classes, the middle or second class.

Third Grade : If there be two classes only the lower class, if there be three classes, middle or second class, if there are four classes, third class.

Fourth Grade : Lowest class.

(7) Concessions by the railway authorities e.g(seasonal concession, student's concession, return ticket etc.) may be availed in conjunction with the leave travel concession. In such a case the fare for the initial distance at either end shall be calculated proportionately on the basis of the concessional fare charged by the Railway, and this amount then deducted from the total fare actually paid. The amount of reimbursement to the employee shall then be the balance.

Class of accommodation - (i) For the purpose of travel concession during leave, the grade is decided by his status on the date of the journey itself.

If he travels in a higher class, than that to which he is entitled, Board's assistance shall be restricted to the fare of the appropriate class

If he travels by lower class the assistance shall be based on the lower class fare actually paid.

An employee may travel in a lower or higher class , but the Board's assistance shall be limited to the fare of the accommodation of the entitled class and/or the lower class to the extent actually used.

The concession shall be admissible to the family on the scale admissible to the husband or the wife, and not both.

" Journey by train under leave travel concession entitlement of grade to different classes of accommodation shall be as under:-

1. Grade I & II- Second class air conditioned two tier sleeper/first class.
2. Grade III-- First class/Air conditioned Chair Car.
3. Grade IV—Second Class Sleeper.

NOTE: The quantum of pay for each grade is as decided by the Board from time to time

There is no objection to an employee performing journeys by Rajdhani Express, but the reimbursement shall be limited to what should have been reimbursable had he travelled by the class of accommodation to which he is entitled for such journeys by any other train.

## **(12) Combination of leave travel concession with transfer on tour**

An employee travelling from old headquarters to home town and to new headquarters shall be eligible for minimum entitlement of transfer travelling allowance under SR 124 or SR 126 as the case may be, and in addition the concession under these regulations to the extent of  $(X+Y)-(Z)$ 0 kilo meters (where X is the distance from old headquarters to home town, Y is distance from home town to new headquarters and Z is the distance for which transfer travelling allowance is admissible). If the distance for which the concession as admissible above is negligible it is open to the employee not to avail of the concession



without prejudice to his title for the concession later subject to usual conditions. In such a case the advance, if any, taken should be adjusted in his transfer T.A. Bill.

(a) From tour station to home town and back to headquarters:

An employee is eligible for (i) travelling allowance as on tour for the journey from headquarters to the tour station and (ii) leave travel concession for the journey from tour station to home town and back to headquarters deeming the tour station as the starting point for the onward journey – the concession being limited to journey from headquarters to home town and back.

(b) An employee is eligible for leave travel concession from headquarters to home town and T.A. As on tour from home town to tour station and back to headquarters.

### **(13) "Forfeiture of claim**

Where no advance is drawn by the employee the right of an employee for reimbursement of leave travel concession claim stands forfeited or deemed to have been relinquished, if the claim is not preferred within three months of the date of completion of the return journey.

If an advance has been drawn the final bill should be preferred within one month of the completion of return journey. If that is not done, the employee will be required to refund the entire advance for that in one lump sum. No request for recovery of the advance in instalments shall be entertained." Simple interest at 10% on the outstanding advances either in whole or in part thereof will be charges from the date of drawal of advance till the date of remittance.

### **(14) Grant of advances**

(1) Advances are granted to employees to enable them to avail themselves of the concession. The amount of such advance in each case shall be limited to 90% of the estimated amount which Board would have to reimburse in respect of the cost of the journey both ways.

If the family travels separately from the employee, the advance may also be drawn separately to the extent admissible.

The advance may be drawn both for the forward and return journeys at the time of commencement of the forward journey. Provided the period of leave taken by the employee or the period of anticipated absence of the members of the family does not exceed three months or 90 days. If this limit is exceeded, then the advance may be drawn for the outward journey only.

If the limit of 3 months or 90 days is exceeded after the advance had already been drawn for both the journeys. One half of the advance shall be refunded to Board forth with.

Advances to temporary employees are sanctioned subject to production of surety of a permanent employee.

Advances may be sanctioned by the head of office. Officers who are their own Controlling Officers may sanction such advances for themselves.

The account of the advance drawn under this scheme shall be rendered after completion of the journeys in the same way as for an advance of T.A. on tour.

The advance shall be refunded in full if the outward journey is not commenced within 30 days of the grant of advance. In case of journeys by rail, advance can be drawn sixty days before the proposed date of outward journey. In all cases, the employee should produce railway or bus tickets /cash receipts within ten days of drawal of the advance.

The T.A. claims in adjustment of the advance shall be prepared within one month of the completion of the return journey.

Separate advances for different batches may be adjusted by separate claims. A consolidated advance shall however, be adjusted in single bill.

In the case of an officer on deputation who avails of L.T.C, immediately on reversion but before joining his parent office, the borrowing department may grant the advance in consultation with the lending department and endorse a copy of the order to the lending department to enable them to watch the adjustment of the advance.

#### **(15) Fraudulent claim of L.T.C.**

(i) If the conditions laid down in the sanction of advance are not complied with or if the rules for granted advances for leave travel concession have been violated, the Head of Department will have powers to charge penal interest at a rate of 2-1/2% above the rate of interest.

(ii) (1) whenever a case of fraudulent claim of leave travel concession comes to notice and the competent disciplinary authority arrives at a conclusion that there is a prima-facie case for initiating disciplinary proceedings against the employee for this misconduct, the claim for the leave travel concession shall be with-held and the employee shall not be allowed further, this facility till finalisation of the proceedings.

(iii) If the employee is fully exonerated of the charges of misuse of leave travel concession, he will be allowed to avail of the leave travel concession with-held earlier as additional set (s) of the leave travel concession in future blocks of years but before his normal date of superannuation.

(iv) If the employee is not fully exonerated of the charges of misuse of the leave travel concession he shall not be allowed the next two sets of leave travel concession in addition to the sets of leave travel concession already with hold during the pendency of the disciplinary proceedings. If the nature of the misuse is grave, the competent authority may disallow more than two sets of leave travel concession. Such disallowance shall be without prejudice to the punishment for any proved misconduct in the disciplinary proceedings.

Explanation: For the purpose of this regulation, leave travel concession to home town and leave travel concession to any place in India shall constitute two sets of the leave travel concession.

## **(16) Nature of leave**

(1) The concession shall be admissible for journeys performed by the employee during regular leave or casual leave, special casual leave or vacation irrespective of their duration. This concession can be availed of during maternity leave and during leave preparatory to retirement provided the return journey is completed before the expiry of leave. This concession will also be admissible to the employees while on study leave but the claims are to be regulated as under:

(a) For Self: An employee can avail leave travel concession from the place of study leave to any place in India/home town subject to the condition that the reimbursement of fare should be restricted to the fare admissible for travel between his headquarters station to any place in India/Home town or actual expenditure, whichever is less.

(b) For the family members: When the family members are staying with the employees at the place of his study leave, the reimbursement will be as indicated at (a) above. When not staying at the place of study leave reimbursement will be as under the normal terms and conditions of the leave travel concession scheme.

Note: The concession is not admissible to an employee who proceeds on leave but resigns his post without returning to duty.

(2) The concession to visit home town in a block of two years and to any place in India once in four years will be allowed both ways during leave preparatory to retirement provided that the return journey is completed before the expiry of leave preparatory to retirement.

(3) An employee or his family members or both shall be entitled to the concession irrespective of the actual period of stay in his home town.

## **(17) Record of assistance**

A record of all assistance granted under these regulations shall be suitably maintained. The record shall be in the form of entries in the service book or other appropriate records and should indicate the date or dates of the journey or journeys to the home town commenced. The authority responsible for the maintenance of the service record shall ensure that on every occasion an employee avails of the travel concession the fact is recorded in the service records under proper attestation.

## **(18) Certificate to be given by the controlling Officer – Certified**

(i) that Shri/Shrimati/Kumari (Name of the employee)----- has rendered continuous service for one year or more on the date of commencing the outward journey.

(ii) that necessary entries have been made in the service book of Shri/Shrimati/Kumari -----  
----- (signature and designation of the Controlling Officer).

**(19) Certificates to be given by the employee.- Certified that**

(1) I have not submitted any other claim so far for leave travel concession in respect of myself or my family members in respect of the block of the years 19 -----

(2) I have already drawn T.A, for the leave travel concession in respect of a journey performed by me/my wife with----- children. This claim is in respect of the journey performed by my wife/myself with ----- children none of whom travelled with the party on the earlier occasion.

(3) I have not already drawn T.A, for the leave travel concession in respect of a journey performed by me/my wife with -----children/-----children in respect of the block of two/four years 19-----and 19 ----- . This claim is in respect of the journey performed by my wife/myself with - ----- children/-----children none of whom availed of the concession relating to that block.

(4) I have already drawn T.A., for the leave travel concession in respect of a journey performed by me in the year 19 ----- in respect of block of two years/four years 19 ----- and 19 ----- . This claim is in respect of the journey performed by me in the year 19----- . This is against the concession admissible once every year in a prescribed block for visiting home town as all the members of my family are living away from my place of work.

(5) The journey has been performed by me/my wife with ----- children/-----children to the declared home town viz-----

(6) That my husband/wife is not employed in Board's service/That my husband/wife is employed in Board's service and the concession has not been availed of by him/her separately for himself/herself or for any of the family members for the concerned block of two years/four years.

Signature of employee

**(20) Obligatory evidence**

(1) The employee shall inform the Chairman or Deputy Chairman, in writing, before journeys for which assistance under these regulations is claimed, are undertaken, He shall also produce evidence of his having actually performed the journey, for example, serial numbers of railway tickets, cash receipts etc.

(2) As regards the satisfaction of the Chairman/Deputy Chairman regarding the genuineness of the claim in the absence of cash receipts, the Chairman/Deputy Chairman can satisfy himself by verifying the claim with reference to the evidence actually produced by the employee in support of his claim. If the Chairman/Deputy Chairman has any reason to doubt the genuineness of the evidence produced by the employee in support of his claim he can ask the employee to produce such other evidence, as may be considered necessary to substantiate his claim. If the Chairman/Deputy Chairman is still not satisfied about the genuineness of the claim, it is open to him to reject it.

(3) An employee has to certify about the journey having been performed by the class of accommodation/mode of conveyance for which the claim has been preferred. If his certificate is found to be false in any particular case, the employee concerned can be proceeded against departmentally. A full

probe can also be made wherever necessary by the Chairman/Deputy Chairman to satisfy himself about the genuineness of the claim. If the claim is found to be false, disciplinary action can be taken against the employee concerned.

(4) Relaxation in a minor nature, viz. In respect of non-production of serial number, failure to give prior intimation to the Chairman or Deputy Chairman before the journeys are undertaken, by the employee or their family or their family or both.

(5) Whenever the shortest route by which the journey is required to be performed is disrupted due to accidents or other cause, the power to grant reimbursement by the actual route travelled may be exercised by Chairman".

### **(21) Interpretation**

In all cases of doubt regarding the applicability of these regulations to an employee or their interpretation, the matter shall be referred to the Central Government for decision.(G.S.R-232(E) dated 16.3.1979)

**TUTICORIN PORT TRUST EMPLOYEES (RETIREMENT) REGULATIONS, 1979 (Published in the Gazette of India, dated 16.3.1979)**

In exercise of the powers conferred by Section 126, read with Section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following first regulations, namely:-

**1. Short title and application**

- (1) These regulations may be called the Tuticorin Port Trust Employees (Retirement) Regulations, 1979.
- (2) They shall apply to all categories of employees of the Board and Shore Labour Establishment.

**2. Definitions**

In these regulations unless the context otherwise requires:-

- (a) "Board" and "Chairman" shall have the same meanings respectively assigned to them under the Major Port Trusts Act, 1963;
- (b) "Classes I, II, III and IV Services" shall have the meaning respectively assigned to them in the Tuticorin Port Trust Employees (Classification, Control and Appeal) Regulations, 1979.

**3. Age of Retirement**

Except as otherwise provided specifically, every employee of the Board shall retire from the services of the Board on the afternoon of the last day of the month in which he/she attains the age of 58 years.

(a) Provided that an employee of the Board whose date of birth is the 1st day of the month, shall retire from the services of the Board on the afternoon of the last day of the preceding month, on attaining the age of 58 years.

(b) Provided that the Class IV employees of the Board, who entered service prior to the commencement of these regulations, shall retire on superannuation on the afternoon of the last day of the month in which they attain the age 60 years.

( c) Provided that a Class IV employee of the Board, who entered service prior to the commencement of these regulations and whose date of birth is the 1st day of the month, shall retire from the services of the Board on the afternoon of the last day of the preceding month, on attaining the age of 60 years.

**4. Re-employment after retirement**

No employee of the Board shall be granted extension of service beyond the age of retirement.

## **5. Compulsory retirement before the age of superannuation**

Notwithstanding anything contained in these regulations, the Chairman shall, if he is of the opinion that it is in the Board's interest to do so, have the absolute right to retire any employee at any time by giving him notice of not less than three months in writing or by giving three months pay and allowances in lieu of such notice:-

(a) after the employee has attained the age of-

(i) fifty years in the case of an employee in Class I and Class II service who had entered the Board's service before attaining the age 35 years;

(ii) fifty five years in other cases; or

(b) after he has completed:-

(i) 30 years of qualifying service in respect of an employee who is governed by the Central Civil Services (Pension) Rules, 1972, which are being adapted by the Tuticorin Port Trust (Adaptation of Rules) Regulations, 1979; or

(ii) 30 years of service in respect of an employee who is not governed by the Central Civil Services (Pension) Rules, 1972, which are being adapted by the Tuticorin Port Trust (Adaptation of Rules) Regulations, 1979.

Note: To determine the retention of an employee in service beyond the age/service prescribed, as the case may be, shall be in the interest of the Board, reviews will be made in accordance with the procedure laid down by the Chairman from time to time.

## **6. Voluntary retirement before the age of superannuation**

An employee of the Board may, by giving notice of not less than three months in writing, retire from the service of the Board:-

(a) after he has attained the age of,

(i) fifty years in the case of an employee in Class I and Class II service who had entered the Board's service before attaining the age 35 years; or

(ii) fifty five years in other cases; or

(b) after he has completed,

(i) 20 years of qualifying service in respect of an employee who is governed by the Central Civil Services (Pension) Rules, 1972, which are being adapted by the Tuticorin Port Trust (Adaptation of Rules) Regulations, 1979; or

(ii) 20 years of service in respect of an employee who is not governed by the Central Civil Services (Pension) Rules, 1972, which are being adapted by the Tuticorin Port Trust (Adaptation of Rules) Regulations, 1979;

(iii) 20 years of continuous temporary service in respect of an employee who is not employed in a substantive capacity.

Note:- (i) It shall be open to the Chairman to withhold permission to an employee who is under suspension and who seeks to retire under this regulation.

(ii) 3 months' notice referred to in regulation 5 and 6 above may be given before the employee attains the age or before he completes the number of years of service specified therein:

Provided that the actual retirement takes place after he has attained the age or has completed the prescribed number of years of service as the case may be.

(iii) While granting pension to an employee retiring voluntarily under sub clause (i) and (iii) of clause (b) of Regulation-6, weightage upto 5 years shall be given as an addition to the qualifying service actually rendered by him. The grant of weightage upto 5 years shall, however, be subject to the following conditions.

## **7. Conditions for granting pension**

The total qualifying service after allowing the weightage should not, in any event, exceed 33 years qualifying service, and it does not take him beyond the date of superannuation.

FOOT NOTE: The Tuticorin Port Trust Employees (Retirement) Regulations, 1979 were published vide GSR 104 (E) of the Gazette of India, Extraordinary dated the 1st March, 1979 and subsequently amended vide:-

(i) GSR 78 (E), dated the 3rd February, 1987.

(ii) GSR 328 (E), dated the 7th March, 1988.

(iii) GSR 549 (E), dated the 10th June, 1988.

(iv) GSR 279 (E), dated the 29th May, 1998.

(v) GSR 531 (E), dated the 8th June, 2000.



**TUTICORIN PORT EMPLOYEES (RECRUITMENT, SENIORITY AND PROMOTION)  
REGULATIONS, 1979 (Published in the Gazette of India, dated 16.3.1979)**

In exercise of the powers conferred by Section 126, read with Section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following first regulations, namely:-

**1. Short title and commencement**

(1) These regulations may be called the Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1979.

(2) They shall come into force on the first day of April, 1979.

**2. Application**

They apply to all posts under the Board, except those covered by clause (a) of sub-section (1) of Section 24 of the Act.

**3. Definitions**

In these regulations, unless the context otherwise requires:-

(a) "Act" means the Major Port Trusts Act, 1963 (38 of 1963);

(b) "appointing authority" in relation to any grade or post means the authority empowered under the Tuticorin Port Employees (Classification, Control and Appeal) Regulations, 1979, to make appointment to that grade or post;

(c) "Board", "Chairman", "Deputy Chairman" and "Head of Department" shall have meanings respectively assigned to them under the Act;

(d) "cadre" means the strength of a service, or a part of a service sanctioned as a separate unit, consisting of posts or categories of posts the incumbents of which are eligible to be considered for transfer or for promotion by seniority-cum-fitness or seniority-cum-merit when vacancies in higher post occur in the same service or part of the service;

(e) "Class I Posts", "Class II Posts", "Class III Posts", and "Class IV Posts" shall have the same meanings as assigned to them in the Tuticorin Port Employees (Classification, Control and Appeal) Regulations, 1979;

(f) "Departmental Promotion Committee" means a Committee constituted from time to time under Regulation 29 for the purpose of making recommendation for promotion or confirmation in any grade or post;

- (g) "direct recruit" means a person recruited on the basis of a competitive examination or interview or both by the Services Selection Committee;
- (h) "duty post" means any post of a particular type whether permanent or temporary;
- (i) "employee" means an employee of the Board;
- (j) "grade" means any of the grades specified in the Schedule of Board's staff prepared and sanctioned under Section 23 of the Act;
- (k) "permanent employee" in relation to any grade or post means any employee who has been substantially appointed to a permanent vacancy in that grade or post;
- (l) "Schedule" means the Schedule appended to these Regulations;
- (m) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings assigned to them in clauses (24) and (26) of Article 366 of Constitution of India;
- (n) "Select list" in relation to any grade or post means the select list prepared in accordance with Regulation 30 for that grade or post;
- (o) "selection post" means a post declared as such under Regulation 7 of these Regulations;
- (p) "Services Selection Committee" means the committee constituted under Regulation 16 for the selection of candidates by means of all competitive examination or interview or both for appointment to posts reserved for direct recruitment;
- (q) "temporary employee" in relation to any grade or post means an employee holding a temporary or officiating appointment in that grade or post.

#### **4. Gradation list of employees**

A gradation list indicating the respective seniority of the employees shall be maintained for each grade. The list shall indicate separately the permanent and temporary employees.

#### **5. Authorised permanent and temporary strength**

The authorised permanent and temporary strength of the various grades shall be as in the Schedule of staff prepared and sanctioned from time to time under Section 23 of the Act.

#### **6. Appointments**

All appointments to posts to which these regulations apply shall be made in accordance with the provisions of these regulations. Appointments may be made either by promotion or transfer of employees or by direct recruitment.

## **7. Method of recruitment**

The method of recruitment, the qualifications in respect of age, education, training, requirements of minimum experience, essential and/or desirable, classification of posts as selection posts or non selection posts and other matters connected with the appointments to various posts shall be as shown in the Schedule annexed to this Regulations.

Provided that the prescribed upper age limits may be relaxed:-

(i) by the Chairman upto 5 years where the minimum experience prescribed is 10 years or more and upto 3 years where the minimum experience prescribed is 5 to 9 years; if there is shortage of suitable candidates or if the selected candidate is educationally more highly qualified than required under the Regulations.

Provided further that the orders issued by the Central Government from time to time for relaxation of the age limits and other concessions in favour of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Ex-Servicemen, Dependents of those killed in action, Physically Handicapped persons and other special categories of persons shall apply mutatis-mutandis to all appointments covered by these Regulations.

Provided further that the prescribed lower age limit and educational and other qualifications may, for good and sufficient reasons, to be recorded in writing, be relaxed by the Chairman, if a candidate is otherwise found suitable and well qualified;

Provided also that the qualifications regarding experience is relaxable at the discretion of the Chairman in the case of candidates belonging to the Scheduled Castes and the Scheduled Tribes if at any stage of selection the Chairman is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

## **8. Probation**

(1) Every person appointed to a post specified in column 2 of the Schedule, whether by direct recruitment or by promotion or transfer shall, subject to the provisions of sub-regulations (2) and (3), be on probation for the period specified against that post in that schedule;

Provided that where the appointment itself is for a period specified in the appointment order, such appointment shall stand terminated on the expiry of such period, unless such period is extended by the appointing authority.

(2) The period of probation may, if the appointing authority deems fit, be extended for a specific period at a time, but the total period of such extension shall not, save where any extension is necessary by reason of any departmental or legal proceedings pending against the employee, exceed one year.

Provided that an employee may prefer an appeal against on order of extension of probation to the authority immediately superior to the appointing authority.

(3) During the period of his probation, an employee may be required to undergo such departmental training and pass such departmental tests as the Chairman may, from time to time, specify in this behalf.

## **9. Confirmation of employees on probation**

- (i) When an employee appointed on probation to any entry grade or post has passed the specified departmental tests and has completed his probation to the satisfaction of the appointing authority, he shall be eligible for confirmation in that grade or post;
- (ii) Until an employee on probation is confirmed under this regulation or is discharged or reverted under Regulation 10, he shall continue to have the status of an employee on probation;
- (iii) In case of promotion, where specific period of probation, is prescribed, the employee shall be required to complete the period of probation satisfactorily.

## **10. Discharge or reversion of employees on probation**

(1) An employee on probation who has no lien on any posts shall be liable to be discharged from service at any time without notice if:-

- (a) on the basis of his performance or conduct during the period of probation, he is considered unfit for further retention in service; or
- (b) on the receipt of any information relating to his nationality, age, health, education and other qualifications or antecedents, the appointing authority is satisfied that he is ineligible or otherwise unfit for being continued in service.

(2) An employee on probation who holds a lien on a post may be reverted to such post at any time in any of the circumstances specified in sub-regulation (1).

(3) An employee on probation who is not considered suitable for confirmation at the end of the period of probation prescribed in regulation 8, shall be discharged or reverted in accordance with sub-regulation (1) or sub-regulation (2), as the case may be.

## **11. Seniority**

(1) Permanent employees: - The seniority inter-se of personnel substantively appointed in a grade or post shall be regulated by the order in which they are so appointed.

(2) Temporary employees:- The seniority of persons directly recruited to a grade and persons appointed on the basis of departmental promotion shall be assigned seniority inter-se according to rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies in the grade reserved for direct recruitment and promotion.

(3) Direct recruits shall be ranked inter-se in the order of merit in which they are placed at the examination or interview on the results of which they are recruited, the recruits of an earlier examination or interview being ranked senior to those of a later examination or interview.

(4) Persons appointed against promotion quota of vacancies shall be ranked inter-se according to the order in which they are approved for promotion by the Departmental Promotion Committee.

(5) Notwithstanding anything contained in sub-regulations (1) to (4) above the seniority already determined prior to the commencement of these regulations shall remain unaffected.

## **12. Maintenance of roster**

A roster shall be maintained by the Head of Department for each grade in his Department to show whether a particular vacancy should be filled by direct recruitment or promotion. However, in respect of common cadres, the Secretary shall maintain the roster.

## **13. Reservation**

Orders issued by the Central Government from time to time for the reservation of appointments whether by direct recruitment or promotion to posts under it in favour of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Ex-Servicemen, Dependents of those killed in action, Physically Handicapped persons and other special categories of persons shall apply mutatis mutandis to appointments covered by these Regulations.

## **14. Application for direct recruitment**

(1) A candidate for appointment by direct recruitment shall apply before such date in such form and in such manner as may from time to time be prescribed by the Chairman. He shall also submit proof of his age, qualifications or experience, as the Chairman may require.

(2) The crucial date for determining age limit shall in each case be the date for receipt of application in India.

## **15. Eligibility and disqualification for direct recruitment**

(1) In order to be eligible for direct recruitment to any grade or post, a candidate must be:-

(a) a citizen of India; or

(b) a subject of Nepal; or

(c) a subject of Bhutan; or

(d) a Tibetan or refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India; or

(e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or the East African countries of Kenya, Uganda or the United Republic of Tanzania (formerly Tanganika and Zanzibar) with the intention of permanently settling in India;

Provided that a candidate belonging to category (a) shall produce such proof of his nationality, as the Chairman may from time to time require;

Provided further that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India:

Provided also that a candidate in whose case the proof of nationality or a certificate of eligibility is necessary may be provisionally appointed, pending the production by him of the necessary proof or the issue of the necessary certificate in his favour by the Central Government, as the case may be.

(2) No person:

(a) who has entered into or contracted a marriage with person having a spouse living, or

(b) who having a spouse living has entered into or contracted a marriage with any person;

shall be eligible for appointment to any grade or post to which these regulations apply:

Provided that the Chairman may, if satisfied, that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of the sub-regulation.

(3) A candidate must satisfy the appointing authority that his character and antecedents are such as to make him suitable for appointment to any grade or post. No candidate who has been convicted by a court of law for an offence involving moral turpitude or who has been adjudged as an insolvent shall be eligible for appointment to the Board's service.

(4) If any question arises whether a candidate does or does not satisfy all or any other requirements of this regulation, the same shall be decided by the Chairman.

(5) The Chairman may, with the prior approval of the Central Government, modify or waive any of the requirements of sub-regulation (1) when an appointment for work of a special nature is to be made and it is not practicable to obtain a suitable candidate who fulfills the requirements of these regulations.

(6) Physical fitness of candidate:- A candidate shall be in good mental and bodily health and free from any physical defects likely to interfere with the discharge of his duties as an employee of the Board. A candidate who, after such medical examination as the Chairman may specify is found not to satisfy those requirements will not be appointed.

## **16. Services Selection Committee**

(1) There shall be a Services Selection Committee for each category of posts, as mentioned in sub-regulation (2), and the main functions of such Committee shall be to advise and assist the appointing authority in the matter of making selection of candidates for appointment to different posts by direct recruitment.

(2) The category of posts and the Services Selection Committee therefore referred to in sub-regulation (1) shall be the following namely:-

(a) For Class I and Class II posts:

CHAIRMAN:

Chairman or Deputy Chairman as may be decided by the Chairman.

MEMBERS:

- (i) Head of the Department in which the vacancy exists;
- (ii) Secretary;
- (iii) Another Head of Department or a senior officer nominated by the Chairman;
- (iv) An officer belonging to SC/ST/OBC nominated by the Chairman for representing the interests of SC/ST/OBC;
- (v) If so, directed by the Chairman, another person from outside the Tuticorin Port Trust, who in the opinion of the Chairman has the appropriate professional or technical background and experience for assisting the selection.

(b) For Class III posts:

CHAIRMAN:

Head of the Department who controls the cadre.

MEMBERS:

- (i) Two officers nominated by the Chairman/Deputy Chairman of the Board.
- (ii) An officer belonging to SC/ST/OBC/ Minority community for representing the interests of SC/ST/OBC/Minority community.

Provided that one of the members of the Services Selection Committee whether from the general category or from the minority community or from SC/ST/OBC shall be a lady officer failing which another lady officer shall be co-opted as one of the members in the Services Selection Committee.

(c) For Class IV Posts:

CHAIRMAN:

Head/Deputy Head of Department which controls the cadre as may be nominated by the Chairman/Deputy Chairman of the Board.

MEMBERS:

- (i) Two officers nominated by the Chairman/Deputy Chairman of the Board;

- (ii) An officer belonging to SC/ST/OBC/Minority community for representing the interests of SC/ST/OBC/Minority community.

Provided that one of the members of the Services Selection Committee whether from the general category or from the minority community or from SC/ST/OBC shall be a lady officer failing which another lady officer shall be co-opted as one of the members in the Services Selection Committee.

Note: As far as possible, the Head of the Department and the officers nominated as members of the Committee shall attend the meeting personally. If due to unavoidable reasons, they cannot attend a meeting personally the next senior officer in their respective Department shall attend the meeting with the prior approval of the Chairman/Deputy Chairman.

- (3) Notwithstanding anything contained in this regulation, it shall be open to the Chairman to engage a Consultant or a Firm of Consultants to advise and assist the appointing authority in the matter of making selection of candidates for appointment to different posts by direct recruitment.

#### **17. Manner of direct recruitment**

All appointments by direct recruitment shall be made by the appointing authority on the recommendations of the concerned Services Selection Committee, Consultant, or a Firm of Consultants, as the case may be.

Provided that it shall be open to the Chairman, for reasons to be recorded in writing, not to accept such recommendations in any particular case:

Provided further that where the appointing authority is an authority subordinate to the Chairman and that authority disagrees with such recommendation in any case, it shall record its reasons for such disagreement and submit the case to the Chairman who shall decide the same:

Provided also that in the case of vacancies of a purely temporary nature and leave vacancies, if a person recommended by the concerned Services Selection Committee, Consultant, or a Firm of Consultants, as the case may be, for inclusion in the waiting list referred to in Regulation 24 is not available, the Chairman, may at his discretion appoint suitable persons in such vacancies for a period not exceeding six months, subject to the conditions that:-

- (i) no candidate who has completed a total service of six months shall be re-appointed or continued, unless he is selected by the concerned Services Selection Committee, Consultant, or a Firm of Consultants, as the case may be; and
- (ii) the services of the person appointed on a purely temporary basis are terminated, as soon as a candidate selected by the concerned Services Selection Committee, Consultant, or a Firm of Consultants, as the case may be is available:

Provided also that in case of immediate necessity and when the waiting list is used up, a purely temporary appointment may be made by the Chairman or the Deputy Chairman pending selection by the appropriate Services Selection Committee, Consultant, or a Firm of Consultants, as the case may be.



- 17.** (A) The Marine Officers on their appointment to the categories of (1) Pilot, (2) Marine Engineer, (3) MOT Engineer I Class, and (4) Master Home Trade by direct recruitment shall entitle for the benefits of added service of 5 years for the purpose of computation of pensionary benefits on attaining their age of superannuation.

#### **18. Advertisement of the posts in certain cases**

Posts intended to be filled by direct recruitment shall be advertised, if it appears that the local Employment Exchange is not in a position to recommend names of suitable candidates.

Note:- Copies of the notifications and advertisements should also simultaneously be sent to (1) the Director General, Employment and Training, Ex-Servicemen Cells; New Delhi-1; and (2) such associations, etc., recognised by the Central Government as representative of the Scheduled Castes and Scheduled Tribes, as the case may be for purpose of orders relating to special representation in the services.

#### **19. Grant of higher starting pay or condonation of physical defects in certain cases**

The Services Selection Committee, Consultant, a Firm of Consultants, as the case may be, may, besides recommending candidates for appointment also recommend, in deserving cases the grant of a higher starting pay or condonation of any physical defects in respect of them.

#### **20. Canvassing support to be a disqualification**

Any endeavour on the part of a person or his relations or friends to canvass support by direct or indirect method for his application for appointment in the service of the Board or for promotion to a higher post shall disqualify him for the appointment or promotion.

#### **21. Suppression of facts**

Any candidate who is found to have knowingly furnished any particulars which are false or to have suppressed material information of a character, which if known, would ordinarily have debarred him from getting an appointment in the Board's service is liable to be disqualified and if appointed, to be dismissed from service.

## **22. Eligibility of existing employees for direct recruitment**

When the posts required to be filled by direct recruitment are advertised, employees already in service may also apply, provided that they possess the prescribed qualifications and experience.

## **23. Conduct of written or practical tests in certain cases**

The Chairman in the case of Class I posts, and the Chairman or the Deputy Chairman if appointed, in the case of other posts, may decide whether a written or a practical test or both should be held and also name the officer who should hold the said test and the manner in which the test should be held and other details thereof.

## **24. List of approved candidates for appointment**

The Services Selection Committee, Consultant, or a Firm of Consultants, as the case may be, may recommend, in the order of merit as adjudged by it, the names of the selected candidates to be kept on a waiting list for consideration for appointment to posts earmarked for direct recruits. Such a list may be deemed to be valid for a period of 12 months from the date on which the list is finalised. Such of the candidates on the waiting list as are likely to be offered appointments in appropriate vacancies within a reasonable period may be informed that their names have been kept on the waiting list for being observed in vacancies likely to arise in the near future.

## **25. Cancellation of appointment order**

If a candidate selected for the post earmarked for direct recruits fails to join duty within the date mentioned in the appointment order and where no such date is mentioned, within 30 days of the date of issue of the appointment order or within such extended period as the Chairman may fix, the appointment order shall be deemed to have been cancelled.

## **26. Payment of travelling allowance for attending interviews**

In the case of posts filled by direct recruitment all journeys which the candidates (including person already in the service of the Board) may have to perform for the purpose of written and practical tests or interview shall be at their own cost. However, candidates belonging to the Scheduled Castes or the Scheduled Tribes called for written and practical tests or interview may be granted travelling allowance in accordance with the Board's Orders issued from time to time in this behalf.

## **27. Employment of near relatives of deceased employees**

Notwithstanding anything contained in these regulations, the Chairman or the Deputy Chairman, if appointed, may dispense with the normal procedure of recruitment prescribed in these regulations and appoint the legitimate son or daughter or very near relative or the surviving spouse of an employee of

the Board who dies while in service, if the person to be so appointed possesses the prescribed qualifications and experience and is otherwise found suitable.

Note: The reasons for departing from the normal procedure of making appointments shall be recorded in writing while exercising the power under these regulations. The object of this provision is to render help to the family in indigent circumstances.

## **28. Part time appointment**

The Chairman may appoint any person or persons on a part time basis for a specific period, not exceeding two years at a time, and on such other terms as may be specified by him from time to time.

## **29. Departmental Promotion Committee**

(1) There shall be a Departmental Promotion Committee as mentioned in sub-regulation (2) for each category of posts for the different units of the Board the main functions of such Committee being to advise and assist the appointing authority in the matter of making selection of candidates for appointment to different posts by promotion in accordance with these regulations.

(2) The categories of posts and the composition of the Departmental Promotion Committee therefor referred to in sub regulation (1) shall be the following, namely:

(a) For Class I and Class II posts:

(i) Chairman;

(ii) Deputy Chairman;

(iii) Secretary;

(iv) Head of Department where the vacancy exists;

(v) An officer belonging to SC/ST/OBC nominated by the Chairman for representing the interests of SC/ST/OBC.

Note: The Chairman, or in his absence, the Deputy Chairman shall preside over the meeting of this Committee. If owing to unavoidable reasons, the Secretary is unable to attend, a senior officer from his Department may attend with the prior approval of the Chairman or the Deputy Chairman.

(b) For Class III posts:

CHAIRMAN:

Head of the Department who controls the cadre;

MEMBERS:

- (i) Two officers nominated by the Chairman/Deputy Chairman of the Board;
- (ii) An officer belonging to SC/ST/OBC for representing the interests of SC/ST/OBC.

(c) For Class IV posts:

CHAIRMAN:

Head/Deputy Head of Department which controls the cadre as may be nominated by the Chairman/Deputy Chairman of the Board.

MEMBERS:

- (i) Two officers nominated by the Chairman/Chairman of the Board.
- (ii) An officer belonging to SC/ST/OBC for representing the interests of SC/ST/OBC.

(3) Where the appointing authority does not agree with the recommendations of the Departmental Promotion Committee, such appointing authority should indicate the reasons for disagreeing and refer the entire matter to the Departmental Promotion Committee for reconsideration of its earlier recommendations. In case the Departmental Promotion Committee reiterates its earlier recommendations, giving also reasons in support thereof, the appointing authority may accept the recommendations, if the reasons adduced by the Departmental Promotion Committee are convincing. If that authority does not accept the recommendations of the Departmental Promotion Committee, it shall submit the papers to the next higher authority with its own recommendations. The decision of the next higher authority shall be final.

### **30. Field of selection for promotion**

(i) Where promotions are to be made by selection method, the field of selection for the purpose of determining the number of employees who shall be considered from out of those eligible employees in the feeder grade(s) with reference to the number of clear regular vacancies proposed to be filled in the year shall be as under:-

No. of vacancies	No. of employees to be considered
1	5
2	8
3	10
4	12

(5 and above Twice the number of vacancies + 4)

(ii) The following principles and procedures shall be observed for making promotion by selection method namely:-

(a) No employee shall be promoted to a higher post unless his record shows that he possesses the necessary positive qualifications for the higher post such as personality, educational qualification, initiative, strength of character and readiness to assume individual responsibilities.

(b) While making assessment of the Confidential Reports, the Departmental Promotion Committee shall consider Confidential Reports for equal number of years in respect of the employees considered for promotion.

(c) The Departmental Promotion Committee shall assess the suitability of the employees for promotion on the basis of their service records and with particular reference to the Confidential Reports of five years. In cases where required qualifying service is more than five years, the Departmental Promotion Committee shall see the record with particular reference to the Confidential Reports for the years equal to the required qualifying service. (If more than one Confidential Report has been written for a particular year, all the Confidential Reports for the relevant year shall be considered together as Confidential Report for one year).

(d) Where one or more Confidential Reports have not been written for any reasons during the relevant period, the Departmental Promotion Committee shall consider the Confidential Reports of the years preceding the period in question and if in any case even these are not available, the Departmental Promotion Committee, shall take into account the Confidential Reports of the lower grade into account to complete the number of Confidential Reports required to be considered as per (b) above. If this is also not possible all the available Confidential Reports shall be taken into account.

(e) Where an employee is officiating in the next higher grade and has earned Confidential Report in that grade, his Confidential Reports in that grade may be considered by the Departmental Promotion Committee in order to assess his work, conduct and performance but no extra weightage may be given merely on the ground that he has been officiating in the higher grade.

(f) The Departmental Promotion Committee should not be guided merely by the overall grading, if any, that may be recorded in the Confidential Reports, but should make its own assessment on the basis of the entries in the Confidential Reports, because it has been noticed that sometimes the overall grading in a Confidential Report may be inconsistent with the grading under various parameters or attributes.

(g) If the Reviewing Authority or the Accepting Authority, as the case may be, has overruled the Reporting Officer or the Reviewing Authority, as the case may be, the remarks of the latter authority shall be taken as the final remarks for the purposes of assessment provided it is apparent from the relevant entries that the higher authority has come to a different assessment consciously after due application of mind. If the remarks of the Reporting Officer, Reviewing Authority/Accepting Authority are complementary to each other and one does not have the effect of over-ruling the other, then the remarks should

be read together and the final assessment made by the Departmental Promotion Committee.

(h) After assessment of the merits of the candidate, and overall grading shall be given. The grading shall be one among (i) Outstanding, (ii) Very Good, (iii) Good, (iv) Average, (v) Unfit.

(i) Before making the overall grading after considering the Confidential Reports, for the relevant years, the Departmental Promotion Committee, shall take into account whether the Officer has been awarded any major or minor penalty or whether any displeasure of any superior officer or authority has been conveyed to him as reflected in the Annual Confidential Reports. The Departmental Promotion Committee shall also have regard to the remarks against the column on integrity.

(iii) (a) Taking into account the nature and importance of duties attached to the post, a 'bench-mark' grade shall be determined for each categories of posts for which promotions are to be made by selection method. For all Class III, Class II and Class I posts, equivalent to the level of Rs.3750-5920(Central Scale) excepting promotions for induction to Class I post or services from Class II or Class III posts, the 'bench-mark' shall be 'Good'. All employees whose overall grading is equal to or better than the 'bench-mark' shall be included in the panel for promotion to the extent of number of vacancies. They shall be arranged in the order of their inter-se seniority in the lower category without reference to overall grading obtained by each of them provided that each one of them has an overall grading equal to or better than the 'bench-mark' of 'Good'.

(b) Wherever promotions are made for induction to Class I posts or services from Class II or Class III posts, the 'bench-mark' shall be 'Good'. However, the employees graded as 'Outstanding' shall rank en-bloc senior to those who are graded as 'Very Good' and employees graded as 'Very Good' shall rank en-bloc senior to those who are graded as 'Good' and placed in a select panel accordingly upto the number of vacancies, employees with same grading maintaining their inter-se seniority in the feeder post.

(c) In respect of posts which are above the level of Central scale of Rs.3750-5920 the 'bench- mark' grade shall be 'Very Good'. However, employees who are graded as 'Outstanding' would rank en-bloc senior to those who are grades as 'Very Good' and placed in the 'Select List' accordingly upto the number of vacancies employees with the same grade maintaining their inter-se seniority in the feeder post.

(d) Promotions from the select list shall be made in the order of names appearing in the panel.

(e) If sufficient number of employees with the required 'Bench-mark' grade are not available within the zone of consideration, employees with the required 'bench-mark' shall be placed on the panel and for the unfilled vacancies, the appointing authority shall hold a fresh Departmental Promotion Committee by

considering the required number of employees beyond the original zone of consideration.

- (iv) (a) In Promotion by selection to posts/services within Class I, the Scheduled Caste/Scheduled Tribe Officers who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the 'Select List' has to be drawn up shall notwithstanding the prescription of 'bench-mark', be included in that 'Select List' provided they are not considered unfit for promotion.

(b) In promotion by selection from Class III post to Class II and from Class II to the lowest rung in Class I selection against vacancies reserved for Scheduled Castes/Scheduled Tribes shall be made only from those Scheduled Castes/Scheduled Tribes employees, who are within the normal zone of consideration. Where adequate number of Scheduled Castes and Scheduled Tribes are not available, within the normal field of selection, it may be extended to 5 times of the number of vacancies and the Scheduled Castes/Scheduled Tribes candidates (and not any others) coming within the extended field of selection, shall be considered against the vacancies reserved for them. Employees belonging to Scheduled Castes and Scheduled Tribe selected for promotion within the extended field of selection shall be placed en-bloc below other employees selected from normal field of selection. If candidates from Scheduled Castes and Scheduled Tribes with the required 'bench-mark' are not available to fill up vacancies reserved for such communities the required number of candidates from such community irrespective of the merit of the 'bench mark' but who are considered fit for promotion shall be selected.

(c) As regards promotions made by selection in Class III and Class IV posts/services, 'Select-List' of Scheduled Castes and Scheduled Tribes employees shall be drawn up separately in addition to the general 'Select List' to fill up the reserved vacancies. The Scheduled Caste/Scheduled Tribe employees who are within the normal zone of consideration should be considered for promotion alongwith and adjudged on the basis as others and those Scheduled Castes and Scheduled Tribes amongst them who are selected on that basis shall be included in the general 'Select List' in addition to their being considered for inclusion in the separate 'Select List' for Scheduled Castes and Scheduled Tribes respectively. In the separate 'Select List' drawn up respectively for Scheduled Castes and Scheduled Tribes employees belonging to Scheduled Castes and Scheduled Tribes will be adjudged separately amongst themselves and not alongwith other general candidates. They shall be included in the concerned separate 'Select List' irrespective of their merit as compared to other general candidates of the 'bench-mark'. If candidates from Scheduled Caste and Scheduled Tribe obtained on the basis of their position in the aforesaid general list are lesser in number than the vacancies which are reserved for them, the difference shall be made up by selected candidates of these communities in the separate 'Select-List' for Scheduled Castes and Scheduled Tribes respectively.

(v) Where for reasons beyond control, the Departmental Promotion Committee could not be held in a year(s) even though the vacancies arose during that year (or years), the first Departmental Promotion Committee that meets thereafter shall follow the following procedure:-

(a) Determine the actual number of regular vacancies that arose in each of the previous year(s) immediately preceding and the actual number of regular vacancies proposed to be filled in the current year separately.

(b) Consider in respect of each of the years those officers only who would be within the field of choice with reference to the vacancies of each year starting with the earliest year onwards.

(c) Prepare a 'Select List' by placing the 'Select List' of the earlier year above the one for the next year and so on.

(vi) Where a Departmental Promotion Committee had already been held in a year, and further vacancies arise during the same year due to death, resignation, voluntary retirement etc., or because the vacancies were not intimated to the Departmental Promotion Committee due to error or omission the following procedure shall be followed:-

(a) Vacancies, due to death, voluntary retirement, new creations, etc., clearly belong to the category which could not be foreseen at the time of placing facts and material before the Departmental Promotion Committee. In such cases, another meeting of the Departmental Promotion Committee shall be held for drawing up a panel for these vacancies as these vacancies could not be anticipated at the time of holding the earlier Departmental Promotion Committee. If for any reason, the Departmental Promotion Committee cannot meet for the second time, the procedure of drawing up of year-wise panels may be followed when it meets next for preparing panels in respect of vacancies that arise in subsequent year(s).

(b) In the second type of cases of non-reporting of vacancies due to error or omission (i.e. though the vacancies were there at the time of holding of Departmental Promotion Committee meeting they were not reported to it), it results in injustice to the officers concerned by artificially restricting the zone of consideration. The wrong done cannot be rectified by holding second Departmental Promotion Committee or preparing an year-wise panel. In all such cases, a review Departmental Promotion Committee shall be held keeping in mind the total vacancies of the year.

(vii) Where promotions are made on non-selection basis, the Departmental Promotion Committee need not make a comparative assessment of the records of the officers and shall categorise the officers as 'Fit' or not 'Not yet fit' for promotion on the basis of the assessment of record of service. The Officers categorised as 'Fit' shall be placed in the panel in the order of their seniority in the grade from which promotions are to be made.



### **31. Relaxation of qualifications in certain cases of promotion**

When a post is filled by promotion the Departmental Promotion Committee may subject to the approval of the Chairman relax the academic qualifications, if the candidate to be promoted is otherwise suitable and qualified by reason of adequate experience.

### **32. Ad-hoc appointments**

All appointments by promotion shall be made by the appointing authority in the order in which the employees are placed in the relative select list;

Provided that in case of immediate necessity and no suitable employee is available for promotion, the Chairman or the appointing authority with the Chairman's prior approval, may make a purely ad-hoc appointment for a period not exceeding six months, at a time and the total period of such ad-hoc appointment shall not exceed one year.

### **33. Departmental tests for confirmation, in certain cases**

The Chairman may specify, from time to time, the number of posts, confirmation in or promotion to which shall be subject to the passing of a qualifying departmental test. The Chairman may also specify, from time to time, the details of qualifying departmental test such as the procedure for holding the test, the syllabus for the test, the intervals at which the test shall be held, the maximum period within which the test shall be passed by the candidates, etc.

### **34. Reversion due to failure in departmental tests**

An employee promoted to a post shall pass such qualifying, departmental test, as may be specified by the Chairman from time to time, within such period, as may be specified by him, failing which the employee shall be reverted. When the passing of a test is specified as a condition precedent to promotion on a higher post, no employee shall be considered for promotion to such post, until he passes the prescribed test;

Provided that the Chairman may relax the condition for the passing such test for special reasons to be recorded in writing in any individual case.

### **35. Deputation**

Any employee may be permitted to serve on deputation or on foreign service under the control of the Central or a State Government, a local authority, a statutory undertaking or a Government Company, as defined in the Companies Act, 1956 (1 of 1956), or an institution receiving grant from Government, on such terms as may be agreed upon by the Chairman from time to time

### **36. Interpretation**

When a doubt arises as to the interpretation of any of these regulations, the matter shall be referred to the Chairman who shall decide the same.

### **37. Repeal and Savings**

The following rules corresponding to these regulations which were in force immediately before the commencement of these regulations are hereby repealed:-

- (1) Port of New Tuticorin (Medical Officer of Civil Surgeons Grade) Recruitment Rules, 1976.
- (2) Port of New Tuticorin (Financial Adviser & Chief Accounts Officer, Accounts Officer and Subordinate Accounts Service Accountant) Recruitment Rules, 1976.
- (3) Port of New Tuticorin (Superintending Engineer Civil) Recruitment Rules, 1976.
- (4) Tuticorin Harbor Project (Class I and Class II Engineering Posts) Recruitment Rules, 1965.
- (5) Mangalore and Tuticorin Harbor Project (Class I and Class II Posts) Recruitment (Amendment) Rules, 1974.
- (6) Mangalore and Tuticorin Harbor Project (Class I and Class II Engineering Posts) Recruitment (Second Amendment) Rules, 1966.
- (7) Port of New Tuticorin (Deputy Conservator, Harbor Master, Pilot and Traffic Manager) Recruitment (Amendment) Rules, 1977.
- (8) Mangalore and Tuticorin Harbor Project (Class I and Class II) Recruitment (Amendment) Rules, 1966.
- (9) Port of New Tuticorin (Fire-cum-Assistant Safety Officer) Recruitment Rules, 1975.
- (10) Tuticorin Harbor Project (Class III and Class IV Posts) Recruitment Rules, 1968.
- (11) Tuticorin Harbor Project (Class III and Class IV) Recruitment (Amendment) Rules, 1973.
- (12) Port of New Tuticorin (Maternity Assistant and Helper (Unskilled)) Recruitment Rules, 1976.
- (13) Port of New Tuticorin (Librarian) Recruitment Rules, 1976.
- (14) Port of New Tuticorin (Care Taker-Cook-cum-Bearer) Recruitment Rules, 1977.
- (15) Tuticorin Harbor Project (Class III and Class IV) Recruitment (Amendment) Rules, 1974.
- (16) Port of New Tuticorin (Group C and Group D Posts - Transfer of Personnel from Work Charged Establishment) Recruitment Rules, 1977.
- (17) Port of New Tuticorin (Junior Marine Surveyor) Recruitment Rules, 1976.

- (18) Port of New Tuticorin (V.H.F.Operator) Recruitment Rules, 1977.
- (19) Port of New Tuticorin (Leading Fireman, Fireman and Pump Operator-cum-Mechanic) Recruitment Rules, 1975.
- (20) Port of New Tuticorin (Supervisor, Outdoor Clerk, Sweeper and Messenger) Recruitment Rules, 1977.
- (21) Port of New Tuticorin (Pointsman) Recruitment Rules, 1978.
- (22) Port of New Tuticorin (Driver Project Bus) Recruitment Rules, 1975.
- (23) Port of New Tuticorin (Medical Officer of Civil Assistant Surgeons Grade) Recruitment (Amendment) Rules, 1976.
- (24) Port of New Tuticorin (Medical Officer of Civil Assistant Surgeons Grade) Recruitment (Amendment) Rules, 1977.
- (25) Tuticorin Harbor Project (Class I and Class II) Recruitment (Amendment) Rules, 1973.
- (26) Tuticorin Harbor Project (Class I and Class II) Recruitment (Amendment) Rules, 1974.
- (27) Tuticorin Harbor Project (Class I and Class II) Recruitment (Amendment) Rules, 1975.
- (28) Tuticorin Harbor Project (Class III and Class IV) Recruitment (Amendment) Rules, 1971.
- (29) Tuticorin Harbor Project (Class III and Class IV) Recruitment (Amendment) Rules, 1974.
- (30) Tuticorin Harbor Project (Class III and Class IV) Recruitment (Amendment) Rules, 1974.
- (31) Port of New Tuticorin (Cost Accounts Officer and Cost Accountant) Recruitment Rules, 1978.

Foot Note:- The Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1979, were published in the Gazette of India, Extraordinary, vide GSR 234 (E), dated the 16th March, 1979 and subsequently amended vide:-

- (01) GSR 549 (E), dated the 30th July, 1984.
- (02) GSR 808 (E), dated the 21st September, 1987.
- (03) GSR 848 (E), dated the 20th September, 1989.
- (04) GSR 1062 (E), dated the 22nd December, 1989.
- (05) GSR 486 (E), dated the 11th May, 1992.
- (06) GSR 648 (E), dated the 29th June, 1992.
- (07) GSR 60 (E), dated the 10th February, 1993.
- (08) GSR 346 (E), dated the 30th March, 1993.
- (09) GSR 818 (E), dated the 17th November, 1994.

- (10) GSR 834 (E), dated the 2nd December, 1994.
- (11) GSR 422 (E), dated the 26th May, 1995.
- (12) GSR 157 (E), dated the 19th March, 1997.
- (13) GSR 163 (E), dated the 19th March, 1997.
- (14) GSR 312 (E), dated the 5th June, 1997.
- (15) GSR 372 (E), dated the 8th July, 1997.
- (16) GSR 132 (E), dated the 10th March, 1998.
- (17) GSR 589 (E), dated the 22nd, September, 1998
- (18) GSR 276 (E), dated the 20th, April, 1999.
- (19) GSR 831 (E), dated the 29th December, 1999.
- (20) GSR 241 (E), dated the 10th March, 2000.
- (21) GSR 242 (E), dated the 10th March, 2000.
- (22) GSR 326 (E), dated the 10th April, 2000
- (23) GSR 509 (E), dated the 31st May, 2000.
- (24) GSR 510 (E), dated the 31st May, 2000.
- (25) GSR 739 (E), dated the 22nd September, 2000.
- (26) GSR 740 E), dated the 22nd September, 2000.
- (27) GSR 926 (E), dated the 22nd December, 2000.
- (28) GSR 27 (E), dated the 19th January, 2001
- (29) GSR 234 (E), dated the 30th March, 2001.
- (30) GSR 264 (E), dated the 19th April, 2001
- (31) GSR 543 (E), dated the 18th July, 2001.
- (32) GSR 573 (E), dated the 2nd August, 2001.

NB: The above Tuticorin Port Trust Employees (Recruitment Seniority and Promotion) Regulations 1979 is under the process of amendment consequent on implementation of cadre re-structuring of officers in the Major Port Trusts of India.

**TUTICORIN PORT EMPLOYEES (GRANT OF ADVANCES FOR BUILDING OF HOUSES)  
REGULATIONS, 1979 (Published in the Gazette of India, dated 19.3.1997)**

MINISTRY OF SURFACE TRANSPORT

(Ports Wing)

NOTIFICATION

New Delhi, the 19th March, 1997.

G.S.R.162(E).- In exercise of the powers conferred by Sub-section (1) of Section 124, read with Sub-section (1) of Section 132 of the Major Ports Act, 1963 (38 of 1963), the Central Government hereby approves the adoption of the Central Govt. Rules for grant of House Building Advance by the Tuticorin Port Trust made by the Board of Trustees for the Port of Tuticorin and set out in the Schedule annexed to this notification.

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

SCHEDULE

In exercise of the powers conferred by Section 28 of the Major Port Act, 1963(38 of 1963), the Board of Trustees of Tuticorin Port with the approval of the Central Government as required under sub-section 1 of Section 124 of the said Act, hereby makes the following order:-

1. Repealing the Tuticorin Port Employees (Grant of advance for building of houses) Regulations, 1979 and
2. Adopting the Central Government Rules for grant of house building advance and the directives of Ministry issued from time to time for grant of house building advance to Tuticorin Port Employees.

(F.No. PR-12016/3/95-P.E.-I)

K.V.RAO. Jt. Secy.

**TUTICORIN PORT EMPLOYEES (GENERAL PROVIDENT FUND) REGULATIONS, 1979**  
**(Published in the Gazette of India, dated 16.3.1979)**

G.S.R. 236 (E).-In exercise of the powers conferred by section 126, read with section 28 of the Major Port Trusts, Act, 1963 (38 of 1963), the Central Government hereby makes the following first regulations, namely :-

**1. Short title and commencement**

(1) These regulations may be called the Tuticorin Port Employees (General Provident Fund) Regulations, 1979.

(2) They shall come into force from the first day of April 1979.

**2. Definitions**

(I) In these regulations, unless the context otherwise requires-

(a) 'Accounts Officer' means the Financial Adviser and Chief Accounts Officer of the Board;

(b) 'Board', 'Chairman', 'Deputy Chairman', shall have the meanings respectively assigned to them in the Major Port Trust Act, 1963;

(c) Save as otherwise expressly provided 'emoluments' means pay, leave salary, or subsistence grant as defined in the FR and includes dearness pay appropriate to pay, leave salary or subsistence grant if admissible, and any remuneration of the nature of pay received in respect of foreign service.

(Regulations as replaced vide GSR 910 (E) dated 23.10.1989)

(d) 'employee' means a person, who is a member of service under the Board and includes any such person whose services are temporarily placed at the disposal of Central/State Government or local or other authority;

(e) 'Family' means-

(i) in the case of a male subscriber, the wife or wives, parents, children, minor brother, unmarried sister, deceased sons' widow and children: and where no parents of the subscriber is alive, a parental grand parents.

Provided that if a subscriber, proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she shall hence forth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate unless the subscriber

subsequently intimates in writing to the Accounts Officer that she shall continue to be so regarded;

(ii) in the case of the female subscriber, the husband, parents, children, minor brothers, unmarried sister, deceased sons' widow and children, and where no parents of the deceased subscriber is alive, a parental grand parents.

Provided that if a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband shall hence forth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate unless the subscriber subsequently cancels such notice in writing.

Note:-'Child' means a legitimate child and includes an adopted child where adoption is recognised by the personal law governing the subscriber

(Regulations as replaced vide GSR 910 (E) dated 23.10.1989)

(f) 'Form' means the Form appended to the regulations

(g) 'Fund' means the Tuticorin Port Employees' General Provident Fund.

(h) 'Head' of the Department', for the purpose of exercising the powers under these regulations, means the authority so declared by the Board;

(i) 'Head of the office', means the authority declared to be the Head of the office under the financial rules by the Board or the Head of the Department;

(j) 'Leave' means any kind of leave recognised by the leave regulations framed under section 28 of the Major Port Trusts Act, 1963, which may be applicable to the subscriber;

(k) 'year' means the financial year.

(II) Any other expression used in these regulations which is defined either in the Provident Funds Act 1925 (19 of 1925), or in the Fundamental Rules of the Central Government or any other regulations applicable to the subscriber, shall have the meanings respectively assigned to them in such Act rules or regulations.

### **3. Constitution and management of the fund**

(1) On and from the date of commencement of these regulations, the Board shall establish, a fund for the welfare of the Board's employees.

(2) The fund shall be administered by the Board and shall be maintained by it in India in rupees.

#### **4. Conditions of eligibility**

- (1) All temporary employees after a continuous service of one year re-employed pensioners other than those eligible for a admission to the contributory provident fund and all permanent employees shall subscribe to the fund.
- (2) All temporary employees who complete one year of continuous service during the middle of the month shall subscribe to the fund from the subsequent month.
- (3) Temporary employees who have been appointed against regular vacancies and are likely to continue for more than a year may subscribe to the fund at any time before completion of one year's service.
- (4) The Board, may at its discretion, require any other category of employee to subscribe to the fund.
- (5) Employees who are subscribers to any contributory provident fund shall not be required to subscribe to the fund.
- (6) The admission of an employee to the fund involves the following procedure, namely:-
  - (a) submission of an application Form I.
  - (b) allotment of Account number. The Head of the office shall obtain the application from the employees 3 months ahead of the officials completing one year of service; in form I

#### **5. Transfer of balances:-**

On the commencement of these regulations, the balance standing to the credit of an employee in the G.P.F. constitute under the G.P.F. Rules, 1960 or any other G.P.F. Rules in force for such employee shall be credited to the Account of the employee under the Board constituted under these regulations.

#### **6. Nominations:-**

- (1) A subscriber shall at the time of joining the fund send to the A.O a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the fund in the event of his/her death, before the amount has become payable, or having become payable, has not been paid:

Provided that a subscriber, who has a family at the time of making the nomination, shall make such nomination only in favour of a member or members of his family:

Provided further that the nomination made by the subscriber in respect of any other P.F. to which he was subscribing before joining the fund shall if the amount to his credit in such other fund has been transferred to his credit in the fund, be deemed to be a nomination duly made under this regulation until he makes a nomination in accordance with this regulation.



(2) If a subscriber nominates more than one person under sub-regulations (1) he shall specify in the nomination the amount of share payable to each of the nominees in such a manner as to cover the whole of amount that may stand to this credit in the fund at any time.

(3) Every nomination shall be in such one of the forms II, III, IV, and V as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the A.O. The subscriber shall along with such notice or separately send a fresh nomination made in accordance with the provisions of these regulations.

(5) A subscriber may provide in a nomination,

(a) in respect of a specified nominee that in the event of his predeceasing the subscriber the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination provided that such other person or persons shall, if the subscriber has other members of his family be such other member or members. Where the subscriber confers such right on more than one person under this clause he shall specify the amount or share payable to each of such person in such a manner as to cover the whole of the amount payable to the nominee;

(b) that the nominations shall become invalid in the event of the happening of a contingency specified therein:

Provided that if at the time of making the nomination the subscriber has no family he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family:

Provided further that if at the time of making the nomination the subscriber has only one member of the family he shall provide in the nomination that the right conferred upon the alternative nominee under clause (a) shall become invalid in the event of his subsequently acquiring a member of his family.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-regulation (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-regulation (5) or the provision thereto, the subscriber shall send to the A.O a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of the regulations.

(7) Every nomination made and every notice of cancellation by a subscriber shall to the extent that it is valid take effect on the date on which it is received by the A.O.

(8) In case where no nomination exists in favour of the widow of the subscriber, the title of the widow to the claim in respect of the fund deposit of her former husband is not affected by her subsequent marriage.

## **7. Subscriber's accounts**

An account shall be maintained in the name of each subscriber and shall show the amount of his subscriptions with interest thereon calculated as prescribed in regulation 12 as well as advanced and withdrawals from the fund.

## **8. Conditions and rates of subscriptions**

(1) A subscriber shall subscribe monthly to the fund except during the period when he is under suspension:

Provided that a subscriber may, at his option, not subscribe during leave which either does not carry any leave salary or carries leave salary equal to or less than half pay:

Provided further that a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one sum or instalments any sum not exceeding the maximum amount of arrears of subscription payable for the period of suspension.

(2) A subscriber shall intimate, in writing, his election not to subscribe during leave (referred to in the first provisions to sub-regulation (1) of regulation 8) to the Accounts Officer. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe. The option of a subscriber intimated under this sub-regulation shall be final.

(3) Notwithstanding any thing contained in sub-regulation (1), a subscriber shall not subscribe to the fund for the month in which he quits service unless before the commencement of the said month, he communicates to the Head of Office in writing his option to subscribe for the said month.

(4) An employee due to retire on superannuation shall be exempted from making any subscription to the General Provident Fund during the last three months of his service. The discontinuance of subscription would be compulsory and not optional. No recoveries towards refund of advance taken from General Provident Fund shall be made during this period.

(5) Notwithstanding any thing contained in Regulations 8 (1), 9(1)(b) and Regulations 9(4) of Tuticorin Port Employees (General Provident Fund Regulations) 1979, the subscriber who are entitled to receive the Productivity Linked Bonus or similar payments made, if they so desire, deposits the whole or a part of the amount admissible under the schemes in their respective Provident Fund Accounts.

(Sub-regulations 3, 4 and 5 as amended vide GSR 427 (E) dated 20.4.1992)

## **9. Rate of subscription:**

(1) The amount of subscription shall be fixed by the subscriber himself subject to the following conditions, namely:-

(a) it shall be expressed in whole rupees:

(b) it may be any sum so expressed not less than six percent of his emoluments and not more than his total emoluments:

Provided that in the case of a subscriber who has previously been subscribing to any contributory provident fund at the higher rate of 8-1/3 percent, it may be any sum, so expressed, not less than 8-1/3 percent of his emoluments and not more than his total emoluments:

(c) when an employee elects to subscribe at the minimum rate of 6 percent or 8-1/3 percent, as the case may be, the fraction of a rupee shall be rounded to the nearest whole rupees, 50 paise counting as the next higher rupee

(2) For the purpose of sub-regulation (1) the emoluments of a subscriber shall be,-

(a) in the case of a subscriber who was in Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on that date:

Provided that-

(i) If the subscriber was on leave and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty.

(Proviso 1 is substituted vide GSR 427 (E) dated 20.4.1992)

(ii) If the subscriber was on deputation out of India, on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave his emolument's to which he would have been entitled had he been on duty in India.

(b) In the case of a subscriber who was not in Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on the day he joins the fund.

(3) A subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner, namely:-

(a) if he was on duty on the 31st March of the preceding year, by the deduction which he proposes in this behalf from his pay bill for that month:

(b) if he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he proposes in this behalf from his first pay bill after his return to duty:

(c) if he has entered Board's service for the first time during the year, by the deduction which he proposes in this behalf, from his pay bill for the month during which he joins the fund;

(d) if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he proposes to be made in this behalf from his salary bill for that month;

(e) if he was on foreign service on the 31st March of the preceding year, by the amount credited by him to the Board's account on account of subscription for the month of April, in the current year.

(4) The amount of subscription so fixed may be reduced once at any time during the course of a year or may be enhanced twice during the course of the year, or reduced and enhanced as aforesaid:

Provided that when the amount of subscription is so reduced it shall not be less than the minimum prescribed in sub-regulation(i);

Provided further that if a subscriber is on leave without pay or leave on half pay for a part of a calendar month and he has elected not to subscribe during such leave, the amount of subscription payable shall be proportionate to the number of days spent on duty including leave, if any, other than those referred to above;

Provided also that if a subscriber is on duty for a part of a month and on leave for the remained of that month and he has elected not to subscribe during leave, the amount of subscription payable shall be proportionate to the number of days spent on duty in the month.

## **10. Transfer to Foreign Service or deputation out of India**

When a subscriber is transferred to Foreign Service or sent on deputation out of India, he shall remain subject to the rules of the fund in the same manner as if he were not so transferred or sent on deputation.

## **11. Realization of subscriptions**

(1) When emoluments are drawn in India, recovery of subscriptions in respect of these emoluments and of the principal and interest and advances shall be made from the emoluments themselves:

(2) When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Accounts Officer:

Provided that in the case of a subscriber on deputation to a body corporate owned or controlled by Government, the subscriptions shall be recovered and forwarded to the Accounts Officer by such body.

(3) If a subscriber fails to subscribe with effect from the date on which he is required to join the fund or is in default in any month or months during the course of a year otherwise than as provided for in regulations 8, the total amount due to the fund on account of arrears of subscriptions shall, with interest there on at the rate provided in regulation 12 forthwith be paid by the subscriber to the fund or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-regulation (2) of regulation 13:

Provided that the subscriber whose deposits in the fund carry no interest shall not be required to pay any interest:

Provided further that in case of an amount forwarded in accordance with the provisions to sub-regulation (2) of regulation 11 the date of deposit shall be deemed to be the 1st day of that month received by the A.O before the fifteenth day of that month.

## **12. Interest**

(1) Subject to the provisions of sub-regulation (5) the Board shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year by the Board:

Provided that, if the rate of interest determined for a year is less than 4 percent all subscribers to the fund in the year preceding that for which the rate has for the first time been fixed at less than 4 percent shall be allowed interest at 4 percent:

Provided further that a subscriber who was previously subscribing to any other Provident Fund of the Central Government and whose subscriptions, together with the interest thereon, have been transferred to his credit in this fund, shall also be allowed interest at 4 percent, if he had been receiving that rate of interest under the rules of such other Fund under a provision similar to that of the first provision to this regulation.

(2) Interest shall be credited with effect from the last day in each year in the following manner; namely:-

(i) On the amount to the credit of a subscriber on the last day of the preceding year less any sums withdrawn during the current year interest for twelve months;

(ii) On sums withdrawn during the current year, interest from the beginning of the current year upto the last day of the month preceding the month of withdrawal:

(iii) On the sums credited to the subscriber's account after the last day of the preceding year-interest from the date of deposit upto the end of the current year;

(iv) the total amount of interest shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee):

Provided that when the amount standing to the credit of a subscriber has become payable, interest shall there upon be credited under this regulation in respect of only the period from the beginning of the current year or from the date of deposit, as the case may be, upto the date on which the amount standing to the credit of the subscriber became payable.

(3) In this regulation the date of deposit shall in the case of a recovery from emoluments be deemed to be the first day of the month in which it is recovered, and in the case of an amount forwarded by the subscriber shall be deemed to be the first day of the month of receipt if it is received by the Accounts Officer before the fifth day of that month, but if it is received on or after the fifth day of that month, the first day of the succeeding month;

Provided that where there has been a delay in the drawal of pay or leave salary and allowances of a subscriber and consequently the recovery of his subscription towards the fund, the interest of such subscription shall be payable from the month in which the pay or leave salary of the subscriber was due under the regulation irrespective of the month in which it was actually drawn:

Provided further that in the case of an amount forwarded in accordance with the provision to sub-regulations (2) of regulation 11 the date of deposit shall be deemed to be the first day of the month if it is received by the Accounts Officer before the fifteenth day of that month;

Provided also that where the emoluments for a month are drawn and disbursed on the last working day of the same month, the date of deposit shall, in the case of recovery of subscriptions, be deemed to be the first day of the succeeding month;

(4) In addition to any amount to be paid under regulations 21,22,and 23, interest thereon upto the end of the month preceding that in which the payment is made of upto the end of the six month after the month in which such amount became payable, whichever of these periods be less, shall be payable to the person to whom such amount is to be paid:

Provided that where the Accounts Officer has intimated to that person (or his agent) a date on which he is prepared to make in cash, or has posted a cheque in payment to that person interest shall be payable only upto the end of the month preceding the date so intimated or the date of posting the cheque as the case may be.

Note.- Payment of interest on the fund balances beyond a period of six months upto a period of one year may be authorised by the Accounts Officer after he has personally satisfied himself that delay in payment was occasioned by circumstances beyond the control of the subscriber and in every such case the administrative delay involved in the matter shall be fully investigated and action, if any, required shall be taken.

(5) Interest shall not be credited to the accounts of a subscriber if he informs the Accounts Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it.

### **13. Incentive bonus scheme**

(Regulations is deleted vide GSR 910 (E) dated 23.10.1989)

### **14. Advance from the fund**

(1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance not exceeding in amount three months pay or half the amount standing to his credit in the fund whichever is less, for one or more of the following purposes, namely:-

(a) to pay expenses in connection with the illness confinement or a disability, including where necessary the travelling expenses of the subscriber and members of his family or any person actually dependent on him;

(b) to meet the cost of higher education including where necessary, the travelling expenses of the subscriber and member of his family or any person actually dependent on him in the following cases, namely:-

(i) for education outside India for an academic, technical, professional or vocational course beyond the High School state; and to

(ii) for any medical, engineering or other technical or specialised course in India beyond the High School state, provided that the course of study is for not less than three years;

(c) to pay obligatory expenses on a scale appropriate to the subscribers status, which by customary usage the subscriber has to incur in connection with betrothal or marriages, funerals or other ceremonies, including the birth day celebration of the subscribers' son or daughter;

(d) to meet the cost of legal proceedings instituted by the subscriber for vindicating his position in regard to any allegations made against him in respect of any act done or purported to be done by him in the discharge, of his official duty ; the advance being available in addition to any advance admissible for the same purpose from any other source;

Provided that the advance under this sub-regulation shall not be admissible to a subscriber who institutes legal proceedings in any court of law either in respect or any matter unconnected with his official duty or against the Board in respect of condition of service or penalty imposed on him/her.

(e) to meet the cost of his defence where the subscriber is prosecuted in any court of law or where the subscriber engages a legal practitioner to defend himself in any enquiry in respect of any alleged misconduct on his part;

(f) in other cases of acute distress at the discretion of the Chairman;

(g) to meet the cost of plot or the construction of a house or flat for his residence or to make any payment towards the allotment of a plot or house or flat by the State Housing Board or a House Building Co-operative Society.

Note.- An advance under this regulation may be sanctioned for the first annual 'Saaradh' ceremony of a person who prior to his/her death was a member of the subscriber's family or was dependent upon him/her.

(2) The appropriate sanctioning authority may in special circumstances, sanction the payment to any subscriber of an advance, if it is satisfied that the subscriber concerned required the advance for reasons other than those mentioned in sub-regulation (l).

(3) An advance shall not, except for special reasons to be recorded in writing, be granted to any subscriber in excess of the limit laid down in sub-regulation (l) or until repayment of the last instalment of any previous advance.

Explanation 1: For the purpose of this regulation, pay includes dearness pay where admissible.

Explanation 2: For the purposes of this regulation, the appropriate sanctioning authority shall be the authority that may be authorised by the Board to sanction advances from time to time.

Explanation 3: A subscriber shall be permitted to take an advance once in every six months under clause (b) of sub-regulation(l).

Note: 1 The term special reason in sub-regulation (3) does not mean that the sanctioning authority can sanction an advance for objects other than those specified in sub-regulation(I). The object for which an advance can be granted are confined to those in that sub-regulation. Special reasons are to be given for sanctioning an advance exceeding the normal limit of 3 months' pay or half the amount standing to the credit of the subscriber for sanctioning an advance before re-payment of the last instalment of the previous advance.

Note: 2 The authority competent to sanction an advance under sub-regulation (3) is the authority competent to sanction for part final withdrawal under the regulation 16.

(4) No Temporary advance shall be sanctioned during the last three months of service in order to enable the Accounts Officer to complete the task of issuing authority for payment of 1 month before retirement. No part final withdrawals shall also be normally permitted during this period. However, in exceptional rare circumstances part final withdrawals may be sanctioned by the competent authority. In that event, the delay in the settlement of final payment, if any, will be responsibility of the subscriber himself.

(Sub-regulations 4 as added vide GSR 427 (E) dated 20.4.1992)

## **15. Recovery of advance**

(1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the Chairman or any other officer authorised to sanction the advance may direct, but such number shall not be less than 12 unless the subscriber so elects and more than 24. In special cases where the amount of an advance exceeds three month's pay of the subscriber under sub-regulation (3) of regulation 14, the authority sanctioning the advance, may, fix such number of instalments exceeding 24, but not exceeding 36. A subscriber may, at his option, repay more than one instalment in a month. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner prescribed in regulation 11 for the realisation of subscriptions, and shall commence with the issue of pay for the month following the one in which the advance was drawn. Recovery shall not be made, except with the subscriber's consent while he is in receipt of subsistence grant or is on leave for 10 days or more in a calendar month (which either does not carry any leave salary or carries leave salary equal to or less than half pay). The recovery may be postponed on the subscriber's request, by the Chairman during the recovery of an advance of pay granted to the subscriber.

(3) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall, forthwith be repaid by the subscriber to the fund or in default be ordered by the Accounts officer to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly instalments not exceeding 12 as may be as directed by the Chairman or the authority competent to sanction an advance under Explanation 2 to sub-regulation (3) or regulation 14.



Provided that, before such advance is allowed, the subscriber shall be given an opportunity to explain the sanctioning authority in writing and within 15 days of the receipt of the communication why the repayment shall not be enforced and if an explanation is submitted by the subscriber within that said period of 15 days, it shall be referred to the Chairman for decision and if no explanation within the said period is submitted by him, repayment of the advance shall be enforced in the manner prescribed in this sub-regulation.

(Proviso to regulation 3 as amended vide GSR 427 (E) dated 20.4.1992)

(4) Recoveries made under this regulation shall be credited as they are made to the subscriber's account in the fund.

(5) In case a subscriber is found to have drawn from the fund an amount in excess of the amount standing to his credit on the date of the drawal, the overdrawn amount, irrespective of whether the over drawal occurred in the course of an advance or a withdrawal or the final payment from the fund, shall be repaid by him with interest, thereon in one lumpsum, or in default, be ordered to be recovered by deduction in one lumpsum from the emoluments of the subscriber. If the total amount to be recovered is more than half of the subscribers emoluments the recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount together with interest is recovered. For this sub-regulation the rate of interest to be charged on overdrawn amount would be 2 1/2 % over and above the normal rate on Provident Fund balance under sub-regulation (1). The interest realised on the overdrawn amount shall be credited to the General Provident Fund account under a distinct sub head viz. Penal interest on overdrawn General Provident Fund Advance.

(Regulations 5 as added vide GSR 427 (E) dated 20.4.1992)

## **16. Wrongful use of advance**

Not with standing anything contained in these regulations, if the Chairman has reasons to doubt that the money drawn as an advance from the fund under regulation 14 has been utilised for a purpose other than that for which sanction was given to the drawal of the money, the Chairman shall communicate the subscriber the reasons for his doubt and require him to explain him in writing and within 15 days of the receipt of such communications, whether the advance has been utilised for the purpose for which sanction was given to the drawal of money. If the Chairman is not satisfied with the explanation furnished by the subscriber within the said period of 15 days, the sanctioning authority shall direct the subscriber to repay the amount in question to the fund forthwith or in default order the amount to be recovered by deduction in one lump sum from the emoluments of the subscriber even if he be on leave. If, however, the total amount to be repaid by more than half the subscriber's emoluments, recovery shall be made in monthly instalments or moieties of his emoluments till the entire amount is repaid by him.

Note: - The term 'emoluments' in this regulation does not include subsistence grant.

(Regulations as substituted vide GSR 427 (E) dated 20.4.1992)

## 17. Withdrawals from the fund

Subject to the conditions specified here under withdrawals may be sanctioned by the authorities, competent under Explanation 2 of its sub-regulation (3) of regulation 14, to sanction an advance for special reasons, at any time.

(1) After the completion of twenty years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation whichever is earlier, from the amount standing to his credit in the fund, for one or more of the following purposes, namely:-

(a) meeting the cost of higher education including where necessary the travelling expenses of the subscriber or any child in the following cases, namely;-

(i) for education outside India for academic, technical professional or vocational course beyond the High School stage; and

(ii) for any medical, engineering, or other technical or specialised course in India beyond the High School stage provided that the course of study is for not less than three years

(iii) for any medical, engineering or other technical or specialised course in India;

Note; 1 The following courses shall also be treated as technical/specialised for the above purpose, namely;-

Degree and post-graduate courses in Home Science .

Pre-professional course in Medicine if part of Regular 5 years' course in Medicine.

Ph.D., in Biochemistry.

Bachelor and Masters Degree courses in Physical Education.

Degree and post-graduate courses in Law.

'Honours' course in 'Micro-Biology'.

Associateship of the Institute of Costs and Works Accountants.

Associateship of the Institute of Chartered Accountant.

Degree and Masters course in Business Administration or Management .

Diploma course in Hotel Management, and

M.Sc. Course in Statistics.

(b) meeting the expenditure in connection with the Betrothal or marriage of the subscriber or his sons or daughters and any other female relation actually dependent on him ;

(c) Meeting the expenses in connection with illness, including where necessary, the travelling expenses of the subscriber and members of his family or any person actually dependent on him.

Note 2: A subscriber shall be permitted to make a final withdrawal once in every six months for purposes of sub-regulation (I) (a) under Regulation 17 and the withdrawal on each occasion shall be treated as a separate purpose for purposes of this regulation".

(2) After the completion of 10 years of service of subscriber or within Ten years before the date of his retirement of subscription and interest there on standing to his credit of the subscriber of the fund for one or more of the following purposes, namely:-

(a) building or acquiring a suitable house or ready built flat for his residence including the cost of the site or repaying any outstanding amount on account of loan expressly taken for this purpose, or reconstructing/or making additions or alterations to a house already owned or acquired by a subscriber ;

(b) purchasing a house site or repaying any outstanding amount on account of loan expressly taken for this purchase;

(c) for constructing a house on a site purchased, utilising the sum withdrawn under clause (a).

Note: 1.- Only one withdrawal shall be allowed for the same purpose under regulation 16. But marriage/education of different children or illness on different occasions shall not be treated as the same purpose.

Note: 2.- A withdrawal under regulation 16 shall not be sanctioned if an advance under regulation 14 is being sanctioned for the same purpose at the same time.

(The year of completion as amended vide GSR 910 (E) dated 23.10.1989)

(3) The competent authority to grant part final withdrawals under this regulation may sanction part final withdrawals upto 90% of the balance at the credit of the subscriber in case it is applied for within 12 months before retirement on superannuation. This facility will be available only once to a subscriber. The subscriber will not be required to assign any reason for applying such part final withdrawals. The subscribers availing this facility shall not, however, be eligible to invest the amount of such withdrawals in the new savings scheme introduced by the Ministry of Finance, Department of Economic Affairs vide their notification No. F-2/4/89-NS. II, dated 7.6.1989.

(4) (1) The employees who have completed 15 years of service (including broken period of service, if any) or who have less than 5 years to attain the age of superannuation may be permitted to make part final withdrawals from their Provident Fund (GPF) for purchasing a Motor Car. Motor Cycle or Scooter etc., or for repaying the Government loan already taken by them for the purpose subject to the following conditions.

(i) The employee's basic pay should be Rs.3000/- per month or more in the case of purchase of Motor Car, and Rs.1500/- per month or more in the case of Motor

Cycle/Scooter etc., (basic pay as defined in FR 9 (21) (a) (i) without special pay, dearness pay and such other conditions to pay but includes NPA)

(ii) The amount of the withdrawals is limited to Rs. 50,000 for purchase of Motor Car and Rs. 8,000/- for purchase of Motor Cycle/ Scooter etc., Such amount of withdrawals plus conveyance advance, if any, should not exceed the cost of the vehicle.

(iii) The Chairman may allow in special cases an advance refundable in not more than 36 installments in the case of employees who may fall short of the minimum service of 15 years by a period of not more than 6 months.

(iv) The employees who have been allowed the advance according to clause (iii) above, may be permitted to convert the outstanding balance of the advance in to the final withdrawals after completion of the 15 years of service.

(v) Such withdrawals shall be allowed on one occasion.

(2) The authority competent to sanction an advance for special reasons under the relevant Provident Fund Regulations may sanction final withdrawals in terms of these orders subject to the fulfilment of conditions mentioned above. The procedural details will be as in the case of other withdrawals.

- (5) (1) The employees who have completed 28 years of service or who have less than 3 years to attain the age of superannuation may be permitted to make final withdrawals from Provident Funds (GPF) for the extensive repairs or overhauling of their Motor Car subject to the following conditions.

(i) The employee's pay is Rs.1000/- per month or more

(ii) The amount of the withdrawals is limited to Rs. 5, 000 or 1/3rd of the amount standing to the credit of the subscriber in the General Provident Fund or actual amount of repairing/overhauling, whichever is the least.

(iii) Not less than 5 years should have elapsed since the car was purchased by the employees concerned. In the case of second hand car, the initial date of purchase by the first purchaser will be taken into account.

(iv) Such withdrawals shall be allowed only once in the service career of the subscriber.

(2) The authority competent to sanction an advance for special reasons under the relevant Provident Fund Regulations may sanction final withdrawals in terms of these orders subject to the fulfilment of conditions mentioned above. The procedural details will be as in the case of other withdrawals.

- (6) (1) The employees who have completed 15 years of service (including broken period of service, if any) may be permitted to make part final withdrawals from their Provident Fund (GPF) for booking a Motor Car/Motor Cycle/Scooter/Moped etc., subject to the following conditions.

(a) The employee's basic pay is Rs.3, 500/- per month or above, for registration of a Motor Car, and a basic pay of Rs.1500/- per month or above in the case of Motor Cycle/Scooter etc., (basic pay as defined in FR 9 (21) (a) (i) without special pay, dearness pay and such other conditions to pay but includes NPA)

(b) The amount of the withdrawals is limited to Rs. 10,000 in the case of Car and Rs. 500/- in the case of Motor Cycle/ Scooter etc., or 50% of the amount standing to the credit of the subscriber in the General Provident Fund or the actual amount of the registration of the car or Motor Cycle/Scooter, etc., whichever is less.

(c) The amount of withdrawals shall not exceed the amount required for booking a car or Motor Cycle or Scooter etc.,

(d) The deposit receipt must be produced for verification by the concerned administrative authority within a period of one month from the date of drawal. Failure to do so, would involve refund of the total amount of withdrawals.

(e) If the Officer does not purchase a Car, Motor Cycle, Scooter, etc., or opts out of the scheme, he should immediately deposit the amount of final withdrawals together with interest thereon from the manufacturer/dealer into the General Provident Fund account

(f) The Chairman may allow in special cases an advance refundable in not more than 36 instalments in the case of Officers who may fall short of the minimum service of 15 years by a period of not more than 6 months. All other conditions shall not be relaxable.

(g) The employees who have been allowed the advance according to clause (f) above, may be permitted to convert the outstanding amount of the advance in to final withdrawals after completion of the 15 years of service.

(h) Such withdrawals shall be allowed only on one occasion; and

(i) The amount of Rs. 10,000/- or Rs. 500/- as the case may be referred to above, shall be taken into account for determining the overall ceiling at present fixed for withdrawal from General Provident Fund.

(2) The authority competent to sanction an advance for special reasons under the relevant Provident Fund Regulations may sanction final withdrawals in terms of these orders subject to the fulfilment of conditions mentioned above. The procedural details will be as in the case of other withdrawals.

(Regulations 3, 4 and 5 as added vide GSR 427 (E) dated 20.4.1992)

## **18. Conditions of withdrawal**

(1) Any sum withdrawn by a subscriber at any time for one or more purposes specified in regulation 17 from the amount standing to his credit in the fund shall not ordinarily exceed one half of such amount or six months' pay whichever is less. The sanctioning authority, may, however, sanction the withdrawal of an amount in excess of this limit upto three-fourths of the balance at his credit in the fund, having due regard to (i) the object for which the withdrawal is being made; (ii) the status of the subscribers and (iii) the amount to his credit in the fund.

(2) A subscriber, who has been permitted the withdrawal of money under regulation 17 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn and if he fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for such purposes for which it was withdrawn, shall, forthwith, be repaid in one lumpsum together with interest thereon at the rate determined under regulation 11 by the subscriber to the fund and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lumpsum or any such number of monthly instalments as may be determined by the Chairman.

(3) A subscriber who has been permitted under sub-regulation (2) of regulation 17 to withdraw money from the amount standing to his credit in the fund, shall not part with the possession of the house so built or, acquired or house site so purchased, by way of sale, mortgage (other than mortgage to the sanctioning authority) or gift, without the previous permission of the sanctioning authority. He shall also not part with the possession of such house or house site by way of exchange or lease for a term exceeding three years without the previous permission of the sanctioning authority. The subscriber shall submit, a declaration not later than the 31st day of December, of every year to the effect as to whether the house or house site, as the case may be, continues to be in his possession or has been mortgaged or otherwise transferred and shall, if so require, produce before the sanctioning authority on or before the date specified by that authority in that behalf, the original sale deed and other documents on which his title to the property is based.

(4) If at any time before retirement, the subscriber parts with the possession of the house or house site without obtaining the previous permission of the sanctioning authority the sum withdrawn by him shall forthwith be repaid in one lumpsum to the fund and in default of such repayment it shall be ordered by the sanctioning authority to be recovered from his emoluments either in lumpsum or in such number of monthly instalments as may be determined by the Board."

## **19. Conversion of an advance into a withdrawal**

A subscriber who has already drawn or may draw in future an advance under regulation 14 for any of the purposes specified in such regulation (1) of Regulation 17 may convert, at his discretion, by a written request addressed to the Accounts Officer through the sanctioning authority, the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in regulations 17 and 18.

Note: 1 The Head of Office in the case of subscriber may be asked by the administrative authority to stop recoveries from the pay bills when the application for such conversion is forwarded to the Accounts Officer by that authority.

Note: 2 For the purpose of sub-regulation (1) of Regulations 18, the amount of subscription with interest thereon standing to the credit of the subscriber in the account at the time of conversion plus the outstanding amount of advance shall be taken as the balance. Each withdrawal shall be treated as a separate one and the same principle shall apply in the event of more than one conversion.

(Regulations as substituted and added vide GSR 427 (E) dated 20.4.1992)

## **20. Payment towards insurance policies and family pension funds**

Subscribers who, before the 17th December, 1960 have been substituting in whole or in part, payments towards policies of life insurance for subscriptions for making withdrawals for such payments from the fund under the provisions of regulations 17 to 29 of the General Provident Fund (Central Services) Rules 1960, shall continue to enjoy the benefit under the same terms and conditions mutatis mutandis:

Provided that such subscribers shall not be permitted to substitute such payments for subscriptions due to the fund or to withdraw from the fund for making such payments in respect of any new policy :

Provided further that any policy assigned to the President of India under the provisions of the said rules shall, on the commencement of these regulations, be deemed to be a policy assigned to the Board. The subscriber shall take immediate steps to get such policies assigned to the Board.

## **21. Final withdrawal of accumulation in the fund**

(1) When a subscriber quits the service the amount standing to his credit in the fund shall become payable to him:

Provided that a subscriber, who has been dismissed from the service and is subsequently reinstated in the service, shall, if required to do so by the Board, repay any amount paid to him from the fund in pursuance of this regulation, with interest thereon at the rate provided in regulation 12 in the manner provided in the provision to regulation 22. The amount so repaid shall be credited to his account in the fund.

Explanation 1: A subscriber who is granted refused leave shall be deemed to have quit the service from the date of compulsory retirement or on the expiry of an extension of service.

Explanation 2: A subscriber, other than one who is appointed on contract or one who has retired from service and is subsequently re-employed, with or without break in service, shall not be deemed to have quit the service when he is transferred without any break in service to a new post under any other major port authority (in which he is governed by another set of provident fund rules) and without retaining any connection with his former post. In such a case his subscriptions together with interest thereon shall be transferred to his account in the other fund in accordance with the rules of that fund. The same shall

hold good in cases of retrenchment for immediate employment whether under the Board or under any other major port authority.

Explanation 3.- When a subscriber, other than one who is appointed on contract or one who has retired from service and subsequently re-employed, is transferred, without any break, to the service under a body corporate, owned or controlled by Government, the amount of subscriptions together with interest thereon shall not be paid to him but shall be transferred with the consent of that body, to his new provident fund account under that body.

(2) Transfers shall include cases of resignation from service in order to take up appointment under a body corporate owned or controlled by Government or an autonomous organization registered under the Societies Registration Act 1860 (21 of 1860) without any break and with proper permission of the Board. The time taken to join a new post shall not be treated as a break in service if it does not exceed the joining time admissible to an employee on transfer from one post to another.

Provided that the transfer of amount of subscription, together with interest thereon, of a subscriber opting for service under public enterprises may, if he so desires, be transferred to his new provident fund account under the enterprise if the concerned enterprise also agrees to such a transfer. If however the subscriber does not desire the transfer or the concerned enterprise does not operate a provident fund the amount aforesaid shall be refunded to the subscriber.

## **22. Retirement of subscriber**

When a subscriber has proceeded on leave preparatory to retirement or while on leave has been permitted to retire or been declared by a competent medical authority to be unfit for further service, the amount standing to his credit in the fund shall, upon application made by him in that behalf to the Accounts Officer, become payable to the subscriber :

Provided that the subscriber, if he returns to duty shall except where the Board decides otherwise, repay to the fund, for credit to his account the whole or part of any amount paid to him from the fund in pursuance of this regulation with interest thereon at the rate provided in regulation 12 in cash or securities or partly in cash and partly in securities, by installments or otherwise by recovery from his emoluments or otherwise, as may be directed by the Chairman.

## **23. Procedure on death of a subscriber**

On the death of subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made:

- (i) When the subscriber leaves a family:



(a) if a nomination made by the subscriber in accordance with the provisions of regulation 6 or of the corresponding regulation in force earlier in favour of a member or members of his family subsists, the amount standing at his credit in the fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination.

(b) If so much nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount to his credit in the fund, the whole amount or a part thereof to which the nomination does not relate, as the case may be shall not with standing any nomination purporting, to be in favour of person or persons other than a member of members of his family become, payable to the members of his family in equal shares :

Provided that no share shall be payable to -

(1) sons who have attained majority;

(2) sons of a deceased son who have attained majority;

(3) married daughters whose husbands are alive;

(4) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in classes (1), (2), (3) and (4):

Provided further that the widow or widows, child or children of a deceased son, shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first provisions.

(ii) when the subscriber leaves no family.- if a nomination made by him in accordance with the provisions of regulation 6 or of the corresponding rule in force earlier in favour of any person or persons subsists, the amount standing to his credit in the fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

Note .- A Hindu widow/widower is the legal nominee and no order of court is necessary to entitle her/him to receive the deceased husband's/wife's provident fund money on their behalf.

(iii) When an employee disappears leaving his family, the family can be paid in the first instant the amount of salary due, the leave encashment due and the amount of General Provident Fund having regard to the Nominations made by the employee and after the elapse of the period of one year, other benefits like DCRG/Family Pension may also be granted to the family subject to the fulfilment of the conditions prescribed in the succeeding paragraphs.

The above benefits may be sanctioned after observing the following formalities:

(i) The family must lodge a report with the concerned police station and obtain a report that the employee has not been traced after all efforts had been made by the police.

(ii) An indemnity bond should be taken from the nominee/dependants of the employee that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim.

Under Provident Fund Regulations, interest can be made on the Provident Fund balance of a subscriber upto a period of 6 months from the date of quitting of service (Regulation 12 (4) of GPF Regulations). Accordingly, the interest can be allowed upto 6 months from the date of receipt of the report by the family from the police department that the employee has not been traced after all efforts have been made by the police.

(Regulations as added vide GSR 427 (E) dated 20.4.1992)

#### **24. Manner of payment of amount in the fund**

(1) When the amount standing to the credit of a subscriber in the fund becomes payable, it shall be the duty of the Accounts Officer to make payment on receipt of written application in this behalf as provided in sub-regulation (3)

(2) If the person to whom , under these regulations any amount or policy is to be paid, assigned , or delivered, is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act,1912, the payment or re-assignment or delivery shall be made to such manager and not be the lunatic:

Provided that where no manager has been appointed and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the payment shall, under the orders of the Collector, be made in terms of sub-section (l) of section 95 of the Indian Lunacy Act,1912, or any other law for the time being in force, to the person having charge of such lunatic and the Accounts Officer shall pay only the amount which he thinks fit to the person having charge of the lunatic and the surplus, if any, or such part thereof, as he thinks fit, shall be paid for the maintenance of such members of the lunatics family as are dependent on him for maintenance.

(3) Any person who desires to claim payment under this regulation shall send a written application in that behalf to the Accounts Officer, payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India.

(4) (i) a subscriber may submit an application to the Accounts Officer through the Head of Department for payment of the amount in the fund at least one year in advance of the date of superannuation or his anticipated date of retirement. The application may be made for the amount standing to his credit in the fund, as indicated in the accounts statement for the year ending one year prior to his superannuation or the anticipated date of retirement;

(ii) the Head of Department shall forward the application to the Accounts Officer, indicating the advances taken and the recoveries effected against the advances which are still current and the

number of instalments yet to be recovered in respect of each advance and also indicate the withdrawals, if any, taken by the subscriber;

(iii) the Accounts Officer shall, after verification with the ledger account, issue an authority for the amount indicated in the application at least a month before the date of superannuation or retirement but payable on the date of superannuation.

(iv) the authority mentioned in clause (iii) constitutes the first instalment of payment. A Second authority for payment shall be issued as soon as possible after superannuation or retirement. This shall relate to the contribution made by the subscriber subsequent to the amount mentioned in the application submitted under clause (i) plus the refund of instalments against advances which were current at the time of the first application ;

(v) the advance/withdrawals sanctioned after the forwarding of the applications for final payment to the Accounts Officer shall be intimated to the Accounts Officer immediately and acknowledgement obtained by the sanctioning authority.

## **25. Procedure on transfer of an employee from one major port to another**

If an employee who is a subscriber to the fund is permanently transferred to a pensionable service in any other major port in which he is governed by regulations similar to these regulations, the amount of subscription, together with interest thereon standing to his credit in the fund on the date of transfer, shall be transferred to his credit in the fund of such major port:

Provided that where the rules so require, the consent of the major port authority concerned shall be obtained.

## **26. Transfer of amount to contributory provident fund**

If a subscriber to the fund is subsequently admitted to the benefit of a contributory provident fund under the Board, the amount of his subscriptions in the fund, together with interest thereon, shall be transferred to the credit of his account in the contributory provident fund.

Explanation.- The provisions of these regulations shall not apply to a subscriber who is appointed on contract or who has retired from service and is subsequently re-employed with or without a break in service in another post carrying contributory provident fund benefits.

## **27. Relaxation of the provisions and regulations in individual cases**

When the Board is satisfied that the operation of any of these regulations causes, or is likely to cause, undue hardship to a subscriber, the Board may, notwithstanding anything contained in these regulations, deal with the case of such subscriber in such manner as may appear to it to be just and equitable.

## **28. Number of account to be quoted at the time of payment of subscriptions**

When paying subscription in India, either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the fund which shall be communicated to him by the Accounts Officer. Any change in the number shall similarly be communicated to the subscriber by the Accounts Officer.

## **29. Annual statement of accounts to be supplied to subscribers**

(1) As soon as possible after the close of each year, the Accounts Officer, shall send to each subscriber a statement of his accounts in the fund showing the opening balance as on the 1st April of the year, the total amount credited as on the 31st March of the year and the closing balance on the date. The Accounts Officer shall attach to the statement of accounts an enquiry whether the subscriber-

(a) desires to make any alteration in any nomination made under regulation 6 or under the corresponding regulation in force earlier;

(b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under regulation 6.

(2) Subscribers shall satisfy themselves as to the correctness of the annual statement, and they shall bring to the notice of the Accounts Officer within three months from the date of receipt of the statement by them, any inaccuracy or error in such statements

(3) The Accounts Officer, shall, if required by a subscriber once but not more than once in a year from the subscriber of the total amount standing in his credit in the fund at the end of the last month which his account has been written up.

## **30. Deposit linked insurance scheme**

On the death of a subscriber, the person entitled to receive the amount standing to the credit of the subscriber shall be paid by the Accounts Officer an additional amount equal to the average balance in the account during the 3 years immediately preceding the death of such subscriber subject to the conditions that-

(a) the balance at the credit of such subscriber shall not at any time during the 3 years preceding the month of death of fallen below the limits of

RS.4000 in the case of subscriber who has held for the greater part of the aforesaid period of 3 years a post the maximum of the pay scale of which is Rs.1300 or more .

Rs.2500 in the case of subscriber who has held for the greater part of the aforesaid period of 3 years a post the maximum of the pay scale which is Rs.900 or more but less than Rs.1300

Rs.1500 in the case of subscriber who has held for the greater part of the aforesaid period of 3 years a post to the maximum of the pay scale of which is Rs.290 or more but less than Rs.900

Rs.1000 in the case of subscriber who has held for the greater part of the aforesaid period of 3 years a post the maximum of which is less than Rs.290

(b) the additional amount payable under this rule shall not exceed Rs.10000

(c) the subscriber has put in atleast 5 years service at the time of the death including the service in PN of before the formation of the Port Trust.

Note 1 :- The average balance shall be worked out on the basis of the balance at the credit of the subscriber at the each of 36 months preceding the month in which the death occurs. For this purpose as also for checking the minimum balance prescribed above -

(a) the balance at the end of March shall include the annual interest credited in terms of Rule 11, and

(b) if the last of the aforesaid 36 months is not March, the balance at the end of the said last month shall include interest in respect of the period from the beginning of the financial year in which death occurs to the end of the said last month .

Note 2;- Payment under this scheme shall in whole rupees. If an amount due includes a fraction of a rupee it should be rounded to the nearest rupee, (fifty paise counting as the next higher rupee)

Note 3 :- Any sum payable under this scheme is in the nature of insurance money and therefore the statutory production given by section 3 of the Provident Funds Act 1925 (Act 19 of 1925 ) does not apply to sums payable under this scheme.

Note 4 :- In case of persons appointed on tenure basis and in the case re-employed, pensioners, service rendered from the date of such appointed of re-employment as the case may be only shall count for purpose of this rule.

(c) this scheme does not apply to persons appointed on contract basis.

### **31. Interpretation**

If any question arises relating to the interpretation of these regulations it shall be decided by the Board.

### **FORM - II**

(see regulation 6)

Form of nomination

I. When the subscriber has a family and wished to nominate one member here of.

I, hereby nominate the person mentioned below who is a member of my family as defined in regulation 2 (e) of the Tuticorin Port Trust Employees (General Provident Fund) Regulations, 1978, to receive the amount that may stand to my credit in the Fund in the event of my death before the amount has become payable, or having payable has not been paid.

Name and address of nominee

Relationship with subscriber

Age

Contingencies on happening of which the nomination shall become invalid

Name, address and relationship of the person/persons if any, to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber

1

2

3

4

5

Dated this ..... day of ..... 19..... at .....

Two witness to signature

1..... signature of subscriber

2.....

### FORM III

(See regulation 6)

When the subscriber has a family and wishes to nominate more than one member there of.

I, hereby nominate the persons mentioned below, who are members of my family as defined in regulation 2 (e) of the Tuticorin Port Trust Employees ( General Provident Fund) Regulations 1978 - 79 to receive the amount that may stand to my credit in the fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the paid amount shall be distributed amongst the said person in the manner shown against their names.

Name and address of nominee

Relationship with subscriber

Age

Amount of share of accumulations to be paid to each

Consignees on the happening of which the nomination shall become in valid

Name , address and relationship of person /persons if any to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber

1

2

3

4

5

6

Dated the ..... day of ..... 19..... at .....

Two witnesses to signature .

1..... Signature of subscriber

2. ....

Note : This column should filled in so as to cover the whole amount that may stand to the credit of the subscriber in the fund at any time.

## FORM IV

( See regulations 6)

When the subscriber has no family and wished to nominate one person

I, having no family as defined in regulation 2 (e) of the Tuticorin Port Trust Employees (General Provident Fund) Regulations, 1979 hereby nominate the person mentioned below to receive the amount that may stand to my credit in the fund, in the event of my death before that amount has become payable, or having become payable has not been paid.

Name and address of nominee

Relationship with subscriber

Age

Contingencies

Name and address and relationship of the person/ persons, if any to whom the right of nominee shall pass in at the event of his/her predeceasing the subscriber

1

2

3

4

5

1.

2.

3.

Dated this ..... day of .....19 ..... at .....

Two witnesses to signature

1..... Signature of subscriber

2.....

Note : Where a subscriber who has no family makes a nomination he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.



## FORM V

(See regulation 6)

When the subscriber has no family and wishes to nominate more than one person .

I, having no family as defined in regulation 2 (e) of the Tuticorin Port Trust Employees (General Provident Fund) Regulations, 1979 hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the fund, in the event of my death before the said amount shall be distributed among the said persons in the manner shown below against their names :-

Name and address of nominee

Relationship with subscriber

Age

Amount or share of accumulations to be paid to each

\*\*Contingencies on the happenings of which the nomination shall become invalid

Name, address and relationship of the person / persons if any , to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber

1

2

3

4

5

6

Dated this ..... day of .....19

Dated :

Two witness to signature

1..... Signature of subscriber

2.....

Note: This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the fund at any time.

Note: \*\* Where a subscriber who has no family makes a nomination, he shall specify in the column that the nomination shall become invalid in the event of his subsequently acquiring a family.

STATEMENT OF PARTICULARS FOR ALLOTMENT OF PROVIDENT FUND ACCOUNT NUMBERS TO  
COMPULSORY SUBSCRIBERS IN PORT OF TUTICORIN

Office of the .....

Head of account to which pay and allowance are debited. ....

Name of Fund.....

FORM 1

(See regulation 4(6))

Sl.no

Name of subscriber

Name of subscribers father/ husband

Date of birth of subscriber

Date of joining of service

Designation

Emoluments

Monthly rate of subscription (in whole rupee)

Month from which subscription to commence

Remarks

To be filled in by the accounts department account No. allotted

1

2

3

4

5

6

7

8

9

10

Head of office Returned after allotting account No. Dated.....

FINANCIAL ADVISOR AND

CHIEF ACCOUNT OFFICER

### FORM V

PROFORMA FOR APPLICATION OF ADVANCE FROM PROVIDENT FUND

Port of Tuticorin

APPLICATION FOR ADVANCE FROM (Here enter the name of Fund)

1.Name of subscriber

2.Account number (with departmental suffix)

3.Designation

4.Pay

5.Balance at credit of the subscriber on the date of application as below:

Closing balance as per statement for the year .....

Credit from .....to ..... subscription .....

Refunds

Withdrawals during the period from ..... to .....

Net balance or credit

6. Amount of advance : outstanding if any and the purpose for which advance was taken then

7. Amount of advance required

8. (a) Purpose for which the advance is required.

(b) Rules under which the request is covered.

9.Amount of the consolidated advances (items 6and 7) and number of monthly instalments in which the consolidated advance is proposed to be repaid.

10. Full particulars of the pecuniary circumstances of the subscriber, justifying the application for the advance.

Signature of the applicant

Name.....

Designation.....

Section/branch.....

## FORM VII

### PROFORMA FOR SANCTION OF ADVANCE FROM PROVIDENT FUNDS

No. Port of Tuticorin

ORDER

Sanction.....

Sanction is hereby accorded under Rule ..... of ..... for the grant of an advance of Rs. .... (Rs. .... only) to Shri /Shimati/ Kumari. ....

from his/her GPF/CPF Account No..... to enable him/her to defray expenses on .....

2.The advance will be recovered in the monthly instalments of rupees .....

each commencing from the salary for the month of ..... payable in .....

3. A sum of Rs. ....(Rupees ..... only) out of advance of Rs. .... sanctioned in ..... and paid to him/her in ..... will be outstanding till the commencement of the recovery of the consolidated amount as specified below. This amount together with the advance now sanctioned aggregating to Rs. .... will be recovered in ..... monthly instalments of ..... Rs. .... each commencing from the salary for the month of ..... payable in .....

4. The balance at the credit of Shri ..... as on ..... is detailed below :

(I) Balance as per account slip for the year ..... Rs. ....

(II) Subsequent deposit s and refunds of advance at the rate ..... p.m from ..... to ..... Rs .....

Total of Col . (i)and (ii) Rs .....

Subsequent withdrawals, if any Rs .....

Balance as on date of sanction Col. (iii)and (iv). Rs .....

To

Sanctioning authority

**FORM- VIII**

PROFORMA FOR APPLICATION OF WITHDRAWAL FROM PRIVIDENT FUND

Port of Tuticorin

APPLICATION FOR WITHDRAWAL FROM (here enter the name of the Fund)

Name of the subscriber

Account number (with departmental suffix)

Designation

Pay

Date of joining service and the date of superannuation

Balance at credit of the subscriber on the date of application as below-

(i) Closing balance as per statement for the year-----

(ii)Credit from -----to-----on account of monthly subscriptions

(iii)Refunds made to the Fund after the closing balance vide (i) above

(iv)Withdrawal during the period from-----to-----

(v) Net balance of credit on the date of application

Amount of withdrawal required

(a) Purpose for which the withdrawal is required

(b) Rule under which the request is covered

Whether any withdrawal was taken for the same purpose earlier, if so indicate the amount and the year

Dated: Signature of applicant

Designation

Section/Branch

## FORM- IX

### PROFORMA FOR SANCTIONING WITHDRAWALS FROM PROVIDENT FUND

Port of Tuticorin

To

The Financial Advisor and

Chief Accounts Officer,

Port of Tuticorin,

Tuticorin-4.

Sir,

Subject- Withdrawal from the ----- (here enter the name of fund) Shri -----

I am directed to convey sanction of the -----under rule----- of the -----Rules ----- to the withdrawal by Shri----- (here enter the designation) of a sum of Rs----- (Rs----- Only) from his fund Account No----- (with departmental suffix) to enable him to meet expenditure.

The amount of withdrawal does not exceed 6 months of pay Shri..... or of the amount at his credit /subscription in the ..... Fund account. His basic pay is Rs..... (a) defined in the FRS )

It is certified that Shri ..... is within ten years of his retirement of superannuation has completed 20/25 years of his Government service on .....

It is also certified that the total amount drawn from all Government sources by Shri ..... for House Building purposes does not exceed Rs.1,00,000 of his seventy five months pay whichever is less.

The balance at the credit of Shri..... as on ..... is detailed below:

Balance as per account slip for the year ..... Rs.....

Subsequent deposits and refunds of advance at the rate ..... p.m. From ..... to.....Rs.....

Total of Col (i) and (ii) Rs.....

Subsequent withdrawals, if any, Rs.....

Balance as on date of sanction Col (iii) & (iv) Rs.....

Shri ..... was last sanctioned a part final withdrawal by this office for an amount of Rs. .... vide..... after the account statement for the year .....(Shri .....is understood, (as stated by him) to have been last sanctioned a part final withdrawal of Rs.....by .....)

Yours faithfully,

Copy forwarded to

1.....

2. Shri ..... is attention is drawn to the provision of rule .....of GPF(CS)/CPF Rules according to which a subscriber who has been permitted to withdraw from the fund should satisfy the sanctioning authority that the money has been utilised for the purpose of which it was withdrawn. A certificate to the effect that the withdrawal sanctioned above has been utilised for the purpose for which it has been sanctioned may, therefore, please be furnished within ..... months of drawal of money.

#### **FORM - X**

FORM OF APPLICATION FOR FINAL PAYMENT/TRANSFER TO BODIES CORPORATE/OTHER GOVERNMENTS OF BALANCE IN THE\_\_\_\_\_

P.F.ACCOUNT.

To

The Financial Adviser and Chief

Accounts Officer,

Port of Tuticorin,

Tuticorin-628 004.

(Through Head of Office/Department)

Sir,

I am due to retire/have proceeded on leave preparatory to retirement for \_\_\_\_\_ months/have been discharged/dismissed/have been permanently transferred to \_\_\_\_\_ have resigned finally from Port of Tuticorin service under \_\_\_\_\_ Port of Tuticorin to take up appointment with \_\_\_\_\_ and my resignation has been accepted with effect from \_\_\_\_\_ forenoon/afternoon. I joined service with \_\_\_\_\_ on \_\_\_\_\_ forenoon/afternoon.

My provident Fund Account No. is \_\_\_\_\_

My specimen signature in duplicate, duly attested by another Gazetted Officer is enclosed.

#### PART-1

( To be filled in which the application for final payment is submitted upto one year prior to retirement)

4. I request that the amount of Rs. \_\_\_\_\_ standing to the credit in my G.P.F Account as indicated in the Accounts Statement issued to me for the year \_\_\_\_\_ enclosed/as appearing in my ledger account being maintained by you, may please be arranged to be paid to me through \_\_\_\_\_

treasury/sub-Treasury.

Certified that I had taken the following advance in respect of which \_\_\_\_\_ instalments of Rs. \_\_\_\_\_ are yet to be repaid to the fund Account, I had taken the following final withdrawals:-

#### Temporary advance Final withdrawals

- 1.
- 2.
- 3.
- 4.

Details of the temporary advances drawn by me/final withdrawals made by me from my Provident Fund Account during the 12 months preceding the date of my quitting service under \_\_\_\_\_ Government proceeding on leave preparatory to retirement or thereafter are given below.

Amount of advance Date

- 1.



2.

I hereby certify that no amount was withdrawn/the following amounts were withdrawn by me from my Provident Fund Account during the 12 months immediately preceding the date of my quitting service under \_\_\_\_\_ Government/proceeding on leave preparatory to retirement on thereafter for payment of insurance premia or for the purchases of new policy.

Amount Date

1.

2.

The particulars of the Life Insurance policies financed by me from the Provident Fund which are to be released by you are given below.

Policy No. Name of the Co. Sum assured

1.

2.

3.

4.

Station:

yours faithfully

Dated:

signature\_\_\_\_\_

(Name and Address)\_\_\_\_\_

Para 4 applies only when payment is desired at a treasury other than the one at the District Headquarters where the subscriber last served. Otherwise it may be struck out.

### **CERTIFICATE BY THE HEAD OF OFFICE DEPARTMENT**

1. Forwarded continuation of endorsement No \_\_\_\_\_ dated \_\_\_\_\_

1.a It is certified after due verification with reference to the records in my office that no temporary advance/final withdrawal was sanctioned to the applicant from his/her provident fund account during the 12 months immediately preceding the date of his/her quitting service under \_\_\_\_\_ Port of Tuticorin/ proceeding on leave preparatory to retirement or thereafter.

2. It is certified that after due verification with reference to the records in my office, that the following temporary advances/final withdrawals were sanctioned to and drawn by the applicant from his/her Provident Fund account during 12 months immediately preceding the date of his/her quitting service under \_\_\_\_\_ Port of Tuticorin/proceeding on leave preparatory to retirement or thereafter.

Amount of advance/withdrawal \_\_\_\_\_ date \_\_\_\_\_ voucher No \_\_\_\_\_

1.

2.

It is certified that no demands/following demands of Port of Tuticorin are due for recovery.

Certified that he/she has not resigned from Port of Tuticorin service with prior permission of the port authorities to take up an appointment in a department of the Central Government or under a State Government or under a body corporate owned or controlled by the state.

(Signature of the Head of Office)

**TUTICORIN PORT TRUST EMPLOYEES (HOUSE BUILDING ADVANCE SPECIAL FAMILY  
BENEFIT FUND SCHEME)**

HBA SPECIAL FAMILY BENEFIT FUND

**TUTICORIN PORT TRUST EMPLOYEES  
HOUSE BUILDING ADVANCE  
SPECIAL FAMILY BENEFIT FUND SCHEME**

**1. Short title and application**

- a) The scheme may be called 'Tuticorin Port Trust Employees (House Building Advance) Special Family Benefit Fund Scheme'.
- b) The scheme shall apply to all the employees of the Tuticorin Port Trust Board who have already availed or avail the House Building Advance from the Port Trust.

**2. Commencement**

The Scheme shall take effect from the date of approval of the Board.

**3. Definitions**

In this scheme, unless the context otherwise requires:

- a) The Act means the Major Port Trust Act, 1963
- b) 'Board' and 'Chairman' shall have the meanings assigned to them under the Act.
- c) 'Employee' means officer/employee, employed in Tuticorin Port Trust to whom the scheme applies under (1) (b) above.
- d) 'Fund' means Tuticorin Port Trust Employees (House Building Advance) Special Family Benefit Fund for meeting the undischarged liability towards House Building Advance.
- e) 'Financial Adviser and Chief Accounts Officer' and Head of Department shall mean the Financial Adviser and Chief Accounts Officer and the Head of Department of the Board respectively.

#### **4. Object of the Scheme**

The object of the scheme is to compensate from the fund the undischarged liability towards the House Building Advance including interest thereon in the case of an employee who dies in harness.

#### **5. Constitution of the Fund**

a) A fund styled the 'Tuticorin Port Trust Employees (House Building Advance) Special Family Benefit Fund' shall be constituted with the contribution made monthly by the employees of the Board, who have already availed/avail the House Building Advance and with the contribution by the Board.

b) An account called 'Tuticorin Port Trust Employees (House Building Advance) Special Family Benefit Fund' shall be opened in State Bank of India or in any Nationalized Bank at Tuticorin – 4.

#### **6. Contribution to the Fund**

a) Every employee to whom the scheme applies shall make a non-refundable subscription of Rs. 10/- (Rupees Ten only) per month and such subscription should continue to be paid by him till the date of his retirement on superannuation or otherwise or till the repayment of the House Building Advance, together with interest accrued thereon, whichever is earlier. In respect of future entrants, subscription will commence from the month immediately following that in which the first instalment of House Building Advance is disbursed either for purchase of plot or for construction. If during any month, recovery of subscription could not be made for any reason, such dues will be recovered from the subsequent pay bill or any other settlement dues.

b) The Board shall make a contribution of Rs. 5/- (Rupees five only) per mensem per employee at the beginning of each financial year on the basis of the strength of the employees covered by the provisions of the scheme, the excess or short contribution by the Board for that financial year being made good at the time of affording credit to the fund of the next contribution.

#### **7. Payment in the event of death in harness**

In the case of an employee dying in harness, the entire amount due from him i.e. the principal and interest towards repayment of House Building Advance due thereon upto the date of his death in full shall be reimbursed to the Port Trust Board by meeting the same from the Fund provided the subscription to the scheme has been commenced and continued till the month of his death.

#### **8. Administration of the Fund**

a) The Fund shall be administered by a Committee consisting of the Chairman, the Financial Adviser and Chief Accounts Officer and the Head of Department operating the Welfare Fund.

- b) The fund shall be operated by the Financial Adviser and Chief Accounts Officer or an Officer authorised by him on his behalf.
- c) The investment of the amount available in the fund shall be made by the Financial Adviser and Chief Accounts Officer in such a way as may be decided by the Chairman from time to time.
- d) The claims for payment from the fund shall be processed by the Financial Adviser and Chief Accounts Officer and put up to the Committee.

## **9. Accounts and Audit**

The Financial Adviser and Chief Accounts Officer shall arrange to maintain the necessary books of the accounts and Audit by one of the officers under his control in administering the Fund.

## **10. Interpretation**

The decision of the Chairman is final in all matters in administration of the fund including interpretation of any of the provision of the Scheme.

**TUTICORIN PORT TRUST EMPLOYEES (FAMILY SECURITY FUND) REGULATIONS, 1986**  
(Published in the Gazette of India, dated 16.6.1986)

EMPLOYEES FAMILY SECURITY FUND

**MINISTRY OF SURFACE TRANSPORT**

(Ports Wing)

**NOTIFICATION**

**New Delhi, the 8th January, 1991**

G.S.R. 15(E) In exercise of the powers conferred by sub-section (i) of Section 124, read with Sub-Section (i) of Section 132 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves the Tuticorin Port Trust Employees (Family Security Fund) Regulations, 1991 made by the Board of Trustees for the Port of Tuticorin and set out in the Schedule annexed to this notification.

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

(File No. PR-12016//12/90-P.E.I)

ASHOK JOSHI, Jt. Secy.

**SCHEDULE**

In exercise of the powers conferred by section 28) of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees for the Tuticorin Port Trust hereby make the following regulations further to amend the Tuticorin Port Trust Employees (Family Security Fund) Regulations, 1986 namely:-

**TUTICORIN PORT TRUST EMPLOYEES (FAMILY SECURITY FUND AMENDMENT  
REGULATIONS, 1990**

These Regulations may be called the Tuticorin Port Employees (Family Security Fund) First Amendment Regulations, 1990.

The existing clauses (a) and (b) under the heading Quantum of assistance from the Fund in Regulation 7 of the aforesaid Regulations shall be substituted as under:-

(a) An ex-gratia payment of Rs. 20,000 shall be made from the fund to the nominee of every employee who dies in service and in the absence of a nominee, the amount shall be paid to the person to whom the pensionary benefits are payable:

(b) An ex-gratia payment of Rs. 15,000 shall be made from the fund to every employee who is incapacitated for further continuance of service of the Board on medical grounds to be certified by a Medical Board duly constituted by the Chief Medical Officer.

**Foot Note:**

The Principal Regulations were approved by the Government and published in Part II Section 3 sub-section (i) of Gazette of India dated 16.6.1986.

TUTICORIN – 628 004.

CHAIRMAN

TUTICORIN PORT TRUST

**Tuticorin Port Trust Employees (Family Security Fund) Regulations 1986**

(No. F.A/VII/12-1/81-BGT.)

No. SRO. C33/86

The following notification issued by the Government of India, Ministry of Transport, Department of Surface Transport (Ports Wing), New Delhi, dated the 16th June 1986, published in the Gazette of India Extraordinary, Part II – Section 3 sub-section (i), is published in the Tamil Nadu Government Gazette as required under sub-section (2) of section 132 of the Major Port Trusts Act, 1963 (38 of 1963).

**MINISTRY OF TRANSPORT.**  
**(Department of Surface Transport)**  
**(Ports Wing)**

**New Delhi, the 16th June 1986.**

**NOTIFICATION.**

G.S.R. 869 (E) – In exercise of the powers conferred by sub-section (1) of section 124 read with sub-section (1) of section 132, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves the Tuticorin Port Trust Employees (Family Security Fund) Regulations, 1986 as set out in the Schedule attached.

The said regulations shall come into force from the date of issue of this Notification in the official Gazette.

(F. No. PW/PER-13/86)

YOGENDRA NARAIN,

Joint Secretary.

**THE SCHEDULE.**

**Tuticorin Port Trust Employees (Family Security Fund) Regulations 1986.**

(FA VII/12-1/81-BGT.)

In exercise of the powers conferred by section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Tuticorin Port Trust Board hereby makes, with the approval of the Central Government the following Regulations, namely:-

**1. Short title and Commencement**

(i) These Regulations may be called the Tuticorin Port Trust Employees (Family Security Fund) Regulations, 1986.

(ii) They shall come into force with effect from the date of their publications in the Gazette.



## **2. Application**

These Regulations shall apply to all employees of the Board other than employees on daily wages, employees paid from contingencies and employees appointed on contract basis.

## **3. Definition**

In these Regulations, unless the context otherwise requires -

(a) 'Board' means the Board of Trustees for the Port of Tuticorin.

(b) 'Chairman' means the Chairman of the 'Board'.

(c) 'Employee' means the employee of the Board.

(d) 'Family' means -

(i) In the case of a male subscriber, the wife or wives and the children of a subscriber (and the widow or widows) and children of a deceased son of a subscriber:

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she shall hence forth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate unless the subscriber subsequently intimates in writing to the Accounts Officer that she shall continue to be so regarded.

(ii) In the case of female subscriber, the husband and children of the subscriber (and the widow or widows) and children of a deceased son of a subscriber;

Provided that if a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband shall hence forth be deemed to be no longer a member of the subscriber's family in the matters to which these regulations relate unless the subscriber subsequently cancels such notice in writing

Note - 'Child' means a legitimate child and includes an adopted child where adoption is recognised by the personal law governing the subscriber.

(e) 'Fund' means the Tuticorin Port Trust Family Security Fund constituted under regulation 4 of these regulations

(f) 'Committee' means the committee constituted under regulation 6 of these regulations.

## **4. Constitution of the Fund**

The Board shall constitute a Fund to be called the Tuticorin Port Trust Employees Family Security Fund.

## **5. Contribution to the Fund**

- (a) Every employee who has not attained the age of 28 years shall make a monthly contribution of Rs. 4 and every other employee shall make a monthly contribution of Rs. 5 to the Fund.
- (b) The Board shall make an annual contribution of Rs. 2 lakhs to the Fund.
- (c) The quantum of contribution by the Board and the quantum of contribution by the employees may be varied by the Board in its discretion from time to time.

## **6. Administration of the Fund**

- (a) The Fund shall be administered by a Committee of 3 members to be nominated by the Chairman.
- (b) The Committee shall administer the fund in the manner prescribed by the Chairman from time to time.

## **7. Quantum of assistance from the Fund**

- (a) An exgratia payment of Rs. 20,000, shall be made from the fund to the nominee of every employee who dies in service and in the absence of a nominee, the amount shall be paid to the persons to whom the pensionary benefits are payable.
- (b) An exgratia payment of Rs. 15,000 shall be made from the fund to every employee who is incapacitated for further continuance in the service of the Board on medical grounds to be certified by the Chief Medical Officer of the Board.

( a & b as amended by GSR No.15 (E) dated 08.01.1991)

- (c) The procedure for the exgratia payment specified in (a) and (b) above shall be as laid down by the Chairman from time to time.

## **8. Refund of the contribution to the employee**

- (a) In the case of an employee who superannuates or who is compulsorily retired, discharged, dismissed or removed from service or who resigns his post, the total contribution made by the employee to the fund shall be refunded to him without interest.
- (b) There shall be no refund of the contribution made by an employee to the Fund or any part thereof under the circumstances mentioned in (a) above.

## **9. General**

(a) The payment from the fund of the exgratia amount provided in Regulation 7 (a) and (b) shall be in addition to other benefits to which the family of the deceased employee or to which the medically incapacitated employee will be entitled under any other Regulation in force.

## **10. Procedure of the nomination**

(1) An employee shall immediately on coming under this scheme send to the Head of the Office/Officer in-charge of maintenance of service book, a nomination conferring on one or more persons the right to receive the amount that may become payable under this scheme in the event of his death before attaining the age of 58 years.

(2) An employee who has a family at the time of his/her making the nomination shall make such nomination only in favour of a member or members of his/her family.

(3) If an employee nominates more than one person under sub regulations (1) or (2) above, he should specify in the nomination the amount or share payable to each of the nominees in such a manner as to cover the whole of the amount payable under this scheme.

(4) The nomination should be made in Form I (Annexure I) or Form II (Annexure II) as is appropriate in the circumstances.

(5) An employee may at any time cancel a nomination by sending a notice to the Head of office/officer-in-charge of maintenance of his service book along with a fresh nomination made out in accordance with the above provisions.

(6) The nomination shall be countersigned by the Head of the Office/Officer-in-charge of maintaining the service book and pasted on the service book of the employee concerned. Suitable record of receipt of nomination shall be made in the Service Book.

## **11. Interpretation**

If any question arises as to the applicability or the interpretation of any of these Regulations, the same shall be referred to the Chairman whose decision shall be final.

## **12. Repeal**

The Tuticorin Port Trust Employees (Compulsory Insurance Scheme) Regulations 1979 are hereby repealed.

## ANNEXURE I

### FORM I

Nomination for benefits under the Tuticorin Port Trust Employee's Family Security Fund Regulations

When the employee has no family and wish to nominate one person or more than one person

I, having no family hereby nominate the person/persons mentioned below and confer on him/them the right to receive to the extent specified below any amount that may be sanctioned by the Tuticorin Port Trust under the Tuticorin Port Trust Employee's Family Security Fund Regulations in the event of my death while in service or which having become payable on my attaining the age of 58 years may remain unpaid at my death.

-----  
Name and address of      Relationship with      Age

nominees. Employee

(1)      (2)      (3)

-----  
1.

2.

3.  
-----

Share of amount      Contingencies\* on the Name, address and

to be paid      happening of which relationship of the

to each. the nomination shall      person, if any, to

become invalid. Whom the right of

the nominee shall

pass in the event of

his predeceasing the

employee.

(4) (5) (6)

-----

1.

2.

3.

-----

Dated, this day of 19 at

Signature along with name and address in block letters of two witnesses:

1.

2.

Signature of the Employee:

N.B. - The employee should draw line across the blank space below his last entry in Column (1) to prevent the insertion of any names after he has signed.

This column should be filled in so as to cover the whole amount that may be payable under the Regulations.

\*Note - Where an employee who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

**ANNEXURE II.**

**FORM-II.**

Nomination for benefits under the Tuticorin Port Trust Employees Family Security Fund Regulations.

When the employee has a family and wishes to nominate one member or more than one member thereof.

I, hereby nominate the person(s) mentioned below, who is/are member(s) of my family and confer on him/them the right to receive to the extent specified below any amount that may be sanctioned by the Tuticorin Port Trust under the Tuticorin Port Trust employees Family Security Fund Regulations in the event of my death while in Service or which having become payable on my attaining the age of 58 years remain unpaid at my death.

-----

Name and address of	Relationship with	Age
---------------------	-------------------	-----

nominees. Employee

(1) (2) (3)

-----

1.

2.

3.

-----

Share Contingencies on the Name, address and

to be paid        happening of which relationship of the

to each. the nomination shall        person, if any, to

become invalid. whom the right of

the nominee shall

pass in the event of  
his predeceasing the

employee.

(4) (5) (6)

-----

1.

2.

3.

N.B. - The employee should draw line across the blank space in his last entry in column (1) to prevent insertion of any name after he has signed.

Dated, this day of 19 at

Signature along with name and address in block letters of two witnesses:

1.

2.

3.

Signature of the Employee:

This column should be filled in so as to cover the whole amount that may be payable under the Regulations.

K.A. SUNDARAM,  
Chairman, Tuticorin Port Trust.

Tuticorin – 4

5th November, 1986.

## **TUTICORIN PORT TRUST EMPLOYEES (WELFARE FUND) REGULATIONS, 1996**

WELFARE FUND

### **Tuticorin Port Trust Employees (WELFARE Fund) Regulations**

**(No. F.A/VII/12-2/80-BGT.)**

No. SRO. C30/86

The following notification issued by the Government of India, Ministry of Transport, Department of Surface Transport (Ports Wing), New Delhi, dated the 25h June 1986, published in the Gazette of India Extraordinary, Part II – Section 3 Sub-section (i), is published in the Tamil Nadu Government Gazette as required under sub-section (2) of section 132 of the Major Port Trusts Act, 1963 (38 of 1963).

G.S.R. 906 (E) – In exercise of the powers conferred by sub-section (i) of 124 read with sub-section (1) of section 132, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves the Tuticorin Port Trust Employees (Welfare Fund) Regulations, 1986 as set out in the schedule attached.

2. The said regulations shall come into force from the date of issue of this Notification in the official Gazette.

### **SCHEDULE**

#### **TUTICORIN PORT TRUST EMPLOYEES (WELFARE FUND)**

#### **REGULATIONS.**

In exercise of the powers conferred by section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Tuticorin Port Trust Board hereby makes, subject to the approval of the Central Government under section 124 of the above Act, the following Regulations:-

#### **1. Short title**

These Regulations may be called the Tuticorin Port Trust Employees (Welfare Fund) Regulations, 1986.



## **2. Definition**

In these Regulations, unless the context otherwise requires -

- (a) 'Board' means the Board of Trustees for the Port of Tuticorin.
- (b) 'Chairman' means the 'Chairman of the Board' and includes the person appointed to act in his place under section 14 of the Major Port Trusts Act, 1963.
- (c) 'Employee' means an employee of the Board and includes any such person on foreign service or whose services are temporarily placed at the disposal of the Board and also any person in service of the Central or a State Government or a Local or other authority whose services are temporarily placed at the disposal of the Board.
- (d) 'Family' means the wife or husband as the case may be of the employee and legitimate children including adopted children wholly dependent on such employee.
- (e) 'Fund' means the Tuticorin Port Trust Employees Welfare Fund constituted under regulation 3.
- (f) 'General account' means the general account of the Board.

## **3. Constitution of the Fund**

There shall be established a Fund to be called The Tuticorin Port Trust Employees Welfare Fund, and there shall be credited thereto:

- (a) contribution from the General Account of the Board as may be sanctioned by the Board from time to time subject to such ceiling and annual contribution as may be fixed by the Central Government in this regard.
- (b) Interest and profit on investments belonging to the Fund; and
- (c) any other sum or property made over to the fund by way of gift or donation.
- (d) The sum standing at the credit of the existing Welfare account on the day preceding the date on which these regulations come into effect.

## **4. Administration of the Fund**

The Fund shall be administered by the Chairman.

## **5. Expenditure from the Fund**

The money available in the Fund may be utilized for the following welfare measures and facilities, namely:-

(a) donations to such Institutions, Clubs, Co-operative Societies or Sports councils as are connected with the welfare of employees and their sports councils as are connected with the welfare of employees and their families.

(b) (i) Grant of scholarships and books to children of employees;

(ii) educational facilities including literacy classes teaching of handicrafts and maintenance of reading rooms;

(c) special rewards to employees for life saving and other meritorious acts ;

(d) financial assistance to employees in acute distresses.

(e) providing artificial limbs or other aids to employees who are partially or permanently disabled due to accident on duty ;

(f) payment towards cost of special drugs recommended by the Medical Officer of the Board for the use of the employees

(g) grants for conducting sports events, competitions, dramas, music film shows, bhajans and the like for employees and celebrations of Independence days and Republic days by the employees ;

(h) rendering immediate financial relief to the families of the employees who die or sustain serious injuries during working hours that is the time after he has reported for work including recess and within the Port area.

(i) any other welfare measures and facilities for the employees and their families as may be determined by the Board.

## **6. Disbursement from the Fund**

Disbursement shall be made out of the Fund for the welfare measures and facilities for the employees or their families under the specific sanction of the Chairman.

## **7. Maximum amount in Fund**

The maximum amount that may be held in the Fund shall be limited to Rs. 5,00,000 (Rupees five lakhs only).

(GSR No. 431(E) dated 6.4.1988)

#### **8. Disposal of surplus in the Fund**

Any surplus in the Fund over and above the maximum limit specified in Regulation (7) shall be credited to the general account.

#### **9. Maintenance of accounts**

Proper accounts and other relevant records shall be maintained regarding administration of the Fund.

#### **10. Interpretation**

If any question arises relating to the interpretation of any of these regulations, the same shall be decided by the Chairman.

K.A. SUNDARAM,

Chairman, Tuticorin Port Trust.

Tuticorin – 628 004.

26th August 1986

**TUTICORIN PORT TRUST EMPLOYEES (EDUCATIONAL ASSISTANCE) REGULATIONS, 1990**  
(Published in the Gazette of India, dated 31.10.1990)

**MINISTRY OF SURFACE TRANSPORT**

**(PORT WING)**

**NOTIFICATION**

**New Delhi, the 31st October, 1990.**

G.S.R. 874 (E):- In exercise of the powers conferred by Sub-section (i) of Section 124, read with Sub-Section (i) of section 132 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves the Tuticorin Port Trust Employees' (Educational Assistance) Regulations, 1990 made by the Board of Trustees for the Port of Tuticorin and set out in the Schedule annexed to this notification.

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

(F.No.PR-12016/17/90-PE II) ASHOKE JOSHI Jt. Secy.

**SCHEDULE**

**TUTICORIN PORT TRUST EMPLOYEES (EDUCATIONAL  
ASSISTANCE) REGULATIONS, 1990.**

**1. Short title and commencement**

(i) These Regulation may be called the Tuticorin Port Trust Employees (Educational Assistance) Regulations, 1990.

**2. Application**

(i) These regulations shall apply to all the employees of Tuticorin Port Trust Board, but shall not apply to

- (a) persons on casual or daily rated or part-time employment.
- (b) persons paid from the contingencies;
- (c) persons employed on contract except where the contract provided

otherwise

ii) These regulations shall also apply to Tuticorin Port Employees on deputation to other Major Ports or on foreign service, provided necessary provision in regard to the drawl of educational assistance under these regulations from such major ports or foreign service is expressly made in the terms of deputation or foreign service.

### 3. Definitions

In these regulations, unless the context otherwise requires-

a) 'Board' "Chairman" , " Deputy Chairman" and "Head of Department" shall have the same meaning assigned to them in Major Port Trusts Act, 1963 respectively.

(b) 'Child' means a child of an employee of the Board and includes, step child and an adopted child who is wholly dependent on the employee.

(c)'Employee 'means an employee of the Board.

(d) 'Government' means Central Government.

(e) 'Higher Secondary' or ' Senior Secondary Classes' means Classes XI and II and include classes up to the equivalent of XII Class, under the 10+2+3 scheme like Pre-University Class or the first year class or an intermediate College, a Technical College or a Polytechnic, provided the child has passed the Secondary or equivalent but not the Higher Secondary examination before joining such class.

(f) ' Primary Classes' mean Classes I to V but does not include Kindergarten or nursery classes.

(g) ' Recognised School' means a Government School / Public School or any educational institution whether in receipt of Government aid or not, recognised by the Central or State Government, or Union Territory Administration or by a University or a recognised educational authority having jurisdiction over the area where the institution is situate. For the purpose of these regulations education up to senior level shall be treated as school education.

(h) 'Secondary classes' means classes VI to X

(i) 'Tuition Fee' means tuition fee payable and actually paid and includes-

Science fee

Laboratory fee in case of science fee is not separately charged.

Special fee charged for agriculture as an elective additional subject, and

any fee charged for subjects like music which are taught as part of the regular school curriculam or subject requiring practical work under the programme of works experience.

Provided that if 'Tuition fee' charged from a science student is higher than that charged from a non-science student, science fee though separately charged shall not be included in Tuition fee for the purpose of these orders.

Explanation - 'Tuition fee' does not however, include-

Domestic science fund charges;

Library fee;

Games fee;

Admission fee; and

Extra-curricular activity fee.

GENERAL CONDITIONS :

Eligibility – (1) All the employees of the board without any pay limit shall be eligible to the reimbursement of Tuition fee payable and actually paid in respect of their children provided that no 'Children Educational Allowance' is admissible to them under any of these regulations.

In case both wife and husband are governed by the provisions of these regulations, the reimbursement of Tuition fee shall be admissible to one of them only.

In case, the wife or husband of an employee is employed outside the Board, the employee of the Board is eligible for reimbursement of tuition fee under these regulations only, if his / her spouse is not entitled to such benefit from his/her employer and a declaration to that effect shall be obtained from the employee.

The reimbursement of tuition fee shall be admissible to an employee while he / she is on duty or is under suspension or is on leave (including EOL).

Provided that during any period which is treated as "dies- non" the employee shall not be eligible for the reimbursement.

If an employee dies or ceases to be in service by reasons or retirement, resignation, dismissal or removal from service in the course of an academic year, the reimbursement shall be admissible till the end of the academic year in which the event takes place.

The concession is admissible only in respect of children between the age limits of 5 and 20 years. An employee shall not be eligible for reimbursement of tuition fee for a child for more than two academic years in the same class.

(7) Assistance under these regulations shall be available up to three children at one time borne up to the date of 31.12.1987 and shall be restricted to two children born thereafter.

(8) Reimbursement of tuition fee shall be admissible to an employee in respect of a child, only if the child attends the school regularly.

Provided, that no such reimbursement shall be admissible in any case where the period of absence from the school without proper leave exceeds one month notwithstanding that the name of the child remains on the roll of the school.

(9) The reimbursement of tuition fee shall be admissible to an employee in respect of his/hers children, regardless of the fact that any scholarship is received provided that freeship is awarded, reimbursement of tuition fee shall be admissible only to the extent of fee actually paid.

The claim may be made by the employees in the prescribed form annexed to this regulation

## **5. Extent of reimbursement**

1. Up to XII Class : The tuition fee payable and actually paid by an employee in respect of his/her child may be reimbursed subject to the limits as fixed by the Board in consonance with the orders of Central Government issued from time to time.

2. Polytechnic and University-the reimbursement of tuition fee charged by a College run by a University or affiliated to a university or Pre-University/first year class of an Intermediate College or of a Technical College or first year class of Polytechnic or for a correspondence course shall, however be reimbursed in full subject to their being restricted to the rates prescribed by Government College for corresponding class.

3. Two year Diploma Course.- In cases where minimum qualification for admission in the Diploma Courses in Polytechnics is 10<sup>th</sup> class of the revised pattern of education and the student joins the polytechnic after passing Xth class of the revised pattern of education the reimbursement of tuition fee shall also be allowed for the I and II year classes of the above course.

4. Special provision for handicapped children.- Notwithstanding anything to the contrary to these regulation tuition fee payable and paid in respect of physically handicapped or mentally retarded child of the employee shall be reimbursed subject to the following conditions:-

(a) The institution in which the child is studying is one which is recognised or approved or aided by the Central Government or State Government or Union Territory administration;

(b) The fee charged or approved by the Central Government or State Government or Union Territory administration as the case may be

Explanation: If the institution is recognized or approved or aided but the fees charged or not approved by Central or State Government or Union Territory Administration, the fee reimbursable shall be subject to the ceiling fixed by the Board in consonance with the orders of Central Government issued from time to time.

6. Procedure for reimbursement of Tuition fees.-

1. At the time of accepting the initial claim, production of the Cash Receipt given by the School or Counterfoil of the Bank Credit Voucher, if the tuition fee is paid through Bank by the employee as a proof of having actually paid the Tuition fee will be sufficient. For the subsequent occasions, a declaration from the employee to the effect that he continues to incur the expenditure on tuition fee, etc. should be accepted. The employee may also be asked to certify that his / her child/children is / are actually studying in a recognized school and that he is actually incurring expenditure on the tuition fee.

2. Whenever there is any change in regard to the school, institution/child etc. the first claim will be treated as a 'fresh claim' and the procedure as indicated in the preceding paragraph will be followed.

## 7. Interpretation

If any question arises as to the interpretation of this order, the same shall be decided by the Chairman.

## ANNEXURE

### REIMBURSEMENT OF TUITION FEE

1. Certified that the child/children mentioned below in respect of whom reimbursement of tuition fee is claimed is/are wholly dependent upon me.

Name of the Child	Date of Birth	School in which Studying	Class in which Studying	Monthly Tuition fee actually paid	Tuition fee actually paid from July 19 to Feb, 19 March, 19 to June, 19	Amount of reimbursement claimed.
1	2	3	4	5	6	7
1						
2						
3						



2. Certified that the tuition fees indicated against the child/each of the children had actually been paid by me (Cash Receipt/Counterfoil of the Bank Credit Vouchers to be attached with the initial claim.)

3. Certified that:

- My wife/husband is not a Port employee

- My wife/husband is not a Central Government employee.

- My wife/husband is a Central Government servant/Port employee but she /he will not claim reimbursement of tuition fee in respect of our child/children.

- My wife/husband is employed with \*----- she/he is not entitled to reimbursement of tuition fees in respect of our child/children.

\* employer other than Central Government to be mentioned.

4. Certified that during the period covered by this claim, the child/children attended the school(s) regularly and did not absent himself/herself/themselves from the school(s) without proper leave for a period of exceeding one month.

5. Certified that the child/children mentioned has/have not been studying in the same class for more than two years.

6. Certified that I or my wife/husband have/has not claimed and will not claim the children's educational allowance in respect of the child/children mentioned above.

7. Certified that my child/children's in respect of whom reimbursement of Tuition fees is claimed is/are studying in the school(s) which is/or recognized schools(s) (Not applicable to schools run by Central Government/State Government/Union Territory Administration/Municipal Corporation/Municipal Committee/Panchayat Samiti Zilla Paraishad).

8. In the event of any change in the particulars above which effect my eligibility for Reimbursement of Tuition Fees, I undertake to intimate the same properly and also to refund excess payments if any made.

Signature of the employee:

Dated: Name in block letters.

Employee No:

Designation:

Department:

**TUTICORIN PORT TRUST EMPLOYEES (CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT) REGULATIONS, 1996 (Published in the Gazette of India, dated 02.11.1996)**

**MEDICAL BENEFIT REGULATIONS**

**MINISTRY OF SURFACE TRANSPORT**

**(Port Wing)**

**NOTIFICATION**

**New Delhi the 2nd November, 1996**

G.S.R. 537 (E).- In exercise of the powers conferred by sub section (1) of 124, read with sub- section (1) of section 132 of the Major Ports Act, 1963 (38 of 1963), the Central Government hereby approves the Tuticorin Port Trust Employees (Contributory Outdoor and Indoor Medical Benefit after Retirement) Regulations, 1996 made by the Board of Trustees for the Port of Tuticorin and set out in the Schedule annexed to this Notification.

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

**SCHEDULE**

**TUTICORIN PORT TRUST EMPLOYEES' (CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT), REGULATIONS, 1996**

In exercise of the powers conferred under Section 28 of the Major Port Trust Act, 1963 (38 of 1963), The Tuticorin Port Trust Board hereby makes the following regulations, subject to the approval of Central Government as required under Section 124 of the aforesaid Act.

**1. Short title and commencement**

(i) These Regulations may be called the Tuticorin Port Trust Employees' (Contributory outdoor and Indoor Medical Benefit after Retirement) Regulations, 1996.

(ii) They shall come into force from the date on which the approval of Central Government is published in the Central Government Gazette.

## **2. Extent of application**

(a) These Regulations are applicable to

- (i) retired Tuticorin Port Trust Employees and to their spouses
- (ii) surviving spouses of the employees who die while in service after completion of 10 years of continuous service in Tuticorin Port Trust, and is ineligible for family pension and
- (iii) to surviving spouses of retired employees who die after retirement provided he or she is not gainfully employed in the Public/Private undertaking and/or covered by any medical benefit scheme of the undertaking either for himself/herself or as dependent.

(b) "Retired Tuticorin Port Trust Employees" in regulations means:

- (i) employees of all classes, viz. Class I, II, III and IV, who retire from Tuticorin Port Trust service on attaining the age of superannuation under the service regulations applicable to them.
- (ii) Class I and II officers who retire by giving the requisite notice or pay and allowances, in lieu of such notice or may be retired by giving the requisite notice or pay and allowance in lieu of such notice after attaining the age of fifty (50) years and all class III and class IV employees who retire by giving the requisite notice or pay and allowances in lieu of such notice, or may be retired by giving requisite notice or pay and allowances in lieu of such notice after attaining the age of fifty five (55) years.
- (iii) Employees irrespective of their class, who are medically invalidated from service after completion of 15 years of continuous service in Tuticorin Port Trust.
- (iv) Employees of all classes who retire from the Port Service under Voluntary Retirement Scheme on or after 2-4-1992.

(c) The option to enroll as members for obtaining medical benefits under these Regulations shall be given within a month of the date of retirement. In the case of those who have already retired or died while in service after completion of 10 years of continuous service or medically invalidated from service after completion of 15 years of continuous service such option shall be exercised by the retired employees or by the dependent as the case may be within three months from the date these regulations come into effect.

## **3. Contribution**

(a) To obtain member for availing medical benefit under these Regulations purely voluntary. Only those retired employees or surviving spouses of deceased employees who make payment either by deduction from their retirement benefits or in cash, of the one time lump sum contribution set out below in the Regulations are eligible for availing medical benefits under these Regulations for themselves and/or their spouses for life. The amount of one time lump sum contribution will be one month pension before

commutation of family pension as the case may be at the time of individual joining the Scheme irrespective of designation and Class of post.

Note: For the purpose of Regulation 2 and 3 (a), the expression Class I, Class II, Class III and Class 1V shall have the same meaning as assigned to them in the Tuticorin Port Trust Employees" (Classification, Control and Appeal) Regulation, 1979. The actual classification will, however, be determined with reference to the Post substantially held by the employees at the time of his/her retirement / death / medical invalidation.

(b) The lump sum contribution once paid, will not be refunded on any ground whatsoever.

#### **4. Registration**

(a) The application in the prescribed proforma Annexure 'A' (attached) for the medical facilities under these Regulations should be made in duplicate to the Head of Department from where the employee retired/invalidated or in the case of his/her death, by his/her spouse, for verification of the particulars mentioned therein. While submitting the application, 2 copies of passport size photographs of the retired employees and/or his/her spouse shall also be sent to the Head of Department along with a declaration in the proforma annexure 'C' (attached) and the receipt of having paid the lump sum contribution referred to in preceding para. This declaration should be renewed every year on the 1st April.

(b) On receipt of the application by the Head of Department the contents of the application will be scrutinised with reference to records available in the department and forwarded to the Chief Medical Officer. The Head of Department or an officer appointed by him, while forwarding the application to the Chief Medical Officer, should certify on the application as detailed here under:-

" I have personally verified the contents of the application with reference to records available with this department and it is certified that the applicant is eligible for the benefit under the Tuticorin Port Trust employees Contributory Outdoor and Indoor Medical Benefit after Retirement) Regulations, 1996".

(c) In case if it is found that the applicant is not eligible for any benefit under these Regulations, he/she shall be intimated so, in writing, by the concerned Head of Department.

(d) If the applicant is found not eligible for benefit under these Regulations the lump sum payment made by him will be refunded to him on the basis of the advise of the respective Head of Department.

(e) On receipt of the recommendations from the Head of Department, the Chief Medical Officer will issue to the retired/invalid employees or spouses as the case may be, an identity card in the prescribed proforma Annexure\_ B (attached) – with a copy of photograph duly pasted on it. The second copy of the photograph shall be pasted on the application and kept for records.

(f) If the retired employee or his/her spouse in case of death of employee is gainfully employed subsequent to admission to the Scheme in public/private undertaking and covered by any Medical Benefit Scheme of the undertaking or on the death of the Beneficiary under these Regulations, the fact should be intimated to the Chief Medical Officer immediately in writing by the retired employees/spouse or the next kin of the deceased, as the case may be. On receipt of such information, Chief Medical Officer, shall take necessary action to cancel the identity card issued to him/her.

(g) A monthly return in respect of such identity card issued/cancelled during the month, shall be sent to the Financial Advisor and Chief Accounts Officer, on or before 10th of the succeeding month.

(h) On receipt of the application and the lump sum contribution the Chief Medical Officer of the Tuticorin Port Trust shall grant the retired employee or surviving spouse, as the case may be, a registration number and shall, at his discretion allot him/her a dispensary at which he/she should be registered. The retired employee and his/her spouse shall be eligible for registration only at the dispensary to which he/she is allotted and except at the discretion of the Chief Medical Officer, he/she shall not be accepted at the any other dispensary. He/She shall be entitled to outdoor medical attendance and treatment only at the dispensary where He/She is registered. The outdoor medical attendance and treatment at the Tuticorin Port Trust hospital shall be admissible only on a reference from the dispensary to the Hospital. However, in emergencies and at the discretion of the Chief Medical Officer, he/she may be accepted for Outdoor medical attendance and treatment at the Tuticorin Port Trust hospital direct.

## **5. Scope**

On payment of contribution, the medical attention and treatment will be made available to the retired employees and their spouses on the same scale and condition as is normally admissible to employee in service subject to the following conditions : -

(a) Outdoor medical attendance and treatment includes such pathological, bacteriological radiological ( including taking of X Ray plates ) or other methods of examinations (including ECG and Ultra sound scanning) as the Resident-cum-Senior Medical Officer/Chief Medical Officer may consider necessary and to the extent that the equipment and facilities are available at the dispensary or outpatient department of the hospital it will, if so consider necessary by Resident-cum-Senior Medical Officer/Chief Medical Officer also include such physical therapy, dental treatment, etc. as may conveniently be given at the dispensary or outpatient department of hospital.

(b) If, for any investigations, reference is required to be made to an outside consultant, agency, hospital or a nursing home, the entire charges therefore, shall be borne by the retired employee his/ her spouse and paid directly by him/her to the outside consultant, agency, hospital, nursing home, as the case may be.

(c) If in the course of medical examinations of a retired employee his/her spouse and emergency arise necessitating hospitalisation in the Tuticorin Port Trust Hospital, such hospitalisation shall be limited to the minimum period considered necessary by the Chief Medical Officer.

(d) Such medicines and injections as may be prescribed at the dispensary or Tuticorin Port Trust Hospital will be supplied without any charge if they are available from the stock of medicines and injections maintained at the dispensary or the hospital. If any medicines and injections are not available at the Tuticorin Port Trust Dispensary / Hospital, the same shall be purchased by him/her at his/her own cost initially and he/she will be reimbursed by the Accounts Department, the cost involved on production of cash memo/receipted bill, duly certified by the Resident -cum-Senior Medical Officer / Chief Medical Officer.

(e) A minimum of three beds at a time will be reserved for retired employees and/or spouses and these beds will be allotted to retired employees or spouses in preference to serving employees and their dependents.

(f) If all or any of the beds reserved for retired employees and /or spouses are not occupied, the unoccupied beds may be allotted to serving employees and their dependents .

(g) The serving employees and /or his dependent who was allotted a bed from out of the aforesaid three beds reserved for retired employees and /or spouses will not be discharged prematurely on the ground that an eligible retired employees and / or his spouse subsequently requires admission.

(h) If the medical circumstance of a retired employee or his spouse seeking admission in to the Tuticorin Port Trust Hospital are such that, in the judgement of the Chief Medical Officer, he / she needs medical attention or hospitalisation as an emergency, the retired employee and / or his / her spouse may be given admission even in excess of the three beds reserved for retired employees and / or spouses but such hospitalisation shall be limited to the minimum period considered necessary by the Chief Medical Officer.

(i) Ambulance services shall be provided for those employees residing within the Municipal limits as in the case of serving employees.

## **6. Expenditure on the regulations**

The contribution and other charges collected from retired employees/ their spouses under the regulations shall be credited to Welfare Fund and the expenditure and providing the Medical Benefit shall be charged to Welfare Fund.

## **7. Penalty**

(a) The renewal of the declaration refer to in Regulations 4 (a) above is sole responsibility of the retired employee / his spouse as a case may be.

(b) If the retired employee /his/her spouse, spouse of the eligible deceased employee who have enjoyed benefit under the Regulations under one time lump sum payment is subsequently found to be gainfully employed in the Public/ Private undertaking during the period in which he/she had availed the treatment the cost of full medical treatment at the outsiders rate with 5% penalty charges will be levied and collected from them and their right to avail further benefit under these regulations will be forfeited.

## **8. Miscellaneous**

(a) The Chief Medical Officer shall ensure that the medical facilities are extended only to the persons enumerated in the identity cards.

(b) The Chief Medical Officer shall maintained a separate register in the form shown in Annexure "D" (attached) \_ showing there in the person/persons to whom the medical facilities are extended under these regulations and the register will be made available for periodical inspection by the Financial Advisor and Chief Accounts Officer or by an officer nominated by the Financial Advisor and Chief Accounts Officer.

## **9. Power to relax**

Where the Board satisfied that the operation of any of these Regulations causes undue hard ship in any particular case, Board may by order for reason to be recorded in writing dispense with or relax the requirements of the Regulation to such extend and subject to such exceptions and conditions as may be considered necessary for dealing with the case in a just and equitable manner.

## **10. Interpretation**

If any question arises as to the interpretation of these Regulations the same will be decided by the Board

**'ANNEXURE 'A'**  
**TUTICORIN PORT TRUST**  
**APPLICATION FORM FOR JOINING THE TUTICORIN PORT TRUST EMPLOYEES'**  
**(CONTRIBUTORY OUT-DOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT)**  
**REGULATIONS, 1996**

1. Name of the Retired Employee (In Block Letters)

2. (a) Designation & Class of Post :

(b) Staff No./P.P.O.No.

(c) Department

3. Date: (i) Appointment

(ii) Retirement

4. Last Pay Drawn

5. Name of Surviving Wife/Husband

Name

Relation

Date of birth

Present age

(i)

(ii)

6. Name of the Applicant

7. Permanent Address

(Signature of the applicant)

Note: Two copies of the Passport size photographs of the members joining these regulations must accompany.



**"ANNEXURE 'B'**

**TUTICORIN PORT TRUST**

**TUTICORIN PORT TRUST EMPLOYEES ' (CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL  
BENEFIT AFTER RETIREMENT)REGULATIONS, 1996**

Identity Card No.

1. Name of the Retired Employee

2. Name of Surviving Wife/Husband

3. Designation on the date of retirement with the name of department and staff No. / P.P.O. No.

4. Date of Retirement

5. Last Pay Drawn

6. Rate of Contribution

7. Marks of Identification

(i)

(ii)

8. Particulars of Payment

(i)

(ii)

(iii)

9. Signature of Retired Employee / applicant

10. Signature of the Head of Department with Rubber Stamp.

**ANNEXURE 'C'**

**TUTICORIN PORT TRUST**

**Declaration to be filed by retired employees at the time of joining the Tuticorin Port Trust Employees' (Contributory Outdoor and Indoor Medical Benefit After Retirement ) Regulations, 1996 and thereafter on 1st April of every year.**

I, the undersigned ..... wife / husband of ..... staff no..... Designation ..... of ..... department retired from the service of the board with effect from ..... do hereby declare that I am / I am not employed in any Public or Private sector undertaking and I am /I am not covered by any Medical Benefit Scheme by such Employer .

2. (In the case of those who are employed gainfully in Public or Private sector job)

I took up this job on ..... and my term of appointment is for a period from ..... to .....

I understand that I am not entitled to free consultation, free medicines, free investigation from the Boards Hospital for duration of this appointment as per the Tuticorin Port Trust Employees' (Contributory Outdoor and indoor and medical benefit After Retirement) Regulations, 1996.

Signature.....

Identity Card No.....

Issued by.....

**ANNEXURE 'D'**

**TUTICORIN PORT TRUST**

**FORM OF REGISTER TO BE MAINTAINED UNDER THE TUTICORIN PORT TRUST EMPLOYEES'  
(CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT )  
REGULATIONS, 1996 BY THE TRUST'S CHIEF MEDICAL OFFICER**

Name of the Retired Employee

No.of family members including the retired employee

Designation staff No. and name of Department

Contributions deposited with the FA & CAO / C.M.O

Period (From \_\_\_\_ To \_\_\_\_)

Amount Rs.

Date of Payment

Cash Receipt No.

Signature of the Officer Collecting the Contribution

Remarks

**TUTICORIN PORT SAFETY REGULATIONS, 1985 (Published in the Gazette of India, dated  
15.12.1987)**

Safety Regulations 1985

MINISTRY OF SURFACE TRANSPORT

(Ports Wing)

New Delhi, 15th December, 1987

NOTIFICATION

G.S.R. 987 (E). - In exercise of the powers conferred by sub-section(i) of section 124 read with sub section (1) of section 132 of the Major Port Trusts Act, 1963 (38 of 1963). The central Government hereby approves the Tuticorin Port Safety Regulations, 1985, made by the Board of Trustees of Tuticorin in exercise of the powers conferred on them by section 123 of the said Act and published in the Tamil Nadu government Gazette dated 15th April, 1987 and 22nd April 1987 as detailed in the schedule annexed to this notification.

The said regulations shall come into force on the date of publications of this notification in the official gazette.

[No. PR-16012/11/86-PG]

YOGENDRA NARAIN, Jt. Secretary.

SCHEDULE

TUTICORIN PORT TRUST

Tuticorin Port Safety Regulations, 1985

(No. S-6/3/85-CDN/Vol. II)

No. S.R.O.C. 15/87- In exercise of powers conferred by clause(n) of Section 123 of the Major Port Trusts Act, 1963(38 of 1963) the Board of Trustees of the Port of Tuticorin, hereby makes the following regulations, namely, the Tuticorin Port Safety Regulations, 1985 subject to the approval of the Central Government and the same are published for public information:-

**PART I**  
**PRELIMINARY**

**1. Short title, extent and commencement**

- (a) The regulations may be called the Tuticorin Port Safety Regulations, 1985.
- (b) They extend to the whole area of Port of Tuticorin.
- (c) They shall come into force on the date of their publication in the official Gazette.
- (d) These regulations are supplementary to Explosives Rules, 1983, Gas Cylinders Rules, 1981, Static and Mobile Pressure Vessels(Unfired) Rules, 1981 and Petroleum Rules, 1976 as applicable.

**2. Definitions**

In these regulations unless the context otherwise requires -

- (a) 'Board' means the Board of Trustees of Port of Tuticorin constituted under the Major Port Trusts Act, 1963
- (b) Chairman means the Chairman of the Board.
- (c) 'Deputy Conservator means the Deputy Conservator of the Tuticorin Port Trust.
- (d) 'Harbor Master' means the Harbor Master of Tuticorin Port Trust.
- (e) 'Traffic Manager' means the Traffic Manager of Tuticorin Port Trust.
- (f) 'Safety Officer" means the Officer appointed by the Board for administering and enforcing the Tuticorin Port Safety Regulations.
- (g) 'Assistant Safety Officer" means the Officer appointed by the Port to assist the Safety Officer in the enforcement of those Regulations.
- (h) 'Safety Inspector' means official appointed to assist the 'Assistant Safety Officer' in the proper enforcement of these Regulations and includes Sub-Officers' of the Port Fire Service if allotted these duties.
- (i) 'Port means the Port of Tuticorin to which the Major Port Trusts Act, 1963 applies within such limits as may be from time to time be defined by the Central Government for the purpose of the said Act by notification in the Official Gazette.
- (j) 'Ship' means a vessel intended to be used in sea navigation excluding 'Oil Tanker'.
- (k) 'Oil Tanker', means a vessel exclusively used for transportation of inflammable liquids in bulk.

(l) 'Boat' means a small craft which is not mechanically propelled.

(m) 'Explosive Anchorage' means an anchorage situated in a position latitude 8 degrees 44 feet 54 inches N and longitude 78 degree 14 feet 43 inches E.

(n) 'IMO' Code ' ' means the International Maritime Dangerous Goods Code issued by the Inter-Government Maritime Consultative Organisation, London.

(o) 'Dangerous Goods' means all substances and substances covered by the list published by Board of Trade London included in the IMO Code and also such other substances which, in the opinion of the Safety Officer are dangerous goods for the purpose of these regulations.

**3. The following officers, who may be appointed by the 'Board' shall exercise such powers and discharge such functions as are prescribed and assigned to them under these Regulations**

1. Safety Officer.

2. Assistant Safety Officer.

3. Safety Inspector.

(a) Deputy Conservator shall also be Safety Officer for the purpose of these regulations.

(b) The Fire Officer of the Port shall be Assistant Safety Officer for the purpose of these regulations.

**4. Classifications of Dangerous Goods**

For the purpose of these regulations Dangerous Goods shall be divided into the following classes:-

Class 1 Explosives

Class 2 Gases: compressed; liquefied or dissolved under pressure.

Class 3 Inflammable liquids.

Class 4-1 Inflammable solids.

Class 4-2 Inflammable solids or substance liable to spontaneous combustion.

Class 4-3 Inflammable solids or substances which in contact with the water emit inflammable gases.

Class 5-1 Oxidising substance.

Class 5-2 Organic Peroxides.

Class 6-1 Poisonous(toxic substances)

Class 6-2 Infectious substances

Class 7 Radioactive substances

Class 8 Corrosives

Class 9 Miscellaneous dangerous substances i.e any other substances which experience as shown or may show to be of such dangerous characters or to be treated as dangerous goods.

Class 10 Substances covered by the list published by the Board of Trade, London.

## **PART II**

### **GENERAL PROVISIONS**

5. Permits for dangerous goods:- No dangerous goods shall be brought into the Port except under a permit issued for the purpose by the Assistant Safety Officer on behalf of the Safety Officer.

#### **6. Safety clearance for chemical substances**

(i) No chemical substances whether included in the IMO Code or not shall pass through the Port except in the case of dangerous goods under a permit and in the case of other substances under a no permit require certificate issued by the Assistant Safety Officer.

(ii) The question whether a particular substance is to be treated as dangerous goods or not shall be decided by the Safety Officer and his decision shall be final and binding on all the parties concerned.

#### **7. Onus for identifying dangerous goods**

The onus for deciding whether a particular substance is to be treated as dangerous goods or not shall vest in the Safety Officer but not in the steamer agent or consignor/consignee of such substances. Any decision taken in this regard by the Safety Officer shall be binding on all parties concerned.

#### **8. Application of safety clearance**

Steamer Agents or Consignors/Consignees intending to bring into the Port area, dangerous goods and/or chemical substances shall apply, in triplicate, to the Assistant Safety Officer for safety clearance for such goods/substances, atleast 48 hours before the actual arrival of such goods/ substances and the application shall be accompanied by a list containing complete details of chemical substances(whether such substances are included in the IMO Code) intended to be brought. One copy each of such application and the accompanying list shall be forwarded to the Safety Officer and the Traffic Manager

The list accompanying the application shall furnish complete details regarding such goods/ substances,including their full technical names, quantities, mode of packing, IMO classification (if known

and other relevant data). ITEMS INCLUDED IN THESE LISTS SHALL BE SERIALY NUMBERED for reference in the follow-up correspondences.

The applications shall also be accompanied by a copy of the ship's cargo manifest.

Applications for the issue of permits for 'Explosives' shall contain the following additional information:-

Class and division in accordance with schedule I of the Explosives Rules, 1983, the trade names of all the types of explosives and quantities of explosives of the respective class and division.

Applications for the issue of permits for inflammable liquids' including petroleum as defined in the petroleum Act,1934, shall contain the following additional information:-

'Flash point(s) of' such liquid(s) and whether such liquid(s) is/ are miscible with water or not.

The applications shall also be accompanied by a copy of ship's cargo. The documents and information indicated in this regulation, a copy of the ship's cargo manifest also shall be forwarded to the Assistant Safety Officer, so as to enable him to gather information regarding transit cargo of dangerous goods carried by each ship.

## **9. Procedure for the issue of safety clearance**

(a) On receipt of application for the issue of safety clearance, the Assistant Safety Officer, shall classify all known dangerous goods in the cargo lists received along with the application according to the classes and shall issue separate permits for each class of goods in the forms prescribed under the schedules. The Assistant Safety Officer shall also identify non-dangerous goods included in the list and shall issue (separate permits for each class) 'no permit required certificates' for such goods. This may be done by noting the serial numbers of such goods ( as given in the cargo list) in the blank space provided in the form prescribed for issue of permits to be used for forwarding permits to the parties concerned.

(b) If the characteristics properties of any of the items on any cargo list are not known, the Assistant Safety Officer may require the concerned steamer agent/ consignor/consignee to furnish such information as may be found necessary and the serial number(s) of such items as given in the cargo list may be noted for reference in paragraph (2) the promotion indicated in Regulation 9(a).

On receipt of the required information from the party concerned the Assistant Safety Officer shall issue appropriate permits for items to be treated as dangerous goods and /or 'no permit required certificate' for items to be treated as non-dangerous goods.

It shall be responsibility of the parties applying for safety clearance furnished the characteristic properties of any chemical substance if called upon to do by the Assistant Safety Officer.

Chemical substances of unknown characteristic properties and not cleared by the Assistant Safety Officer on this ground shall not be handled and/or transit- stored inside the Port.

(c) Permits for dangerous goods and letters forwarding such permits shall be made out in quadruplicate copies and one copy of each shall be forwarded to:-

(i) The party who had applied for safety clearance.



(ii) The Safety Officer and

(iii) The Traffic Shipping Control together with one copy of the cargo list required with the application for permit.

The fourth copy will be retained by the Assistant Safety Officer for departmental reference.

(d) If all the items included in a particular cargo list were to be treated as non-dangerous goods a 'no permit required certificate' will be made out made out in quadruplicate copies which shall be forwarded to:

(i) The party who had applied for the permit.

(ii) The Safety Officer and

(iii) The Traffic Section receiving such cargo together with a copy of the cargo list.

The fourth copy may be retained by the Assistant Safety Officer for departmental reference.

## **10. Safety Cards**

The Assistant Safety Officer shall prepare safety cards in the form corresponding to each of the class of goods for which permits are issued and despatched the cards together with a copy of the list of cargo goods to the Traffic Section receiving dangerous goods immediately after the ship bringing the goods referred to in these documents is berthed or immediately before the goods covered by such documents actually arrive for shipment.

Items of non dangerous goods and items of goods not granted safety clearance due to non availability of information regarding their characteristic properties shall be indicated clearly on this cargo list for the guidance of the Traffic Section official.

The safety cards shall clearly indicate the place of storage of goods covered by each card.

Duplicate copies of these cards shall be made out and forwarded to the hazardous cargo shed in respect of all goods which are to be transit- stored exclusively in this shed.

## **11. Handling and transit-storage of dangerous goods**

a) Parts III to XI of these regulations stipulate the special conditions/restrictions precautions to be observed in the handling /transit- storage respectively of classes 1 to 9 of dangerous goods as per the IMO code. Handling and transit-storage of each of these classes of dangerous goods shall be subject to strict observance of the special conditions/restrictions precautions as applicable to that particular class of dangerous good in addition to the general provisions stipulated in this part (Part II).

b) The Steamer agents/consignor/consignees of dangerous goods shall be responsible to observe and /or cause to be observed strictly the conditions/restrictions/precautions as laid down in this regulations in so far as they will apply to the goods brought by them into the port.

- c) i) Traffic Section officials shall extend every co-operation and assistance to the Assistant Safety Officer and Safety Inspectors in ensuring that all parties concerned observe the conditions/restrictions/precautions as laid down in these regulations.
- ii) The Traffic section officials shall also ensure that dangerous goods /other chemicals substances which have not been given safety clearance shall not be handled- transit stores anywhere inside the port.
- iii) Whenever a traffic section official notices any act of omission/or commission contrary to any of the provisions of these regulations, he shall immediately and effectively prevent continuation of such violation and shall notify the safety officer or the Assistant Safety Officer of such violations by telephone in the first instance, followed by a confirmatory report .

## **12. Obligation to notify the safety inspectors before commencement of handling of dangerous goods**

- a) Before commencement of landing shipping of dangerous goods , the cargo supervisors working for the steamer agents/stevedores shall contact the duty safety inspector and shall inform him – that dangerous goods ready to be landed /shipped. Landing and shipping operations shall commence only after a safety inspector arrives on the scenes for overseeing such operations .
- b) Parties bringing dangerous goods into the port (for export) shall notify the duty safety inspector in advance that such goods are going to arrive at the port and on receipt of such information the safety inspector shall accompany such goods and shall take and or cause to be taken appropriate measures for safe transit – storage and /or shipment of such goods.

**13. Obligation to notify the traffic section officials before commencement of handling of dangerous goods** – before commencement of landing/shipping of dangerous goods the cargo supervisor working for the steamer agents/stevedores shall notify the traffic section officials of the port on duty on the respective quays , etc. , that the dangerous goods are ready to be landed/shipped. Landing/shipping operations shall commence only after the concerned traffic officials completes all arrangements pre requisite to such operations.

**14. Safety Inspector to supervise handling dangerous goods** - handling transit storage goods shall be carried out under personal supervision of a safety inspector who shall ensure strict observance of these regulations by all parties concerned and shall arrange to take adequate and appropriate precautions for preventing any accidents.

**15. Action to be taken by the safety enforcement staff incase of violations of these regulations** :- on receipt of any report regarding any violation of these regulations the assistant safety officer, if available or the safety inspector on duty shall proceed forthwith to the scene cases of such violation and shall take and/or cause to be taken prompt measures for preventing any accidents on

account of such violation and shall submit atleast within 48 hours therefrom report to the safety officer to take steps to prevent accidents.

#### **16. Prohibition of transit storage of dangerous goods in certain premises**

a) dangerous goods shall not be transit stores any where inside the port except inside the hazardous cargo sheds and at such other places as indicated in the safety cards pertaining to the individual consignment of such goods.

b) Storage of dangerous goods in any premises in the port other than those occupied by board is prohibited. Provided, that the substance of vegetable origin which are readily combustile (e.g. , cotton, vegetables, fibres, etc.) or liable to spontaneous combustion) e.g. Oil cakes, oil contaminated vegetables, fibres, etc.) may, however, be stored in premises occupied by private parties after obtaining special permission, therefore, from the safety officer who may grant such permission only on the recommendations of the safety manager and subject to such special conditions/restrictions as may considered necessary for ensuing safety.

c) Sulphur in bulk may be stored in the open plot inside the port area after obtaining permission from the Traffic manager and the Safety officer

**17.** Use of boat to carry dangerous goods prohibited during bad weather:- Shore to boat, boat to shore, or boat to ship/ships to boat transfer of dangerous goods shall be carried out only during fair weather. Such operations shall not be carried out when in the opinion of the safety officer the sea is not fit enough for safe operations.

#### **18. Separation of dangerous goods**

a) Dangerous goods shall be handled separately clause wise only one clause of dangerous goods shall be landed/shipped at a time.

b) While on class of dangerous goods is being loaded into /discharged from ships hold no other cargo shall be handled at same berth or on the open deck around that hatch.

#### **19. Packing of dangerous goods**

a) Cases, receptacles of each class of dangerous goods brought into the port shall confirm strictly to the standard stipulated in the IMO Code. Such cases /receptacles shall remained in a sound condition while brought into the port/ ban)

b) If any case/receptacles of dangerous goods gets damaged or becomes leaky during handling in the port such case / receptacles shall be moved further subject only to observance of special accidents preventive measures as may be indicated by the safety officer/ safety inspector on duty.

c) Repairs to damaged cases /receptaries of dangerous goods brought into the port or repacking their contents shall be carried out subject only to special restrictions as applicable to individual class of dangerous goods as stipulated in Part III to XI of regulation.

d) No case /receptacles of dangerous goods shall be opened anywhere within the port except after obtaining special permission to do so from the safety officer who may grant such permission subject to such precautions and restrictions as the Safety officer may consider necessary.

## **20. Responsibility of the Master of the ship carrying/discharging/loading dangerous goods**

(a) Masters of ships carrying dangerous goods while lying in the Port limits shall exhibit conspicuously;

i) red flag from sun rise to sun set; and

ii) a red light from sun set to sunrise.

(b) Whenever dangerous goods are loaded into/discharge from a ship the Master shall depute a responsible Officer of the ship to personally supervise the loading/landing operation. Such Officer shall take and/or cause to be taken all due precautions necessary for avoiding any accident.

(c) While dangerous goods are being handled the Master of the ship shall ensure that the ships fire fighting gear is kept in readiness with hoses and branch pipes connected.

(d) Repairs to any part of the ship necessitating the use of open flame open fire shall be forbidden while dangerous goods are being handled on any ship.

(e) Before commencement of discharging/shipping of explosives, inflammable liquids and liquid organic peroxides ship's engine room fire shall be carefully bunked up and all other fires or non-safety lights shall be extinguished.

(f) Masters of ships shall also comply strictly and caused to be complied strictly all the Regulations in this part (Part II) as well as the special provision pertaining to individual classes of dangerous goods as stipulated in Parts III to XI of these regulations in so far as such regulations apply to dangerous goods handled on board/alongside ships.

**21. Obligation to take precautions** – Steamer Agents Consignors/Consignees of dangerous goods and occupier or custodians of all premises within the Port shall always observe and/or cause to be observed any safety precaution prescribed by the Safety Officer, the Assistant Safety Officer, the Safety Inspector or any other official duly authorised in the behalf, by the Safety Officer whether or/not such precaution is provided for in these regulations.

**22. Failure to take precautions** -Steamer Agents/Consignor/Consignees of dangerous goods handle or store within the Port fail to take reasonable precautions to prevent accidents the Safety Officer may take

such notice as may be deemed reasonable by him for the Safety of the Port and may recover from such Steamer Agents/Consignors/Consignees such expenses as have been incurred for the purpose.

**23. Floating Craft** – Smoking of tobacco and open fires shall be forbidden on tugs and other floating crafts operating within 50 metres of ships discharging on loading dangerous goods.

**24. Restrictions regarding smoking and open fires** - Smoking and the use and existence of naked fire shall be forbidden anywhere within 100 metres of places where explosives, inflammable liquids and liquid organic peroxides are handled/stored and within 30 metres of places where other inflammable/Combustible goods are handled/stored.

**25. Power to destroy dangerous goods** – The Safety Officer may arrange to dump into the sea or otherwise destroy, in a safe manner case(s) /receptacle(s) the dangerous goods, the continued storage of which in the Port may , in his opinion, endanger the safety of the Port.

**26. Inspection** - Steamer Agents or ships lying within the Port, Consignor/Consignee of goods coming within the Port occupiers or custodians of premises within the Port and owners of goods handled or stored within the port shall when so required by the Safety Officer, the Assistant Safety Officer, the Safety Inspector or any other officials duly authorised in this behalf by the Safety Officer affords all reasonable facility to such officials to ascertain whether these regulations are duly observed.

**27. Enforcing Authority** – The Safety Officer, namely, the Deputy Conservator shall be responsible and shall have due jurisdiction to enforce these regulations.

**28. Power to exempt** – The Chairman on the advice of the Safety Officer and in consultation with the Chief Controller of Explosives and weith the approval of the Central Government may exempt conditionally or unconditionally any person/consign met of dangerous goods from all or any of the provisions of these regulations.

**29. Penalties** – Whoever contravance or fails to comply with any of these regulations under this part (Part II) be punishable with a fine which may extend to one thousand rupees and where the contravention or failure is a continuing one, a further fine of Rs. 500/- (Rupees Five hundred ) per dam for every day after the first during which such contravention or non compliance continues.

**PART III**  
**REGULATION OF THE TRAFFIC OF**  
**EXPLOSIVES**

**30) Classification of Explosives**

For the purpose of these regulations, explosives shall be (IMO Class I) classified into the following groups:-

- (i) Service Explosives.
- (ii) Prohibited Explosives.
- (iii) Safety Explosives.
- (iv) Manufactured Fire Works.
- (v) Restricted Explosives.

**31** (a) 'Service Explosives' means explosives owned by or intended for the Indian Defence Services.

(b) They will be handled within the Port subject to conditions negotiated between the Board and the Defence Services in respect of each consignments of such explosives. These regulations shall not , therefore, apply to Service Explosives'.

(c) Explosives Dangerous petroleum shall not be admitted into the enclosed harbor and shall be discharged before the vessels, carrying such cargo enter into the enclosed harbor at the position defined as " explosive anchorage".

(d) This regulation shall not apply to vessels of war flying the white ensign and all armed merchant vessels/auxiliaries in the service of the President of India and also vessels of war belonging to other countries who are on visits to the Port having been cleared by the Ministry of Defence.

(e) Such vessels of war as enumerated above would be permitted to handle inside the enclosed harbor all types of explosives/dangerous petroleum provided the authorisation of the Naval Officer in charge, Tuticorin.

(f) All the vessels enumerated above shall also be permitted to lie in the harbor in berths allotted by the Port with their explosives/dangerous petroleum properly stowed to the requirements of the Naval authorities as all such vessels would only visit the Port after due clearance from the Naval Officer in charge, Tuticorin.

### **32. Prohibited Explosives**

The following classes of Explosives are absolutely excluded from and shall not be allowed inside the Port:-

- (i) Class – 4 Chlorate mixture
- (ii) Class – 5 Fulminate
- (iii) Class – 7 Division 1 – Fire works composition.

Note:- Classification of explosives given above are in accordance with the classification made in the Explosives Rules, 1983.

### **33. Safety Explosives**

The following explosives are classified " Safety Explosives"-

- (i) Safety cartridges and
- (ii) Safety fuse

These explosives shall be treated as 'Inflammable Solids' and shall be handled and transit stored subject to the special regulations applicable to inflammable solids ( Part VI of these regulations). The safety cartridges shall be subject to the following further restrictions.

- a) A continuous security guard shall be maintained to keep off unauthorised person from places where these explosives are handled /stored. The traffic section receiving these explosives shall arranged for the posting of such security guard.
- b) These explosives shall be transit- stored in the 'Lockfasts' inside the transit sheds or at other suitable places.
- c) Damaged/Unsound cases(s) of these explosives shall not be brought into the Port. Cases GETTING DAMAGED DURING hANDLING AT THE Port SHALL BE REPAIRED IN APPROVED MANNER BEFORE THEY ARE FURTHER HANDLED TRANSIT STORED.

### **34. Manufactured Fire Works**

These explosives shall be generally handled and transit-stored subject to the special regulations applicable to inflammable solids (See Part VI) of the Regulation and shall be subject to further instructions contained in Regulation 33.

The explosives shall be accepted as cargo for direct delivery from the docks.

### **35. Restricted Explosives**

All types of explosives other than the service explosive prohibited explosive and Safety explosives shall be treated as restricted explosives.

### **36. Ships not to carry Restricted Explosives while lying inside the enclosed harbor**

- (i) No ship shall have on board restricted explosives while remaining inside the enclosed harbor.
- (ii) This restriction may not apply to small quantities of explosives less than 10 Kgs. In all provided that such explosives are kept locked inside a magazine of approved pattern.

### **37. Landing from/Loading into ships of Restricted Explosives prohibited inside the harbor**

Restricted Explosives shall not be discharged from loaded into any ship while remaining inside the enclosed harbor . Such operation shall be carried out only at the 'Explosive Anchorage'.

Ships shall be anchored at the 'Explosives Anchorage' while landing/loading restricted explosives such operation shall not be carried out when a ship is underway.

### **38. Maximum quantity per consignment**

The maximum quantity of restricted explosives that may be brought by loaded into any ship shall not exceed 80 tonnes net.

### **39. Number of consignment received at a time**

The Port shall receive only one consignment of restricted explosives at a time. A second consignment shall arrive only after the previous consignment has moved out of the Port.

### **40. Transit cargo of Restricted Explosive**

Ships carrying explosives for discharges at other Port(s) shall not be allowed to call at this Port, provided that the Safety Officer, may, in his discretion waive this restriction subject to the condition that no type of explosives of Class II or Class III Division as defined in the Explosives Rules, 1983, is carried as a transit cargo and that the quantity of such explosives does not exceed 25 tonnes.

Any ship granted exemption under this provision shall unload the transit cargo into a boat as the 'Explosive anchorage' before such ship enters the harbor and may load the explosives into her again at the said anchorage on her outward journey from the Port.



**41. Technical Representative.** Any consigner/consignee intending to bring restricted explosives into the Port shall depute a technically qualified person to act as the Technical Representative to take charge of individual consignment of such explosives. Such Technical Representative shall remain in charge of each consignment of explosives through out the time that such consigning remains within the port-limits. He shall observe and/or cause to be observed all the regulations regulating the traffic of restricted explosives in so far as such regulation apply to the consigners/consignees. He shall also take and/or cause to be taken all necessary precautions for preventing any accident.

#### **42. Cases of Restricted Explosives**

Damaged Unsound case(s) of restricted explosives shall not be discharged into boats, landed on the jetty or such places allotted by the Safety Officer or loaded into wagons before such case(s) is/are suitably repaired of the contents thereof are repacked in a manner provided in the Explosives Rules, 1983 and to the satisfaction of the Safety Officer.

The consignor's /Consignee's Technical Representative shall be responsible for isolating such Damaged/unsound case(s) and for arranging to repair such case subject to provision in the Explosives Rules, 1983 and to the satisfaction of the Safety Officer.

#### **43. Hours of working**

Restricted explosives shall not be discharged from ships or loaded into boats from the shore before 06.00 hrs. or after 16.00 hrs., but landing from boat to shore or shipping from boat to shore or shipping from boat to ship of such explosives may be done between sunrise and sunset with the permission of the Safety Officer, provided that the landing/shipping operation can be completed with before sunset.

#### **44. Traffic procedure in respect of Restricted Explosives imported into the Port**

(a) Any ship bringing restricted explosives for landing at this Port shall discharge such explosives into boats at the Explosives Anchorage before the ship enters the enclosed harbor .

(b) Not more than 25 tonnes of restricted explosive shall be discharged into any boat.

(c) While loading into boat, restricted explosives shall be separated in accordance with the regulations laid down in the Indian Merchant Shipping (Carriage of Dangerous Goods) Rules, An explosive of the 6th (ammunition) Class or an explosive of the 7th (Fire Works) class shall not be discharged into or loaded into any barge or wagon along with an explosive not of the same class and division.

(d) Boats loaded with explosives shall be towed by tug and shall be moored alongside the Finger Jetty or any other paces allotted by the Safety Officer where they shall lie until called inside for off loading.

To give protection from rough sea during bad weather, the Safety Officer, may in his discretion permit boats loaded with explosives to lie at a place allotted by the Safety Officer inside the enclosed harbor , subject to such additional restrictions that as he may deem fit to impose.

(e) Boats loaded with restricted explosives shall be moored near the finger jetty or any other place allotted by the Safety Officer in such a way that a safety distance of not less than 100 metres is maintained between any two of such boats.

(f) Restricted explosives lying in boats shall be properly covered with clean tarpaulins to protect with explosive from the sun. Tarpaulins contaminated with oil/grease/spilling of chemicals shall not be used for this purpose.

(g) Explosives boats lying within the enclosed harbor shall never be left unattended; atleast three Lighter man shall remain always on duty on each boat.

(h) Explosives shall be discharged from wooden Boots only at the Finger Jetty of such places allotted by the Safety Officer and not at any other point in the Port area.

(i) When wagons/vans to load explosives are placed in the Finger Jetty or any other places allotted by the Safety officer and when other arrangements for loading into such wagon/vans are completed the Section Officer-in-charge may shift the explosives boats directly to the landing site from the place where they are kept. Not more than one boat at a time shall proceed to the landing sites.

(j) Not more than five explosives wagons/vans shall be placed at a time on the Finger Jetty or any other place allotted by the Safety Officer and such wagons/vans shall be positioned not less than 50 metres away from the site of landing of explosives.

(k) Cases of explosives so landed on the Finger Jetty or such places allotted by the Safety Officer shall without delay be carefully man-carried and loaded into wagons/vans placed not less than 50 metres away from the landing point and out of the Port immediately after loading operations are completed. Such wagons shall not remain in the Port during the night time.

(l) Wagons/vans loaded with explosives shall be from the Finger Jetty or such place allotted by the Safety Officer .

(m) Wagons loaded with explosives shall be loose shunted. If a steam engines is used for moving the wagons the engine shall be separated from the explosives wagons by not less than three empty wagons.

#### **45. Traffic procedure in respect of Explosives exported from the Port**

(a) Explosives intended for export shall be brought into the Port only when the ship to receive such explosives is available at the Port.

(b) Such explosives shall be brought only after arrangement have been made with the Traffic Department for keeping the boats to receive the same ready at Finger Jetty or any other place allotted by the Safety Officer.

(c) The arrival of such explosives shall be so timed that shore to boat transfer of the explosives can be completed in accordance with the Regulation 43.

(d) Such explosives shall be brought directly to the Finger Jetty or such place allotted by the Safety officer and shall immediately be loaded into the boats subject to restrictions stipulated in Regulation 44 (b) and 44 (c).

(e) As far as possible explosives so loaded into boats shall be taken out and loaded into the receiving ship at the Explosive Anchorage on the same day. If this was not possible due to any compelling reason, the boats may be taken out and moored off Finger Jetty subject to the provisions contained in Regulations 44(e) 44(f) and 44(g). The waiting period for such boats shall not exceed 24 hours.

(f) As soon as the ship is moored at the Explosive Anchorage ready to receive such explosives these boats shall be towed one after another by using a tug for the explosives being loaded into the ship.

**46.** Handling of explosives prohibited at the Finger jetty or such places allotted by the Safety Officer when a ship lies alongside this jetty or such places allotted by the Safety Officer.

**47.** Berthing of all Tanker ships while explosives remain inside the harbor .- while such explosives are being handled at the finger jetty or such places allotted by the Safety Officer, Tanker berth/oil jetty inside the harbor shall not be used for berthing and oil tanker ships.

#### **48. Accident and Fire prevention measures**

(a) Prohibition of matches, fuses etc., - no person engaged in the handling of explosives shall carry fuses, matches, cigarette lighters or any other appliance(s) likely to produce ignition or explosion. This Regulation shall apply with particular emphasis to the lighterman on stand by duty on explosives boats lying afloat awaiting clearance.

(b) Responsibilities of ship's master:- The master of any ship discharging of receiving explosives shall see that the deck and the platform in the hold over which explosives are moved or covered with a suitable padding material. He shall also ensure that persons engaged in the handling of such explosives do not wear shoes having metal parts likely to create sparks.

He shall further ensure that wireless transmitter or radar installation on the ship shall not be operated while explosives are being handled on board.

(c) First aid fire fighting equipment on boats- Each boat used for carriage of restricted explosives shall be provided with four buckets with hooks and ropes to facilitate drawing of water from the sea. These buckets shall be kept empty on suitable stands at the rate of two buckets at either end of the boat.

(d) First aid firefighting equipment on finger jetty or such places allotted by the Safety Officer:- Six buckets with hooks and ropes to facilitate drawing of water from the sea shall be kept on the fringer jetty or such places as are allotted by the Safety Officer; three of these buckets complete with hooks and ropes shall be placed near the point of landing of explosives and remaining three sets shall be placed near the explosives wagons/vans. These buckets shall be kept filled up with water before commencement of handling of explosives. While explosives are being handled, prominent warning boats shall be provided for the information of all concerned.

(e) Care in the handling of explosives:- Cases of explosives shall be handled with utmost care avoiding dropping on/pumping against hard surfaces. Landing cushions shall be used wherever necessary to avoid accidents, use of such cushions shall be compulsory at the handling points on the finger jetty.

(f) Search pocket, warning against smoking such of naked lights and any type of open fire at all points anywhere around the vicinity wire explosives are handled shall be arranged. Rubber heeled shoes alone shall be permitted to be used.

#### **49. Restricted explosives to be protected from sun and from getting wet**

Cases of restricted explosives shall be duly protected from direct exposure to sun by covering them with clean tarpaulins.

Due care shall also be taken to ensure that restricted explosives do not get wet. In case any case of such explosives get wet due to any reason the technical representatives shall forthwith notify the same to the controller of explosives, South circle, Madras and shall keep all such explosives at an isolated place till the examination by Controller of explosives. Further movement of such wet case(s) shall be subject to such directions as may be given by the Controller of Explosives.

#### **50. Boats used in the traffic to restricted explosives**

(a) Construction-boats used for the transport of restricted explosives may preferably be built of wood. If made of steel, they shall be lined internally with wood free from crevices and the sides shall be fitted with wooden grating designed in such manner that case of explosives cannot in contact with the metal of the boat.

The boats shall be marked conspicuously on both sides with a word "EXPLOSIVES" written in bold letters in English and in its Tamil equivalent.

(b) Inspection of boats:- Boats used for the carriage of restricted explosives shall be inspected once in every three months by an officer appointed by the Deputy Conservator to ascertain their suitability and fitness for conveyance of such explosives as required under the Explosives Rules, 1983. Any defect noticed during such inspections shall be rectified before such boat(s) are reused for carrying explosives.

Boats which may have been used for the carriage of other cargo shall be arranged to be cleaned and entirely free of spillings of goods previously carried before they are utilised for the carriage of explosives. This shall be the responsibility of the Traffic Department.

## **51. Penalties**

Whoever in breach of these regulations in Part III, transport or imports any explosives or otherwise contravenes any of these Regulations shall be punishable with:-

- (a) If he imports any explosives in such contravention, imprisonment for a term which may extend to three years or fine which may extend to Rs.50000 or both.
- (b) If he transports any explosives in such contravention, imprisonment for a term which may extend to two years or fine which may extend to Rs.30000 or both.
- (c) In any other cases- fine which may extend Rs. 10000.

## **PART IV**

### **REGULATIONS OF THE TRAFFIC OF GASES COMPRESSER, LIQUEFIED OR DISSOLVED UNDER PRESSURE (IMO CLASS 2)**

## **52. Cylinders/Containers of Gas**

(a) The valves of cylinders/containers of gas shall be protected against damage, either by design of the cylinders/containers or by provision of a stout metal cap securely attached to the body of the cylinder/container. The metal cap shall not anywhere be in actual contact with the valve or valve body.

This restriction shall apply also to empty cylinders/containers.

(b) Cylinders/Containers of Gas shall be marked or labelled legibly with the name of the gas. Cases in which cylinders/containers of gas are packed also shall be marked or labelled likewise.

## **53. Landing/Loading/Transit storage of cylinders/containers of Gas**

(a) Cylinders/Containers of Gas shall be handled with utmost care at all stages of their handling in the Port. They shall not be dropped on/or pumped against hard surfaces or rolled or otherwise roughly handled. Landing cushion shall be used wherever required by the Safety Enforcement staff.

(b) Only trays and not slings shall be used for landing or loading cylinders/containers of Gas. This restriction will not apply to large tanks of Gas, which may be lifted/lowered in any other safe manner.

(c) Due care shall be taken to prevent contamination of cylinders/containers of gas with oily/fatty substances.

(d) Cylinders/containers of different types of gases shall be separated from one another during handling and shall be transit -stored well segregated from one another.

(e) Cylinders/containers of different types of gases shall be separated from another cargo and shall be transit-stored well segregated from other classes of dangerous goods and combustible substances.

(f) Cylinders/containers of gas shall be transit stored other in the hazardous cargo shed or under covered accommodation such as verandas of Transit shed and covered platform. Actual places of storage of gasses shall be indicated on the safety cards issued by the Assistant Safety Officer.

(g) They shall not be stored inside the transit sheds and warehouses. However, cylinders/containers containing inflammable gases like hydrogen, LPG and the like should be stored in the rooms set apart for inflammable gasses in the hazardous or dangerous goods shed.

(h) Cylinders/Containers of gas shall, at all time, be protected from sun's hot and other sources of direct heat.

(i) Cylinders/Containers of gas shall not be overstowed with other cargo.

#### **54. Leakage of Gas**

(a) In the event of any accident from a Cylinder/Container, the Assistant Safety Officer or the Safety Inspector on duty shall forthwith be notified of the leakage by the master of the ship, occurred in a Ship, and the traffic section official, if occurs elsewhere and pending arrival of the Assistant Safety Officer, prompt measures for avoiding accidents shall be taken and /or caused to be taken.

Note:- (i) Inflammable Gases such as Acetylene, Hydrogen, Coal, Gas, Cooking Gas, etc. are liable to form explosive mixtures with the air, such mixtures may be ignited even by a spark, which may result in a shattering explosion.

(ii) Gases, such as Chlorine, Ammonia, etc. are liable to cause suffocation even in small quantities. They will attack the eyes, the throat and the lungs and may cause destruction of the mucous memberances, exposure to these gases can even be fatal.

(b) on receipt of information regarding accidental leakage of gas, the Assistant Safety Officer, if available or the Safety Inspector shall immediately turn out to the scene of occurrence and shall taken and/or cause to be taken prompt and effective preventive measures for avoiding any accident.

#### **55. Penalties**

Whoever contravenes or fails to comply with any of these regulations shall be punishable with a fine which shall not exceed one thousand rupees and in case of a continuous contravention shall not exceed five hundred rupees per diem for every day after the first day during which such infringement, continue.

**PART V**  
**REGULATIONS OF THE TRAFFIC OF 'PACKED INFLAMMABLE LIQUIDS**  
**(IMO CLASS 3)**

**56.** These Regulations under this part are not applicable to inflammable liquids' carried in bulk (i.e. in tanks of oil tanker ships).

**57.** For the purpose of these Regulations under this part packed inflammable liquids are divided into the following three groups:-

(i) Packed inflammable Liquids – Petroleum Class A means, which are inflammable liquids having flash point below 23 degree C.

(ii) Packed inflammable liquids – Petroleum Class B means, which petroleum having flash point of 23 degree C and above but below 65 degree C.

(iii) Packed inflammable liquids – Petroleum, Class C means petroleum having a flash point of 65 degree C and above , but below 93 C

**REGULATIONS APPLICABLE TO PACKED INFLAMMABLE LIQUIDS GROUP A**

**58.** No ship have on board packed inflammable liquid – Group A in excess of 30000 Litres which shall be inclusive of any quantity of such liquids while remaining inside the enclosed harbor , carried by her as transit cargo.

**59.** If any ship carrying packed inflammable liquids - Group A in excess of 30000 litres shall enter the enclosed harbor only after discharging the excess quantity into boat at the Explosive Anchorage.

Pending reshipment of the excess cargo, the boat(s) so loads shall lie at such place(s) and subject to such additional restrictions as the Safety Officer may indicate.

The ship may on her outward journey, reship this cargo from the boat(s) at the Explosive Anchorage.

**60.** If the total quantity of packed inflammable liquid – Group A on any ship lying in the Port were to exceed 30,000 litres on account of any fresh load accepted for shipment at the Port, the quantity in excess of 30,000 litres shall not be loaded inside the enclosed harbor . Such excess quantity may be loaded into boat(s) at a place indicated by the Deputy Conservator and boats so loaded may be taken out to the Explosive Anchorage where the contents may be loaded into the ship.

## **61. Packed inflammable Liquid**

Class A, may be landed/shipped directly at all berths subject to strict observance of the following safety precautions:-

(i) The drums/receptacles/case of such liquids shall be landed directly into trailers which shall be kept ready for this purpose before the landing operations commences. Trailers so loaded shall be removed immediately to the hazardous cargo shed for transit storage of the liquid.

(ii) Such liquids to be shipped from this Port shall be brought on the jetty or any other place allotted by the Safety Officer only after the arrangements for loading them directly into the ship have been completed and the consignment shall be loaded in the ship immediately after its arrival.

(iii) Before landing or loading of such liquids commenced all inflammable/dangerous goods shall have been removed from the jetty.

(iv) A fire engine shall be kept stand by on the quay whenever landing/loading of such liquids is carried out.

(v) Steam locus shall not be allowed to operative within 100 metres of the points where such liquids are handled

(vi) While such liquids are being landed/loaded no other cargo shall be landed from or loaded into the same ship.

(vii) Provision of wooden barricades shall be made to demarcate the place where such petroleum is handled and to keep of unauthorised person from the vicinity.

(viii) Persons in such vicinity shall be subject to search for matches etc.

(ix) 'No smoking' boards shall be exhibited at the places where the liquids are handled during handling of Packed Inflammable, Liquids Class A.

## **62. A ship lying at the Moorings may discharge packed inflammable liquids – Class A, into boat(s) kept ready for the purpose.**

Boat(s) so loaded shall be taken to any place allotted by the Dock Conservator where the contents may be transferred to the shore, to be transported directly for transit-storage in the hazardous cargo shed.

## **63. Packed inflammable liquids**

Class A, intended to be loaded into any ship lying at a Mooring shall be loaded into boats at any place allotted by the Deputy Conservator, boats so loaded may be brought alongside the ship and their contents may be shipped with due diligence.



#### **64. Packed inflammable liquids**

Class A intended, to be shipped at any Mooring shall be brought into the Port area only after the ship to receive the same is ready and boats are kept ready for share to mooring transport of such liquids.

#### **65. Transit-Storage of packed inflammable liquids**

Group A-- Such liquids shall not be stored anywhere in the Port except into the hazardous cargo shed upto the storage capacity fixed for that purpose.

In case the total quantity of inflammable liquids to be transit-stored exceeds the total storage capacity of the hazardous cargo shed, the Safety Officer may, on the recommendation of the Traffic Manager, permit the excess quantity to be transit stored afloat in boats at such places and subject to such additional restrictions as may be directed by him subject to the (afloat in books) also is utilised.

The Port shall not accept such liquids if the hazardous cargo shed is stored to its full storage capacity and the additional transit/storage facility (afloat in boats) also is utilised.

#### **66. Packed inflammable liquids**

Class A; shall be handled only during the day light.

The landing/shipping operations shall be so timed as to ensure that all phases of the operations (Landing and transit-storage arrangements with regard to import cargo on arrival into the Port and completion of shipment in respect of export cargo are completed between sunrise and sunset of any single day.

### **RESTRICTIONS APPLICABLE TO PACKED INFLAMMABLE LIQUIDS GROUP `B'**

**67. The restrictions applicable to packed inflammable liquids Class A shall generally apply also to packed inflammable liquids—Group `B' subject to the restrictions applicable to packed inflammable liquids Class A provided that:-**

- (a) There will not be any quantitative limit on packed inflammable liquids Class B carried by any ship.
- (b) The maximum quantity of packed inflammable liquids—Class B, that any ship may land/load at a time at any berth or mooring shall be 80,000 litres provided that this quantitative restriction may be relaxed at the discretion of the Deputy Conservator.
- (c) If any ship intends to discharge or load quantities of packed inflammable liquids—Class B in excess of 80,000 Litres at any berth or mooring the same may be permitted at the discretion of the Safety Officer provided that only one lot limited to 80,000 Litres is handled at a time, i.e. in the case of imported cargo the first lot not exceeding 80,000 litres shall have been removed from the jetty to the transit storage site

before handling of the second lot commences and in respect of Export cargo the first lot not exceeding 80,000 litres brought on the jetty shall have been shipped before another lot is brought on the jetty.

(d) Handling of packed inflammable liquids—Group B may be allowed during the night time subject to a special permission granted at his discretion by the Safety Officer and subject to such additional restrictions that the Safety Officers may find fit to impose.

(e) Packed inflammable liquids-- Group B shall normally be transit-stored in the hazardous cargo shed.

If sufficient vacant storage space is not available in the hazardous cargo shed the Safety Officer may be however, permit transit-storage of packed inflammable liquids—Class B in open plots separated by not less than 20 metres from any buildings, plant or installation. Consignment to store in the open plots shall be covered fully with clean tarpaulins and such tarpaulins shall be weighted all round to prevent them from getting displaced due to breeze, etc. The maximum quantity that can be stored in open plots shall be 10 tones.

## **68. The receptacles of inflammable liquids**

Class A and B brought into the Port shall be in a sound and undamaged condition when they arrive at the Port.

In case any receptacles becomes damaged or leakage during handling as this Port, such receptacle shall not be moved further except after it is repaired or the leak is arrested in a manner satisfactory to the Assistant Safety Officer or Safety Inspector under no conditions shall leaky and open containers of inflammable liquid—Class B and A be handled/transit stored in the Port limits.

(Note-- Vapour escaping from an open/leaky container of inflammable liquids is liable to form an explosive mixture with air, even a spark may ignite this mixture with explosive violence. Being heavier than air. The vapour may flow to considerable distances before being diffused in the air).

## **69. Relaxation**

The Safety Officer, may at his discretion relax all or any of the handling restrictions applicable to packed inflammable liquids—Class B, if the total quantity of such liquids landed from/loaded into any ship is less than 10,000 litres.

Transit-storage restrictions shall however remain unchanged even with regard to such small consignment.

## **70. Inflammable liquids**

Group C-- The restrictions applicable to packed inflammable liquids Class A and B shall not however, be taken into or stored inside any transit shed or ware-house.

## **71. Penalties**

Whoever contravenes any of the regulations under Part V shall be punishable with fine which may extend to five thousand rupees and for every subsequent offence with fine which may extend to twenty thousand rupees

## **P A R T V I**

### **REGULATION OF THE TRAFFIC INFLAMMABLE SOLIDS (IMO CLASS 41) INFLAMMABLE SOLIDS OR SUBSTANCES LIABLE TO SPONTANEOUS COMBUSTION (IMO CLASS 4-2) AND INFLAMMABLE SOLIDS OR SUBSTANCE WHICH IN CONTACT WITH WATER EMIT INFLAMMABLE GASES (IMO CLASS 4-3)**

#### **A. Inflammable Solids (IMO CLASS 4-1)**

72. Receptacles/Containers-- Inflammable solids shall be brought within the Port limits only in receptacles/containers which are in a sound and undamaged condition.

If packed in effectively closed drums/receptacles such drums shall continue to remain in an effectively closed condition. If packed in bags/cases the conditions of the bags/cases shall be such that no spillage will occur during handling on transit-storage in the Port area.

73. Handling: Inflammable solids shall be handled with utmost care avoiding bumping against or dropping on hard surface or otherwise sought handling.

74. Landing/Loading-- Inflammable solids may be landed/shipped at any jetty or mooring without any quantitative limit and without any restrictions regarding the working hours.

75. Transit-storage:-- Inflammable solid shall be transit-stored at such places, as may be specifically indicated in the safety cards issued to cover individual consignment of such goods some of the highly hazardous substances coming under this Class shall be transit-stored inside the hazardous cargo shed.

76. Separation during handling and storage—Inflammable Solids shall be well separated from other classes of dangerous goods and combustible substances during handling and shall be transit-stored well segregated from other classes of dangerous goods and combustible, Substances. Particular care shall be

taken to ensure that at no time are these substances transit-stored anywhere in the vicinity of oxidising substance and organic peroxide.

77. Spillage:-- (i) Every care shall be taken to avoid spillage of inflammable solids during handling and transit-storage.

(ii) In the event of any spillage, such spilling shall be swept separately and shall be disposed of in a safe manner under the personal supervision of a Safety Inspector.

(iii) Under no circumstances shall railway rolling stock or other vehicles be permitted to move over spilling or inflammable solids; other cargo shall not be rolled; pushed over spilling or inflammable solids.

#### **B. Inflammable solid or substances liable to spontaneous combustion (IMO Class 4-2).**

78. Inflammable solids or substances liable to spontaneous combustion shall be fully subject to the restriction stipulated in Regulations 72 to 77 applicable to inflammable solids and also to the following additional restrictions:--

(a) If packed in hermetically sealed containers such containers shall remain in a hermetically sealed condition throughout the period during which they remain inside the Port.

Note:-- Some of the substance coming under this clause are liable to ignite spontaneously by mere exposure to air.

(b) Inflammable solids or substances liable to spontaneous combustion shall be transit-stored in small stacks either inside the hazardous cargo shed or in any other premises indicated in the safety cards covering individual consignment of such goods. Proper alleyways shall be left between such small stacks and between the stacks and the walls all round.

Such stacks shall be inspected regularly and periodically by the Assistant Safety Officer/Safety Inspector for signs of over-heating. In case any stack is found to be warmer than normal such stacks shall be broken up cooled by aeration and restocked in safe manner.

#### **C. Inflammable solids or substances which in contact with water emits inflammable gases.**

79. Regulations 72 to 77 applicable to inflammable solids shall apply with equal emphasis to inflammable solids or substances which in contact with water emit inflammable gases shall be fully subject to the restrictions stipulated in Regulations 72 to 77 and also to the following:--

(a) Inflammable solids or substances which in contact with water omit inflammable gases shall not be handled whenever, it is raining.

During all stages of handling and transit-storage of such substances, all possible precautions shall be taken to prevent such substances getting wet or exposed to damp air.

(b) As some of the substances coming under this class are liable to react dangerously even with damp air, no containers which are damaged/open shall be permitted to be stored anywhere in the Port area.

In case any containers of such substances gets damaged or opened during handling/transit-storage, the Safety Officer may take such action as he considers necessary for ensuring safety. He may even order destruction of the contents of such container in a safe manner.

### **80. Penalties**

(a) Whoever contravenes any of these regulations 72 to 78 shall be punishable with fined upto one thousand rupees and in case of continuing contravention extending to a further fine up to five hundred rupees for every day after the first during which such contravention continue.

(b) Whoever contravenes Regulation 79 shall be punishable with fined which may extend to Rs.5,000 and for every subsequent offence a fine which may extend to Rs.20,000.

## **P A R T V I I**

### **REGULATIONS OF THE TRAFFIC OF OXIDISING SUBSTANCES (IMO CLASS 5-1) AND ORGANIC PEROXIDES (IMO CLASS 5-2)**

#### **A. Oxidising Substances (IMO Class 5-1)**

### **81. Containers**

Oxidising substances shall be brought into the Port only in sound and undamaged container/cases.

### **82. Spillage**

In case containers/cases of Oxidising substances are found to be in an open/damaged condition after their arrival at the Port such containers/cases shall be handled / transit-stored only subject to such effective measures being taken for preventing spillage as may be directed by the Assistant Safety Officer/Safety Inspector.

If spillage, however, occurs under unavoidable circumstances such spilling shall be swept, separately and shall be disposed of in a safe manner under the personal supervision of the duly Safety Inspector.

Note:-- Spillings of Oxidising substances when mixed with the spilling dust of other combustible substances are liable to be ignited with explosive violence; even more friction caused by vehicles and railway rolling stocks moving over or cargo being dragged or rolled may be sufficient to cause ignition of such mixture.

### **83. Separation**

During handling and transit storage. Oxidising substances shall be well separated from other dangerous good as well as combustible substances during landing/loading and shall be transit-stored well segregated from any other cargo. Very special care shall be taken to ensure that oxidising substances do not come in contact with acids.

(NOTE:-- Oxidising substances are liable to make materials burn more easily; they will give up oxygen when involved in a fire, which will intensity the fire to explosive proportions. They will react violently with acids; highly toxic gases are evolved during such reactions).

### **84. Landing-Loading**

Oxidising substances can be landed/loaded at any jetty or moorings without any quantitative limit or restrictions regarding working hours.

### **85. Transit- Storage's**

Oxidising substances shall be transit-stored at such places as will be specifically indicated in the safety cards issued to cover individual consignments of such goods.

Ground space used for storage of oxidising substances shall be cleaned thoroughly before such goods are stacked and immediately after such goods are cleared from the storage site(s).

### **86. Special restrictions on Ammonium Nitrates**

Ammonium Nitrate other than Fertiliser grades shall not be brought to the Port unless certified by the competent Government authority to be free from organic impurities above a permitted level and such certificate shall be provided to the Assistant Safety Officer by any party intending to bring Ammonium Nitrates.

Any ship carrying Ammonium Nitrate not satisfying this condition shall not be permitted to enter the enclosed harbor ; such uncertified Ammonium Nitrate shall not also be brought to the Port for export.

## **B. Organic Peroxide (IMO Class 5-2)**

### **87. Receptacles of Organic Peroxides**

Receptacles/packages of Organic Peroxides brought to the Port shall remain in a perfectly safe and sound condition. Such receptacles/packages shall be examined carefully by a Safety Inspector along with a responsible Officer of the ship (bringing such goods) for signs of damages/leakage and their handling at the Port shall be permitted only if the Safety Inspector is satisfied that they remain in a safe undamaged condition.

If any receptacles have been provided with pressure release valves or venting arrangements, such valves or venting arrangements shall be in a perfectly normal condition. If the pressure release valve/venting arrangement on any receptacle is found choked/damaged if any signs of earlier leakage are noticed in the receptacle of any liquid Organic Peroxide such receptacle shall be deemed to be in an unsafe condition and it shall be jettisoned forthwith.

Before being jettisoned the receptacle shall be drenched in copious quantities of water applied from the open end of a hose line and the drenching operation shall continue while the receptacle is being lifted and dropped into the sea.

Under no conditions shall repacking of Organic Peroxides be permitted within the Port.

### **88. Handling of Organic Peroxides**

Receptacles of Liquid Organic Peroxide shall be lowered/lifted/transport/transit-stored in a dead up right position. Even slight tilting of such receptacles shall not be tolerated, especially so in respect of receptacles provided with pressure release valves or venting arrangements.

NOTE. - Handling of receptacles in a tilted position may cause spillage of their contents. These liquids, if split are liable to react violently with the metal of the receptacles or any other substances with which they may come into contact, which may lead to shattering explosions.

Other Organic Peroxides (not in the liquid stage) also shall be handled with utmost care avoiding any rough handling whatsoever, suitable landing cushions shall be used wherever necessary.

NOTE – All Organic Peroxides are liable to cause disastrous accidents if subjected to friction.

### **89. Transit-Storage.**

Organic Peroxides shall be transit-stored only inside a separate compartment of the hazardous cargo shed, no other substances shall be stored in the compartment along with organic peroxide.

Receptacles of Liquid Organic Peroxides shall be stacked only in single tier. If pressure release valves/venting arrangements are provided on any receptacles, special care shall be taken to ensure that such valves or venting arrangements are not blocked during transit-storage of such receptacles.

## **90. Landing of Organic Peroxides**

Organic Peroxides shall be landed directly on all berths and shall not be handled at the Moorings.

(i) Receptacles/cases of such peroxide shall be landed directly into trailers, subject to observance of Regulations 85 and 86. Trailers for the purpose shall have been kept ready before landing operation commences. Trailers so loaded shall be removed immediately to the hazardous cargo shed for transit-storage of Organic Peroxide.

(ii) Before landing of Organic Peroxide commences, all inflammable dangerous goods shall have been removed from the jetty.

(iii) A fire engine shall be kept standing by on the jetty whenever landing of Organic Peroxide is carried out.

(iv) Steam locos shall not be allowed within 100 metres of place where liquid Organic Peroxides are handled.

(v) While Organic Peroxides are being landed no other cargo shall be landed from or loaded into the same ship.

## **91. Separation of Organic Peroxides**

Organic Peroxides shall be handled only after being clearly isolated from any other cargo and shall be transit stored as stipulated in regulation 88 Under no conditions shall they be permitted to come in contact with acids, metallic oxides and other dangerous goods.

## **92. Protection from heat**

At all stages of handling and transit-storage Organic Peroxide shall be well protected from the sun and any other sources of direct heat.

NOTE. - Some Organic Peroxides are liable to decompose on prolonged exposure to sun or other source of direct heat; the consequences of such decomposition will be violent.

## **93. Working hours**

Organic peroxide shall be handled only during day light, landing operations shall be so planned that landing, shifting to hazardous cargo, shed and storage therein are completed during the course of a single day.

## **94. Penalties**

Whoever contravenes any of the regulations under Part VII shall be a fine which may extend to Rs. 5,000 and for every subsequent offence a fine which may extend to Rs. 20,000.



## **PART VIII**

### **REGULATIONS OF THE TRAFFIC OF POISONOUS (TOXIC) SUBSTANCES (IMO CLASS 6-1 AND INFECTIOUS SUBSTANCES (IMO CLASS 6.2)**

#### **A. Poisonous (Toxic) Substances (IMO Class 6-1)**

##### **95. Receptacles**

Receptacles of poisonous substances brought into the Port shall remain in a hermetically sealed or effectively closed conditions so as to prevent escape therefrom vapour /liquids, dust.

##### **96. Inspection before landing/loading**

(i) Before landing/loading of poisonous substances or immediately after such substances are brought to the Port for export, the duty of the Safety inspector shall be to inspect the receptacles thereof to ensure that they are in sound and safety conditions.

(ii) Receptacles found to be in an unsound/damaged open conditions during such inspection shall be allowed to be landed/shipped. Other goods reasonably substances spilt from unsound/damaged/open receptacles shall not also be allowed to be landed/shipped.

(iii) Ship may over carry damaged/open receptacles of poisonous substances and other goods which are suspected to have been contaminated with poisonous substances spilt from such receptacles taking such precautions as may be suggested by the Assistant Safety Officer to prevent hazards from such damaged/open receptacles, and other contaminated goods during the ship's stay within the port limit.

(iv) Open/damaged receptacles of poisonous substances brought for export shall be removed forthwith from the port limit taking due precaution to avoid hazards there from.

##### **97. Landing/Shipping**

The following precautionary measures shall be observed and/or caused to be observed strictly during landing/shipping poisonous substances -

- (i) Such substances shall be handled well separated from other cargo.
- (ii) During landing or loading of poisonous substances no other cargo shall be landed from or loaded into the same hatch/hold.
- (iii) Receptacles of poisonous substances shall be handled in the upright position, i.e. With bungs/lids or tops of cases facing upwards so as to eliminate the possibility of spillage.

98. (i) Receptacles damaged during handling. - In case any receptacle/case of any poisonous substance becomes leaky or damaged during handling at the post such receptacle/case shall be handled only subject to such effective precautions (for preventing hazards) as may be stipulated by the duty Safety Inspector.
- (ii) Such receptacles/cases shall be handled only by men wearing protective clothing and respirators of an approved type.
- (iii) handling damaged open receptacles/cases or poisonous substances shall wear rubber / polythene gloves, rubber boots, rubber aprons/oil suits and respirators of an approved type.
- (iv) The Safety Officer shall be responsible for maintaining sufficient quantities of such protective equipment ready at all times in the fire control in the post.

### **99. Transit Storage**

- (i) Receptacles/cases of poisonous substances shall not be stored inside transit sheds and warehouses. They may be stored in the hazardous cargo shed.
- (ii) If at any time the storage space inside the hazardous cargo shed is found insufficient poisonous substances may be stored in the open space sufficient far-away from places where goods are stacked and men may work. Stacks of poisonous substances stored in the open space shall be properly covered with clean tarpaulins; the edges of these tarpaulins shall be weighed open properly by suitable means to prevent displacement due to wind, etc. Portable boards bearing the 'SKULL AND CROSS BONES SYMBOLS' and the words POISON printed boldly in English and its Tamil equivalent shall be exhibited prominently all around such stacks.

### **100. Disposal of contents of damaged/open receptacles**

In case any receptacles/case of any poisonous substances becomes damaged during handling of transit-storage at the Port the disposal of its contents and all other goods suspected to have been contaminated with the poison spilt from such receptacle case shall be carried out as directed by the safety officer who shall give such directions after consultation with the Traffic Manager. The concurrence of the Port Health Officer and Customs Authorities shall be obtained before deciding the mode of disposal.

### **101. Action to be taken in the event of any accident involving poisonous substances**

In the event of any receptacle case of any poisonous substances getting accidentally damaged/leaky during landing/loading/transporting/transit-storage, the Safety Inspector (If available at the site) or the Traffic Section official shall -

- (i) Notify the Safety Officer; and Assistant Safety Officer.

(ii) Direct the men in the vicinity to move away to a safe area.

(iii) Arrange to send to the Port Hospital all men who are suspected to have been contaminated with the poison after giving first aid if practicable,

and a responsible employee of the Traffic Section shall accompany these men convey and furnish to the Duty Doctor all information regarding the name and known properties of the poison involved in the accident,

and take all necessary and suitable action for decontaminating the area of spillage and shall isolate goods contaminated by the spilt poison for disposal as stipulated in regulation 98.

### **B. Infectious Substances (IMO Class 6-2)**

**102.** The Port shall not handle infectious substances (i.e., disease producing germs, etc.)

#### **103. Penalties**

Whoever contravenes only if the Regulations under Part – VIII the penalty for any one infringement of regulation shall be liable to fine which may extend to one thousand rupees and in case of a continuing contravention to a further fine of five hundred rupees for every day after the first during which such contravention continues. (This regulations will apply to Regulations 95 to 101).

## **PART IX**

### **REGULATION OF THE TRAFFIC OF RADIO-ACTIVE SUBSTANCES (IMO CLASS 7)**

**104.** Radioactive substances passing through this Port have been limited to the types used for therapeutic purposes. Their traffic shall be permitted only against special permits issued by the Directorate of Radiation Protection, Government of India, and their (general precautions to be taken in their handling also are indicated by the said authority) handling shall be subject to the conditions specified in such permits and to the further condition that consignees of Radioactive substances received at the Port shall depute a technically qualified person to take charge of each consignment of such substances who shall work in collaboration with the safety Official not below the rank of Safety Inspector in ensuring safety during the handling/transit-storage of such substances.

#### **105. Penalties**

Whoever contravenes any of the regulations under Part IX shall be punishable with fine which may extend to one thousand rupees and in the case of continuing contravenes, a further fine of Rs. 500 (rupees five hundred) for every day after the first during which such contravention continues.

## **PART X**

### **REGULATION OF THE TRAFFIC OF CORROSIVES (IMO CLASS 8)**

**106.** Receptacles / Carboss – Receptacles, Carboys of corrosive brought to the Port shall remain in a perfectly sound and undamaged condition.

#### **107. Inspection before handling**

Before Corrosive are landed from any ship the receptacles carboys thereof shall be inspected by the Duty Safety Inspector. If any respective carboy is found damaged or leaky it shall not be landed; the ship may over carry such receptacle/carboy or may destroy its contents subject to taking such precautionary measures as may be indicated by the Duty Safety Inspector.

Corrosives brought to the Port for export shall be inspected by the Safety Inspector, immediately after their arrival into the Port. If any receptacle/carboy is found damaged/leaky during such inspection, the same shall be removed forth with from the Port subject to sufficient precautions being taken for preventing any accident or the contents thereof may be destroyed subject to sufficient precautionary measures being taken as may be stipulated by the Duty Safety Inspector.

#### **108. Landing/Shipping**

The following precautionary measures shall be observed and/or caused to be observed strictly during landing shipping or Corrosives:-

(i) Such substances shall be handled well separated from other cargo Acids and alkalies shall never be mixed while landing or shipping

(ii) Receptacles/carboys of corrosives shall be landed/loaded/transported in the upright position, i.e., with the bungs/steamers of receptacles or tops of cases facing upwards so as to eliminate the possibility of spillage.

#### **109. Damaged/leaky receptacles/carboys**

In case any receptacles/carboy of any corrosive substances becomes leaky or damaged during handling at the Port such receptacles/carboy shall be handled only subject to such effective precautions being taken for preventing accidents as may be stipulated by the Duty Safety Inspector.

Such receptacles/carboys shall be handled only by men wearing protective clothing of the type stipulated in Regulation 96.

### **110. Transit-storage**

Receptacles/Carboy of corrosive shall not be stored inside the transit sheds and warehouses. They may be stored in the hazardous cargo shed.

If at any time the storage space inside the hazardous cargo shed is found insufficient, corrosives may, under exceptional circumstances be stored on covered platforms and transit shed verandas subject to special precautions being taken to ensure that they are well separated from any other cargo.

NOTE. - Corrosives can char most organic matters and may cause ignition of such matter. They will attack metals when inflammable and/or poisonous gases are involved. They react dangerously with inflammable gases/liquids/solids, oxidising substances, organic peroxide and radioactive substances. Flames of some of the Corrosives are very dangerous.

### **111. Disposal of contents of receptacles/carboys damaged during handling/transit storage**

In case any receptacle/carboy of any corrosive substance becomes damaged during handling or transit/storage at the Port, the contents thereof shall be destroyed and rendered harmless as decided by the Assistant Safety Officer/Duty Safety Inspector and the Port Fire Service shall carry out such work.

### **112. Action to be taken in the event of an accident involving corrosives**

In the event of any accident involving corrosives the Safety Inspector (if available at the site) or the Traffic Section Official in-charge shall take or arrange to take action as indicated below:-

(i) Notify the Assistant Safety Officer.

(ii) Direct men in the vicinity to move away to a Safety area.

(iii) Arrange to send to the Port Trust Hospital all men who are suspected to have been contaminated with corrosives, after giving a thorough washing of the affected parts of the body with copious quantity of water and a responsible employee or the section must accompany, these men to furnish to the Duty Doctor all information regarding the name of corrosive involved in the accident.

And take suitable action for decontaminating the area of spillage, as well as all articles contaminated by the spilt corrosive.

### **113. Penalties**

Anyone who contravenes any of these regulations under Part X shall be punishable with fine which may extend to one thousand rupees and in the case of continuing contravention, a further fine of Rs. 500 (rupees five hundred) for every day after the first during which such Infringement continues.

## **PART XI**

### **REGULATION OF THE TRAFFIC OR MISCELLANEOUS DANGEROUS SUBSTANCES (IMO CLASS 9)**

**114.** This class contains substances which are mildly inflammable toxic/corrosive or which present some special risks not covered by any of the other classes. As the characteristic properties of substances, included in this class differ from one substance to another framing general regulations to cover this class of goods is impracticable. The following procedure is laid down for overcoming this difficulty.

While giving safety clearance to each of the substances included in this class, the Assistant Safety Officer will carefully consider the characteristic properties and known hazards of such substances and shall stipulate reasonable restrictions and precautionary measures as necessary for ensuring safety during its handling and transit-storage.

#### **115. Penalties**

Any one infringing any of these regulations shall be punishable with a fine which may extend to one thousand rupees and in the case of continuing infringement, a further fine of Rs. 500 (rupees five hundred) per diem for every day... after the first during which such infringement continues.

Class 10 substances covered by the list published by the Board of Trade, London.

#### **116. Dangerous chemicals in limited quantities**

"Carriage of Dangerous goods in ships" by the Board of Trade, London, include an additional published class of dangerous goods which are not covered by only of the regulations under Parts III to XI and which substances shall be allotted to Classes 1 to 9 (IMO Code) depending on their characteristic properties and shall be subject to the appropriate special regulations under Part III and XI, safety clearance for these substances, may, therefore, be given by classifying such substances appropriately under one or the other of the IMCO Classes.

**SCHEDULE 1-1**

**(a) Proforma – Permit for D.G. Class I (R )**

**TUTICORIN PORT TRUST**

**(Obverse)**

**Permit for D.G. Class 2 (R )**

S. No.. ..

Date .....

Permit Messers

to land/ship the undermentioned 'Restricted Explosives' from/by s.s./m.v. due to arrive on or about

Description	Quantity
(1)	(2)

Note. - This permit is issued subject to the following conditions:-

- (1) The traffic of these explosives in the Port area shall be subject to strict observance of the regulations under Parts II and III of the Tuticorin Port Safety Regulations, 1985.
- (2) Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust.

(a) Proforma – Permit for D.G. Class I (R ).

(Reverse)

Precautionary measures to be observed during the handling of Restricted Explosives.

1. Damaged/unsound cases shall not be handled except after they are repaired or the contents thereof are repacked in a manner as per schedule 2 of the explosives Rules, 1940 and to the satisfaction of the Safety Officer.

2. Handling shall be carried out only between 06.00 and 16.00 hours (day time).
  3. Different classes of Explosives shall not be mixed handling/loading each class shall be handled and loaded separately.
  4. Explosives shall be protected from the sun and from getting wet.
  5. Handle with utmost care, avoiding dropping and bumping against hard surfaces. Use landing cushions wherever necessary.
- (b) Proforma – Safety Card for D.G. Class I (R )

### TUTICORIN PORT TRUST

Safety Card – Class – 1 (R ) - Restricted Explosives (Reference – D.G.

Permit No. , dated (Traffic Department Official concerned).

Please note that the undermentioned consignment of Restricted Explosives is to be landed/shipped from by s.s./m.v. due to arrive on or about.

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Description	Quantity
(1)	(2)
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Transit – Storage \_\_\_\_\_



Safety Officer, Tuticorin Port Trust.

(A Group) III – 2 – 5

(b) Proforma – Safety Card for D.G. Class (R ). (Reverse)

Precautionary measures to be observed during the handling of Restricted Explosives.

1. Damaged/unsound cases shall not be handled except after they are repaired or the contents thereof are repacked in a manner as per schedule 2 of the Explosive Rules, 1940 and to the satisfaction of the Safety Officer.
2. Handling shall be carried out only between 06.00 and 16.00 hours (day time).
3. Different classes of Explosives shall not be mixed during handling/loading each class shall be handled and loaded separately.
4. Explosive shall be protected from the sun and from getting wet.
5. Handle with utmost care, avoiding dropping and bumping against hard surfaces. Use landing cushions wherever necessary.

#### **SCHEDULE 1 – 2.**

**(a) Proforma – Permit D.G. Class 1 (S)**

**TUTICORIN PORT TRUST**

S. No. Permit for D.G. Class 1 (S) Date

Permit Messers

to land/ship the undermentioned 'Safety Explosives' from/by s.s./m.v. Due to arrive on or about

Quantity	Description
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(1)	(2)
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Note. - This permit is issued subject to the following conditions -

(1) The traffic of these explosives in the Port area shall be subject to strict observance of the Regulations under Parts II and III of the Tuticorin Port Safety Regulations, 1985.

(2) Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust.

(a) Proforma – Permit for D.G. Class I (S). (Reverse)

Precautionary measures to be observed in the handling/transit/storage of Safety Explosives.

1. Keep off unauthorised persons from places where these explosives are handled/stored; a continuous security guard shall be mounted for ensuring this condition.

2. Transit-store only inside the 'Lockfast' in Transit sheds.

3. Damaged/open cases shall not be handled/transit-stores except after repairing them in an approved manner.

4. Handle the cases with utmost care, avoiding bumping against or dropping over hard surfaces. Use landing cushions wherever necessary.

(b) Proforma – Safety Card for D.G. Class 1 (S)

(Obverse)

## TUTICORIN PORT TRUST

Safety Cord – Class I (S) – Safety Explosives (Reference. - D.G. Permit No.  
dated Traffic Department Officials concerned.

Please note that the undermentioned consignment of Safety Explosive is to be landed/shipped from/ by  
s.s./m.v. due to arrive on or about

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Description	Quantity
(1)	(2)

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Transit – Storage -----

Safety Officer, Tuticorin Port Trust.

(b) Proforma – Safety Card for D.G. Class 1 (S)

Precautionary measures to be observed in the handling/transit-storage of Safety Explosives.

(1) Keep off unauthorised persons from places where these explosives are handled/stored; a continuous security guard shall be mounted for ensuring this condition:

2. Transit-store only inside the 'Lockfast' in Transit sheds.

3. Damaged/open cases shall not be handled/transit-stored except after repairing them in an approved manner.

4. Handle the cases with utmost care, avoiding bumping against or dropping over hard surfaces. Use landing cushions wherever necessary.

### **SCHEDULE 1- 3**

(a) Proforma – Permit for D.G. Class 2. Dated:

TUTICORIN PORT TRUST

Permit for D.G. Class 2. Dated:

Permit Messers.

To land/ship the undermentioned case(s) from/by s.s/m.v. Due to arrive on or about.

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Description      Quantity

(1)      (2)

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.  
Note. - This permit is issued subject to the following conditions.-

(1) The traffic of Gas Cylinders in the Port area shall be subject to strict observance of the regulations under Parts II and IV of the Tuticorin Port Safety Regulations, 1985.

(2) Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust.

(a) Proforma – Permit for D.G. Class 2.

(Reverse)

Precautionary measures to be observed in the handling/transit-storage of Gases.

1. Valves of Cylinders/containers shall be protected by valve caps or other protective devices; do not land or accept for shipment cylinders/containers that do not satisfy this condition.
2. At all cost prevent contamination of cylinders/containers of gas with only fatty substances.
3. Separate cylinder/containers of different types of bases during handling/transit-storage.
4. Transit-storage well separated from other dangerous goods and combustible cargo.
5. Protect cylinders/containers from the sun and other sources of direct heat.
6. Do not overstock cylinders/containers with any other cargo.
7. In the event of leakage of gas, inform the Assistant Safety Officer.
8. Handle cylinders containers with utmost care, avoiding bumping against or dropping over hard surfaces. Use landing cushions wherever necessary.

(b) Proforma – Safety Card for D.G. Class 2.

## TUTICORIN PORT TRUST

Safety Card—Class 2 Gas (es)

Reference --

D.G. Permit No. Dated :

Traffic Department Official concerned.

Please note that the undermentioned consignment of Gas (es) is to be landed, shipped from/by s.s/m.v. due to arrive on or about.

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Description Quantity

(1) (2)

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Transit—Storage -----

Safety Officer, Tuticorin Port Trust

(b) Proforma-Safety Card for D.G. Class 1(S).

Precautionary measures to be observed in the handling/transit-storage of Safety Explosives.

1. Keep off unauthorised persons from places where these explosives are handled/stored; a continuous security Guard shall be mounted for ensuring this condition.
2. Transit-store only inside the 'Lockfast' in transit sheds.
3. Damaged/open cases shall not be handled/transit-stored except after repairing them in an approved manner.
4. Handle the cases with utmost care, avoiding bumping against or dropping over hard surfaces. Use landing cushions wherever necessary.

**SCHEDULE 1 – 3.**

**(a) Proforma – Permit for D.G. Class 2.**

**TUTICORIN PORT TRUST**

**Permit for D.G. Class 2. Dated:**

Permit Messrs.

To land/ship the undermentioned case(s) from by s.s./m.v. due to arrive on or about.

Description Quantity

(1) (2)

Note – This permit is issued subject to the following conditions -

(1) The traffic of Gas Cylinders in the Port area shall be subject to strict observance of the regulations under Parts II and IV of the Tuticorin Port Safety Regulations, 1985.

(2) Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust.

(a) Proforma – Permit for D.G. Class 2. (reverse) Precautionary measures to be observed in the handling/transit-storage of Gases.

1.Valves of Cylinders/containers shall be protected by valve caps or other protective devices; do not land or accept for shipment cylinders/containers that do not satisfy this condition.

2.At all cost prevent contamination of cylinders/containers of gas with only oily fatty substances.

3.Separate cylinders/containers of different types of bases during handling/transit-storage.

4.Transit-store well separated from other dangerous goods and combustible cargo.

5.Protect cylinder/containers from the sun and other sources of direct heat.

6.Do not overstuff cylinder, containers with any other cargo.

7. In the event of leakage of gas, inform the Assistant Safety Officer.

8. Handle cylinders/containers with utmost care, avoiding bumping against or dropping over hard surfaces. Use landing cushions wherever necessary.

(b) Proforma-safety Card for D.G. Class 2.

### **TUTICORIN PORT TRUST**

Safety-Card – Class 2 (Gas (es))

Reference. -

D.G. Permit No. Dated:

Traffic Department Official concerned.

Please note that the undermentioned consignment of Gas (es) is to be landed/shipped from by s.s./m.v. due to arrive on or about.

Description Quantity

(1) (2)

Transit-Storage \_\_\_\_\_

Safety Officer, Tuticorin Port Trust.

(Proforma – Safety Card for D.G. Class 2. (Reverse) Precautionary measures to be observed in the handling/transit-storage of Gases.

1. Valves of cylinders/containers shall be protected by valve caps or other protective devices; do not land or accept for shipment cylinders/containers that do not satisfy this condition.
2. At all costs prevent contamination of cylinders/containers of gas with oily fatty substances.
3. Separate cylinders/containers of different types of gases during handling transit storage.



4. Transit-store well separated from other dangerous goods and combustible cargo.
5. Protect cylinders/containers from the sun and other sources of direct heat.
6. Do not overstore cylinders/containers with any other cargo.
7. In the event of leakage of gas, inform the Assistant Safety Officer.
8. Handle cylinders/containers with utmost care, avoiding bumping against or dropping over hard surface. Use landing cushions wherever necessary.

#### **SCHEDULE 1-4**

(a) Proforma –Permit for D.G. Class 3 (Obverse.)

#### **TUTICORIN PORT TRUST**

S.No. Permit for D.G. Class 3. Date :

Permit Messrs. To land/ship the undermentioned Packed Inflammable Liquids (sz)--Group A/B from; by s.s./m.v.due to arrive on or about.

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Description	Quantity
(1) (2)	
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Notes.-- This permit is issued, subject to the following conditions:--

1. The traffic of these explosives in the Port area shall be subject to strict observance of the regulations under Parts II and VI of the Tuticorin Port Safety Regulations, 1985.

2. Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust

(a) Proforma—Permit for D.G. Class 3. (Reverse)

Precautionary measures to be observed to the handling transit-storage of Packed Inflammation Liquids.

1. Do not land accept for shipment leaky/open receptacles.

2. If receptacles become leak during handling/transit storage such leaks shall be arrested forthwith by some efficient means.

Never allow leaky or open receptacles of inflammable liquids to remain within the Port limits without taking adequate precautionary measures.

3. Handle receptacles with utmost care avoiding drooping on or bumping against hard surfaces. Use landing cushions wherever necessary.

#### **SCHEDULE 1-5**

(a) Proforma—Permit for D.G. Class 4.1

#### **TUTICORIN PORT TRUST**

S.No. Permit for D.G. Class 4.1 Date :

Permit Messrs. To land/ship the undermentioned inflammable solid(s) from/by s.s./m.v. due to arrive on or about.

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Description Quantity

(1) (2)

Notes—This permit is issued, subject to the following conditions :--

1. The traffic of these explosives in the Port shall be subject to the strict observance of the regulations under Parts II and VI of the Tuticorin Port Safety Regulations, 1985.

2. Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust.

(a) Proforma—Permit for D.G. Class 4.1 (Reverse)

Precautionary measures to be observed in the handling/transit storage of inflammable solid (s)

1. Do not land or accept for shipment inflammable solids in open-damaged receptacles.

2. Receptacles that become damaged during handling shall not be moved further except after taking effective measures for preventing spillage.

3. Spilling, if any, shall be swept separately and disposed of in a safe manner.

4. Handle and transit store well separated/segregated from other dangerous goods and combustible cargo, especially so from oxidising substances and organic peroxides.

5. Handle with utmost care, avoiding developing on or becoming against hard surfaces. Use landing cushions wherever necessary.

(b) Proforma—Safety for D.G. Class 4.1

## **TUTICORIN PORT TRUST**

Safety Card—Class 4.1 Inflammable solid(s) Reference : D.G. Permit

No. Dated : Traffic Department official concerned.

Please note that the undermentioned consignment of inflammable solid(s) is to be landed shipped from/by s.s./m.v. due to arrive on or about.

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Description Quantity

(1) (2)

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Transit-Storage .....

Safety Officer, Tuticorin Port Trust

(b) Proforma—Safety Card for D.G. Class 4.1(Reverse)

Precautionary measures to be observed during the handling/transit-storage of inflammable solid(s)

1. Do not land or accept for shipment/inflammable solids in open damaged receptacles.
2. Receptacles that become damaged during handling shall not be moved further except after taking effective measures for preventing spillage.
3. Spilling, if any, shall be swept separately and disposed of in a safe manner.

4. Handle and transit-store well separated/segregated from other dangerous goods and combustible cargo, especially so from oxidising substances and organic peroxides.

5. Handle with utmost care, avoiding dropping on and bumping against hard surfaces. Use landing cushions wherever necessary.

#### **SCHEDULE 1 – 6**

(a) Proforma – Permit for D.G Class 4.2

**(Obverse)**

#### **TUTICORIN PORT TRUST**

**S. No. Permit for D.G. Class 4.2      Dated:**

permit Messrs. to land/ship the undermentioned Inflammable Solid(s) of substance(s) liable to spontaneous combustion from/by s.s. m.v.due to arrive on or about

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Description      Quantity

(1)      (2)

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NOTE.- This permit is issued subject to the following conditions:-

1. The traffic of these explosives in the Port area shall be subject to strict observance of the regulations under Parts II and VI of the Tuticorin Port Safety Regulations, 1985.

2. Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust.

A. Group III-2 – 6

(a) Proforma – Permit for D.G. Class 4.2 (Reverse)

Precautionary measures to be observed in the handling/transit-storage of Inflammable Solid (s) or substance(s) liable to spontaneous combustion.

1. The receptacles shall remain in a hermetically sealed condition throughout.

2. If receptacles get damaged/open during handling they shall not be moved further except after taking effective measures for preventing spillage and spontaneous heating.

3. Spilling, if any, shall be swept separately and disposed of in a safe manner.

4. Handle and transit-store well separated/segregated from other dangerous goods and combustible cargo especially so from oxidising substances and organic peroxides.

5. Handle with utmost care, avoiding dropping and bumping against hard surfaces. Use landing cushions wherever necessary.

(b) Proforma – Safety Card for D.G. Class 1.2.

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Description	Quantity
(1)	(2)

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### **TUTICORIN PORT TRUST**

Safety Card – Class 4.2 Inflammable Solid(s) or substances(s) liable to spontaneous combustion.

Reference – D.G. Permit No.      Dated:

Traffic Department Official concerned.

Please note that the undermentioned consignment of Inflammable Solid(s) or substance(s) liable to spontaneous combustion is to be landed/shipped

to from/by ss/mv. to arrive on or about.

Description      Quantity

(1)      (2)

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Transit – Storage .....

Safety Officer,

Tuticorin Port Trust.

(b) Proforma – Safety Card for D.G. Class 4.2

(Reverse)

Precautionary measures to be observed in the handling/transit-storage of inflammable Solid(s) or substance (s) liable to spontaneous combustion

1.      The receptacles shall remain in a hermetically sealed condition throughout.
  
- 2      If receptacles get damaged/open during handling they shall not be moved further except after taking effective measure for preventing spillage and spontaneous heating.
  
3.      Spilling, if any, swept separately and disposed of in a safe manner.



4. Handle and transit-store well separated/segregated from other dangerous goods and combustible cargo especially so from oxidising substances and organic peroxides.

5. Handle with utmost care, avoiding dropping and bumping against hard surfaces. Use landing cushions wherever necessary.

**SCHEDULE 1 – 7.**

**(a) Proforma – Permit for D.G. Class 4.3.**

**TUTICORIN PORT TRUST**

S. No. Permit for D.G. Class 4.3 Date:

Permit Messrs to land/ship the undermentioned inflammable Solid(s) or substance(s) which is contact with water emit(s) inflammable gas(es) from by s.s/m.v.

to arrive on or about.

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Description      Quantity

(1)      (2)

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NOTE;- This permit is issued. Subject to the following conditions.

1. The traffic of those explosives in the Port area shall be subject to strict observance of the regulations under Part I and V of the Tuticorin Port Safety Regulations, 1985.

2. Precautionary measures as indicated overleaf shall be observed and or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust.

(a) Proforma – Permit for D.G. Class 4.3.

(Reverse)

Precautionary measures to be observed in the handling/transit-storage of inflammable solid(s) or substance(s) which in contact with water emit(s) inflammable gas(es).

1. At all costs protect from damp.

2. Do not land or accept for shipment receptacles which are not in a hermetically sealed condition.

3. Receptacles damaged during handling shall be moved further only after taking effective precautions against spillage and contact of the contents with moisture.

4. Spillings, if any, shall be used swept separately and disposed of in a safe manner.

5. Handle and transit-store well separated/segregated from other dangerous goods and combustible cargo, especially so from oxidising substances and organic peroxides.

6. Handle with utmost care, avoiding dropping and pumping against hard surfaces. Use landing cushions wherever necessary.

(b) Proforma – Safety Card for D.G. Class 4.3.

### **TUTICORIN PORT TRUST**

Safety Card – Class 4.3 – Inflammable solid(s) or substance(s) which in contact with water emit(s) inflammable gas(es).

Reference: D.G. Permit No.      Dated:

Traffic Department Official concerned.

Please note that the undermentioned consignment of inflammable solid(s) which is contact with water emit(s) inflammable gas(es) is to be landed/shipped from by/s.s./m.v.

To arrive on or about.      Transit-Storage .....

-----	
Description	Quantity
(1)	(2)
-----	
-----	

Safety Officer, Tuticorin Port Trust.

(b)      Proforma – Safety Card for D.G. Class 4.3.      (Obverse)

Precautionary measures to be observed in the handling/transit-storage of inflammable solid(s) or substance(s) which in contact with water emit(s) inflammable gas(es).

1. At all costs protect from damp.
2. Do not land or accept for shipment receptacles which are not in a hermetically sealed condition.
3. Receptacles damaged during handling shall be moved further only after taking effective precautions against spillage and contact of the contents with moisture.
4. Spilling, if any, shall be swept separately and disposed of in a safe manner.
5. Handle and transit-store well separated/segregated from other dangerous goods and combustible cargo especially so from oxidising substances and organic peroxides.
6. Handle with utmost care avoiding dropping and bumping against hard surface. Use landing cushions wherever necessary.

**SCHEDULE 1-8**

**(a) Proforma--permit for D.G.Class 8-1 (Obverse)**

**TUTICORIN PORT TRUST**

Sl.No. Permit for D.G.Class 5.1 Date:

Permit Messrs, to land/ship the undermentioned oxidising substance(s) from/by s.s./m.v. due to arrive on or about.

Description	Quantity
-------------	----------

(1)	(2)
-----	-----

Notes:-- This permit is issued, subject to the following conditions:-

1. The traffic of these explosives in the Port area shall be subject to strict observance of the regulations under Parts II and VI of the Tuticorin Port Safety Regulations, 1985.

2. Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust.

(a) Proforma-- Permit for D.G. Class 5.1 (Reverse)

Precautionary measures to be observed in the handling/transit-storage of Oxidising substance(s)

1. Land or accept for shipment only receptacles which are in a sound condition.
2. Spilling, if any, caused during handling shall be swept separately and disposed of in a safe manner.
3. Handle/transit-store of well separate/segreated from any other cargo especially so from acids.
4. Ground space used for storage of oxidising substance shall be cleaned thoroughly before they are stacked and immediately after they are cleaned.

Handle with utmost care avoiding dropping and pumping against hard surfaces. Use landing cushions wherever necessary.

(b) Proforma—Safety Card for D.G. Class 5.1 (Reverse)

## TUTICORIN PORT TRUST

Safety Card-- Class 5.1 – Oxidising substance(s)

Reference: D.G. Permit No.      Dated:

Traffic Department official concerned.

Please note that the under mentioned consignment of oxidising substance(s) is to be landed/shipped from/by s.s./M.V.

due to arrive on or about.

Description	Quantity
-------------	----------

(1)	(2)
-----	-----

Transit— Storage -----

Safety Officer, Tuticorin Port Trust

(b) Proforma-Safety Card for D.G. Class 5.1      (Reverse)

Precautionary measures to be observed in the handling/transit-storage of Oxidising substance(s).

1. Land or accept for shipment only receptacles which are in a sound condition.
2. Spilling, if any, caused during handling shall be swept separately and disposed of in a safe manner.
3. Handle/transit-store well separate/segregated from any other cargo especially so from acids.
4. Ground space used for storage of oxidising substance shall be cleaned thoroughly before they are stacked and immediately after they are cleaned.
5. Handle with utmost care avoiding dropping and bumping against hard surfaces. Use landing cushions wherever necessary.

## SCHEDULE 1 – 9

(a) Proforma— Permit for D.G. Class 5.2 (Obverse)

### TUTICORIN PORT TRUST

Sl.No. Permit for D.G. Class 5.2 Date:

Permit Messrs, to land/ship the under mentioned Organic Peroxide from/by s.s./m.v. due to arrive on or about.

Description	Quantity
-------------	----------

(1)	(2)
-----	-----

Notes:-- This permit is issued, subject to the following conditions:-

1. The traffic of these explosives in the Port area shall be subject to strict observance of the regulations under Parts II and VII of the Tuticorin Port Safety Regulations, 1985.

2. Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust.

(a) Proforma—Permit for D.G. Class 5.2 (Obverse)

Precautionary measures to be observed in the handling/transit-storage of Organic Peroxide.

1. Land only receptacles which are in a safe and sound condition. If pressure release valves or venting arrangements are provided such valves or venting arrangements shall be in a perfectly normal conditions.

2. Damaged/leaky receptacle(s) of Liquid Organic Peroxides shall be petitioned forthwith applying water from the open end of a hose line on the receptacle(s) before and while being jettisoned.

3 Repacking of Organic Peroxides is strictly for-bidden.

4. Receptacles of Liquid Organic peroxides shall be lowered and carried in the dead upright position. Other organic peroxides also shall be handled with utmost care. Use suitable landing cushions wherever necessary.

5. Transit – store in a separate compartment of the hazardous cargo and subject to special precautions.

6. Handle severely isolated from any other cargo.

7. Protect from the sun or any other source of direct heat.

(b) Proforma – Safety Card for D.G. Class 5.2. ((Obverse)

### TUTICORIN PORT TRUST

Safety card 5.2. Organic peroxides.

Reference : D.G. Permit No. Date:

Traffic department official concerned.

Please note that the under mentioned consignment of organic peroxides is to be landed/ shipped from/by  
s.s /m.v. on or about .....

-----

Description	Quantity
-------------	----------

-----

(1)	(2)
-----	-----

-----

-----

Description	Quantity
-------------	----------

-----

(1)	(2)
-----	-----

Transit – Savings

Safety Officer, Tuticorin Port Trust

(b) Proforma – Safety Card for D.G.Class 5.2. ( Reverse)

Precautionary measures to be observed in the handling/transit-storage of Organic Peroxide.



1. Land only receptacles which are in a safe and sound condition. If pressure release valves or venting arrangements are provided such valves or venting arrangements shall be in a perfectly normal condition.
2. Damaged / Leaky receptacle (s) of Liquid Organic Peroxides shall be jettisoned forthwith apply/water from the open end of a hose line on the receptacle(s) before and while being jettisoned.
3. Repacking of Organic Peroxides is strictly forbidden.
- 4 Receptacles of Liquid Organic Peroxides shall be lowered and carried in the dead upright position. Other organic peroxides also shall be handled with utmost care. Use suitable landing cushions wherever necessary.
5. Transit-store in a separate compartment of the hazardous cargo and subject to special precaution.
6. Handle SEVERLY ISOLATED FROM ANY OTHER CARGO.
7. PROTECT FROM THE SUN OR ANY OTHER SOURCE OF DIRECT HEAT.

#### **SCHEDULE 1 – 10**

#### **(a) Proforma – Permit for D.G. Class 6.2 (Obverse)**

#### **Tuticorin Port Trust**

s.no. Permit for D.G. Class 6.2 Date :

Permit Messrs. To land /ship the under mentioned poisonous (Toxic) Substance(s)  
from /by s.s./ m.v. due to arrive on or about

-----

Description	Quantity
-------------	----------

-----

(1)	(2)
-----	-----

-----

-----

Notes:- This permit is issued, subject to the following conditions:-

1. The traffic of these explosives in the Port area shall be subject to strict observance of the regulations under Parts II and VII of the Tuticorin Port Safety Regulations, 1985.
2. Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust

(A Group ) III 2 – 7

(a) Proforma – Permit for D.G. Class 6.2 (Reverse)

Precautionary measures to be observed in the handling/transit – storage of poisonous (Toxic ) Substances.

1. Land or accept for shipment only receptacles which are in a hermetically sealed/effectively closed condition.
2. The contents of an receptacles that becomes damaged during handling transit-storage may be destroyed with appropriate sanction.
3. Isolate and disposed of other cargo suspected to have been contaminated with poison as directed by the Safety Officer.
4. In case of any accident involving a poisonous substance men shall be moved away from the vicinity and those suspected to have been contaminated shall be sent to Port Hospital after giving first aid, if possible.

(b) Proforma – Safety Card for D.G. Class 6.2 (Obverse)

### **Tuticorin Port Trust**

safety Card – Class 6.2 - Poisonous (Toxic) Substance.

Reference: D.G. Permit No. Dated :

Traffic Department Official concerned

Please note that the undermentioned consignment of Poisonous (Toxic) Substance (s) is to be landed/ shipped from/ by s.s / m.v. due to arrive on or about.

-----

Description	Quantity
-------------	----------

-----

(1)	(2)
-----	-----

-----

Transit – Storage.

Safety Officer, Tuticorin Port Trust

(b) Proforma – Safety Card for D.G. Class 6.2 (Reverse)

Precautionary measures to be observed in the handling transit – storage of poisonous (Toxic) Substance (s).

1. Land or accept for shipment only receptacles which are in hermetically sealed effectively closed condition.
2. The contents of any receptacles that becomes damaged during handling/transit-storage may be destroyed with appropriate sanction.
3. Isolate and dispose of other cargo suspected to have been contaminated with poison as directed by the Safety Officer.
4. In case of any accident involving a poisonous substance, men shall be moved away from the vicinity and those suspected to have been contaminated shall be sent to Port Hospital after giving first aid, if possible.

**SCHEDULE 1 – 11**

(Obverse)

(a) Proforma – Permit for D.G. Class 7

**Tuticorin Port Trust**

**s.nO. Permit for D.G. Class 7 Date :**

Permit Messrs. To land/ship the undermentioned

Radioactive substance(s) from /by s.s./ m.v

-----	
Description	Quantity
-----	
(1)	(2)
-----	
-----	

Note : - This permit is issued subject to the following conditions.

1. The traffic of these explosives in the Port area shall be subject to strict observance of the regulations under Parts II and IX of the Tuticorin Port Safety Regulations, 1985.
2. Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust

(a) Proforma – Permit for D.G. Class 7 (Reverse)

Precautionary measures to be observed in the handling/transit – storage of radioactive substance(s).

1. Observe precautions as suggested by the Director of Radiation Protection, Government of India.
2. Handle/Transit store under the personal supervision of a technically qualified person deputed by the consignee/consignor.
3. Handle with utmost care avoiding dropping on or bumping against hard surface. Use landing cushions wherever necessary.

(b) Proforma – Safety Card for D.G. Class 7 (Obverse)

### Tuticorin Port Trust

safety Card – Class 7 - Radioactive substance(s).

Ref: D.G. Permit No. Dated :

Traffic Department Official concerned

Please note that the undermentioned consignment of Radioactive substance (s) is to be landed/ shipped from/ by s.s / m.v. due to arrive on or about.

-----

Description	Quantity
-----	
(1)	(2)
-----	

Transit – Storage.

Safety Officer, Tuticorin Port Trust

(b) Proforma – Safety Card for D.G. Class 7 (Reverse).

Precautionary measures to be observed in the handling/ transit – storage of Radioactive substance (s).

1. Observe Precautions as suggested by the Director of Radiation Protection, Government of India.
2. Handle/Transit store under the personal supervision of a technically qualified person deputed by the consignee/consignor.
3. Handle with utmost care avoiding dropping on or bumping against hard surface. Use landing cushions wherever necessary.

#### **SCHEDULE 1 – 12**

(b) Proforma – Permit for D.G. Class 8 (Obverse)

#### **Tuticorin Port Trust**

s.nO. Permit for D.G. Class 8 Dated:

Permit Messrs. To land/ship the undermentioned

'Corrosive(s) ' from / by s.s. / m.v. due to arrive on or about

-----  
Description      Quantity

-----  
(1)      (2)  
-----

-----

Note : - This permit is issued subject to the following conditions.

1. The traffic of these explosives in the Port area shall be observed and/or caused to be observed by under Parts II and X of the Tuticorin Port Safety Regulations, 1985.
2. Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

Safety Officer, Tuticorin Port Trust

(a) Proforma – Permit for D.G. Class 8. (Reverse)

Precautionary measures to be observed in the handling/transit – storage of corrosive (s).

1. Land or accept for shipment only receptacles/carboys which are in a perfectly sound condition.
2. Handle/transit-store well separated/segregated from any other cargo.
3. Receptacles of liquid corrosive shall be handled in the dead upright position.
4. Receptacles damaged during handling shall not be touched except by men wearing approved protective clothing.
5. Contents of damaged receptacles/ carboys shall be destroyed and rendered harmless by some efficient means.
6. Men suspected to have been contaminated with corrosives shall be sent to Port Trust Hospital after thoroughly washing the affected parts of the body.
7. Handle with utmost care avoiding dropping on or bumping against hard surfaces. Use landing cushions wherever necessary.

(b) Proforma – Safety Card for D.G. Class 8 (Obverse)

**Tuticorin Port Trust**

safety Card – Class 8 - Corrosive (s).

Reference : D.G. Permit No. Dated :

Traffic Department Official concerned

Please note that the undermentioned consignment of 'Corrosive (s)' is to be landed/ shipped from/ by s.s / m.v. due to arrive on or about.

-----  
Description      Quantity  
-----

(1)      (2)  
-----  
-----

Transit – Storage. ....

Safety Officer, Tuticorin Port Trust

(b) Proforma – Safety Card for D.G. Class 8 (Reverse).

Precautionary measures to be observed in the handling transit – storage of Corrosive (s).

1. Land or accept for shipment any receptacles/ carboys which are in a perfectly sound condition.
2. Handle/transit-store well separated/segregated from any other cargo.
3. Receptacles of liquid corrosive should be handled in the dead upright position.
4. Receptacles damaged during handling shall not be touched except by men wearing approved protective clothing.
5. Contents of damaged receptacles/carboys shall be destroyed and rendered harmless by some efficient means.
6. Men suspected to have been contaminated with corrosives shall be sent to Port Trust Hospital after thoroughly washing the affected parts of the body.



7. Handle with utmost care avoiding dropping on or bumping against hard surfaces. Use landing cushions wherever necessary.

### **SCHEDULE 1 – 13**

(a) Proforma – Permit for D.G. Class 9 (Obverse)

#### **Tuticorin Port Trust**

**S.No. Permit for D.G. Class 9 Date**

Permit Messrs. To land/ship the undermentioned Miscellaneous Dangerous Goods from /by s.s. / m.v.  
due to arrive on or about

-----  
Description      Quantity

-----  
(1)      (2)  
-----  
-----

Note : - This permit is issued subject to the following conditions:-

1. The traffic of these explosives in the Port area shall be subject to strict observance of the regulations under Parts II and XI of the Tuticorin Port Safety Regulations, 1985.

2. Precautionary measures as indicated overleaf shall be observed and/or caused to be observed by all parties concerned.

(a) Proforma – Permit for D.G. Class 9. (Reverse)

Precautionary measures to be observed in the handling/transit – storage of Miscellaneous Dangerous Goods.

- 1.
- 2.
- 3.

(b) Proforma – Safety Card for D.G. Class 9 (Obverse)

### **Tuticorin Port Trust**

safety Card – Class 9 - Miscellaneous Dangerous Goods.

Reference : D.G. Permit No. Dated :

Traffic Department Official concerned

Please note that the undermentioned consignment of Miscellaneous Dangerous Goods is to be landed/ shipped from/ by s.s / m.v. due to arrive on or about.

-----  
Description      Quantity

-----  
(1)      (2)

-----  
Transit – Storage. .... .

Safety Officer, Tuticorin Port Trust

(b) Proforma – Safety Card for D.G. Class 9

Precautionary measures to be observed in the handling/ transit – storage of Miscellaneous Dangerous Goods.

## **SCHEDULE - 2**

Proforma of the letter forwarding Permits.

Celling for certain clarification etc.,

### **Tuticorin Port Trust**

#### **Tuticorin**

Dated:

To

Messrs.....

Sirs,

Subject : - Permit for landing/shipping dangerous goods from/by s.s. / m.v.

Reference:- Your application No. Dated:

and the cargo list(s) enclosed herewith.

1. Permit(s) for landing/shipping items (f) Nos..... as on your cargo list(s) is/are forwarded herewith. This/these item(s) is/are dangerous goods. Precautions as detailed on the reverse of the permit form(s) shall be observed and or caused to be observed strictly in its/their handling/transit- storage

2. The characteristic properties of item (s) Nos. .... as on your cargo list(s) is/are not known. I am, therefore, unable to decide whether or not it/they is/are dangerous good(s).

You are, therefore, requested to furnish full particulars regarding the characteristic properties of and the known hazards inherent in this/these item(s) of cargo whether or not it/they is/are to be treated as dangerous goods will be decided only after receipt from you on your required information.

In the meantime, you are to understand clearly that this/these item(s) shall be landed/shipped only after this department is enabled to make a decision as aforesaid and take appropriate follow-up action.

3. Item (s) No.(s) ..... as on your cargo list(s) is/are non-dangerous goods; no permit(s) is/are necessary for its/their landing/shipping.

Yours faithfully,

Safety officer

Tuticorin Port Trust

Copy to Traffic Shipping Control

Copy to Traffic Department Official concerned

Copy to D.P.C.'s Office

## **APPENDIX 'A'**

### **Tuticorin Port Bulk Petroleum Regulations**

#### **PART I**

##### **Preliminary**

#### **A.1. Short title, extent and commencement**

- (a) These Regulations may be called Tuticorin Port Bulk Petroleum Regulations, 1985.
- (b) They extend to the whole of Port of Tuticorin.
- (c) They shall come into force on the date of their publication in the Official Gazette.
- (d) Application of Petroleum Rules, 1976, not barred :- These Regulations shall be in addition to and not in derogation to the Petroleum Rules, 1976. Nothing continued in these regulations shall be deemed to be contrary to any of the provision of Petroleum Rules, 1976.

#### **A.2 Definition**

- (a) 'Oil Tanker' means a ship licensed to carry petroleum in bulk as cargo.
- (b) 'Petroleum' means liquid Hydrocarbon or mixture of Hydrocarbon and inflammable mixture (Liquid Viscous or solid) containing any liquid hydrocarbon.
- (c) 'Petroleum- Class A' means petroleum having a flash point below 23 degree C.
- (d) 'Petroleum- Class B' means petroleum having a flash point of 65 degree C

(e) 'Petroleum- Class C' means petroleum having a flash point of 65 degree C and above but below 93 degree C.

(f) 'Bulk Petroleum' means petroleum carried in bulk.

(g) 'Inner Harbor ' means enclosed harbor lying within the North, South and Eastern Break water and West of the entrance.

**A.3.** Other items used in these regulations shall have the same meaning as defined in part I of the Tuticorin Port Safety Regulations, 1985.

## **PART II**

### **GENERAL PROVISION APPLICABLE TO ALL OIL TANKERS**

**A.4.** Notice of arrival of Petroleum - (a) The master of every oil tanker carrying petroleum shall deliver to the Pilot a written declaration under his signature in Form I, prescribed in Schedule II of the Petroleum Rules, 1976.

(b) Provided that if in anticipation of an oil tanker's arrival, the Agent as such oil tanker delivers to the Deputy Conservator a written declaration as aforesaid, no such declaration need be made by the Master of such vessel.

(c ) The declaration given as aforesaid shall contain the following information in addition to the details furnished in Form I : -

(a) the name/names of the Petroleum product/products.

(b) the flash point of such product/products; and

(c ) whether such product/products is/are miscible with water or not.

**A.5.** (i) Oil tanker carrying Petroleum in bulk : -

(a) No oil tanker carrying Petroleum – Class A in bulk shall enter the inner Harbor . Such Oil tankers shall be berthed only at the Oil jetty.

(ii) This regulation will not apply to oil tankers carrying on board less than 750 litres of Petroleum - Class A as part of the Tanker's stores (but not as cargo) if such is carried in appropriate receptacles other than the cargo tanks and is stored in a safe manner.

- (b) (i) No oil tanker shall enter the inner Harbor after having discharged Petroleum – Class A until the tanks which contained Petroleum – Class A have been gas freed and a certificate has been obtained by the Master from the Controller of Explosives, to the effect that such officer has, after examination with the aid of a vapour testing instrument, found the vessel to be entirely clear of Petroleum – Class A and vapour thereof.
- (ii) Such certificate shall be forwarded to the Assistant Safety Officer before the oil tanker enters the Inner Harbor .
- (c ) Discretion to allot any berth or mooring to any oil tanker and to order shifting of any tanker wherever necessary shall vest in the Deputy Conservator. His orders in this regard shall be binding on all Master of Oil tankers.
- (d) Cleaning the tanks shall not be carried out within the Port except with Permission of the Safety Officer in writing. During such Cleaning the Master of the Oil tanker shall take particular care to ensure that no oil (Oily water/oily refuse) is discharged into the sea or on the shore.
- (e) Oil tankers shall not carry out repairs within the Port without the permission in writing of the Safety Officer. If considered necessary, the Safety Officer shall require the Master of the Oil tanker to produce a gas free certificate of the type indicated in regulation A.5 (b) before permission for carrying out any repair is granted.
- (f) Oil tankers shall whilst within Port exhibit conspicuously a red flag not less than sq.m. From sun rise to sun set and a red light from sun set to sun rise.
- (g) Every oil tanker lying within the Port limits shall keep the end of a wire havser having a large eye paid out to the water a edge at bow and quarter to enable us to take hold of in case of an emergency.
- (h) Throughout the time an oil tanker is in the Port a responsible ship's officer and a ship's Engineer shall always be on board the tanker, night and day to carry out and to give effect of these regulations and to take all precautions for the safety of the oil tankers and her cargo.
- (i) Power shall be maintained at least to work the oil tanker's anchor cables and mooring lines through out the time an oil tanker remains within the Port limits.

#### **A.6. Landing/loading of Petroleum in bulk**

- (a) Before any petroleum in bulk is discharged from/loaded into any oil tanker, the owner of the cargo or the Agent of the oil tanker shall obtain permission to do so from the Deputy Conservator, the Traffic Manager and the Assistant Safety Officer.

The Assistant Safety Officer will issue a written permit in this regard, for and on behalf of the Deputy Conservator.

(b) All Safety devices and equipment incorporate into or carried by oil tankers in accordance with Lloyds or other approved societies specification shall remain in good working condition throughout the period that tankers remain in the Port. All pipes and appliances used for discharging/loading of petroleum in bulk shall be free from leakage.

Discharging/loading of petroleum shall commence only after all such safety devices and equipments are inspected and tested by a competent ship's officer and found to be in good working condition. If any of these devices / equipments become defective or otherwise ineffective at any time while discharging/loading of petroleum is in progress, the oil tanker shall immediately stop discharging/loading. Discharging/loading shall thereafter resume only after such defective device/equipment has been restored to working condition.

(c ) A certificate signed by the Master of the oil tanker to the effect that all safety devices/equipment referred to in regulation A.6 (b) are in good working condition shall be delivered to the Assistant Safety Officer before discharging /loading of petroleum can commence.

(d) (i) A bulk oil vessel shall commence discharging of dangerous petroleum only during the day time but a vessel which has commenced the discharge before sun set may continue to discharge even after sun set provided that such discharge is continuous and without interruption.

(ii) Should anything occur after sun set which necessitates repairs on disconnection to the plant, pipes or connections and discharge shall be discontinued until after sun rise.

(iii) In the case of interruption to pumping after sun set the Deputy Conservator may at his own discretion grant special permission to re-commence pumping even during the night time.

(iv) Discharge or loading of dangerous petroleum interrupted or suspended after sun set, shall on no account, be recommenced until after sun rise without the permission of the Deputy Conservator.

(e) Throughout the period that petroleum is being discharged/loaded connection on the oil tanker and/or the pipelines shall be under the constant supervision of a responsible officer of the oil tanker.

(f) (i) Throughout the period that petroleum is discharged/loaded the pipelines and other fittings on the jetty shall be under the constant supervision of a responsible employee of the owners of the petroleum.

(ii) When landing/loading of petroleum has been commenced such landing or loading shall be proceeded with due diligence, utilising the full capacity of pumps available on the tanker. In case such operations are suspended or discontinued for any reason the tanks and holds of the oil tanker shall be closed immediately.

(iii) If the operations are suspended or discontinued for any reasons the tanker or holds of the oil tanker shall be closed immediately.

(g) In the event of it being necessary to interrupt pumping in order to false steam on board, the pipe line in the vicinity of the vessel shall be flushed with water and the valve at the function of the flexible and fixed pipe ashore shall be closed before the boiler fires are lighted.

#### **A.7. Accident/Fire Preventions**

(a) One guard drawn from the Central Industrial Security Force shall remain on duty on board the Oil Tanker during the whole time that petroleum is being discharged/loaded.

(b) No person engaged in discharging/loading of petroleum and/or operations connected therewith shall carry matches lighters or any other materials liable to cause fire/ignition/explosion.

CISF Personnel shall be posted at the western end of the North Break water or the Oil jetty, as the case may be, for ensuring that this condition is observed by all persons proceeding beyond these points. The guard on the tanker shall ensure that this condition is observed by all persons who may board the tanker from boats.

If any of these forbidden articles are being carried on by any person proceeding to the North Break Water or the Oil Jetty or boarding any Tankers, security guard shall take charge of such articles and may return the same when the person leaves the prohibited area.

(c) No person shall be allowed on the tanker except those on genuine business connected with the working of the Oil Tankers.

(d) (i) Naked fires, smoking and the use of non-safety light shall be prohibited at all time on any part of the Oil Jetty and the North Break Water.

(ii) During discharging/loading of Petroleum – Class A , Open fires, smoking of tobacco and the use of non-safety lights shall be forbidden on the Oil tanker and on Floating craft lying alongside or remaining within 300 metres of tanker.

(iii) During discharging /loading of Petroleum – Class B this safety distance may, however, be limited to 30 metres in so far as it applies to Floating Crafts.

(iv) Harbor Crafts proceedings with 300 metres of Oil tankers discharging/loading Petroleum - Class A and within 30 metres of Oil Tankers discharging/loading Petroleum Class B shall ensure that galley fires, other naked flames and non-safety lights are either damped down or extinguished.

(v) During the whole time that an oil vessel is discharging petroleum to oil pipe lines on North Break Water , shall be efficiently patrolled by CISF Personnel posted for the purpose.



(e) Iron or steel hammer or any other instrument capable of causing sparks shall not be used for the purpose of opening or closing the hatches or tank lids of an oil tanker nor shall chipping iron rust or paint be carried out in the vicinity while the tanker discharging/loading petroleum.

(f) (i) Boats / floating craft which are not employed for any work connected with oil tanker operations shall not be allowed within 30 metres of the oil tanker. The agent / master of the oil tanker utilising the service of any boat for tanker work shall ensure that the boatmen do not contravene any of the the fire prevention measures stipulated in this regulation.

(ii) Unauthorised boats /floating crafts going alongside or near oil tankers are liable to be prosecuted. If any boats /floating crafts even attempts to proceed near the floating pipelines used for tanker operations inside the enclosed harbor the license of such boats /floating crafts is liable to be cancelled by the Deputy Conservator.

(iii) No vehicles with leak in their silencer or exhaust pipes shall be permitted to entry in to the north Break water.

#### **A.8. Enforcement**

(a) Enforcement authority. - The Safety Officer, The Assistant Safety Officer, shall be responsible and shall have due jurisdiction to enforce these regulations.

(b) Master and / Agents of oil tankers lying within the Port limits and carrying petroleum as cargo shall when so required by the Safety Officer, the Assistant Safety Officer, the Safety Inspector or any other officer duly authorised in this behalf by the Safety Officer afford all reasonable facility enable such officers to ascertain whether these regulations are duly observed.

#### **A. 9. Power to exempt**

The Chairman on the advice of the Safety Officer and in consultation with the chief controller of explosives and with the approval of the Central Government, may, exempt conditionally or unconditionally any party from all or any of the provision of these regulations.

#### **A. 10. Penalties**

Anyone who contravenes any of the regulations under the Part II is punishable with fine which may extend to one thousand rupees and in the case of continuing infringement with a further fine of one thousand rupees per day for every subsequent day for which such infringement continues.

### **PART III**

#### **SPECIAL REGULATIONS FOR OIL TANKER OPERATION AT OIL JETTY**

A.11. Any oil tanker may discharge / load any grade of petroleum classes A, B and C at the Oil Jetty. There will not be any time limit regarding commencement of operations at this jetty (i.e) discharge / loading of even petroleum – Class A may commence at any time during day or night.

A.12. Under no circumstances shall petroleum be pumped through the pipelines on the oil jetty at pressure exceeding 12 kilograms per square centimeters. This maximum pressure shall not be applied to the pipelines until one hour after the commencement of discharge of petroleum.

A.13 (i) When an oil tanker has finished discharging /loading of petroleum discharging /loading pipe lines shall immediately be emptied of petroleum at least up to the block valve on the oil jetty by flushing water through oil tanker pump or by any other efficient means.

(ii) The same procedure shall also be observed whenever discharging /loading pipelines have to be discontinued for any reason.

A.14 (i) Throughout the period of petroleum is being discharged /loaded at the Oil Jetty, the pipelines and fitments on the Oil jetty shall be under constant supervision of an employee of the Port Fire Service not below the rank of Sub Officer.

(ii) One Leading Fireman assisted by at least 3 fireman shall be posted for patrolling the fitments and pipe lines on the Jetty under the guidance of the Sub Officer.

(iii) A fire fighting tug shall also be put on alert on the other side of the tanker throughout such period

### **PART IV**

#### **SPECIAL REGULATIONS FOR PROTECTION OF OIL PIPE LINES**

**A.15 (a)**

(i) Instruction to the Port`s Mechanical Engineer – Oil companies intending to land petroleum in bulk shall advise the Port`s Mechanical Engineer of the intended landing of such petroleum at least 24 hours before such landing commences so as to enable him to post necessary staff to patrol the Oil pipe lines.

(ii) Instruct as above, regarding the landing of petroleum in bulk on Sundays and Port holidays should reach the Mechanical Engineer before 11.00 hours on the proceeding working day.

(b) In the event of a leak in the flexible pipe lines (that is to say pipe lines connecting the tanker to the shore pipe lines ) or a fire on or around the North Breakwater the oil Company`s supervisor or Assistant in charge of tanker discharges shall take action as follows:-

(i) Arrange for the tanker to stop pumping and to shut down all tanker discharge valves.

(ii) Notify the telephone exchange for informing the Deputy Conservator, the Traffic Manager, Mechanical Engineer , Fire service and other officers.

(iii) Notify the terminal receiving petroleum.

(c) Tanker discharge suspended on account of a leak involving petroleum or a fire shall recommence only after the leak is repaired or the fire is put out and the "All Clear Signal" is obtained from the Deputy Conservator or any other official authorised in this behalf by the Deputy Conservator.

#### **A.16.**

(a) Instructions to all the officers and staff of the Port – On leak in oil pipe lines or a fire in or near the pipelines being noticed or reported, the staff concerned shall arrange to take action as detailed below :-

(i) Cordon off the area as best as possible pending arrival of Fire Service and see that no naked lights are brought or caused to be within 300 feet of the point of occurrence.

Explanation – For the purpose of this clause, locos, IC engines, hurricane and pressurised lanterns, railway signal lamps, all types of cycle lamps, ordinary electric hand torches etc. shall be considered as "naked lights".

(ii) Pending arrival of the Fire service, take such other measures as may be considered expedient to prevent outbreak of fire or to keep in check or extinguish the fire if one has already started.

(b) In the case of leak or fire in the oil pipelines the CISF patrolling the oil pipelines shall take action as follows :-

(i) The CISF who notices leak or fire, shall rush to the oil manifold and inform the Master of the ship and shall inform fire control / Signal station and shall notify the occurrence to the Oil Company`s staff and further on his way to oil manifolds, he shall alert the other CISF by shouting out the information to them.

(ii) The remaining two CISF shall rush to the location to the leak or fire and shall take such action as they can to prevent a fire or to keep the fire under control and in the case of a leak such Khalasies shall endeavour to cordon off the area as best as they can and shall warn off vehicle and other sources of naked light from the vicinity of the leak.

(iii) In the event of a fire, they shall endeavour to keep the fire under check by using earth and sand.

Note :- The supervisory staff of the Engineering Department who are responsible to post Khalasies to patrol the pipelines shall always ensure that such khalasies are thoroughly conversant with what exactly they should do in the event of a leak of fire.

#### **A.17. Instruction to the Port Fire Service**

(a) on receiving the report of a leak or fire in the pipelines or the pump house, the North Fire Station shall act follows :-

(i) Turn out one unit, under the charge of the senior most rank of Fire Service their available at the station.

(ii) Notify the Fire cum Assistant Safety officer and also notify the Harbor Master / Deputy Conservator of the leak of fire.

(iii) The senior most rank of the Fire Service turning out for the leak of fire shall take of course to be taken such action as may be necessary to prevent a fire in the case of a leak or to extinguish the fire, if a fire has already started.

### **PART V**

#### **SPECIFIC REGULATIONS FOR FIRE PRECAUTIONS**

#### **A. 18. Classification of Fires. - Fire shall be classified as follows-**

(a) "Minor fire" means any fire ashore, not necessitating the use of more than three jets.

(b) "Medium fire" means any fire ashore, necessitating the use of four to six jets and ships of minor or moderate intensity.

(c) "Major fire" means any fire ashore, necessitating the use of more than six jets and any ship fire of serious importance or any fire that exceeds the definition of medium fire.

#### **A.19. Smoking**

Smoking is not permitted any-where inside the Harbor premises, except inside office, canteens, rest rooms, latrines and on board ships.

Note:- For the purpose of this regulation , bunks shall not be considered to be offices.

## **A.20. Open flames or naked lights**

(a) Open flames, hurricane lanterns, gas and other oil lamps, matches and other lighting material shall be absolutely forbidden at the following places-

(i) North Breakwater

(ii) All points within 100 feet of pipelines used to discharge petroleum Class A or B and any other place where petroleum Class A or B or carbide is being handled or is stored.

(b) No open flames or naked lights shall be used or caused to be used at other places within the harbor premises, except after obtaining written permission to do so from the authorised officials concerned.

(c) When granting such permission, the authorised official shall ensure that all reasonable precautions are taken to prevent a fire being caused by such flames or light.

(d) Hurricane lanterns, oil and gas lamps, shall be exempt from the restrictions contained under clause (b) such lamps may be used generally within the harbor premises, except at places specified under clause (a) but, under no circumstances shall such lamps be left unattended.

## **A.21. Fire Fighting**

How to call the Port Fire Service

(a) Fires ashore on ship lying alongside quay berths: either actuate the nearest Fire Alarm box or Telephone Fire Service and state location of the fire (use Fire Alarm or Telephone whichever is available nearest).

To actuate Fire Alarm box – Run to the nearest fire alarm box, break glass, pull handle and wait for Fire Service, on arrival state details and location clearly and coherently.

To give the call by telephone :- Run to the nearest Telephone and dial 2555 (Fire Control ) and state clearly :

"FIRE ASHORE AT ..... (OR)

FIRE IN SHIP AT ..... "

(b) Fires afloat, that is to say, in ships at jetties and alongside quay Berths – (i) By day.-Hoist International Flags "DO" Sound continuous short blasts on the ships siren till answered by the Port Signal Station . The Signal Station shall answer by hoisting code flag "PENDANT NINE"

(II) BY NIGHT.- HOIST TWO RED LIGHTS, ONE OVER THE OTHER SIX FEET APART. Sound continuous short blasts on the ship`s siren till answered by the Port Signal Station.

The Signal Station shall answer by hoisting one red light, and acknowledged by continuous flashes on aldis lamp.

Note.- On receiving the "Fire Signal" the Signal Station shall FIRST CALL THE FIRE SERVICE and shall answer as above only after promulgating the Fire Call.

**A. 22. Action to be taken by the Port Fire Control on receipt of a 'Fire Call' . The following actions shall be taken, namely-**

- (i) Turn out the Fire Fighting Units.
- (ii) Inform the Fire Cum Assistant Safety Officer and the Harbor Master of the Port.
- (iii) Inform the Safety Officer only if the Fire is known to be serious one or to be in ship and his presence is required and await further instructions from the Officer-in-charge at the fire incident.

**Sequence of Operations – Ship Masters**

- (i) In the case of ship fire, the Master shall take immediate steps to fight the fire with appliance and men at his disposal
- (ii) He shall make contact with the responsible Port Authorities to get assistance from the Port Fire Service and to co-ordinate fire fighting operations.
- (iii) Masters of adjacent ships shall take all necessary precautions to prevent possible spreading of the fire to their respective ships.

**A..23. Senior Port Officer Present**

The Senior Port Officer Present at the scene of occurrence shall ascertain that the Fire Service has been informed and make full use of all first aid fire equipment available , in addition he shall take all precautions against the fire spreading and take charge of fire fighting, pending the arrival of the Port Fire Service.

**A. 24.**

- (a) On receipt of a fire call, The Port Fire cum Assistant Safety Officer shall immediately proceed to the scene of the fire, and take charge of the fire fighting units in action.
- (b) He shall be responsible for the control of operation in all fires of minor importance . For this purpose, all Port facilities shall be at his disposal.
- (c) Should the fire be or become subsequently of much intensity as a Medium fire, he shall call the Deputy Conservator, who shall take over charge immediately on arrival.

**A.25.**

(a) On receipt of a fire call, The Harbor Master shall immediately proceed to the scene of the fire and assume charge of the fire fighting and other allied operations.

(b) Should be considered that the fire necessitates the use of more than three jets, he shall call the Safety Officer who will take over charge immediately on arrival.

Note:- Normally the Harbor Master may be notified only if the Fire cum Assistant Safety Officer is not available or if the fire is known to be of a serious in nature.

**A.26.**

(a) On arrival at the scene of fire, the Safety Officer shall assume charge of operations and shall take or caused to be taken such action as he considers necessary control or extinguish the fire.

(b) He shall thereafter be responsible for the assessment of risk and shall pass on control to the Administration when considered necessary.

**A.27. Assistance from the Tuticorin Fire Service**

In case of fires requiring more equipment and personnel than would be available with the Port Fire Service, assistance as necessary may be obtained from the Tuticorin Fire Service by sending an assistance message in code as detailed in regulation 30 to the Tuticorin Fire Service Area control and such assistance message may be given by or on behalf of the Safety Officer or the Fire cum Assistant Safety Officer.

**A.28. Further assistance from the Tuticorin Fire Service**

In the case of every serious fire and on spares request by the Port Authorities, the Officer in charge of the Tuticorin Fire Service may, at his discretion; turn-out further assistance and such further assistance shall be to the maximum availability of appliances at the time.

**A.29. Tuticorin Fire Service to work in collaboration with the Port Fire Service**

The Tuticorin Fire Service equipment and personnel arriving to render assistance shall work in collaboration with the Port Fire Service and shall operate under the general direction of the Senior most Port Officer in charge of the Fire.

A. 30. Form of assistance message in Code :- "Designation of the calling officer .....date.....Fire.....Require assistance".

As an example, if the Fire-cum-Assistance Safety Officer decides that the assistance of the Tuticorin Fire Service is required for a fire occurring at V.O.C. Wharf No. 2 on the 21st of the Month, he should send the following message :-

Fire-cum-Assistant Safety Officer - 21st – Fire at V.O.C. Wharf No. 2 – Require assistance".

Note:- Unless this code is used, the Tuticorin Fire Service will not respond.

### **A.31. Fire in the Harbor, Central Industrial Security Force duties :-**

All cases of fire occurring in the Harbor, ashore or afloat, shall be communicated direct to Central Industrial Security Force attached to the Port.

(ii) The Sub Inspector of CISF on duty at the Station of the CISF staff on receiving the message shall, on the receipt of information of a fire in the Harbor, immediately inform the Assistant Commandant and arrange for mobilization of all off-duty officers and men and he shall proceed at once with the available men to the scene of fire and take immediately action to :-

- (a) Keep the area around the Fire clear for fire fighting.
- (b) Keep passage clear for firefighting appliance and personnel.
- (c) Prevent access to the fire by unauthorised persons
- (d) Remove all non-essential persons from the vicinity of fire and
- (e) Check any tendency to panic and prevent looting.

The CISF staff on duty in the Harbor shall at once proceeds to the spot and take instructions from the Senior Fire Officer present, till the arrival of the CISF inspector.

A traffic control system to meet the needs of the situation shall be worked out and necessary CISF staff posted to ensure its smooth working.

CISF staff on gate duties shall see that all the gates are kept open for arrival of fire fighting equipment and fire fighting personnel.

The off-duty men of the CISF on mobilization shall report to the CISF when they shall be allotted to duties as and when required.

A cycle messenger shall be told off for duty. The CISF station telephone shall be manned by a sub-inspector till the fire is brought under control and orders to demobilize are issued.



All cases of fire shall, on receipt of information be reported without delay to Assistant Commandant, CISF who shall proceed to the scene to make a reconnaissance and shall thereafter contact the Deputy Conservator or the Chairman.

Note : In case of explosion or typhoon, duties exactly similar to these detailed above shall be performed.

#### **A.32. Penalties**

Any person contravening any of the above regulations is punishable with fine which may extend to five thousand rupees and for every subsequent offence with fine which may extend to five thousand rupees and for every subsequent offence with fine which may extend to twenty thousand rupees.

### **APPENDIX 'B'**

#### **SPECIAL REGULATION FOR BUNKERING OPERATIONS**

B.1. Bunkering operations shall be carried out only after giving at least two hours notice in writing to the Deputy Conservator, Traffic Manager and the Assistant Safety Officer.

B. 2. Throughout the period a ship is receiving petroleum into her bunkers, the Master or the First Mate of the ship shall be present on board for ensuring that all the conditions/restrictions stipulated in these regulations are complied with in so far as these regulations apply to the ship and fit on board.

B.3. A ship officer shall be on watch and an attendant shall stand along side the flexible connection pipes while bunkering is in progress.

B. 4. (i) The suppliers of petroleum as bunker shall be responsible for ensuring that flexible pipes used for bunkering operations are in a sound condition and will withstand an internal pressure of not less than 2.5 kilograms per square centimeter.

(ii) They shall also ensure that all joints are oil tight and that spillage is avoided when flexible pipes are disconnected any unavoidable spillage caused during dis-connections of the flexible pipes shall be arranged to be properly cleaned up with sand.

B.5. The Officer on watch duty on the ship which receive petroleum as bunker shall be responsible for ensuring that all the valves in the ship's tanks and other connections are properly regulated to receive the bunker and that due warning is always given to the suppliers before any valves are closed so as to prevent the possibility of a sudden increase in pressure which may cause a burst in the flexible pipeline(s).

B.6. (i) The suppliers of petroleum as shall be liable for any damage whatsoever cause to the property/cargo belonging to or in the charge of the Trust by any leakage of such petroleum due to any negligence or defect in/failure of apparatus or appliances belonging to the suppliers.

(ii) The Master of the Agents of the ship receiving petroleum as bunker shall be liable for any such damage being caused by negligence or defect in/failure of apparatus or appliances belonging to the ship.

B.7. No cargo other than steel plate, iron rails and similar goods unaffected by oil, shall remain on the wharf within 10 metres of the bunker oil standpipes and shed doors immediately behind such standpipes shall be closed while bunkering is in progress.

B.8. Penalties – Any person contravening any of above regulations is punishable with fine which may extend to five thousand rupees and for every subsequent offence with fine which may extend to twenty thousand rupees.

**APPENDIX `C`**  
**REGULATIONS RELATING TO FUNCTIONING OF**  
**WORKSHOP FOR REPAIRS INVOLVING HOT WORK ON**  
**BOARD TANKERS**

C.1. For the purpose of these regulations (i) "Explosion Proof" means electrical equipment or apparatus as defined and certified as explosion proof or flame proof when enclosed in a case which is capable of withstanding an explosion of a flammable hydro-carbon vapour air mixture or other specified flammable vapour, which may occur within. It and of preventing the ignition of hydrocarbon or other specified vapour surrounding the enclosure by sparks, flashed or explosions of vapour within. It must operate at such an external temperature that surrounding flammable atmosphere will not be ignited thereby.

(i) "Flammable" means capable of being ignited and of burning in air. The term `Flammable gas' is used to mean to a vapour, air mixture within the flammable range.

(ii) `Gas' means hydrocarbon and other vapours from petroleum as well as their mixture with air.

(iii) `Gas free' means that the tank, compartment or container has been tested using an appropriate gas indicator and found to be sufficiently free at the time of the test of the toxic or explosive gases for a specified purpose.

(iv) "Gas Vent Lines" means the piping system fitted in a tanker to relieve pressure or vacuum in cargo tanks.

(v) "Hazardous area" is one in which an explosive (Flammable) atmosphere may be present continuously or intermittently or be present due to an abnormal or transient condition.

(vi) "Hot work" means any work which involves welding, burning soldering, brazing, sand blasting and chipping by spark producing tools and use of certain power driven tools non-flame proof electrical equipment with internal combustion engines and includes any other work which is likely to produce sufficient heat capable of igniting inflammable gases.

(vii) "Hot work certificate" means a certificate given by the Controller of Explosives certifying that he has in an adequate and suitable manner tested for the presence of inflammable vapour the oil tank compartment, space, or other part of the vessel specified in the certificate and found to be free therefrom and that having regard to all the circumstances in the case including likelihood or otherwise of the atmosphere be inflammable, the use of naked lights, fires, lamps may in his opinion be permitted in the oil tank, compartment, space or other part of vessel specified in the certificate.

(viii) "Man Entry Certificate" means a certificate given by the Controller of Explosives certifying that he has in an adequate and suitable manner tested the atmosphere in the oil tank or other fuel in the certificate and found that having regard to any circumstances of the case, including the likelihood or otherwise of the atmosphere being or becoming dangerous, entry to the oil tank or space without wearing breathing apparatus may in his opinion be permitted.

(ix) "Naked Lights" means open flames or fires, exposed incandescent material and any other unconfined source of ignition.

(x) "Oil Tank" means any tank or compartment in which oil is or has been, carried as cargo for use as lubricating oil for engines or boiler or as fuel for air craft on board.

(xi) "Permanent Ballast Tanks" means tanks having no connection with the cargo system which are used for the carriage of ballast only.

(xii) "Responsible Officer" means

(a) the Master or any officer to whom the Master may delegate responsibility for any operation or duty.

(b) Responsible Officer is the head of the ship repairs Assistant Manager or a Superintendent or any Officer who is in control on the site of the work being undertaken and conversant with hazards attending work covered by this code and also familiar with precautions for fire fighting and other aspects.

(xiii) "Scale" means deposit or incrustation which may form on metal as a result of electrolytic or chemical action.

(xiv) "Sludge" means deposit in cargo tanks which may contain petroleum and water and also sand and scale or other foreign matter.

(xv) "Spontaneous Combustion" means ignition of a combustible material termed 'Spontaneous' if the inherent characteristics of the materials cause a heat producing exothermic chemical action and thus ignition without exposure to external fire, spark or abnormal heat.

(xvi) "Slop" means a mixture of petroleum and water arising from tank washing and not the collection of sludge from oil tanks.

(xvii) "Tank" means a receptacle of petroleum exceeding 1,000 litres in capacity.

(xviii) "Tanker" means a ship specially constructed or converted to carry liquid bulk cargo.

(xix) 'Ullage' means the depth of free space left in a tank above the liquid.

(xx) "Venting" means the procedure for release of gas or intake of air from and to cargo tanks.

## **C.2. Repairs to receptacles**

No person shall cause to be repaired or repair by hot work any tank or container which has lost contained petroleum unless it has been thoroughly cleaned and is free from petroleum and petroleum vapour or, otherwise proposed for safety carrying out such hot repair and in all cases, certified in writing by a competent person to have been so prepared. The certificate required under this regulation shall be preserved by for a period of at least 3 months and produced to an Inspector on demand.

## **C.3. Responsible Officer as defined in Sub-Regulation (xiii) of Regulation C.1.**

The master or other officer-in-charge specially responsible or a responsible officer of the ship repair firm of any vessel which has last carried petroleum on board, whether as a cargo or as fuel, or any vessel licensed under regulation shall see that--

- (a) all due precautions are taken for the prevention of accidents due to ignition of petroleum or petroleum vapour.
- (b) So long as there is petroleum vapour or oil in a tank all openings from the tank to the atmosphere except the gas escape line are kept closed and locked or otherwise fastened in a satisfactory manner; and when it is necessary to take dip or samples, the ullage plugs or sighting parts are closed immediately this has been done; provided that subject to the provisions of clause (c) such Master or Officer in-Charge may cause the necessary openings to be opened or unlocked for the purpose of taking on board or unloading Petroleum Class B or Petroleum Class C for cleaning the tanks or for other sufficient reasons.
- (c) No person enters tank or an enclosed space which had or suspected to have contained petroleum without wearing a breathing apparatus of a type approved by the Chief Controller of Explosives unless he gets the concerned tank or space examined by an Officer appointed by the Central Government in this behalf with the aid of an approved petroleum vapour testing instrument and obtains a certificate from him to the effect that the said tank or space is free from dangerous petroleum vapour.
- (d) The vessel does not undergo repair by 'hot work' to any of its tanks parts or fittings which are likely to contain petroleum vapour or petroleum unless he gets each such part or fitting, as the case may be examined by an officer appointed under clause (c) with the aid of an approved petroleum vapour testing instrument and obtains a certificate to the effect that the said tanks, parts or fittings are free from dangerous petroleum vapour or petroleum.

- (e) The vessel used for the carriage of petroleum in bulk as a cargo is not taken among other ships or to a dry dock unless the vessel is proceeding to an oil berth or a certificate is produced from an officer appointed under clause (c) to the effect that he has examined all the tanks, cofferdams pump rooms and such other parts as deemed necessary with the aid of an approved vapour testing instrument and that such tanks, cofferdams, pump rooms and other parts are free from dangerous petroleum vapour together with a declaration from the Master that to the best of his knowledge there is no dangerous petroleum vapour present in any other part of the vessel not covered by the above certificate.
- (f) The Officer granting a certificate required under clauses (c), (d) and (e) may specify conditions and make recommendations to maintain the gas free condition of tanks, space or parts certified.

**C.4.** The code of conduct for ship repairers as found in these regulation should be followed in to whenever ship repairs are carried out on board.

#### **C.5. Code of conduct for ship repairers**

Preliminary Procedure —1, on receipt of order for repair on any ship, before starting any kind of work and workmen boarding the ships, a declaration regarding the general condition of the ship shall be obtained by the repairer from the Master in the form given in the Schedule to this code.

ii. On receipt of the above declaration a responsible officer of the repairer shall undertake a general inspection of the job that are to be undertaken to the possible hazards that may develop during repair work and safety requirements to overcome the same.

iii. The repairer shall ensure that all statutory requirements laid down in this Code are fulfilled by the Master before undertaking any job.

iv. A responsible Officer or the repairer shall be present on board a tanker when repair work is in progress.

##### **1. Man entry certificates for cold work :**

1.1. No person shall enter or authorise another person to enter any tank, compartment or other space in which oil was last carried and any pump room unless a certificate for man entry into such a place, issued by the Controller of Explosives has been obtained and the place has been adequately ventilated.

1.2. If after the issue of a man entry certificate the atmosphere condition of a tank or any other place to which the certificate pertains undergoes change workmen shall be evacuated from such place and allowed to re-enter the space only after a fresh entry certificate has been obtained.

##### **2. Hot work certificate:-**

2.1. No hot work shall be undertaken.

- 2.1.1. In any oil tank in a vessel in which oil tank oil or liquid hydrocarbon was last carried unless a valid hot work certificate has been obtained in respect of that oil tank and of any oil tanks, compartment or space adjacent thereto.
- 2.1.2. On the outer surface of any oil tank in a vessel in which oil tank while was last carried unless a valid work certificate has been obtained in respect of that oil tank.
- 2.1.3. On the outer surface or in any compartment or space adjacent to an oil tank in a vessel in which oil tank oil was last carried unless a hot work certificate has been obtained in respect of that compartment or space.
- 2.1.4. Inside or on the outer surface or any pump room and similar space in which oil was handled unless a hot work certificate has been obtained in respect of that pump room or space.

2.2. addition to the requirement given in 2.1 no hot work shall be undertaken on any part of an oil tanker unless a valid hot work certificate has been obtained in respect of that work.

### 3. Validity of Man entry Hot work Certificate :

3.1. A certificate will remain valid only for such a period as has been stipulated therein.

3.2. A Certificate in respect of any tank or other compartment will cease to be valid even before the expiry of the period for which it has been certified to be valid if ;

3.2.1. A change has been made in the existing installation in respect of that compartment or space by the removal of pipes, or any other fittings.

3.2.2. The floor space in that compartment or space is removed and the under floor space hosed down with water or otherwise disturbed.

3.2.3. Any part of the cargo oil pump unit is dismantled or disturbed in that compartment or space.

3.2.4. Oil or ballast is pumped or transferred through an installation situated in that compartment or space.

3.2.5. There is any reason to doubt about pollution of the atmosphere of the tank or space.

### 4. Hot work in tanks or other places on an oil tanker :-

4.1. No hot work shall be carried out :-

4.1.1. On any steam smothering valve chest or steam pipe leading from that chest, to an oil tank not certified for hot work.

4.1.2. On any pipe line of tank certified as gas free unless special precautions are taken to secure safety.

4.1.3. On the valve chest for heating steam or any pipe line leading from that valve chest to an oil tank not certified for hot work.

4.1.4. On any part of a Gas vent system unless the system has been isolated from all oil tanks including slop tanks not certified gas free for hot work and the system has been blown through with compressed air.

4.1.5. In any oil tank, pump room or other space if subsequent to the issue of a hot work certificate in respect of that, tank, pump room or space, any work was carried out which might have allowed entry or release of oil vapor into that tank pump room or space.

The gas free certificate for hot work in such event would be deemed to be invalid and further hot works shall be done only after a fresh gas free certificates has been issued in respect of that tank pump room or space by the Controller of Explosives.

4.1.6. In or near any refrigerated space unless the space and the surroundings are gas free and the insulation stripped.

4.1.7. In a cofferdam if there is evidence of leakage of oil or oil vapor into the cofferdam space, hot work shall be done only after space has been gas freed and a hot work certificate has been obtained.

4.2. Without prejudice to other relevant regulation hot work in the engine room of a ship in mid stream may be done provided that.

4.2.1. The vessel is not loading, discharging or bunkering oil, or ballasting/deballasting

4.2.2. Tank washing or gas venting operations are not being carried out.

4.2.3. All tank openings are securely covered.

4.2.4. Only ship's equipments are used for the purpose.

4.3. No section of any cargo oil pipe line or steam heating coil in a tank shall be subject to hot work, even if a tank is certified gas free for hot work. Unless and until at least one of the sections is removed with the use of hand tool and the system is blown through with compressed air.

4.4. An assurance in writing shall be obtained from the Master or Officer-in-charge of the vessel under repair that pumping up or running up operation which may disturb the condition in the pump room or other spaces certified for hot work will not be carried out.

4.5. Before hot work is undertaken a responsible officer shall examine the area to be treated to satisfy himself that such work can be safely undertaken. In particular, he shall ensure that ;

4.5.1. Adjacent compartments are also gas free and no gas from other compartments can be introduced by way or common gas vent lines, oil lines or heating system.

- 4.5.2. There is no oil impregnated scale or other material likely to give off gas.
- 4.5.3. No flammable or toxic gas remains in the vicinity.
- 4.5.4. There is no flammable material in adjacent spaces which might catch fire by the transmission of heat through the bulkheads.
- 4.5.5. There will be no release of petroleum gas or liquid while hot work is in progress.
- 4.5.6. Adequate fire extinguishing equipment is laid out ready for immediate use.
- 4.5.7. The area to be treated is notified to the Master or Officer in charge of the ship and a permit in writing obtained from him for the work on a day to day basis.

4.6. The vessels, for general survey and for extensive repair lasting for several days shall have the oil tanks thoroughly shipped only after obtaining gas free certificate for the hot work certificate shall be obtained again before commencement of gas cutting and welding. Hot work certificate on day to day basis for part of a tank shall not be accepted.

4.7. All wheels from the valve spindles in the pump room shall be removed to prevent handling of these valves by any unauthorised person and to indicate that it is not to be disturbed, while the work is in progress.

4.8. Electric wire or insulation panelling in any of gas cutting or electric welding work shall be removed to prevent them from catching fire.

4.9. A man to watch the other side of welding surface shall be present while welding is in progress.

4.10. Painting and hot work shall not be undertaken in the same area simultaneously.

4.11. Hand tools shall not only be used for the purpose for which they are designed. The risk of ignition of petroleum vapour by frictional spark produced by metal to metal impact in correct and normal usage is slight but care must be taken to prevent improper use.

## 5. Chief Precautions :

5.1. Launches barges and other vessels shall not be taken alongside as oil tanker ship unless prior permission has been obtained by the Master of the ship from the Port authorities to do so.

5.1.1. As far as practicable the launches, etc., shall preferably be taken on the leeward side of the ship.

5.2. Such launches, barges, vessels and equipment such as compressors, generator sets, etc. Which may give out sparks shall have spark arrestors fitted at their exhaust



- 5.3. When a launch or a barge is permitted to go alongside an oil tanker special care shall be taken to see that no open light or coal lit 'SIGHRI' is used for cooking and other purposes.
- 5.4. Always ensure that on the other side of the bulk-head on which gas cutting and welding is to be done no combustible explosive material or paint is stored.
- 5.5. While undertaking hot work on above or below decks and around accommodation spaces precautions shall be taken to ensure sparks, hot moral ships, etc., do not enter cargo spaces which may contain inflammable materials.
- 5.6. Inform the Master or Chief Officer of the vessel to arrange one of the member of ship's personnel to keep watch when hot work as stated in (5.5) is in progress.
- 5.7. While doing hot work outside the accommodation ensure to all Port holes are shut tight and are in closed position until hot work is finished.
- 5.8. Gas cutting direction should preferably be from in-board to out-board to prevent the sparks flying in the direction of the accommodation.
- 5.9. While the gas cutting or welding work is in progress inside the cargo holds, the Deputy Officer of the Vessel shall be informed not to do any painting work in the vicinity and directly underneath the place of hot work.
- 5.10 Insist upon through cleaning of the hold and crevices within such holds wherein cargo like sulphur and other substances have been carried, if such holds are to be subjected to hot work during repairs.
- 5.11 Check for burning or smouldering materials at the site / vicinity of hot work before leaving such places for any short intervals on completion of work.

## 6. Personnel Safety :

### 6.1 Responsible Officer of the Repairers shall ensure that -

- 6.1.1. Workmen boarding oil tankers shall use safety shoes having soles made of or covered with anti – sparking material.
- 6.1.2. No person wearing synthetic apparel shall enter any oil tank, board any tanker ship unless the tank or the ship, as the case may be, is vapour free.
- 6.1.3. Workmen shall not wear metallic bracelets and rings while working on a tanker.
- 6.1.4. While carrying the repair item along the jetty, if a trolley issued for the purpose it shall have rubber covered wheel rims and shall be in good order.
- 6.1.5. Tools shall not be carried by personnel into oil tanks but lowered in a canvas bag or plastic bucket.

6.2. Toxic and explosive gases may generate in compartments such as bilge wells by the decomposition of organic matter in water. Hence all such spaces should be treated in the same way, as if they were carrying petroleum and other explosive materials.

6.3. In the event of fire inside an oil tank, due to any cause after the staging had been rigged up for work a thorough inspection of the staging shall be carried out before the work is resumed and work men are allowed to go on those staging.

6.4. The status of the tanks and other dangerous spaces in the ship shall be indicated at prominent places on the tank or space with signs for easy recognition of workmen also.

6.4.1. Red circle 30 cms. Diameter:- Which indicates that man entry and hot work are not permitted in that tank or space.

6.4.2. Yellow circle 30 cms. Diameter – Which indicates that only man entry and cold work are permitted in that tank or space.

6.4.3. Green circle 30- cms. Diameter – Which indicates that only man entry and hot work are permitted in the tank or space.

## 7. Miscellaneous :-

7.1. No work which involves immobilisation of engines shall be undertaken on board a tanker vessel berthed alongside on Oil Jetty.

7.2. While a person makes initial entry into a cofferdam or other confined space, another person shall be posted to stand-by near the point of entry into the space to keep watch and render summon aid, if required.

7.2.1. The person making the initial entry shall wear lifeline for the relay of distress signals as and when required.

7.3. No naked light or any other sources of ignition shall be taken near a drum or tank known to have contained paint. This precaution shall also apply to any tank or a very small enclosed compartment freshly coated with zinc rich primer.

## 8. Gas Welding and gas cutting

### 8.1. Cylinders and Accessories.

8.1.1 No damaged or defective cylinders shall be taken in to use.

8.1.2 Defective hose or hose in doubtful condition shall not be taken into use.

8.1.3. The blow pipe and of hoses shall have protectors fitted on them or for protection against flash backs.

8.1.4. Hose couplings shall be of the type that cannot be unlocked or disconnected without an initial rotary movement.

8.1.5. Fuel hose and oxygen hose shall be distinguishable from one another.

8.1.6. Sparks lighters shall be maintained in such a condition as to ignite the gas on the first strike.

## 8.2. Handling and Transport of cylinders.

8.2.1. Cylinders shall not be dropped, dragged or permitted to strike one another.

8.2.2. Cylinders shall be shifted by tilting and rolling them on the bottom edgers.

8.2.3. Valves shall be kept closed and protection caps secured in place before cylinders are moved.

8.2.4. Cylinders shall not be lifted or carried by means of their valves or valve fittings.

8.2.5. When cylinders are transported by vehicles they shall be secured in place.

8.2.6. Lifting gear for cylinders shall be -

8.2.6.1. Of good construction, sound material and adequately strong and free from defects ;

8.2.6.2. Tested and fully examined before being put in use by a competent person; and

8.2.6.3. Thoroughly examined by a responsible person.

8.2.7. Lifting gear shall not be loaded beyond their safe working load.

## 8.3. Use of cylinders and accessories.

8.3.1. Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately to remove the grit. Measures shall be taken during this operation to prevent the gas so released from reaching any possible source of ignition.

8.3.2. Cylinder valve shall be opened slowly and excessive force to shut supply shall not be applied while closing.

8.3.3. Burner torches shall be lit only by the use of spark lighters provided for the purpose.

8.3.4. Cylinders shall be kept at least four metres away from the site of welding or cutting operations so that sparks or hot slag may not reach them.

- 8.3.5 It is to be ensured that oil grease or other combustible materials do not come in to contact with cylinders, valves, regulators and fittings.
- 8.3.6 Cylinders shall not be taken in to confined space.
- 8.3.7 Oil shall not be applied on valve fittings and cap threads.
- 8.3.8 Cylinders or pipe valves shall be closed when-
  - 8.3.8.1 A defect develops in the gear.
  - 8.3.8.2 The work is stopped for the time being or is completed.
  - 8.3.8.3 The supply of gas ceases;or
  - 8.3.8.4 They have to be moved.
- 8.3.9 Cylinder whether full or not shall be used as roller or supports.
- 8.3.10 Cylinders shall be placed in such a way so that they cannot become part of an electric circuit.
- 8.3.11 Do not test for leaks of gas with flame. Test by using soap water.
- 8.3.12 While carrying out heating or gas cutting work, water shall be sprayed on the metal surface having metallic continuity with the surface having metallic continuity with the surface to prevent heat being conducted to other areas treated with toxic coating or where some combustible material is stored.
- 8.3.13 While opening the box containing rubber hose it shall be ensured that the people in the vicinity do not smoke.
- 8.3.14 Gas manifolds shall bear the name of the substance they contain.
- 8.3.15 No acetylene generating plant shall be installed on board a ship under repair.

## 9. Are welding and cutting equipments:

9.1 Equipments used in welding operation shall be of good construction, sound material suitable for the work free from defect and maintained in good order.

## 9.2 It shall be ensured that-

- 9.2.1 Electrode holders are of a capacity capable of Safety handling the maximum rated current required to be carried by the electrodes.
- 9.2.2 Electrode holders are capable of gripping the electrodes firmly.

- 9.2.3 All welding cable of flexible type. Completely insulated and are capable of handling maximum current requirement for the work and the maximum rated current required to be carried by the electrodes.
- 9.3 Cables in poor repairs shall not be used. When a cable becomes worn to the extent of exposing bare conductors, the portion so exposed shall be protected by means of suitable insulation tape.
- 9.4 When a structure or pipeline is continuously employed as a ground return circuit all joints shall be bonded.
- 9.5 No wire slings or shackled shall be used as on earth load.
10. Safety in use :
- 10.1 Persons employed in are welding operations and workers in the vicinity shall be provided with suitable personal protective equipments.
- 10.2 Welding electrodes shall not be struck against cylinders.
- 10.3 When live electrode holders are to be left unattended, electrodes shall be removed and the holders so placed or protected that they do not make electrical contact with employees or conducting objects.
- 10.4 All regulators shall be put in the 'OFF' position if out of use for any length of time.
- 10.5 Preservative coating giving out toxic vapours shall be scrap cleaned from and around the surface when cutting or welding is to be carried out.
- 10.6 Drums, Containers or hollow structure which had contained flammable substances be thoroughly cleaned of such substances before starting welding or cutting.
- 10.7 Welding or cutting work shall not be undertaken on the outside vicinity of the tank or other space for which only man entry gas free certificate has been obtained.
- 10.8 Hollow one piece cast brass buckets or jacketed vessels shall be vented either by opening a plug or by drilling a hole before starting, heating or gas welding in order to prevent building up of pressure and subsequent explosion.
- 10.9 All structural voids like inside of the rubber built up skegs, bilge, keets, etc., shall be vented by opening out the plugs at the tempest part and at the bottom and if possible shall be fitted with water and drained before gas cutting heating or welding is started.
- 10.10 At the end of each shift during lunch break or if the work is suspended for a considerable length of time the welding current shall be switched off.
- 10.11 Electrical equipments exposed to whether shall be adequately protected against moisture or corrosion.
- 10.12 Cable shall be kept clear of loads running gear and moving equipments.

10.13 Only duly authorised persons shall be permitted to install, adjust, examine, repair, displace or remove electrical equipments.

10.14 No tank or drum container shall be subjected to hot work unless the greasy contents, if any; is thoroughly cleaned. The tank or drum shall be filled with water to drive away all gases before hot work is commenced.

10.15 If a welder has to enter a tank or drum which has contained petroleum products for welding internally, the same shall be tested for gas free condition before starting the work. An approval certificate from the controller of Explosive must be obtained.

#### 11. Ventilation :-

11.1 Before allowing workmen to enter any cofferdam, pump room or other confined space, such space shall be adequately ventilated.

11.2 When hot work is to be done in the confined space, general mechanical ventilation, i.e, blowers or local exhaust ventilation shall be arranged.

11.3 General mechanical ventilation shall be of sufficient capacity individually or collectively, as to produce at least one air change per hour and to maintain the fumes and smokes within safety limits.

11.4 Local exhaust ventilation shall consist of freely movable hoods placed as close to the person carrying out hot work as is possible. The system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep their concentration at the breathing zone within safety limits.

11.5 Contained air exhaust from the working space shall be discharged in to the open air or otherwise clear of the course of intake.

11.6 All air replacing that withdrawn shall be clean.

11.7 Oxygen from the cylinder or torch shall be used for ventilation purpose.

11.8 When a confined space is provided with only such a type and so arranged as to permit free passage of workmen through the opening

11.9 When a confined space cannot be adequately ventilated workmen employed wherein shall be provided with air respirators.

11.10 General mechanical or local exhaust ventilation shall be provided whenever welding, cutting or heating or metals of toxic significance like those mentioned below is carried out :-

- (a) Zinc bearing base of filler metals coated with zinc.
- (b) lead based metals.
- (c) Cadmium bearing filter materials.

- (d) Chromium bearing metal or coated with chromium bearing materials are used.

## 12. Use of electrical Equipment:

### 12.1 General.

12.1.1 All portable electrical equipments shall be carefully examined for possible defects before being used. Special care shall be taken to ensure that insulation is undamaged and that cable are securely attached. All equipment shall be efficiently earthed.

12.1.2 When a tanker is not wholly gas free, the recommendation set out in 12.2 shall be observed.

12.1.3 Electric hand lamp shall not be taken inside the pump room which is not certified gas free for hot work.

12.1.4 Self contained battery fed or equivalent lamps of certified type are to be used in any any dangerous space.

12.1.5 For temporary electric lights, distribution boxes shall be of enclosed type and such boxes shall be fitted with cartridge fuses instead of open fuses even if the vessel is gas free.

### 12.2 Hand torches and Hand lamps-

12.2.1 Only self contained battery fed hand torches or hand lamp of and approved type shall be used within the restricted area enclosing all tanker berth and on board a tanker while at the berth, such torches or lamp shall be marked and covered by a certificate issued by a appropriate authority and shall be well maintained.

12.2.2 The use of portable electrical equipments, on wandering leads shall be prohibited over the tank deck and within the cargo tanks and adjacent spaces unless-

12.2.2.1 The compartment over which or within which the equipment and / or lead is to be used is gas free throughout the period during which the equipment is in use.

12.2.2.2 Compartments adjacent to it are also gas free.

12.2.2.3 All tank openings to other compartments if not gas-free are closed and remain so.

12.2.2.4 The equipment and circuit of any wandering lead is instrinsicarly safe.

12.2.2.5 The electrical equipment is wholly within an approved explosion proof container, an approved air pressurised contained or an approved safety torch.

### 12.3 In hazardous areas electrical equipments used shall be FLAME PROOF.

12.4 When giving 3 phase A.C supply to the ship from shore shall be ensured that a four core cable is used and the EARTH core is connected to the ship`s steel structure.

12.5 Cables used for power supply to and in the ship shall be of proper rating and kept in good condition and to full insulation.

13. Fire Fighting:

13.1 Adequate number of fire extinguishers and buckets filled with water or sand shall be readily available when hot work operations are in progress.

13.2 Exit signs shall be provided indicating escape routes leading to deck from all places of work.

13.3 Fire petrol shall be arranged and the entire ship shall be covered at least once in an hour.

13.4 In the ship under repair, responsibility of initial fire fighting rests with the master of the vessel.

14. Smoking:

14.1 Personnel when working about the ship shall not carry match or particularly lighters and the risk of doing so shall be impressed upon all.

14.2 In place where smoking is authorised suitable containers shall be made available for extinguishing cigarettes and disposing of matches.

c.6 Penalties- Any person contravening any of the above regulations is punishable with fine which may extend to five thousand rupees and for every subsequent offence with fine which may extend to twenty thousand rupees.

**SCHEDULE.**

**DECLARATION FORM**

**Refer Appendix C Code C5.**

**(To be filled in by the master of the vessel, in duplicate)**

I. The master of the vessel s.s/m.v ..... of gross tonnage ..... with registration No..... have entered the harbor on ..... The particulars regarding the cargo and other information are given as under :-



1. Type of cargo carried :-

- (a) General (Dry)
- (b) Chemicals
- (c) Petroleum oil
- (d) Explosive (other dangerous cargo)

2. The last cargo was of petroleum / dangerous / hazardous nature and -

- (a) Date and Port of loading.
- (b) Date and Port of discharging.
- (c) Action taken to clean compartment to ensure safety for working.

3. Cargo oil tank washing practice followed (i.e., number of cargo tank washed) between one cargo discharge and the next loading.

Please state pressure and the temperature of the water jet used.

4. The present condition of the tanks, pump, rooms and other spaces where repair is intended to be carried out :-

(a) Is the vessel certified vapour free ? By whom ?

(with data and certificate number )

(b) Number of tanks washed by butter- worthing.

(c) Number of tanks gas freed.

(d) Are pump room and other places where work has been authorised -

(i) Gas free for man entry

(ii) Gas free hot work

5. State the number of tank carrying slops, if any.

6. What is the quantity and quality of oil cargo resued and slop on board and the tank numbers ?

7. State the location of the cross bunkers and other hazardous chemicals like hydrazine, etc., carried for ship`s use, if any.

8. State whether the fire fighting services are in working conditions :-

- (a) Smothering steam.
- (b) Fire pump
- (c) Co2 and other equipments
- (d) Portable fire fighting equipments.

The above information are true to the best of my knowledge.

For repairers use only.

Master of the vessel

I have personally gone through the contents of this perform and I certify that necessary safety precautions in accordance with SAFETY REGULATIONS FOR HOT WORK have been taken for carrying out the repairs / other connected work.

A senior responsible officer of the repairer who has been delegated with the requisite authority by the ship repairer.

N.B- one copy of this form is to be sent to Marine Department prior to commencement of work.

Administrative Office.

Tuticorin – 628 004.

Dated: 8th October 1986,

(Sd/-) Chairman,

Tuticorin Port Trust

MINISTRY OF SURFACE TRANSPORT

(Ports Wing)

NOTIFICATION

New Delhi, 9th August, 1989

G.S.R. 742 (E) - In exercise of the powers conferred by sub-section (i) of Section 124 read with Sub-Section (i) of Section 132 of the Major Port Trusts Act, 1963, (38 of 1963), the Central Government hereby approve the Tuticorin Port Trust (Handling of Freight containers containing Dangerous/ Hazardous Cargo ) Regulations, 1988, made by the Board of Trustees of Tuticorin Port in exercise of the Powers conferred on them by Section 123 of the said Act and Published in the Tamil Nadu Government Gazette

dated 4th January, 1989, and 11th January, 1989 and errata dated 22nd March, 1989 as detailed in the schedule annexed to this Notification.

(PR – 16012/10/88 -PG )

YOGENDRA NARAIN, Jt. Secy.

**SCHEDULE**  
**TUTICORIN PORT TRUST**  
**NOTIFICATION**

In exercise of the powers conferred by clause (n) of Section 123 of the Major Port Trusts Act, 1963, (38 of 1963), of the Board of Trustees of the Port of Tuticorin, hereby makes the following regulations namely, the Tuticorin Port Trust (Handling of Freight Containers Containing Dangerous/Hazardous Cargo Regulations, 1988 subject to the approval of the Central Government and the same are published for public information.

**PART I - PRELIMINARY:**

1. Short title, extent and commencement

- a) These regulations may be called the Tuticorin Port Trust (Handling of Freight Containers Containing Dangerous/Hazardous Cargo) Regulations, 1988.
- b) They extent to the whole area of Port of Tuticorin.
- c) They shall come into force on the date of their publication in the official Gazette.

2. DEFINITION:

For the purpose of these Regulations:-

- 2.1. 'Closed Container' means a Container which can be laden only through one or more doors in the side or end walls.

2.2. 'Container Handling Equipments' mean the equipments used for safe handling of containers such as Transfer cranes, Top lift Trucks Fork lift trucks or any other equipments fitted with special device for lifting containers.

2.3 ' Container Parking Yard' means the yard in which the containers are stacked.

2.4 ' Container ship' means a ship in which containers are loaded either below the deck or above the deck and shall also include container oriented ships handling cargo in break bulk form

2.5 'Container Space' means a space occupied by one container equivalent to one TEU which measures 6.1 mts x 2.4 mts. X 2.4 mts. This distance may be occupied by a neutral container or containers.

2.6. 'Dangerous cargo Shed' means a specially constructed shed used for keeping dangerous/hazardous cargo.

2.7 Deputy Conservator' means the Deputy Conservator of the Tuticorin Port Trust.

2.8. 'Freight Container' for dangerous cargo hereinafter called container means an article of transport equipment specially designed and constructed for the purpose of transport of dangerous goods by one or more modes of transport.

2.9 'I.M.O' Code means the Code of Practice published by the International Maritime Organisation on the International Maritime Dangerous Goods.

2.10. 'I.M.O. (IMCO)' means International Maritime Organisation.

2.11 'Loading Unloading means the placing of a container aboard a ship and its removal therefrom.

2.12 'Major Ports' means the Ports notified as Major Ports by the Ministry of Surface Transport, Government of India.

2.13 'Minor Ports' means the Ports governed by the respective State Government and Union Territory of India.

2.14 ' Open top container' means a container with the bottom, side and end walls but having no roof.

2.15 'Packages ' means receptacles for dangerous goods and receptacles containing dangerous/hazardous cargo.

2.16 'Packing and Unpacking' means the placing of packages containing dangerous /hazardous cargo into a container and their removal therefrom.

2.17 ' Platform container' means a type of loadable platform having the same overall external length and width as the base of series/ containers and equipped with top and bottom corner fittings located as on those containers so that some of the same securing and lifting devices may be used.

2.18 'Port' means the Port of Tuticorin.

2.19 ' Safety Officer' means the Deputy Conservator of Port of Tuticorin.

2.20 'Stuffing & Destuffing' means filling up the containers with cargo and removal of cargo from the container

2.21 ' Tank Container' means container especially build to transport and distribution of liquids and gases in bulk in accordance with such conditions as may be required.

2.22 'Transport Tractor – Trailer' means a combination of transport tractor with trailer coupled together permanently or temporarily designed primarily for the transportation of goods by road.

### 3. DANGEROUS / HAZARDOUS CARGO:

For the purpose of these Regulation, dangerous / hazardous cargo shall include all substances classified as such by the International Maritime Dangerous Goods code of the International Maritime Organisation, London.

### 4. CLASSIFICATIO OF DANGEROUS/ HAZARDOUS GOODS:-.

For the purpose of these Regulations, dangerous/ hazardous goods shall be divided into the following classes, based on the I.M.D.G. Code Classifications :

Class 1 - Explosives

Class 2 - Gases; compressed; liquified or dissolved under pressure.

Class 3 - Inflammable Liquids

Class 4.1 - Inflammable Solids.

Class 4.2 - Substances liable to spontaneous combustion.

Class 4.3 - Substances which in contact with water emit inflammable gases.

Class 5.1 - Oxidising Substances

Class 5.2 - Organic Peroxides

Class 6.1 - Poisonous (Toxic ) substances

Class 6.2 - Infections Substances

Class 7 - Radio- active substances

Class 8 - Corrosives.

Class 9 - Miscellaneous dangerous substances i.e. And other substance which experience has shown or may show to be of such dangerous as to be treated as Dangerous goods.

## 5. GENERAL ACCEPTABILITY OF SHIPS CARRYING DANGEROUS/ HAZARDOUS CONTAINERS INTO THE PORT

5.1 All dangerous/hazardous cargo entering the Port area shall be classified, packaged labelled and /or marked in accordance with the IMO Code and be declared by the ships/Shipper accordingly. The container shall also be marked such and shall be accompanied by a Packing certificate issued by the Operating Company indicating the content.

5.2 Containers used for the carriage of dangerous/hazardous cargo shall be of adequate strength to resist the possible stress imposed by the conditions of the services in which they are deployed and they shall be properly and regularly maintained.

5.3. Stowage: No ship carrying containers of dangerous/hazardous cargo on board shall enter the Port unless the containers are stowed and documented according to Section 12 of IMO Code.

## RESTRICTION ON ENTRY OF SHIPS CARRYING CERTAIN CLASSES AND QUANTITIES OF DANGEROUS/ HAZARDOUS CARGO:

6.1 Ships carrying explosives shall be allowed only at such of the anchorages or areas notified by the Port Authority and only in such quantities as may be permitted to be handled inside the Port area by the Port Regulations applicable.

6.2 No Cylinder containing gases compressed, liquified or dissolved under pressure shall be permitted to be brought inside the Port unless such cylinders are permitted for import/export by the Chief Controller of Explosives.

6.3 Dangerous goods in the containers of the following class and type shall be limited aboard any ship to such quantity as may be notified by the Port authority in no case exceeding 50 Tonnes net contents being the total of all classes.

Class 2 - Liquified inflammable or Poisonous Gases.

Class 3.1 - Inflammable Liquids e.g. Carbon -di-sul-phide

Class 4.2 - Spontaneously Combustible Liquid e.g . Aluminium Alkyls.

Class 6 - Tetramethyl Lead Fuel/Additives

Class 6.1 - Poisonous Toxic Substances

Class 6.2 - Infectious substances

Class 8 - Corrosives

Class 9 - Miscellaneous dangerous substances.

6.4 In all such cases, handling of tank containers shall be limited to day light hours and subject to the consignee; taking delivery from the port premises without depositing them for any length of time within the port premises.

6.5 The Deputy Conservator of the Port or his authorised representative specially nominated by him for the purpose of these Regulations shall be the Sole Authority to give permission for landing or loading dangerous/hazardous cargo in containers.

## 7 ADVANCE NOTIFICATION;

7.1 Ships: The Master or the ship Owner or Agent shall inform the Port Authority atleast 48 hours prior to arrival of the ship with dangerous/hazardous goods in containers aboard the ship and those to be discharged at the port.

7.2 An application for permission to land or load dangerous/hazardous cargo shall be given by the Steamer Agents or Consignor/Consignees in an application made in triplicate to Deputy Conservator of the Port at least 48 hours in advance. The application shall include a complete list of all substances with their true chemical names and IMO Code number. The list shall furnish complete details including their full technical names, quantities, mode of packaging,. IMCO Classification and other relevant data. The items included in this list shall be serially numbered for reference and follow up correspondence Application for issue of permits for inflammable liquids including petroleum as defined in the Petroleum Act shall furnish information about the flash points of such liquids and whether such liquids are miscible with water or not.

7.3 One copy of each such application and the list shall be given each to the Deputy Conservator of the Port, Container Terminal Manager, Traffic Manager.

7.4 A copy of the Ship's cargo manifest shall also be furnished to the Deputy Conservator of the Port and Container Terminal Manager.

7.5 Exports: The intention to export dangerous/ hazardous cargoes through containers shall be duly informed to the Port Authority prior to their delivery at the berth at least 48 hours in advance and permission obtained from the Deputy Conservator before the dangerous/hazardous cargoes to be stuffed in containers are moved into the Port.

7.6 Transit: The same prohibitions and restrictions that are applicable in respect of dangerous/hazardous cargoes for loading or unloading within the Indian Ports shall be applicable for cargo in transit.

#### 8. Berthing:

8.1 Any container ship carrying with dangerous/Hazardous cargo on board shall only after permission to berth is granted by the Deputy Conservator, be berthed at the designated berth.

9. The dangerous/ Hazardous cargo containers shall be stacked in either of the following ways.:

(a) Stack the containers separately in a specially designated area which has been constructed for storage of dangerous/ hazardous cargo and provided with fire fighting arrangements.

OR

(b) Stack the containers in the Parking Yard itself by providing proper segregation as per IMO code. The segregation method contained in IMDG is shown in Appendix 'A' hereto and the segregation method with tyre-mounted Transfer cranes contained in IMO code, is shown in Appendix 'B' hereto.

9.1. The Port Authority shall devise a suitable segregation plan as regards the Classification of the cargo and the type of handling in the Terminal.

#### 10. STUFFING AND DESTUFFING OF CONTAINERS : -

10.1 The Port Authority shall designate Container Depot/Container Freight Station suitable to handle dangerous/Hazardous cargo. The stacking of containers shall be in accordance with Regulations 9 above. The stuffing destuffing operation shall follow strictly the IMO Guidelines for the packing of dangerous hazardous cargo in a Freight Container and shall comply with Classes 12 & 13 of IMDG Code shown in Appendix – C hereto .

10.2 In case stuffing or destuffing is done in an area in the vicinity of the stackyard a minimum distance of 30 metre around shall be maintained.

10.3 Before Stuffing: Containers into which dangerous cargo are to be stuffed shall be examined visually for damage and if there is evidence of any material damage the container shall not be packed. Containers shall be clean dry and fit for use. Irrelevant cargo labels shall be removed or masked over before stuffing begins.

10.4 Information shall be provided by the Shipper about the hazardous properties of the dangerous cargo to be handled. The shipper shall also ensure that dangerous cargo is stuffed marked and labelled in accordance with the IMDG Code. No dangerous cargo shall be handled unless packaged marked and labelled in accordance with these Regulations.



10.5 No dangerous cargo shall only be handled, stuffed and secured except under the direct and identifiable supervision of a responsible person deputed by the Consignor or the Consignee as the case may be, who is familiar with the risks involve and has knowledge of the emergency measures to be taken and who shall also ensure that necessary protective equipment is available.

10.6 Smoking shall be strictly prohibited in the vicinity of the stuffing and de-stuffing area.

10.7 Suitable fire precaution measure shall be taken.

10.8 Packages shall be examined and any found to be damaged, leaking or sifting shall not be stuffed into a container, Packages showing evidence of staining etc., shall not be packed into a container without first determining that it is not unsafe or unacceptable to do so. Water or other matter adhering to packages shall be removed before stuffed into a container.

10.9. If cargo is palletized or otherwise unitised they shall be compact and shall be secured in a manner unlikely to damage the individual packages comprising the unit load. The materials used to band the unit load together shall be compatible with the substances unitised and shall retain their efficiency when exposed to moisture, extremes of temperature and sunlight.

10.10 In case electric power is used for any equipment or machinery in the area where containers are stacked or stuffing and destuffing is carried out, the electric supply systems in the equipment or machinery shall be of a type which will not cause any spark likely to cause hazard.

10.11 A container intended to carry dangerous cargo under temperature control shall be inspected and operated to ensure that the machinery is in proper working order before the shipment is made. A record of the inspection shall be maintained.

#### 10.12 STUFFING AND SECURING:

Special care shall be taken during handling to ensure that the packages or receptacles are not damaged.

10.13 If a package containing dangerous cargo is damaged during handling so that the contents leak out, the immediate area shall be evacuated until the hazard potential can be assessed. The damaged packages shall not be transported.

10.14 No repacking shall be done with in the Port premises if there is leakage from dangerous cargo likely to cause any explosion, spontaneous combustion, poisoning or similar danger, personnel shall immediately be moved to a safe place and the emergency response organisation (e.g. the Fire Service, Pollution Control) shall be notified.

10.15 Dangerous goods of in compatible substances shall not be stuffed in the same container. Guidance of both a general and particular nature on this matter is found in the IMDG Code.

NOTE: It is also possible that in some instances, goods of the same class shall not be stuffed into the same container if they are incompatible, For example, Peroxides and Permanganates are both oxidising agents (Class 5.1). However, they may interact dangerously in the event of an accident.

10.16 Dangerous goods likely to cause damage by taint, odour or contamination shall not be stuffed in the same container with good so susceptible to such damage.

10.17 When dangerous cargo, particularly those of Class 6.1 (Poisons) and Class 8 (Corrosives) are handled, consumption of any form of food or drink shall be prohibited.

10.18 Special taking instructions detailed on individual packages or otherwise available shall be strictly observed (e.g.) Goods marked 'Protect from frost' shall be stowed away from the walls of the container.

10.19 Goods marked 'this way up' shall be packed accordingly. When dangerous goods consignment forms only part of the load of a container, it shall preferably be stuffed so as to be accessible from the doors of the container.

## 11. MARKING AND LABELLING:

11.1 The containers shall be sealed prior to despatch. However, they shall not be locked unless specifically required and agreed to by the container operation. In such cases a key shall be readily available at all times.

11.2 Containers in which dangerous good are stuffed shall bear IMCO Dangerous Goods Code Class Labels (Placards) not less than 250mm x 250mm in size, and where not required by IMDG Code, there shall be atleast four such Labels (Placards) placed externally in conspicuous places, one on each side and one on each end Labels for the sides of the container shall be affixed in such position that they are not obscured when the container doors are opened.

11.3 The container shall also bear externally the correct technical name of each of the dangerous substances packed therein.

11.4 Additional labels as may be required by rail and road transport authorities shall be provided.

## 12. STUFFING CERTIFICATE:

12.1 Those responsible for the stuffing of the dangerous cargo into a container shall provide a 'Container stuffing Certificate' certifying that the stuffing has been properly carried out and embodying the following:-

- (i) That the container was clean, dry and apparently fit to receive the goods.
- (ii) No incompatible goods have been stuffed in the container.
- (iii) All packages have been externally inspected for damage and only dry sound packages packed.
- (iv) All packages have been properly stuffed in the container and secured and suitable securing materials used.
- (v) The container and packages are properly marked and labelled.

(vi) The dangerous cargo in the container are those for which acceptance has been specifically obtained for the shipment in question.

(vii) The consignor of the dangerous cargo has in each case issued a dangerous cargo declaration as to the nature of the hazard and that the cargo is suitably packaged for transport by sea.

(viii) The Container Stuffing Certificate shall be forwarded with the container to be available at the time of loading on board the ship.

(ix) The permission of the Deputy Conservator has been obtained for stuffing the cargo.

### 13. GENERAL ADVICE ON RECEIPT OF CONTAINERS CONTAINING DANGEROUS/HAZARDOUS CARGO FOR STUFFING/DESTUFFING

13.1 Containers of dangerous cargo shall be destuffed with care, always bearing in mind that the cargo may have been damaged in transit. Before the doors are opened, this possibility shall be borne in mind in relation to the properties of the cargo. For example, depending on the contents of the container, there may exist the possibility that leakage has caused unsafe concentration of toxic, inflammable or explosive vapour, or to have produced an oxygen enriched (or depleted atmosphere). If there is evidence that damage has occurred and such a condition exists, expert advice must be sought before commencing to destuff the containers.

13.2 Any container with dangerous cargo particularly toxic products, shall be ventilated before unpacking commences, that is the doors shall be kept open for an adequate period.

13.3 After a container containing dangerous goods has been unpacked, particular care shall be taken to ensure that no hazard remains. This may entail special cleaning, particularly if toxic spillage has occurred or is suspected. When satisfied that a container offers no hazard, the dangerous goods labels shall be removed.

13.4 If any container shows signs of heat it shall be removed to a safe place and Fire Service immediately notified. Care shall be taken to see that any fire fighting methods to be used are suitable for the cargo in question.

13.5 After destuffing the consignees shall be bound to return the containers in a clean and suitable manner for transport of all classes of cargo.

### 14. DESTUFFING OF DANGEROUS HAZARDOUS CARGO

14.1 Import of any dangerous cargo shall be notified to the Port Authority by the Operator Prior to the arrival of the container within the Port.

14.2 The import cargo documents shall have to be endorsed with a 'Dangerous Goods' stamp by the operator or the person responsible for the documents before the container is discharged.

14.3 Dangerous cargo containers shall be destuffed with care, always bearing in the mind that the cargo may have been damaged in transit. Before the doors are opened, this possibility shall be borne in mind in relation to the properties of the cargo. If there is evidence that such damage has occurred expert advice must be sought before commencing destuffing of the container.

14.4 As cargo is destuffed and checked, it shall be separated according to its class and placed in the correct storage area. Any discrepancy in respect of marks label or type of packing shall be reported to the Supervisor of the Port on duty and the operating company shall be informed at the earliest opportunity.

14.5 Areas for the storage of the various classes of dangerous cargo shall be clearly defined and wherever possible stowage shall be provided in the Hazardous cargo shed. In any event dangerous goods shall not be permitted to be stowed within the harbor without the written permission of the Safety Officer or his authorised representative.

14.6 Removal of import dangerous cargo shall be effected immediately.

14.7 All dangerous cargo labels shall be removed as soon as the container can be declared non hazardous.

15. Total quantity of dangerous cargo in a designated area shall not exceed five container loads.

#### 16. FIRE FIGHTING:

Special fire fighting provision shall be made in the designated areas where dangerous/hazardous cargo containers are kept. These shall include.

- (i) The provision of all fire fighting equipment as required by national or local regulations is properly maintained and fully operational condition.
- (ii) The provision of clear information as to emergency routines to be followed and a regular practice of such routines.
- (iii) Good liaison between the container base and the local fire brigade. The means to call the Fire Service shall be readily available at all times.
- (iv) Proper maintenance and cleanliness. For example, patches of oil mixed with sawdust are a potential source of ignition, heaps of rubbish can be readily ignited, piles of dunnage can assist in the rapid spread of fire etc.
- (v) Proper care shall be taken to minimise sources of ignition such as smoking, unprotected or ill maintained electrical installations or repair equipment.
- (vi) Proper care of machinery and its operations, particularly where re-fuelling is concerned.
- (vii) Clear access to fire appliances within the premises shall be maintained and a route kept clear at all times to allow rapid access for emergency vehicles from outside.

17. SPECIAL EQUIPMENT:

17.1 Adequate and proper breathing apparatus shall be provided and men trained in its use kept in readiness so as to render immediate assistance should any personnel be affected by noxious fumes.

17.2 Protective clothing, comprising rubber boots and gloves and spron together with oilskins shall be available for use in dealing with split material.

17.3 Receptacles of inert material shall be available for use in minimising the spread of split liquid.

17.4 Nothing in this section shall prevent calling upon to proper emergency services as soon as any trouble arises.

18. LIGHTING:

18.1 Wherever and whenever dangerous goods are handled or other goods handled adjacent to dangerous goods, adequate and flame proof lighting shall be provided.

18.2 It shall be remembered that labels may appear to change colour in artificial light.

19. PENALTIES:

Any person contravening any of the above Regulations is punishable with fine which may extend to Rs.10,000/- for the first contravention, and with a further fine which may extend to Rs.1000/= for every day after the first during which the contravention continues.

# SEGREGATION TABLE

## APPENDIX (A)

### 1.4. 3.1

1.5 2.1 2.2 3.2 3.3 4.1 4.2 4.3 5.1 5.2 6.1 7 8

<b>Explosives</b>	1.4		2	1	2	2	2	2	2	2	2	X	2	2
	1.5													
<b>Inflammable Gas</b>	2.1	2		X	2	2	1	2	1	2	4	X	2	1
<b>Non – Inflammable Gas</b>	2.2	1	X		2	2	X	1	X	X	2	X	1	X
<b>Inflammable Liquids</b>	3.1	2	2	2			2	2	2	2	3	X	2	1
	3.2	2												
<b>Non – Inflammable Liquids</b>	3.3	2	2	2			1	2	2	1	3	X	2	1
<b>Inflammable Solids</b>	4.1	2	1	X	2	1		1	1	1	2	X	2	1
<b>Spontaneously Combustible substances</b>	4.2	2	2	1	2	2	1		1	2	2	X	2	1
<b>Substances which are dangerous when wet</b>	4.3	2	1	X	2	2	2	1	1	2	2	X	2	1
<b>Oxidizing Substances</b>	5.1	2	2	X	2	1	1	2	2		2	1	1	2
<b>Organic Peroxides</b>	5.2	2	4	2	3	3	2	2	2	2		1	2	2
<b>Poisons</b>	6.1	X	X	X	X	X	X	X	X	1	1		X	X
<b>Radioactive Substances</b>	7	2	2	1	2	2	2	2	2	1	2	X		2
<b>Corrosives</b>	8	2	1	X	1	1	1	1	1	2	2	X	2	
<b>Miscellaneous Dangerous Substances</b>	9													

Numbers in the table are defined in the next page.

The number in the table at pre-page are defined as follows:

#### IMDG Code Definition      Container base Segregation

1. Away from      :      Not touching each other nor oversteering one with the other.
2. Separate from      :      3 Metres (10 ft.) apart unless separated by fire resistant wall.
3. Separated by a complete      :      3 Metres (10 ft.) apart unless separated by compartment fire resistant wall.
4. Separated longitudinally by      :      In different sections of the container base an intervening complete separated by a roadway or other effective fire compartment      block, or at least 25 Metres (30 ft.) apart.
5. No general segregation      :      If in doubt refer to the IMDG Code O. The Blue recommended      Book for particular substance.

1.      Storage space should also be selected as between outside and inside the buildings in accordance with the following guidelines:

1.1 Commodities which the carriage by sea rules required to be stowed only on the deck of a ship should not be stored inside a building unless the building is specially equipped for such purpose.

1.2 Table:

IMCO Class	Description	Storage
------------	-------------	---------

1.4 Safety Ammunition	Inside – Lock-up
-----------------------	------------------

1.5 Very insensitive substances	Inside – Lock-up
---------------------------------	------------------

1. Other than Safety Ammunition &	Not to be stored except by special
-----------------------------------	------------------------------------

Class 1.5	arrangement
-----------	-------------

## 2. Compressed Gases

- Inflammable    Outside
- Poisonous      Outside
- Inert    Either
- small cylinder (e.g. Lighter fuel) Inside

## 3. Inflammable liquids

3.1 Low F.P. Below (10o C)      Outside

(0o F)

3.2 Intermediate F.P – 18o C      Outside

Upto 23o C (0o – 73o F) Small quantities inside

3.3 High F.P. 23o C – 61o C      Either

(73o – 141o F)

4.1 Inflammable solids    Either

4.2 Spontaneous Combustible    Outside (Keep dry)

4.3 Emit inflammable Gases in contact    Outside (Keep dry)  
with water

5.1 Oxidising Substances      Large quantities outside small quantities

(Less than 2 Tons) either

5.2 Organic Peroxides    Outside (may need to be kept cool)

6.1 Poisons (Toxic)      Either (look for other hazards and  
store accordingly)



6.2 Infectious    Accept only by special arrangements

7. Radio Active    According to Transport Class &

A.E.A. Recommendations

8. Corrosives    Either (consider degree of corrosive  
and secondary hazard)

9. Miscellaneous (not to be construed    According to particular hazard and  
as necessary low hazard)    quantity.

IMCO SEGREGATION

C.F.S.: All hazardous containers to be placed tier 1 if possible, not exceeding tier 2 for Fire

Fighting purposes. General containers can still use hazardous slots in order to utilise all

the blocks. All hazardous containers to have doors facing outwards. Port Safety and

Port Fire Officers to have fire plans and segregation plans of container yard, giving fire

hydrant positions. These Officers must also know the hazardous containers and contents in the yard at any one time. It would also be convenient if these official had a slot board (wood will do) with 'T' cards carrying cargo information. Cards could also be marked with the type of equipment needed to deal with an accident.

## APPENDIX 'C'

Copy of Section 12 and extract of Section 13 of

INTERNATIONAL MARITIME DANGEROUS GOODS

C O D E

### SECTION 12 CONTAINER TRAFFIC:

12.1.1. The recommendations of this text apply to containers in which packages of dangerous goods are loaded.

12.1.2. In container traffic a number of small packages is enclosed for transit in a large box fitted with doors and lifting points. The size and construction of the container may vary with the trade in which it is employed. Many containers are the demountable bodies of road or rail vehicles.

12.1.3. Containers used for the carriage of dangerous goods should be of adequate strength to resist the possible stresses imposed by the conditions of the services in which they are employed.

12.1.4. Dry dangerous goods in bulk may be carried in containers specially approved for this purpose by the competent authorities.

#### 12.2. Permitted Shipments:

12.2.1. Dangerous goods should only be transported in containers when they are packed as recommended in this code except as provided in Section 12.1.4.

12.2.2. Containers in which dangerous goods are loaded should not be transported on board passenger vessels unless such goods are specifically permitted by this Code to be so transported.

12.2.3. A dangerous substance should not be stowed in the same container with any other substance with which it is deemed incompatible by this Code unless the requirement for segregating those substances is not more stringent than "away from" (as defined in Section 15.8) and such segregation within the container can be assured during transport.

### 12.3. Container Certification:

12.3.1. The requirements set out in Section 9 of the General Introduction to this code with respect to the documentation of packaged dangerous goods should be met.

12.3.2. Containers in which dangerous goods are loaded should be examined externally for damage, signs of leakage or shifting of contents. Any container found to be damaged, leaking or shifting should not be accepted for shipment until repairs have been effected and or damaged receptacles removed.

### 12.4. Marking and Labeling:

12.4.1. Containers in which dangerous goods are loaded should bear labels as specified for each class in this Code, affixed on the outside, in a conspicuous place.

12.4.2. The special dangerous goods list or manifest required by Regulation 3(c) of Chapter VII of the Convention) should indicate clearly those containers in which dangerous goods are loaded and their location in the ship. The total quantity of each dangerous substance, in addition to the description as required under the above Regulation, should also be shown in the list or manifest.

12.4.3. Individual packages loaded in a container are exempt from the labelling requirements but the use of dangerous goods labels on such packages is recommended in case they need to be quickly identified in an emergency.

### 12.5 Stowage of Containers:

12.5.1. Containers in which dangerous goods are loaded should generally be carried and segregated in accordance with the stowage requirements laid down in this code for such goods, which are required to be stowed on deck are carried in a container, then that container must also be stowed on deck.

12.5.2. Containers in which dangerous goods are loaded should also be generally segregated in accordance with this code. In those cases where such segregation is not possible by virtue of the construction of ship (e.g. where there are intervening bulkheads on a container deck) alternative segregation arrangements may be accepted provided the competent authority is satisfied that an equivalent degree of safety is thereby assured.

12.5.3. Packages of dangerous substances and any other goods within the containers should be adequately braced and secured for the voyage. The packages should be loaded in such a way that there will be a minimum likelihood of damage to fittings during transportation. Such fitting on packages should be adequately protected.

12.5.4. Containers equipped with refrigerating or heating equipment, and which give rise to a toxic and/or inflammable hazard should be stowed on deck; they may be stowed and operated under deck provided that adequate ventilation and other safety precautions, to the satisfaction of the competent authority, are observed.

## SECTION 13 – PORTABLE TANKS:

### 13.1. Applicability and Definitions:

#### 13.1.1. Applicability

13.1.1.1. The recommendations of this section apply to portable tanks (as defined in 13.1.2.1.) fitted with pressure relief devices, intended for the carriage of dangerous liquids.

13.1.1.2. Attention is drawn to the fact that no provisions have been included in respect of any additional fire fighting and protection measures or other special equipment which may be necessary on ships carrying portable tanks.

13.1.1.3. Portable tanks of types other than those covered by this section may be considered for the carriage of dangerous liquids under special conditions to be prescribed by the competent authority.

13.1.1.4. Where exceptional hazards exist for an individual substance, additional requirements may be specified by the competent authority.

13.1.2. For the purposes of this Section a portable tank means a tank having a capacity of 450 Litres (100 gallons) or above for the transport bulk liquids with a vapour pressure of less than 3kp/cm<sup>2</sup> – Absolute (43 Pisa) at a temperature of 50o C (122o F). The tank should not be permanently secured on board the ship and its contents should not be loaded or discharged while the tank remains on board. The loaded tank should be capable of being lifted on end off the ship.

13.1.2.2. Maximum allowable working pressure is the maximum gauge pressure permissible at the top of a tank in its operating position. This pressure is based on calculations for every element of the vessel using nominal thickness exclusive of:

(a) Allowances for corrosion, and

(b) thickness required for loading other than pressure.

13.1.2.3. Start-to-discharge pressure is the value of static pressure below which no bubbling occurs when air pressure relief valve is tested by means of air under a specified water seal on the outlet.

13.1.2.4. Total containment pressure is the sum of the vapour pressure in kp/cm<sup>2</sup> (psig) at a reference temperature at the liquid surface as specified by the competent authorities concerned, plus the effect on total pressure of the partial pressure contributed by the presence of air and other gases in the ullage space, the liquid expansion as determined by the bulk mean reference temperature, and the effect of the solubility of air and other gases in the liquid, plus a minimum dynamic pressure of 0.35 kp/cm<sup>2</sup> (5 psig). In no case should the total containment pressure be taken to be less than 1.75 kp/cm<sup>2</sup> (25 psig)., Where no acceptable data for solubility exists, it should be neglected.

### 13.11. Testing and inspection of Portable Tanks:

13.11.1. Such tests and inspections as the competent authority may require should be carried out during construction.

13.11.2. Every portable tank, and all piping, valves and other accessories thereof which are subject to the pressure of the tank contents, except pressure relief devices, should be tested by complete filling (including domes, if any) with water or other liquid having a similar density and applying a pressure of not less than 2 ½ times the maximum allowable working pressure. The details of the test should be as prescribed by the competent authority.

While under pressure, the tank should be inspected for leakage corroded areas, dents, or other conditions which indicate weakness that might render the tank unsafe for transportation service and it should not be placed in or returned to service if any evidence of such unsafe condition is discovered until the tank etc., has been repaired and the test repeated and passed successfully.

13.11.3. A tank should not be accepted for shipment unless the pressure relieving devices have been examined by a competent person in the previous six months. A visual and external examination may suffice. However, for those cargoes which tend to tender the devices in operative, the competent authority may require more frequent examination.

13.11.4. Tanks and their fitting should be inspected internally and externally with sufficient frequency and with due regard to the contents carried, but in no case at intervals greater than 2 ½ years, under conditions prescribed by the competent authority.

13.11.5. All pressure relief valves should be retested and inspected at intervals of not more than 2 ½ years, with due regard to the contents carried and under conditions prescribed by the competent authority.

13.11.6. Tanks should be retested hydraulically at intervals of not more than five years under conditions prescribed by the competent authority. Other types of retest may be permitted, exceptionally, as prescribed by the competent authority.

#### 13.12. Marking the Portable Tanks:

13.12.1. Metal identification plate. There should be an every portable tank a rustproof metal plate permanently attached to the tank in a place rapidly accessible for inspection Upon the plate should be marked by stamping, embossing or other means, at least the information indicated below. This plate should not be painted so as obscure the markings thereon.

Manufacturer's name .....

Date of Manufacture .....

Tank Serial No. ....

Maximum Allowable working pressure .. kp/cm2 (psig).

Test pressure ..... kp/cm2 (psig)

Total water capacity ..... (gallon)

Maximum weight of liquid to be carried ..... (kilos-tons)

Maximum Gross weight ..... Kilos(tons) Control or permit or permit identification of competent authority  
..... Hydraulic test date .....

Authority who witnessed the hydraulic test ..... Code rules or regulations (by  
name or other identification under which tank is designated .....

#### 13.12.2. Test date and markings:

13.12.2.1. the test of the last hydraulic test and the witnessing authority mark should be clearly stamped on the metal identification plate specified above.

13.12.2.2. The date of the last visual examination as prescribed by section 13.11.4 should be visibly marked on the tank in a manner satisfactory to the competent authority.

13.12.3. Special purpose tanks, Special purpose tanks should be marked to indicate the substance they are permitted to carry.

#### 13.13. Certification of Portable Tanks:

13.13.1. A certificate from an approved inspecting agency affirming that the tanks complies with the competent authority's requirements should be filed so as to be available to that authority.

#### 13.14. General Handling Precautions for Portable Tanks:

13.14.1. The following recommendations and precautions are applicable only for tanks designated and constructed according to the provisions shown in this Section (e.g. Tanks with pressure relief devices).

13.14.2. Portable tanks should only carry liquid cargoes which are specifically authorised by the competent authority of the country concerned.

13.14.3. It is also envisaged that in due course the entry for each individual substance in the Dangerous Goods Code will indicate whether that substance may be carried in portable tank and what type of tank is required.

13.14.4. It is also envisaged that the Dangerous Goods Code will give individual requirements for the stowage of such substance in portable tanks and will indicate any differences between their stowage and that of approved packing.

13.14.5. Until such time as the amendments to the Code have been completed stowage of portable tanks should be as recommended in 13.15.

### 13.15. Stowage of portable Tanks:

Portable tanks should be stowed in accordance with the provisions of Section 14 of this Code except that the position of stowage should be in accordance with the following table:

IMCO Class	Passenger Ship		Cargo Ship	
	On Deck	Under Deck	On Deck	Under Deck
Explosive 1	*	*	*	
Gases 2	*	*	*	*
Inflammable 3.1	Prohibited	Prohibited	Permitted	Prohibited
Liquids 3.2	Prohibited	(1) Prohibited	Permitted	Prohibited (1)
Inflammable 3.3	Permitted	Prohibited	(1) Permitted	Permitted (2)
Solids 4.1	*	*	*	*
Spontaneously 4.2 Substance Dangerous	Prohibited	Prohibited	Prohibited	Prohibited
When met Oxidizing 4.3 Substances	Prohibited	Prohibited	Permitted (3)	Permitted (3)
Oxidising 5.1 Substances	Prohibited (1)	Prohibited	Permitted (3)	Permitted (3)
Organic Peroxides 5.2	Prohibited (1)	Prohibited	Prohibited (1)	Prohibited (1)
Poisons 6	Prohibited (1)	Prohibited (1)	Permitted (3)	Permitted (3)
Radioactive Sub- 7 stances	*	*	*	*
Corrosives 8	Permitted	Permitted	Permitted	Permitted
Misc. Dangerous 9 Substances	Permitted (3)	Permitted (3)	Permitted	Permitted (3)

Not applicable.

(1) except under special conditions to be specified by the competent authority.

(2) if not having poisonous or similar properties shown by a secondary label.

(3) under conditions to be specified by the competent authority.

13.15.2. Table in 13.15.1 applies to portable tanks containing liquids only. It does not apply to such tanks containing solids (also if dispersed or wetted) gases.

13.15.3. Where the individual entry for a substance in the Code is more restrictive than the table with regard to stowage, the individual entry should apply.

13.15.4. If a portable tank is to be shipped containing a liquid for which the individual entry shows one or more secondary labels, due consideration should be given to all properties of that liquid and stowage should be arranged accordingly.

13.15.5. Portable tanks found to be leaking or significantly damaged so as to possibly affect the integrity of the tank or its lifting and securing arrangements should not be accepted for shipment.

13.15.6. Portable tanks having residue of loading adhering to the outside of the tank should not be accepted for shipment unless cleaned and found to be satisfactory.

13.15.7. Portable tanks should not be overstowed unless they are carried in specially signed ships and unless they are specially protected to the satisfaction of the competent authority due attention should be paid to Section 13.9.12.

13.15.8. Portable tanks should not be accepted for shipment in ullege condition liable to produce on an acceptable hydraulic force due to surge within the tank.

13.15.9. Empty tanks not gas free should comply with the same provisions as tanks filled with their previous product.

13.16. Segregation of portable tanks:

Portable tanks containing dangerous liquids should be segregated in accordance with the International Maritime Dangerous Goods Code (see Section 15).

13.17. Securing of Portable Tanks:

13.17.1. In addition to the usual securing means provided for transportation, additional securing means, satisfactory to the competent authority and the master of the vessel, may be required in order to ensure more thoroughly against significant movement of the portable tanks during the sea voyage.

13.17.2. In determining the adequate of the securing devices, the motions and accelerations of 13.2.7 should be assumed.

13.17.3. Special instructions displayed on the tanks should be observed.



**TUTICORIN PORT TRUST (DISTRRAINT OR ARREST AND SAIL OF VESSELS) REGULATIONS,  
1988 (Published in the Gazette of India, dated 19.1.1989)**

Distrainment or Arrest and Sale of Vessels Regulations, 1988

**TUTICORIN PORT TRUST (DISTRRAINT OR ARREST AND SALE OF VESSELS) REGULATIONS,  
1988.**

**MINISTRY OF SURFACE TRANSPORT**

(Ports Wing)

**NOTIFICATION**

New Delhi, the 19th January, 1989

(Published in the Gazette of India dated 19.1.1989)

G.S.R No. 39 (E) – In exercise of the powers conferred by Sub-section (i) of section 124, read with sub-section (i) of Section 132 of the Major Port Trusts Act, 1962 ( 38 of 1963), the Central Government hereby approve the Tuticorin Port Trust (Distrainment or Arrest and Sale of Vessels) Regulations, 1988 made by the Board of Trustees of Tuticorin Port in exercise of powers conferred on them by section 123 of the said Act, and published in the Tamil Nadu Government Gazette dated July 6, 1988 and July 13, 1988 and errata notification dt August, 24, 1988 and as set out in the Schedule to this notification.

**SCHEDULE**

**TUTICORIN PORT TRUST**

**NOTIFICATION**

In exercise of the powers conferred by Section 123, read with Section 53 and Section 64 of the Major Port Trusts Act, 1963, (38 of 1963) the Board of Trustees of the Port of Tuticorin hereby makes the following regulations, namely :-

1. Short title and commencement

(1) These regulations may be called Tuticorin Port Trust (Distrainment or Arrest and Sale of Vessels) Regulations, 1988.

(2) They shall come into force on the date of publication of the approval of the Central Government in the Official Gazette.

## **2. Application**

These Regulations shall apply to all vessels in respect of which any rates or penalties or both are payable under the Major Port Trusts Act, 1963 or under any regulations or others made thereunder, but shall not apply to vessels belonging to, or in the service of the Central Government or a State Government or to any vessels of war belonging to any Foreign State.

## **3. Definitions**

In these regulations, unless the context otherwise requires:-

(i) 'Act' means the Major Port Trusts Act, 1963, (38 of 1963):

(ii) 'DEPUTY CONSERVATOR' means the Officer for the time being in charge of the Marine Department, Tuticorin Port and includes the Deputies and Assistants to the Deputy Conservator and any other officers acting under the authority of the Deputy Conservator.

(iii) 'Form' means the form annexed to these regulations,

(iv) 'Rates' means the rates or penalties payable under the Act.

(v) Words and expressions used in these regulations but not defined and defined in the Act shall have the meanings respectively assigned to them in the Act.

## **4 Distraint or arrest of vessels**

(1) Where any vessels in respect of which rates/penalties have not been paid in lying at the Port, a demand in Form 1 shall be made by the Deputy Conservator upon the Master of the defaulting vessels requiring the said Master to pay all the rates or penalties within a period of seven days from the date of issue of the said demand.

(2) The said demand shall accompany the copy of the bills containing the full particulars of rates or penalties which were raised against the owner or agent of the concerned vessel and payment of which still remain due to the Board.

(3) The said demand shall be served upon the Master and in the event of non-availability of the Master, the affixing of the demand notice on the mast of the vessel shall be deemed as service of the demand upon the Master.

(4) If the master of the defaulting vessel refuses or neglects to pay the rates/penalties or any part thereof within the time limit specified in the demand made upon the Master, the Board may proceed to distraint or arrest such vessel and the tackle, apparel and furniture belonging thereto, or any part thereof

and detain the same until the amount so due to the Board, together with such further amount as may accrue for any period during which the vessel is under distraint or arrest, is paid.

(5) In order to distraint or arrest the defaulting vessels, the Deputy Conservator shall issue a warrant of arrest in Form II clearly specifying the amount due and indicating that the amount so due to the Board together with the amount so due to the Board together with further accrual of rates or penalties and cost are paid towards full satisfaction of the Board.

(6) (a) The warrant of arrest shall be served upon the Master of the vessel and a copy thereof shall also be affixed on the mast of the vessel.

(b) in cases where the Master is not available or avoids service of the warrant, the fixing of the copy of the warrant on the mast of the vessel shall be deemed as service of the warrant upon the master.

(7) If the said rates/penalties or cost of the distraint or arrest of the vessel or of the keeping of the same are not paid by the owner or master or agent of the vessel towards full satisfaction of the Board within a period of five days next after the distress or arrest has been made, the Board shall cause the vessel or other things so distrained or arrested to be sold.

(8) In the case of a foreign vessel placed under distraint or arrest by an order, the Embassy of the Flag country and the Government of India in the Ministry of Surface Transport shall also be informed.

## **5. Sale of distrained or arrested vessel**

(1) The Deputy conservator shall have a valuation survey of the vessel carried out by approved Surveyors to ascertain the reserve sale price of the distrained vessel.

(2) The Deputy Conservator shall obtain the permission of the Director General, Shipping before putting the vessel and the tackle, apparel and furniture belonging thereto, to sale.

(3) The sale shall be held in accordance with the provisions of the Sale of Goods Act, 1930 and also in terms of the conditions of sale as per Tender Notice.

(4) Sealed tenders shall be invited from the prospective buyers through press advertisement as in Form – II at least in four leading Newspapers, including Hindi and one regional language daily specifying the last date for the receipt of tenders.

(5) The prospective buyers shall be permitted to inspect the vessel after the sale notice is published in the Press, during a specified period which shall be fixed by the Deputy Conservator.

(6) Each tender shall be accompanied by an earnest money deposit, to be paid by bank draft, to be fixed by the Deputy Conservator in each case.

(7) The tenders received after the due date and time, shall be summarily rejected.

(8) The sealed tenders shall be opened in the presence of tenders present on the date and time fixed by the Deputy Conservator for opening the tenders and if any tenderer is not present at the time fixed for opening the tenders, his tender may be rejected with out opening, giving the reasons.

(9) The acceptance of the offer shall be communicated to the successful tenderer.

(10) The successful tenderer shall pay 25 per cent of the bid amount within five days from the date of acceptance of the tender and the balance amount within 15 days from that date. In addition to the tender value the successful tenderer will also deposit such money/bank guarantee for a value as determined by the Deputy Conservator as security deposit which will be returned within a period of 3 months after successful completion. However, no interest shall be paid by the port on the deposit so made.

(11) In default of payment of 25 per cent of the bid amount within five days from the date of acceptance of the tender, the sale shall, unless otherwise ordered, stand automatically revoked, and the earnest money shall be forfeited, and the vessel shall be resold at the risk of the tenderer whose tender was accepted.

(12) If the vessel is not removed from the harbor for any reason within 30 days, additional berth hire charges beyond the normal charges, as laid down in the Port's Scale of Rates, shall be levied.

(13) Under no circumstances, the buyer shall be permitted to dismantle or break the ship inside the Harbor or within the Port limits, unless or otherwise it is specifically permitted to do so.

## **6. Liabilities of the buyer of the vessel**

(1) On and from the date of acceptance of the tender, all rates/penalties and other charges shall be to the buyer's account.

(2) Upon acceptance of the tender, the buyer shall deposit with the port an amount representing 30 days port dues, fees and charges as may be estimated by the Deputy Conservator to be payable for such period.

(3) Customs and excise duties, sales tax, local taxes etc., shall be as applicable on buyer's account and he should remit the amount on account of such duties and taxes to the concerned authorities and produce the receipts for such payments before the clearance is granted to the vessel by the Port.

(4) (a) Immediately after the acceptance of the vessel by a certificated master, certificated Officers and certificated engineers with an adequate number of crew during the period the vessel is kept inside the harbor .

(5) In case of failure by the buyer in making necessary arrangements for manning and maintaining the vessel, the Port authorities may hire and employ proper persons for that purpose and all reasonable expenses incurred in this connection shall be recoverable from the buyer.

**FORM I**

**(See Regulation 4(1))**

To

The Master,

m.v./s.s.

Subject M.V Rates/Penalties – Non-payment of rates/penalties – Issue of Notice demanding immediate payment.

Sir,

Please refer to my letter cited. You were requested to pay a sum of Rs..... as on .....towards the following rates/penalties payable under the provisions of the Major Port Trusts Act, 1963/Regualtions or orders made thereunder due to the Port Trust on or before .....1..... 2..... 3..... No steps have so far been taken by you as the master of the vessel, or by the Agents, to pay dues to the Port as demanded towards aforesaid rates/penalties. As on.....an amount of Rs..... is due from the vessel under your command.

2. Notice is hereby given to you for making the above payment in this seven days on receipt of this Notice, failing which provisions of section 64 of the Major Port Trusts Act, 1963, will be invoked to distrain or arrest the vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the Board, together with such further amount as may accrue for any period during which the vessel is under distraint or arrest, is paid.

Yours faithfully,

DEPUTY CONSERVATOR

Copy to: M/s Owners of m.v.

Copy to: M/s Agents of the vessel

**FORM II**  
**(See Regulations 4(5))**

To  
The Master,  
m.v./s.s.

Subject: Shifting – M.V Rates/penalties – Non-payment of rates/penalties – Distrain Order – Issue of.

Ref: My letter of even number date

Sir,

Please refer to my letter cited. You were requested to pay a sum of Rs..... as on ..... towards the Rates/Penalties due to the..... Port Trust on or before..... No steps have so far been taken by you as master of the vessel or by the agents to pay the dues to the Tuticorin Port Trust as demanded on..... You are hereby requested that an approximate amount of Rs..... towards rates/penalties as on..... is due from the vessel under your command.

In view of the non-payment of the above rates/penalties due to the Tuticorin Port Board, I hereby pass orders in exercise to the powers given under the provisions of section 64 of the Major Port Trusts Act, 1963, that the Vessel my..... is hereby distrained and will be kept under detention until the amount due to the Tuticorin Port Trust Board together with such further amount as may accrue for any period during which the vessel is distrained and detained is paid.

Please also note that in case the above said amount and the cost of the distraint is not settle within 5 days from the date of distraint order (i.e) ..... I shall be constrained to sell the above vessel under the powers vested under section 64 of the said Act and the sale proceeds will be adjusted against the charges due to the Board including the cost of the sale of the vessel.

Yours faithfully,

DEPUTY CONSERVATOR

Copy to: M/s Owners of m.v.

Copy to: M/s Agents of the vessel.

### FORM III

(See Regulation 5(4))

#### ADVERTISEMENT

In exercise of the powers conferred by section 64 of the Major Port Trust Act, 1963, Tuticorin Port Trust invite sealed tenders from the intended purchasers for the sale of the vessel m.v..... on "as is where " basis.

2. Brief particulars of the vessel are as follows:

Name of the vessel

Year of Built

G.R.T

N.R.T.

Length

Breadth

Depth

Deadweight

Classification

Engine

B.H.P.

L.D.T.

YEAR OF BUILT

Yard

3. Offers in double sealed covers are invited before..... Hours on..... addressed to the DEPUTY CONSERVATOR, Tuticorin Port Trust alongwith an Earnest Money Deposit of Rs..... (Rupees.....only) by Bank Draft payable at ..... in favour of..... The tender should be submitted superscribing on the envelope TENDER FOR THE PURCHASE OF M.V.....

4. All Tenders received after the due date and time will be summarily rejected.
5. The sealed tenders for the purchase of the vessel shall be opened on..... in the presence of the DEPUTY CONSERVATOR, Tuticorin Port Trust in his office. The acceptance of the offer will be communicated to the successful tenderer.
6. The successful tenderer shall pay 25 per cent of the bid amount within five days from the date of acceptance of the tender and the balance amount within 15 days from that date. No Bank Guarantee will be accepted. In default of payment of 25 per cent of the bid amount within five days from the date of acceptance of the tender, the sale shall unless otherwise ordered, stand automatically revoked and the Earnest Money Deposit of Rs..... forfeited and the ship resold at the risk of cost of the tenderer, whose tender was accepted. Should the balance of sale consideration be not paid within the aforesaid time of 15 days from the acceptance of the tender, the sale shall stand automatically revoked and the Earnest Money of Rs..... be forfeited. The 25 per cent amount already paid shall be retained to meet any shortfall or other expenses arising out of the said sale.
7. Customs, Excise and Import duty, Sales Tax, Local Taxes, etc as applicable on "BUYERS ACCOUNT"
8. The tenders will be opened on.....at..... in the presence of the DEPUTY CONSERVATOR , Tuticorin Port Trust. In his office and the acceptance of any tender will be at the sole discretion of the DEPUTY CONSERVATOR, Tuticorin Port Trust.
9. The ship should be removed from the Tuticorin Port Trust within 30 days from the date of sale. During this time the ship should be kept manned by the Certificated Master, Certificated Officers and Certificated Engineer plus and adequate number of crew. These arrangements should be made by the Buyer.
10. The Buyer will have to pay all the rate/penalties from the date of sale of the vessel till the date of actual removal of the vessel from the harbor in accordance with the Major Port Trusts (Distraint or Arrest and sale of vessels) Regulations, 1988.
11. Under no circumstances, the Buyer will be permitted to dismantle the ship inside the harbor or within Port limits, unless or otherwise it is permitted to do so.
12. The ship which is lying at..... may be inspected by prior appointment with the DEPUTY CONSERVATOR from.....to.....
13. The Port reserves the right to reject any or all the tenders without assigning any reason whatsoever.

(PORT TRUST)

(F.NO.PR-16012/8/88-PG0

YOGENDRA NARAIN, Jt. Secy.



**TUTICORIN PORT TRUST (LICENSING OF STEVEDORES) REGULATIONS, 1985 (Published in the Gazette of India, dated 20.12.1985)**

Licensing of Stevedores

**MINISTRY OF TRANSPORT**

**(Deptt. Of Surface Transport**

**(Ports Wing)**

**New Delhi, the 20th December, 1985**

**NOTIFICATION**

G.S.R. 923(E) – In exercise of the powers conferred by section 126 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:-

**Short title and commencement**

(1) These regulations may be called the Tuticorin Port Trust (Licensing of Stevedores) Regulations, 1985.

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

2. Definitions - In these regulations, unless the context otherwise requires,

(i) "Act" means the Major Port Trust Act, 1963;

(ii) "Board" means the Board of Trustees of the Port of Tuticorin as constituted under the Act;

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

(iv) "Form" means annexed to these regulations;

(v) "Stevedore" means a person to whom a stevedoring license has been given under regulation 3.

(v) "Traffic Manager" means the Officer for the time being in charge of the Traffic Department of the Tuticorin Port Trust and includes the deputies and assistants to the Traffic Manager and any other Officers acting under the authority of the Traffic Manager.

**## 3. Issue of Stevedoring License:-**

1. The Chairman may issue stevedoring license for a period of two years, on application, to persons to act as stevedores at the Port to perform the work of Landing and Shipping of goods between vessels in the Port and the wharves, piers, quays or docks belonging to or in possession of the Board and any other work involved in the stevedoring of the vessels within the Port.

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**## Amended vide G.S.R.. (e) dated 6.5.1988**

(2) No stevedore shall be allowed to work on Board any vessel in the Port except under a license issued by the Chairman under these Regulations after expiry of six months of the date of publication of approval of the Central Government to the Tuticorin Port Trust (Licensing of Stevedores) Amendment Regulations, 1987.)

#### **## 4. Production of evidence of stevedoring work done -**

No license for stevedoring shall be granted unless the applicant produces evidence for

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

That his financial standing to meet the obligations to the workers and staff employed on account of wage and compensation under the Workmen's Compensation Act, 1923, the Payment of Wages Act, 1936, the Industrial Disputes Act, 1947, or any other law for the time being in force and makes a deposit of Rs. 1 lakh in cash or any other acceptable security which will be refunded/discharged after the termination/expiry of the license;

that he undertakes to have in his employment such minimum staff and have in his possession such minimum gear as may be prescribed by the Board for undertaking stevedoring efficiently; and that he shall also produce a Bank guarantee for Rs.1 lakh so as to meet any contingency;

Note : The Vessel Owners, Vessel Operators, Steamer agents and importers and exporters would also be eligible grant of a license.

#### **5. Duties and responsibilities of stevedore**

Every stevedore, shall be subject to the following duties, obligations and responsibilities during the currency of stevedoring license issued to him by the Board, namely:-

- (a) he shall ensure due compliance by all the staff and workers employed by him during the operation of landing and shipping or transshipping goods or work incidental thereto, of the provisions of the Indian Dock Labourers Act, 1934, the Indian Dock Labourers Regulations, 1948, the Dock Workers (Health and Welfare) Scheme 1961 and notification issued thereunder, the Industrial Disputes Act, 1947, the payment of Bonus Act, 1965 and rules, regulations and -----

## Amended, vide G.S.R. 554 (E), dated 6.5.1988

schemes issued thereunder, relating to such operations and for the time being in force.

- (b) he shall carry out the operations with his own gear arranged by him;

- (c) he shall be solely responsible for any accident or damage resulting from the use of any gear used by him;
- (d) he shall comply with all accepted safe practices in relation to operations performed by him;
- (e) he shall indemnify the Board against all third party claims arising out of operations performed by him;
- (f) Whenever the Board has to pay compensation to any of its employee or workers or his dependants under the provisions of the Workmen's Compensation Act, 1923, in consequence of any accident arising out of and during the course of work performed by a Stevedore or any employee or workers employed by him, the Stevedore shall reimburse the Board any sum so paid and for such purpose the amount of the compensation as determined under the Workmen's Compensation Act, 1923, shall be taken as binding and conclusive between the Board and the Stevedore;
- (g) if any gear, plant and other property of the Board is damaged in the course of any such operation, the Stevedore shall compensate the Board for such loss or damage, the extent of which shall be decided by the Chairman after carrying out a proper enquiry;
- (h) he shall agree to refer any dispute or difference between him and the Tuticorin Port Trust as to the payment of compensation, its quantum or any connected question to an arbitrator nominated by the Board;
- (i) he shall be responsible to employ at least one experienced person to supervise in every vessel in respect of which he has undertaken the stevedoring operations;
- (j) he shall submit promptly any information asked for by the Chairman or the Traffic Manager from time to time;
- (k) he shall ensure that all the dues of the Board are paid on the appointed dates, failing which his license shall not be renewable and be liable to be cancelled under these regulations;
- (l) he shall provide for adequate supervision over the workers employed by in order to ensure maximum productivity consistent with requirements of safety;
- (m) he shall provide all the necessary gear equipment duly tested for the respective type of cargo;
- (n) he shall produce the gear, equipment, with necessary annealing and test certificates, for inspection periodically or whenever demanded by the Inspector, Dock Safety or the Traffic Manager,
- (o) he shall provide the workers necessary protective safety appliances appropriate for the type of cargo;
- (p) he shall ensure that the workers are available at the work site throughout the shift period, except during the recess hours and render the normal output and shall take effective steps to improve the performance whenever output falls below normal;
- (q) he shall make adequate arrangements for ancillary operations such as filling, stitching and breaking of cargo, stacking of cargo, stowage of cargo, etc. On board the vessels;
- (r) he shall undertake to pay to workers engaged by him wages in accordance with the terms of wage settlement arrived at between the Central Government and the Federations of Port and Dock Workers, from time to time;
- (s) he shall not assign, transfer or in any manner part with any interest or benefit in or under the license to any other person without the prior approval in writing of the Chairman;
- (t) he shall comply with such instructions as may be issued from time to time by the Traffic Manager in the interest of safety, improved productivity and labour discipline.

## **6. Application for grant / renewal of license**

(1) The application for grant or renewal of a stevedoring license shall be made in Form-A to the Traffic Manager

##(2) The applicant shall pay a license fee of Rs. 4500 before the license is issued or renewed. Every licensed stevedore shall deposit a sum of Rs. 5000 as earnest money for the proper performance of the work permitted under the license. The earnest money will not carry any interest and will be refunded when the license ceases to operate after adjusting the claims, if any, of the Board.

(3) Every License granted or renewed under these regulations shall be in Form – B.

(4) The application for renewal of stevedore license shall be made at least one month before the expiry of the license. If the application for renewal is not received within the stipulated period of one month, such applications may be accepted on payment of Rs. 50 by the (Chairman);##

Provided that the application for renewal together with the late fee is received by the Traffic Manager before the actual date of expiry of the license.

(5) 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 rupees one hundred.

## **7. Change in name, constitution, etc. to be communicated**

(1) Where the Stevedore is a firm or a Company, it shall immediately communicate to the Chairman any change in the Director, Managing Director or partners, as the case may be, with a copy of the document in support of such change.

(2) Any change in the name, title or constitution of a firm or a company holding a Stevedoring License shall be communicated to the Chairman forthwith. The firm or Company undergoing such a change shall submit a fresh application for the grant of new license; Provided that the Chairman may allow such firm or Company to carry on business till a decision is taken on such fresh application.

## **##8. Power of Chairman to suspend a license pending enquiry**

(1) The Traffic Manager shall report any violation of the terms and conditions of the stevedoring license by the stevedore to the Chairman and the Chairman may, pending enquiry, suspend for a period not exceeding three months the license issued to a Stevedore, if he finds expedient and necessary to do so in the interest of the Port.

## Amended vide G.S.R. 554(E) dated 6.5.1988

## **## 9. Suspension of Licenses**

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

- (i) violation of safety precautions;
- (ii) low productivity;
- (iii) lack of supervision over stevedoring workers;
- (iv) improper and unsafe handling of packages;
- (v) mis-representation or mis-statement of material facts;
- (vi) the stevedore being adjudged insolvent or going into liquidation;
- (vii) causing obstruction to any work in the port;
- (viii) sub-letting of work to any other individual or parties.
- (ix) any mis-conduct which, in the opinion of the Board, warrants such cancellation or suspension;

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

## **## 10. Appeal**

(1) Any person aggrieved by orders of the Chairman granting or refusing to grant a license or renewing or refusing to renew a license or suspending a license under these regulations may prefer an appeal in writing to the Central Government within thirty days of the communication of the order appealed against.

(2) The Central Government shall pass such order on the appeal as it deems fit after giving an opportunity of being heard to the appellant.

(3) Notwithstanding anything contained in sub-regulation (1), an appeal may be admitted after the period of thirty days if the appellant satisfies the Central Government that he had sufficient cause for not making an application within such period.

[PW/PGL-43/80]

P.M. ABRAHAM, Addl. Secy.

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## Amended vide G.S.R. 554 (E), dated 6.5.1988

**FORM – A**  
**TUTICORIN PORT TRUST**  
**TRAFFIC DEPARTMENT**

To  
The Traffic Manager,  
Tuticorin Port Trust.

APPLICATION FORM FOR THE GRANT/RENEWAL OF  
STEVEDORING LICENSE

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 license is required:	

<p>5. Name/s of the Steamship Company / Charterer of ships/Owner of cargo, with whom the contract for stevedoring their vessel/cargo subsists or is proposed to be entered: (proof of Contract for the period covered is to be appended. The approximate tonnage for each party is to be indicated):</p>	
<p>6. Previous experience in the field (The cargo and tonnage stevedored in previous 3 years to be furnished)</p>	
<p>7. Amount of financial ability to meet the obligation on account of wages, compensation under Workmen's Compensation Act, etc. (A Certificates from the Bankers as to the financial ability and Income Tax Clearance Certificate to be produced):</p>	
<p>8. Whether the applicant has / is willing to acquire adequate gear for stevedoring the contracted vessel/cargo? (List of gear with necessary Certificates to be furnished):</p>	
<p>9. Whether the applicant has / is willing to have in his employment adequate staff with experience and conversance with Rules and Regulations? (A list of the staff and their experience to be furnished):</p>	

<p>10. Whether the applicant has cleared all dues, if any, on account of transactions he had with the Port Trust?:</p>	
<p>##11. Whether the applicant has made the following deposits:</p> <p>a. License fee of Rs. 4500/-:</p> <p>b. Earnest Money Deposit of Rs.5,000/-:</p> <p>c. Deposit of Rs.1.00 lakh towards liabilities under the Workmen's Compensation Act, 1923, Payment of Wages Act, 1936, Industrial Disputes Act, 1947, etc.:</p> <p>d. Bank Guarantee of Rs.1.00 lakh to meet contingency valid for the period for which the license is required under column 4 of this Form (If so, original certificate to be attached):</p>	

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

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

## Amended, vide G.S.R. 554 (E), dated 6.5.1988

I agree to abide by the Tuticorin Port Trust (Licensing of Stevedores) Regulations, 1985, and to comply with the directions made by the Tuticorin Port Trust, from time to time, if the license is issued / renewed.

Signature of applicant

Place :

Date :



**FORM – B**

**(Emblem of Port Trust)**

**License for undertaking stevedoring operations at the Port**

1. Name of the Licensee:
2. Address:
3. Period for which the license is granted:
4. Any other particulars required to be mentioned:
- 5.
- 6.
- 7.

SEAL

Licensing Authority\_\_\_\_\_

Designation\_\_\_\_\_

Place\_\_\_\_\_

Conditions:

1. This license is granted subject to the provisions of the Major Port Trusts Act, 1963 and the \_\_\_\_\_Trust (Licensing of Stevedores) Regulations, 1985.
- 2.
- 3.

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

**TUTICORIN PORT TRUST (LICENSING OF SHIP REPAIRING, SHIP CHANDLING, CHIPPING  
AND PAINTING AND MISCELLANEOUS TRADES) REGULATIONS, 1984 (Published in the  
Gazette of India, dated 07.04.1984)**

LICENSING OF SHIP REPAIRING

**GOVERNMENT OF INDIA/BHARAT SARKAR  
MINISTRY OF SHIPPING AND TRANSPORT  
(NAUVAHAN AUR PARIVAHAN MANTRALAYA)  
(PORTS WING/PATTAN PAKSHA)**

**No. PW/PGL/2/81 New Delhi, the 7th April, 1984**

**'NOTIFICATION'**

GSR 417 In exercise of the powers conferred by \*(38 of 1963) section 126 of the the Major Port Trusts Act, 1963 \* the Central Government hereby makes the following regulations, namely:-

1. These regulations may be called Tuticorin Port Trust (Licensing of ship repairing, ship chandling, chipping and painting and miscellaneous trades) Regulations, 1984.
2. They shall come into force on the date of their publication in the Official Gazette.
3. Definitions:

In these regulations, unless the context otherwise requires,--

- (i) "Act" means the the Major Port Trusts Act, 1963 (38 of 1963);
- (ii) "Board " means the Board of Trustees of the Port of Tuticorin constituted under the Act;
- (iii) "Chairman" means the Chairman of the Board of Trustees;
- (iv) "Port" means Port of Tuticorin;
- (v) "Traffic Manager" means the officer for the time being in- charge of the Traffic Department and includes the deputies and assistant to the Traffic Manager and any other officers acting under the authority of the Traffic Manager;
- (vi) "Deputy Conservator" means the head of the Port's Marine Department and includes the harbor master or any pilot duly authorized by the head of Marine Department in this behalf;

4. The Traffic Manager on behalf of the Board shall for the purpose of these regulations, issue licenses from year to year to companies, firms and individuals cleared by the Customs authorities to perform the work of ship repairing,, chipping and painting, ship chandling, tailoring, laundry, hair dressing and miscellaneous trades in the Port or no company, firm or individual shall be allowed to work inside the Port or on board any vessel in the Port except under such license issued by the Traffic Manager.

5. Any company, firm or individual requiring any of the licenses referred to above shall apply in the prescribed application form to the Traffic Manager and the prescribed application form shall be obtainable from the office of the Traffic Manager on payment of Rs.10/- for each application.

6. The Traffic Manager may at any time cancel any license issued under these regulations or may suspend the same for such period as may be specific for breach of any of the provisions of the Port of Tuticorin Rules, 1977, license so issued may also be cancelled or suspended, if, --

a) after the grant of license thereof, it is discovered

that the application for the license contained any misrepresentation or mis-statements of material facts; or

b) if the licensee has been adjudged insolvent or has gone into liquidation, as the case may be; or

c) if the licensee or any of his workman causes any damage to Board property or to any vessels, goods, cargo or equipment thereof; or

d) if the licensee or any of his workman causes obstruction to any work in the Port; or

e) on any written complaint by the Customs Department for the violation of Customs laws by the licensee and or his authorized agent.

Provided that no such license shall be cancelled or

suspended until holder of the license has been given a reasonable

opportunity to show cause as to why his license should not be

cancelled or suspended as the case may be.

Provided further that no such opportunity for showing cause need be given when the license is suspended pending an enquiry if considered necessary to do so in the public interest with the approval of the Chairman.

7. Any company, firm or person aggrieved by an order of the Traffic Manager refusing to grant a license or cancelling or suspending a license already issued, may prefer an appeal in this regard in writing to the Chairman within 30 days from the date of receipt of the order of the Traffic Manager. The decision of the Chairman shall be final and binding.

8. Every application for a license under these Regulations shall be accompanied by a "No Objection Certificate" issued by an Officer of the Customs Department, not below the rank of Superintendent and a "Solvency Certificate" issued by a Tahsildar or a nationalised bank for an amount not below Rs.50,000/-

in respect of ship repairing, chipping and painting and ship chandling. Application not accompanied by the above certificates shall be rejected summarily.

9. Such license issued enables the licensee or his authorised agent to enter the Port or on board any vessel for the purpose of carrying out his professional work only and not for any other purpose. Permission to board the vessels should be obtained from the concerned Steamer Agents. The permission from the Steamer Agents as obtained shall be shown to the security staff of the Port by the licensee or his authorised agents on each occasion before entering into the Port area, failing which security staff shall not permit the licensee or his authorised agent to enter the Port area. The licensee or his authorised agent shall also produce this license whenever he is asked for the same by the Port Trust, Customs, Central Industrial Security Force or Police authorised in this behalf. The licensee or his authorised agent shall abide by the provision of Customs Act, 1962, and all rules & regulations made there under from time to time and shall ensure that the same are fully complied with before entering and leaving the port premises for the purpose of doing the work for which the license has been issued.

10. The licensee shall inform the names and particulars of his staff and agent in advance to the Traffic Manager whenever he intends to do the business for which a license is given to him and obtain the specific approval in writing from the Traffic Manager to enter the Port area. No person who is not approved by the Traffic Manager as authorised staff or agent of the licensee shall enter the Port area for the business.

11. The licensee or his agent shall not board any vessel without obtaining prior permission from the concerned Steamer Agent.

12. No license shall be issued or renewed except on payment of license fee as fixed by the Board from time to time. The fee for issue of license for ship repairing, ship chandling and chipping and painting shall be Rs. 1500/- and the fee for issue of a license for miscellaneous trades shall be Rs.250/-.

13. The licensee shall deposit with the The Financial Adviser & Chief Accounts Officer of the Board, an amount of Rs.3000/- in respect of ship repairing, chipping and painting and ship chandling and Rs.500/- in respect of miscellaneous trades, as security deposit along with the license fee.

Provided that it shall be open to the Board to appropriate out of the security deposit, and sum due to it or for breach of any terms and conditions of the license.

14. The licensee shall submit any relevant information asked for by the Traffic Manager at any time and in the manner and form as may be required by the Traffic Manager or his assistants from to time.

15. The licensee is authorised to enter the Port premises on work connected with the license only on working days between 6 A.M to 6 P.M and on other days between 11 A.M to 1 P.M. However, the licensee may be permitted at the discretion of the Traffic Manager or any other officer authorised by him to enter the Port premises for urgent work at any time.

16. The license should not be transferable and only the licensee and his authorised staff shall operate under the license.

17. In the event of it being considered necessary to exclude the public from the whole or any part of the harbor premises on any day or portions of a day under emergent circumstances, the Traffic Manager may at his discretion suspend the license for such period or periods as may be specified.

- 18 (1) The license issued by the Traffic Manager shall be valid for one year from the date of issue. If the licensee desires to renew the license, he shall apply one month before the expiry of the license and in respect of an application for renewal made after this period a late fee of Rs.100/- for a ship repairing or ship chandling or chipping and painting and Rs.25/- for a miscellaneous trade shall be paid.

Provided that no application for renewal shall be entertained after the actual expiry of the license period.

(2) If the license issued to the licensee is lost, a duplicate copy of the license will be issued to the licensee at his written request and also on payment of Rs.100/- in respect of ship repairing or ship chandling or chipping and painting and Rs.25/- in respect of miscellaneous trades.

19. The Board of Trustees at any time may cancel a license issued under these regulations without assigning reasons or giving any notice.

20. In respect of ship repairing license, the licensee should employ not less than two welders certified by a qualified Marine Engineer or a Mechanical Engineer to attend to ship repairing work as provided for in rule 26 of the Port of Tuticorin Rules, 1977 and shall have a properly equipped workshop under the supervision of qualified personnel.

21. Any company, firm or individual desirous of performing the work of either ship repairing or chipping and painting or both shall furnish in writing all relevant information required by the Deputy Conservator and obtain permission of the Deputy Conservator or any other officer authorised by him in this behalf every time before any ship repair or chipping and painting work or both are undertake on board any ship in the Port.

**MAJOR PORT OF NEW TUTICORIN RULES, 1977 (Published in the Gazette of India, dated  
25.03.1977)**

PORT OF TUTICORIN RULES, 1977

**PORT OF TUTICORIN RULES – 1977**

New Delhi, the 25th March, 1977

G.S.R. 499 – Whereas draft of the Major Port of New Tuticorin Rules, 1976, was published as required by sub-section (2) of section 6 of the Indian Port Act, 1908 (15 of 1908) at pages 1416 to 1434 of the Gazette of India, Part II, Section 3, Sub-Section (i) dated the 29th May, 1976, under the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. G.S.R. 728, dated the 7th May, 1976, inviting objections and suggestions from all person likely to be affected thereby till the expiry of a period of sixty days from the date of publication of that notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 14th June, 1976;

And whereas no objections or suggestions were received from any person with respect to the said draft before the expiry of the said period;

Now, therefore, in exercise of the Powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby makes the following rules, namely:

**PART 1 – PRELIMINARY**

**1. Short title, commencement and application**

These rules may be called the Major Port of New Tuticorin Rules, 1977.

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

(3) They shall, unless otherwise provided in these rules, be applicable only within the local limits of the Major Port of New Tuticorin.

**2. Definitions**

In these rules, unless the context otherwise requires, -

(a) "Act" means the Indian Ports Act, 1908 (15 of 1908)

- (b) "Conservator " means the conservator for the Major Port of New Tuticorin appointed by the Central Government under the Act;
- (c) "dangerous goods" means goods as defined in the Indian Merchant Shipping (Carriage of Dangerous Goods) Rules, 1954;
- (d) "dangerous petroleum" means petroleum having its flash point below 24.4 degree Centigrade;
- (e) "Deputy Conservator" means the head of the Port's Marine Department and includes the harbor master or any pilot duty authorized by the head of the Marine Department in this behalf;
- (f) "fuel oil" means petroleum oil having a flash point of not less than 65.6 degrees centigrade and ordinarily used as fuel in engines and furnaces.
- (g) "Owner", in relation to goods, includes any consignor, consignee, shipper or agent for sale, custody, loading or unloading of such goods and in relation to any vessel making use of the Port, includes any port- owner, charterer, consignee, or mortgagee in possession thereof;
- (h) "Petroleum" means any liquid hydro-carbon or mixture of hydrocarbon and any inflammable mixture (Liquid, viscous or solid) containing any liquid hydrocarbon, but does not include any oil ordinarily used for lubricating purpose and having a flash point at or about 93.3 degrees Centigrade;
- (i) "Port" means the Major Port of New Tuticorin;
- (j) "Port authorities" means the Conservator, Major Port of New Tuticorin appointed by the Central Government and includes any other officer of the Port acting under authority of the CONSERVATOR, Major Port of New Tuticorin;
- (k) "tanker" means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature;
- (l) "Traffic Manager" means the officer for the time being in charge of traffic operations in the Port and includes the Deputy Traffic Manager and Assistant Traffic Manager and any other officer acting under the authority of the Traffic Manager.

## **PART II – ADMISSION OF VESSELS INTO PORT**

### **3. Intimation of a vessel expected arrival**

- (1) (a) When a vessel is expected to arrive, her agents shall, at least forty eight hours before the expected time of arrival, send a notice to the Traffic Manager with a copy to the Deputy Conservator.
- (b) Any special requirements, regarding particular berths, heavy lift cranes and other things shall be indicated in such notice. Detailed particulars of cargo to be landed at the Port, with items of

special cargo and heavy lifts shown separately with their stowage and distribution of cargo hatchwise shall either be attached to the vessels arrival notice or be sent at least 24 hours before the arrival of the vessel and this cargo advice shall be in triplicate.

(ii) The agents of expected vessels shall in their own interest contact the Traffic Manager in time and apprise him with all the information regarding nature, quantity, stowage of cargo they intend working and also such information regarding the vessel as will be necessary for berthing her at a suitable berth.

#### **(4) Allotment of Berth**

(1) A vessel shall have no claim to a berth in the Port until one has been specially allotted by the Traffic Manager and intimation given of such allotment by the Deputy Conservator.

(2) Allotment of any berth in the port shall only be considered as provisional until a vessel is actually ready to enter the port and her suitability for and the right to such berth is established to the satisfaction of the Traffic Manager.

#### **(5) Priority for certain vessels**

The allotment of berths shall be within the discretion of the Traffic Manager and subject to exigencies, the vessel first sighted and identified by the signal station shall be given priority;

Provided that Government vessels embarking or dis embarking troops, passenger vessels and any other class of vessels which the Conservator may from time to time declare in this behalf shall be eligible for a degree of priority in berthing.

#### **(6) Refusal to allot a berth**

If the Traffic Manager considers that there is good and sufficient reason for not admitting a vessel into the Port, he may refer the matter to the Deputy Conservator and pending the decision of the Deputy Conservator, he may refuse to allot a berth.

#### **(7) Master to be in command of vessels**

A vessel shall not be permitted to enter or leave the port or be moved from one berth to another in the port unless the master is on board; Provided that under exceptional circumstances, such as death or a serious illness of the master, special arrangements may be made in consultation with the Deputy Conservator.



**(8) Certain directions given by the Deputy Conservator to be carried out** – Masters and owners of vessels shall obey all directions of the Deputy Conservator in relation to the rotation and manner of approaching the port entrance and coming into or going out of port.

**(9) Entering or leaving Port**

All sea going vessels on entering or leaving the port between sub-rise and sun-set shall fly their national flag, and when entering the port, each vessel shall hoist her signal letters.

**(10) Piloting of Vessels**

(1) Subject to the provisions of the Act, and the conditions specified in sub-rule (2) pilotage is compulsory for all vessel except for those which are specifically exempted in writing by the Deputy Conservator or some other officer specially empowered by him in this behalf.

(2) The conditions referred to in sub-rule (1) are as follows, namely :-

(a) The master shall supply the pilot with all the information with regard to quarantine, dangerous goods on board, ship's draft and matters relating to the ship's behaviour and shall on completion of pilotage and berthing or unberthing, complete and sign the certificates on specified forms presented by the pilot.

(b) In the event of an out-going vessel carrying a pilot outside the limit specified in clause (a) for unavoidable reasons, the master shall be bound to leave the pilot at the next nearest port and shall be liable to pay all expenses incurred on this account.

(c) The master of a vessel shall in accordance with the provisions of the Act, display such signals as are required by the pilot to be used or as may be directed by the pilot.

(d) (i) Every vessel entering or leaving the port shall be provided with an efficient pilot ladder in compliance with the Indian Merchant Shipping (Pilot Ladder) Rules, 1953.

(ii) If a pilot considers the rope ladder or manropes provided by the vessel to be unsafe, he may refuse to board or leave her, as the case may be, until a strong and efficient ladder and stout man-ropes are provided as required.

(e) Vessels shall not anchor within the outer channel fairway across the entrance channel equidistant from the fairway buoy or in any other prohibited anchorage, nor shall a master attempt to enter the channel to pick up a pilot.

(f) (i) If any accident happens to a vessel while a pilot is on board and if the master of a vessel has any complaint to make regarding the handling of the vessel under the command of the pilot, or the advice given by him by the pilot on duty, he shall report about the accident at once to the Deputy Conservator who shall immediately hold a departmental enquiry.

(ii) If the accident occur while the vessel is leaving the port the master shall send in full report direct to the Deputy Conservator from his next port of call.

(iii) This report shall be accompanied by a signed statement of any witness to the incident in question

(g) A vessel may leave the port without having on board a pilot under stress of weather after obtaining an authority to do so from the Deputy Conservator and after intimating the port Signal Station of her intention to do so.

#### **11. Use of Port Tugs**

It shall be incumbent upon the master of a vessel to avail of the services of the port tugs while navigating within the port limits.

**12. Taking Photographs etc.** - No person shall, except under the authority of a written permit granted by the Traffic Manager,-

(a) have or carry with him a camera for taking photographs or any material for making a sketch, plan, model or other devices;

(b) take any photographs or make any sketch, plan or model of any movable or immovable object or building installation within any port limits or any other area declared as such by the Conservator from time to time.

**13. Supply of Wires, Hawsers, etc.** - Vessels entering the port shall have in readiness for supply such steel wire, ropes and other hawsers as may be required to facilitate berthing alongside.

#### **14. Vessel's Crew and Appliances to be in readiness**

(1) Master or owners of vessels shall employ sufficient number of crew, and keep in readiness such appliances on board as may be necessary for working their vessels in and out of the port approach channel and in the port.

In default or whenever necessary, the Deputy Conservator shall employ such number of personnel, and make available such appliances as he may consider necessary at the expenses of the master or the owner.

## **15. Other precautions**

(1) Vessels when entering, leaving or being moved in the port or in the event of parting their moorings when secured to a jetty, quay or buoys shall have both anchors ready for letting off at any time.

Vessels when entering, leaving, being moved, or lying in the port alongside quays or jetties shall have their sides free of all projections and their boats, davits and derricks shall be swung on board and gangway ladders shall be stored on board.

Masters and owners of vessels shall be responsible for all accidents which may result from failure to adopt any of the precautions specified in sub-rules (1) and (2).

## **16. Vessels lying outside the port entrance channel to be moved**

(1) A vessel lying in the harbor near the entrance to the port or in the fairway of the channel, or near the entrance channel in the pilotage waters of the harbor shall be removed by the master or owner if and when required by the Deputy Conservator.

(2) If such removal is not effected promptly, it shall be carried out under the orders and directions of the Deputy Conservator at the risk and expense of the master or owner of such vessel.

# **PART III – REGULATIONS FOR VESSELS IN THE PORT**

## **17. Master etc. To place his vessels in her berth**

(1) All vessels within the port shall take up such berths as may be assigned to them by the Traffic Manager or the Deputy Conservator and shall change their berths or move when required by either of the said officers.

(2) No vessel shall cast off a warp that has been made fast to her to assist the vessel moving, without being required to do so by the Pilot or the Harbor Master in charge of the vessel moving.

## **18. Closing of Hatchways when not working**

Vessels when not working cargo shall have all hatchways closed or well protected.

## **19. Mooring, unmooring and moving vessels in Port under orders of the Deputy Conservator**

(1) Masters or owners of vessels shall obey the directions of, and shall offer no obstruction to the Deputy Conservator, in regard to the mooring, unmooring or moving of any vessel in the port.

A vessel shall not be required to be moved from her berth without the previous orders in writing of the Deputy Conservator.

In case if becomes necessary, the Deputy Conservator shall take such action as may be necessary to enforce his orders and any expenses incurred in taking such action shall, without prejudice to any penalty to which the master or owner in default may be liable, be payable by such master or owner.

Masters of vessels shall ascertain from the Deputy Conservator the maximum drafts to which their vessels may load.

## **20. Mooring improperly**

Masters or owners of vessels in the port shall not permit the ropes or hawsers of their vessels to be made fast to any place or places in the port other than the bollards, moorings posts or other appliances specially provided for the purpose.

## **21. Vessels to be incharge of competent person**

When a vessel remains in the port, the master or any other responsible officer and sufficient number of crew shall always be on board.

## **22. Watchman to be kept on Dock**

(1) A vessel in the port shall maintain a Quarter Master or a Watchman always on duty on the deck, who shall be incharge of the vessel's shore gangway and attend to the mooring ropes and lines of the vessel , and and he shall also be responsible for their adjustment and in case of default, the master or the owner of the vessel shall be liable for any damage as a result of such default.

## **23. Vessel's propeller not be worked**

(1) While a vessel is berthed or moored in the port, any propeller shall not be moved by power without the previous written permission of the Deputy Conservator and subject to such conditions as he may direct.

Notwithstanding such permission, masters and owners shall be responsible for any damage that may result from the moving of any propeller by power or hand.

#### **24. Anchor or other gear dropped in port etc. To be recovered**

Master shall be responsible for the immediate buoying of any anchor or other gear that may be dropped overboard from their vessels in the port and shall take all steps necessary for the removal from the water of any such anchor or gear.

#### **25. Vessels to be properly ballasted**

Vessels in the port shall be kept so loaded or ballasted that in the event of fire or other emergency, they may be removed from their berths without danger.

#### **26. Repairs to Vessels**

Master intending to carry out repairs are required to bear in mind the following conditions, namely-

Vessels shall not be immobilised without first obtaining permission from the Deputy Conservator.

Vessels are likely to be moved from the berths when the berths are required for working cargo by other vessels.

The Deputy Conservator may, if considered desirable, prohibit chipping or repairs causing excessive noise between 10.00 and 17.00 hours.

Repairs involving the use of naked lights, gas cutting and welding apparatus to, or in the vicinity of fuel oil storage tank or the fuel system, or involving the entry of a person into any fuel storage tank or such vessel wherein petroleum may have been stored, may not be commenced unless a gas free certificate from the appropriate authority has been obtained.

**27. Goods etc not to be allowed to fall into port** \_ No cargo, goods or any other substance shall be allowed to fall from any vessel, quay or pier into the port channel or in the port.

**28. Notice to be given of cargo, goods, etc. Falling into water** – Any person or the master or owner of any vessel or the stevedore engaged in loading or unloading any vessel who allows any cargo, goods or substance to fall from any vessel pier or quay into the water shall forthwith give notice of the occurrence and furnish all particulars connected therewith to the Traffic Manager and the Deputy Conservator and shall taken immediate steps to remove the said cargo, goods or substance from the water at their cost.

**29. Recovery of goods rubbish etc. failing into water** – If any person master or owner of a vessel or stevedore required under rule 28 to remove any cargo, goods or other substance from the water, fails to remove within such time as has been specified in a notice from the Deputy Conservator calling upon

him to so the Deputy Conservator may remove such cargo, goods or substance, and any expense incurred in such removal shall be recovered from the person, master, owner or stevedore, without prejudice to any other penalty to which the person, owner or stevedore may be liable.

**30. Ashes, rubbish, etc. Not to be deposited on Quays etc. Without permission** – No person shall without authority from the Traffic Manager, deposit, upon any quay or pier in the shed or any part of the port any ashes, ballast, baskets, bottles, cinders, dirt, dung refuse, rubbish, shavings, stores or other similar loose materials or substances.

**31. Prevention of materials falling into Port, disposal of ashes, etc.**

(1) Master or owners of vessel or stevedores loading or unloading, ashes, ballast, bricks, cinders, coal, dustlime, rubbish, shingles, stones, tiles or any other loose materials shall use, for such loading or unloading a canvas cloth or wooden chute, to the satisfaction of the Deputy Conservator.

Ashes, clinders, dust and rubbish shall be landed on the quay in such places as may be directed by the Traffic Manager and the Master, owner or the stevedores, as the case may be, may remove them from such place.

**32. Oily bilge water etc. Not to be pumped into Port**– No ballast water containing oil liable to foul or capable of fouling the water shall be discharged from any vessel into the Port.

If any oil is found floating around the ship, it shall be the responsibility of the master to prove that it is not from his ship.

**33. Cleaning of vessels** – No person shall be employed in cleaning or painting a vessel or in working in the bilges, boilers, or double bottom of a vessel in the port except during such time as may be fixed by the Conservator in this behalf.

**34. Projections from Deck of Vessel** – Projections from the deck of any vessel which interfere with the loading or unloading of any other vessel in the Port shall forthwith be removed on a requisition by the Traffic Manager.

**35. Fenders** – Fenders provided by the Port at the quay, jetty berths shall not be lifted or removed by the masters or their stevedores.

**36. Sound signals** – The use of sound signals for attracting attention is prohibited on board the vessels while within the limits of the Port, except for the purposes specified in regulations 34, 35, 36 and 37 of the International Regulations for Preventing Collisions at Sea, 1972 and the new collisions regulations and in case of emergency when assistance from the shore is urgently required in the interests of the safety of the vessel or when the pilot in charge thinks fit to do so.

**37. Sinking of Boats, etc.** -- The master or owner of any vessel in the harbor, alongside of which any cargo, masula or other boat is sunk whilst taking in cargo or passenger or discharging cargo or passenger, shall forthwith report the fact of such sinking and the place where it occurred to the Deputy Conservator.

**38. Dangerous Animals and Fire Arms** – Dangerous animals and loaded guns or fire arms shall not be kept or allowed on board any vessel in the Port.

**39. Vessels with dangerous cargoes, etc.** -- The Deputy Conservator may order immediate removal from the port of all vessels having on board animals manures or other offensive or dangerous cargoes or persons suffering from infectious diseases.

**40. Masters, etc. Of vessels responsible for damages** – Masters and owners of vessels shall be responsible for any loss or damage caused to any of the installations or property of the port due to the negligence of their servants and the Deputy Conservator shall have the right to detain their vessels until the value of the loss or damage is paid or security for such payment is given.

**41. Vessels etc in Port at the risk of master, etc.** -- All vessels in the port lie at the risk of their Master or owners who shall be held responsible for any loss or damage that may arise in consequence of their faulty navigation or by reason of their breaking adrift from their anchors or moorings.

**42. Masters etc. Responsibility for acts of crew etc.** -- Masters and owners of vessels shall be held liable and responsible for the acts of the crew and any person employed by them either outside or on board, their vessels.

**43. Port authorities accept no liability for delay etc.** -- The port authorities shall not be liable for any delay in respect of vessel entering, remaining in, or going out of the port or for delay in the loading or unloading of goods owing to circumstances beyond their control.

#### **44. Notice regarding outbreak of fire on vessels to be given by Masters etc**

(1) Any person noticing a fire in a ship shall immediately :-

(a) inform an officer of the ship who shall be responsible for raising the alarm in accordance with the provisions of sub-rule(2).

(b) if the ship is alongside a quay, treat the fire as on shore and raise the alarm required under sub-rule (2) and also inform an officer of the ship who shall also raise the alarm in accordance with the provisions of sub-rule (2).

The following method shall be used for raising an alarm, namely:-

Afloat by day-- Hoist International Flag 'DQ' sound continuous blasts on ship's whistle or siren until the arrival of the Fire float.

Afloat by night – Sound whistle or siren as above hoist two red lights one above the other 6 (six) feet apart. When ships are alongside the alarm is to be raised by telephone in addition to the above procedure.

Ashore by day or night – (1) Run to the nearest telephone and ring up Port Exchange and on being connected, state clearly

FIRE IN SHIP AT .....

FIRE ASHORE AT .....

(2) The Port PBX operator shall take care that the connection to Port Fire Service is given without any delay whatsoever.

45. Prohibition of underwater salvaging or repairs – No person shall salvage any anchors, Cables, stores or for cargoes lost or supposed to be lost therein or under taken under water repairs to vessels without the prior permission of the Deputy Conservator or an officer authorised by him.

#### **PART IV – RULES IN RESPECT OF QUAYS AND SHEDS FOR THE LOADING AND UNLOADING OF VESSELS, AND FOR THE DELIVERY AND SHIPMENT OF GOODS.**

46. Work in Port under the Traffic Manager – (1) The loading and unloading of vessels in the Port shall subject to the control of the Traffic Manager who may at his discretion prohibit the discharge of such goods in the port which in his opinion are likely to obstruct traffic or cause congestion or hinder the convenient use of the port.

The Traffic Manager may also, at his discretion remove any other place goods the storage of which on the port premises either upon their landing in the port or thereafter, is likely to obstruct traffic or cause congestion.



The apportionment of quay space to be occupied by each vessel shall similarly be determined by the Traffic Manager.

**47. Use of cranes** – The allotment of quay cranes for discharging import cargo or for loading export cargo shall be at the discretion of the Traffic Manager.

**48. Vessels lying idle** – The Traffic Manager may, at his discretion move from her berth, or order out of the port, any vessel which in his opinion has remained idle in the Port

**49. Vessels working slowly** – A vessel discharging import cargo or unloading export cargo in the port may be required to give up her berth if in the opinion of the Traffic Manager the rate of discharge or loading is below the average for similar vessels and for similar cargoes.

**50. Vessels to be moored before working cargo** – Goods shall not be loaded into or unloaded from a vessel in the port until the vessel has been moored at her allotted berth.

**51. Production of manifest before breaking bulk or before commencement of loading**

- (1)
  - (a) The master, owner or agent of a vessel carrying cargo for discharge at the port shall furnish the Traffic Manager, with a true copy of the complete import General manifest not less than six clear working days before being permitted to break bulk.
  - (b) The manifest shall contain full details of such consignment manifested including literage in the case of liquids in bulk and gross weight in kilos in other cases.
  - (c) Non-submission of such manifests within the stipulated time may result in the vessel concerned not being permitted to break bulk.
  - (d) Where the consignment consists of packages of different weights, the gross weight in the metric system of each package shall be furnished in addition.
  - (e) in the case of iron and steel consignments hatch lists indicating (a) description (b) quantity and (c) weight in metric system in each hatch, shall also be submitted before being permitted to break bulk.

If cargo meant for any other port or meant for transshipment is allowed to be discharged, a supplementary manifest giving full details of gross weights, in metric system shall be filed before being permitted to discharge such cargo. If details of such consignments are not already included in the original import General Manifest field for the vessel.

(a) Every export application submitted for shipment of goods and every customs export shipping bill presented at the office of the Traffic Manager for assessment of dues, shall show full details of the

consignments covered by the documents including the description of the cargo, quantity of cargo and the gross weight, of each consignment in metric system, including literage in the case of liquids in bulk.

(b) where the consignment consists of packages of different weights, the gross weight in the metric system of each package shall be furnished in addition.

(4) The agents of a merchant vessel departing from the port, whether loaded or in a ballast shall before three days of her departure, furnish the Traffic Manager, with copy of her Export Manifest.

## **52. Documents to be produced by shipper and consignees**

(1) All applications for permission to export or to import goods shall be made in such forms approved by the Traffic Manager and such forms shall in all cases be correctly filled in and signed by the shipper or consignee of the goods or by his agent.

Except when required by the person authorized by the Traffic Manager to call for an inspect them all necessary documents shall be produced by shippers or consignees or their agents at the time of the shipping or landing of goods.

When cargo is shipped by a vessel other than that entered on the application for permission to ship it, a fresh application shall be submitted to the Traffic Manager.

Opening of packages – No package shall be opened inside harbor by the importer, exporter or owner, for appraisement, examination or survey, without the permission of the Traffic Manager.

**54.** Removal of Iron, Steel Machinery packages, long and unwieldy heavy lifts from the port-consignments or iron, steel, machinery packages, long and unwieldy heavy lift landed in the port may be removed by the Traffic Manager at his discretion to any other place at the cost of the consignees owners, or importers and without any previous notice to them, if he considers it necessary so to do for the safe and convenient working of the port.

**55. Timber discharging** – Timber shall not be discharged from a vessel overside into the water without the approval of the Traffic Manager, and if so discharged, shall be removed out of the port on the next high tide after such discharge.

**56. Discharge and shipment of coal or any other dirty cargo** – (1) The discharge and shipment of coal or other dirty cargo in bulk or otherwise from and into ships in the port, may be effected only with the written permissions of the Traffic Manager who may refuse such permission in cases where the considers any loss or damage to property is likely to arise from coal or similar dust, caused by such discharge or shipment.

Permission accorded to discharge or to ship coal or other dirty cargo in bulk or otherwise, on and from shore, shall be subject to the importer or shipper or their accredited agents agreeing to reimburse the entire cost of cleaning the wharf of the residue.

**57. Works of art, bullion, etc.** -- (1) The Port authorities shall not accept any responsibility in respect of any package containing a work of art or an article of virtue of which the value including that of the package exceeds Rs. 50 or containing specie, bullion, gold or silver articles, jewellery precious stones or coral, unless six hours at least before the package is landed or brought into the harbor for shipment, written notice is given to the Traffic Manager by the owner or consignee and the package is specially delivered to the Traffic Manager and receipt thereof obtained.

If any package containing any of the articles referred to above is brought to any wharf or pier without any said written notice being given to the Traffic Manager, the package, if for export, shall be shipped, or if imported, shall be removed to the Customs House or to the port sheds at the sole risk of the owner and shall remain at his risk until cleared.

**58. Loading and unloading of cargoes likely to foul port wharves:**

(1) Molasses and other goods of a nature likely to foul the port wharves or transit sheds or to cause damage to other goods may be discharged from a vessel in the port only with the permission of the Traffic Manager and subject to the owner or consignee of the goods undertaking to pay to the Port authorities the expenses if any, incurred by them for clearing the wharf or transit shed.

(a) The decanting on the port wharves from drums or other receptacles, of vegetable, fish or other oils, preparatory to their shipments in bulk shall not be permitted.

(b) Where shipment in bulk of oils, are to be effected the oils shall be transported to the port in tank wagons, or tank lorries and pumped directly there from into the vessel's tanks, or where the oil has been transported in tank barges, directly from barges into the vessel's tanks.

**59. Removal of rotten goods from the wharves** – If any vessel discharges in the port any goods or substance in such a rotten, putrid, damaged or other condition as to be in the opinion of the Health Officer of the Port, injurious or dangerous to health or if any goods or substances discharged from any vessel and lying in the port decay into such a rotten, putrid or other conditions as to be injurious or dangerous to health in the opinion of the said Health Officer, the Traffic Manager may require the owner thereof, or if the owner disclaims, denies or disputes the consignment or declines all responsibility or if there is no owner, the Master, owner or agent as case may be shall, on being so required, refuse or neglect to remove such goods or substance within eighteen hours of the receipt of notice, removal may be effected in such manner as the Traffic Manager may think fit and he may, if he thinks necessary, cause the said goods or substance to be destroyed.

(2) The owner or the master, or agent as the case may be shall, within forty-eight hours after demand in writing pay to the port authorities all the cost of expenses attending or occasioned by such removal and destruction and of such cleaning purifying or disinfecting the place of discharge or storage.

#### **60. Handling of cargo likely to contaminate food stuffs**

(1) Items of cargo, such as chemical manures, insecticides, poisonous substances which are likely to contaminate food – stuffs shall not be discharged at any berth for storage, pending delivery, unless the discharge of such cargo has been specifically permitted in writing by the Traffic Manager.

(2) In all cases, where such permission has not been given, the vessel shall either discharge such cargo direct on to the quay provided adequate arrangement have been made by the Steamer Agents with the consignee to the satisfaction of the Traffic, for the clearance of such cargo direct from the landing point, rail or road transport, or land such cargo ever-side into barges hired by the Steamer Agents, to be taken up to the points fixed by the Traffic Manager for storage.

**61. Transfer of vessels from their berths** – (1) The Traffic Manager may either himself, or through the Deputy Conservator, direct any vessel, to move from one berth in the Port to any other berth, provided that such other berth is vacant.

A notice of 12 hours shall be given before a vessel is required to be shifted under this rule.

The port shall not be responsible for any delay which may be caused to a vessel in effecting a transfer under this rule.

**62. Issue of licenses to Stevedores** – (1) The conservator on the recommendation of the Traffic Manager, shall, from year to year, issue licenses to certain approved firms and individuals granting them permission to perform the work of stevedoring vessels in the port and no stevedore shall be allowed to work on board any vessel in the Port unless he is in possession of such license.

The Conservator on the recommendation of the Traffic Manager may at any time cancel any license issued under this rule or may suspend the same for such period as may be specified for breach of any of the terms of the license or for breach of any of the provision of rule 63 or 64.

The license may likewise be cancelled or suspended if, after the grant thereof, it is discovered the application for the license contained any misrepresentations or mis-statements of material facts or if the license has been adjudged insolvent or has gone into liquidation, as the case may be, or if the licensee or his workmen cause any obstruction to any work in the Port:

Provided that no such license shall be cancelled or suspended 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:

Provided further that no such opportunity for showing cause shall be necessary when the license is suspended pending an enquiry against the holder of the license for contravention of any of the terms thereof or for contravention of any of these rules or for doing anything for which the license is liable under this rule to be cancelled or suspended.

**63. Conditions for issue of license to stevedores** – (1) Every stevedore shall be responsible for the due observance and performance by all staff and labour employed by him, during the loading or unloading of a vessel or work incidental thereto, of all relevant laws, rules and regulations for the time being in force.

Every stevedore shall ensure that all loading and unloading operations shall conform in all respects to the requirements prescribed by or under the Indian Dock Labourers Act, 934 (19 of 1934) are carried out with his own gear and he shall be solely responsible for any accident or damage resulting from the use of any defective gear.

(a) Every stevedore shall employ at least one experienced Foreman and a Tindal to Superintend the loading or unloading of cargo or bunkering of coal, or fuel at each hatch – way at which loading, unloading or bunkering is being carried on.

(b) The Tindal shall supervise the slinging or unslinging of goods in the hold and wherever a vessel is loading cargo in the between decks along, the shall see that the between deck hatches that or provided with cross beams and fore and aft beams have all such beams fixed in their proper places, and that the hatch covers are properly put on and effectively secured to prevent their displacement before commencing work; the foremen shall remain on deck and see that the crane chain is not taken out of the square of the hatch was and that the hook does not catch coamings or foul any of the ships gear or damaged any structure or erection ashore.

(c) The foremen shall give correct signals to the crane driver and shall superintend the taking off and putting on the beams and hatch covers and shall see that persons keep out of danger on deck and do not stand under any hoist.

(d) The foremen shall, where work is stopped for the day or night, search and satisfy himself that no one is remaining in the hold.

(e) The stevedores shall be solely responsible to the owners of the ship and to the Port authorities in the event of any injury or damage being caused to any person or property in the course of the loading / unloading or bunkering operations.

**64.** Discharge of a vessel's cargo to be under the superintendence of master, etc. or stevedore and their liability – cargo shall not be discharged from any vessel in the Port except under the directions and superintendence on board such vessel of the master or owner of the vessel or of a stevedore licensed by the Conservator to perform such work in the Port, and such master, owner or stevedore shall be personally liable in respect of any loss and damage arising from the careless or improper slinging of goods on board such vessel and shall in every instance observe the following precautions, namely :-

that the sling is laid out flat without turning or kinks before any goods loaded therein;

that after each sling has been made up and with the first strain on heaving up, the running loop in well beaten home with a wooden bar in order that the grip may be made secure;

**65. Master etc. And stevedores working cargoes to provide proper lights on board** – masters and owners of vessels in the Port and the stevedores working the cargoes of such vessel shall be jointly and severally responsible for the proper provision of lights in all these parts of vessels, where work is being carried on either with the use of the Port's cranes, quay piers or other property or otherwise, and in default they shall jointly and severally be liable in respect of any loss or damaged to life, limb or property resulting there from.

**66. Making up of slings** – cranes not be used under vessels coamings – slings of import goods shall be made up directly under the open hatchway of any vessel unloading in the port and under no circumstances the Port's cranes shall be employed for the purpose of breaking out for removing goods from under the comings.

**67. Use of vessel's winches** – Masters and owners of vessels employing their own cranes or winches for the loading or unloading of goods shall be responsible for any loss or damage to goods arising from any cause whatsoever.

NOTE: (1) Cranes shall be fixed in positions as directed by the stevedores.

(2) Ship's Officers shall see that the port's cranes work quite clear of ship's gear.

**68. Heavy lifts** – The Traffic Manager may prohibit the landing from any vessel of any single article or package of over 10 tonnes in weight, except, by the cranes of the ports provided for the purpose, if he is of opinion that is necessary or advisable to do so.

#### **69. Discharge of Heavy Lifts**

(1) Single articles and packages of over 10 tonnes in weight shall not be discharged unless so permitted by the Traffic Manager under the terms and conditions laid down by him in this behalf.

(2) The Port authorities shall not be liable or responsible in respect of any loss or damage occurring to such articles or packages.

## **70. Marking and packing of Heavy packages**

Single articles and packages, of one metric ton and over in weight (hereinafter referred to in this rule as heavy package), shall not be loaded on board any vessels in the port or alongside the quay walls unless the gross weight of each such article or package has been plainly and durably marked upon it and packed by the consignors or their agents in the manner set out below:-

Manner of marking of Heavy packages – (a) The gross weight on a heavy package shall be marked thereon in English the regional language if possible with a kind of paint which is not easily effaceable.(b) Where a heavy package is of a light colour, black paint and where the package is of dark colour, white or yellow paint shall be used for such markings.

Gross weight to be marked in Metric Tons or kilogram. -- Subject to the provisions of clause (6) the gross weight of a heavy package shall be marked thereon in metric tons or kilograms.

Place of marking -- The gross weight shall be marked on two sides of the heavy package so that in whatever position the package is placed, the marking is easily visible.

Size of letters or Figures – Every letter or figure used to mark the gross weight of a heavy package shall be at least seven and half Cm. (three inches) in length and half Cm (one quarter of an inch) in breadth.

Manner of packing

(a) the goods in heavy package shall be securely packed in a strong covering in such manner that there is no movement of the goods inside the package resulting in any disintegration of the goods or the covering.

(b) The covering shall be of such materials and the nature as can stand the strain of the package being handled during the course of loading or unloading so that the risk of any injury to persons who handled the package is minimised.

(6) Marking of approximate weight in certain circumstances – (a) where at the place the heavy package is consigned there are no means available for determining the correct weight of the package, the anticipated minimum and maximum weight of the package, in metric tons or kilograms shall be marked thereon in the manner herein before specified;

Provided that such anticipated maximum shall be so assessed that it does not fall below the actual weight of the package.

(b) Consignors and their agents, agents of the vessels and stevedores shall be held responsible for any breach of the provision of this rule.

**71. Hazardous substances** – Central General Restrictions – The handling, transport and stowage within the port limits of all substances classified as Hazardous (as defined in the recommendations of the United Nation's Committee of experts on transport of dangerous goods, which met at Geneva in August,

1954) or merit classification as such by virtue of their characteristic properties shall be subject to such restrictions and conditions, as the Deputy Port Conservator may, from time to time, impose.

**72. Use of the Gear and other Articles provided by the Port** – (1) All cargo handling gear and other articles provided by the Port shall, when no longer required, be returned to the stores depot of the port and shall not be left lying in the quays or roads.

Masters and owners of vessels and stevedores shall be charged hiring fees on all such articles from the date of requisition till its return to the stores depot.

All articles not provided by the port shall be removed from the quays or roads within two hours after the job for which they are brought is finalized, and in default removal job shall be effected by the Traffic Manager and the Master or owner of the vessel or stevedore or any other person to whom such gear belongs shall be liable for all the expenses incurred in such remove.

**73. Arms** – (1) The Master, owner or agent of every vessel entering the port and having on board as import cargo for discharge, package containing arms and ammunitions shall as soon as possible after arrival in the port furnished to the Traffic Manager a complete list of all such package.

After discharge, such packages shall be handed over by the Master into the direct charge of the shed Forman, who shall grant a receipt therefore in the specified form and shall immediately lock up the packages in the Transit shed.

The external condition of all packages containing arms and ammunitions shall be carefully examined before a receipt is given therefore and any matter which calls for special mentioned shall be entered in the remarks column.

Packages containing arms and ammunitions shall under no circumstances be discharged from a vessel at night.

The port authorities shall not in any way be responsible or liable for any packages containing arms and ammunitions discharged from a vessel otherwise than in strict conformity with this rule.

The port may except, any vessel or line of vessel or line of vessel from the provision of this rule for such period as the conservator may think fit.

**74. Ammunition and Explosives** – The matter of any vessel arriving in the port with ammunitions or explosives, other than fireworks etc. Forming part of the ships equipment of distress signals, or over 45 Kgs. of (100 lb.) weight of gun powder, on board as cargo, shall be display a red flag B of the International Cord at the fore during day time, and between sunset sun-rise shall exhibit a red light at the fore so long as the ammunitions, explosives or gun powder are on board within the limits of the port.



## **75. Landing of Explosives or other Dangerous Cargo**

(1) No package containing gun powder or other explosives or any dangerous cargo shall be landed within the limits of the port without the previous permission of the Collector of Customs and the Deputy Conservator and in the landing or shipment thereof all rules made under any enactment in this behalf and also any other directions made or given by Port authorities from time to time for carrying into effect such rules or to ensure safety shall be rigidly adhered to and observed.

(2) (a) Every vessel while loading, discharging or handling explosives or cased dangerous petroleum shall bank all fires and store them up only when explosives or cased dangerous petroleum are not being loaded, discharged or handled and only when hatches containing explosives or cases dangerous petroleum are completely closed.

(b) All ventilators to the stock hold shall be carefully attended and properly dirmed and wind saves shall be rigged to the stock hold to prevent any pocket of gas accumulating in vessels which have any cased dangerous petroleum on board.

## **PART V – DISCHARGE AND SHIPMENT OF FUEL OIL AND NON-DANGEROUS PETROLEUM:**

**76. Discharge of Fuel oil in Bulk** – Vessels carrying petroleum in bulk shall observe the provision of the Petroleum Rules, 1937, and the rules made under any enactment in this behalf and also any other directions made or given by the Deputy Conservator from time to time for carrying into effect such rule or to ensure safety.

**77. Bunkering of petroleum fuel oil** – Bunkering of vessels with petroleum fuel oil in the port barges and tank vehicles shall be permitted subject to the following conditions, namely:-

During all such time as any vessel is receiving fuel into her bunkers, the master or first mate of such vessels is present on board and he shall see that the provision of this rules is complied with and that all reasonable precautions for safety are observed.

A ship's officer shall be on watch and an attendant of the oil company supplying the bunkers shall be stationed along-side the flexible connecting pipe while bunkering is in progress.

No smoking, cooking, naked lights or forges shall be allowed on the vessels decks while bunkering is in progress.

A suitable gutter or other contrivance shall be placed under the connecting service to prevent any oil from dripping on the wharf or into the port basin.

Master and owners of vessel receiving fuel oil and suppliers of fuel oil for bunkering shall jointly and severally be held liable for any damage caused to any property belonging to the port of cargo in charge of the Traffic Manager by any defect in or failure of the apparatuses or appliances of the vessels or the suppliers.

No cargo other than steel plate, iron rails, and similar goods unaffected by oil, shall be allowed on the wharf within 50 feet of the oil stand pipes, and shed doors immediately behind them shall be kept closed walls bunkering is in progress.

Before bunkering commences, the attendant shall see that the telephone connection to the oil company's dept is in working order.

## **PART VI – FIRE AND LIGHTS**

**78. Smoking etc.** :- Smoking and the use of any unprotected fire or light in any shed or ware house within the port is strictly prohibited and no person shall smoke or ignite Lucifer matches or other inflammable articles or any pier or quay or on board any vessel within the port, except in such places as may be allotted for the purpose.

**79. Fires and Lights** :- (1) No vessel shall be fumigated except at a place appointed by the Deputy Conservator for purpose.

Pitch or dammer shall not be heated on board of vessels within the port but in boast alongside or astern nor shall spirits shall be drawn off on board such vessels by candle or other unprotected artificial lights.

Vessels, while loading cotton, shall not have any unprotected lights in the hold.

When gun powder, ammunition or other explosives exceeding 45Kgs (100 lb.) in weight are being shipped on or discharged from any vessel within the limits of the port, no fires, lights or smoking shall be permitted on board except as provided in the Explosive Rules, 1940.

**80. Accessibility of vessels to port and police officials** :- Vessels in port shall allow free access to the port and police officials for inspection purposes in regard to fires and lights wherever demanded and no person shall disobey the orders of any police officer or watchman or extinguishing any fire or light used in contravention of these rules.

## **PART VII . MISCELLANEOUS:**

### **81. Quays etc. And port area to be under the authority of the Traffic Manager**

- (1)
  - (a) The quays, sheds, gates and other areas within the limits of the port shall be under the charge of the Traffic Manager, who shall direct and manage all operations connected with the landing and shipping of goods, and their storage either in the sheds or or in the open.
  - (b) The Traffic Manager shall have proper custody of all goods lying in the port and take such steps as may be necessary for the proper maintenance of order within the port.

(a) No person shall enter any port area without a permit or token issue to him by or under the authority of the Traffic Manager, such permit or token shall on demand by a police officer or any port officer, duly empowered in that behalf be produced for inspection.

(b) No person shall allow any other person to use any permit or token issued to him as aforesaid.

(c) Any permit or token issued to any person and allowed by him to be used by another shall be liable to be confiscated and cancelled.

**82. Regulation of working hours of the various sections of the Port:** The hours during which work may be carried on in each of the several section into which for traffic working purposes, the port premises are divided shall be notified by the Traffic Manager, from time to time, by means of notices posted in the sections concerned, and no work shall be done, within the port premises outside the working hours so notified, except with the permission in writing of the Traffic Manager.

**83. Night and Holiday work :-** Applications for work at night or on Sundays or holidays shall be made to the Traffic Manager, who on production of the necessary permission form the customs department shall make necessary arrangement for the proper conduct thereof and work on such day and at night shall be subject to the payment of special charges specified for the purpose.

Explanation :- Holidays for the purpose of this rule shall be those notified by the conservator from time to time.

**84. Entry into the Port:-** The entrance gates and wicket gates of the port shall be kept open during the hours specified therefor by the port authorities and ingress and egress by these gates at any other time shall be only to persons holding special passes issued for this purpose by the Traffic Manager.

**85. Sites set apart for dock labourers and boatmen to obtain food:-** Certain sites shall, from time to time, be set apart as occasion may require, by order of the Traffic Manager at his discretion to enable boatmen or Dock Labourers to obtain their food and all persons bringing such food shall be restricted to these sites and the paths leading thereto, therefrom, which shall be indicated by notice boards.

**86. Licensed carpenter to be allowed in the sheds for opening and repairing cases:-** The Traffic Manager shall grant of licenses to persons qualified to work as carpenters in the port for opening and repairing cases at the instance of the owners thereof and no persons other than those licensed as such shall be allowed to carry into the port any tools or other instruments used for such purposes.

**87. Issue of licenses to hawkers :-** No persons shall hawk or sell goods within the ports or on board any vessel within the port without a license from the Traffic Manager and for this purpose, the Traffic

Manager may issue licenses to person which shall be renewable yearly; provided that such persons shall obtain the prior approval in writing of the Collector of Customs and that such license shall not entitle the holder to go on board any vessel in the port without the permission of the master, owner or agent of such vessel.

**88. Removal trucks and hand-barrows out of Port:-** (1) Trucks and hand-barrows loaded with goods and not taken out of the port immediately shall be liable to removal by the Traffic Manager at the risk and expenses of the owner of the goods.

Trucks and hand-barrows belonging to merchants and others and left lying at the port shall be liable to removal and confiscation by the Traffic Manager.

**89. Destruction of or damage to any of the port property:-** Any person who cuts, defaces, or damages any mooring, rope – chain, life buoy, lifeline or life saving appliance or any buoy, buoy-rope or cable belonging to any anchor within the port channel or entrance or in the port shall without prejudice to any penalty to which he may be liable under any other law, be liable to pay the amount of damage, repair and recovery.

**90. Obstruction etc. To officers:-** No person shall molest, assault, resist, hinder, obstruct, impede, or interrupt, or offer or attempt to molest, assault, hinder, obstruct, impede, or interrupt any employee of the port in the performance of his function, or disobey his lawful orders, or use abusive or offensive language or aid or incite others to do any of these things.

**91. Plying of vehicles:-** Motor lorries or other vehicles for the conveyance of goods shall not be driven along or upon any of the road, wharves or quays within the port or be admitted into or allowed in the port without a license issued in this behalf by the Traffic Manager and except in accordance with the following conditions namely:-

Such vehicles shall conform, in all respects to the provisions of the Motor Vehicle Act, 1939, ( 4 of 1939), and the rules made there under:

Such vehicle shall not be left unattended:

Such vehicle shall ordinarily play on the recognised roads in the port' but may however be permitted on the wharves, in transit sheds and upon open storage spaces for the purposes of loading or unloading subject to control by the port and police officers;

Such motor, lorries or vehicles, when entering or leaving the port, shall stop at the port gates until permission to pass has been obtained from the port authorities or customs officer, or both on duty at the gates and the driver there of shall on demand produce for inspection the license permitting the lorry or vehicle to enter the port;

No such vehicle shall be allowed to remain within the port longer than shall, in the opinion of the Traffic Manager, be necessary of the purpose of loading or unloading goods, and also shall not loiter and ply for hire;

No such vehicle shall fill their tanks with petrol or other fuel within the port without a special permit from the Traffic Manager.

The license granted to any vehicle under this rule may, if the circumstances so require, be revoked by the Traffic Manager at any time after holder of the license has been given a reasonable opportunity for showing cause as to why the license shall not be revoked and on such revocation the proportionate fee in respect of the unexpired portion of the period of license, if any, may be refunded on written application being made by the licensee in this behalf.

**92. Offer of fees or gratuity :-** No fee, gratuity or reward shall be offered to any officer or servant of the port, who is forbidden on pain of disciplinary action to receive any such fee, gratuity or reward.

**93. Signals:-** (1) All necessary signals may be made by the vessels by using the International Code of signals and they shall be acknowledged by the answering pendant being hoisted at the signal station mast – head.

Communications by Mores and seamphore codes may be made to the port signal station, using flat 'Z' during the day and flashing 'Z' at short intervals at night to call up station.

**94. Bad weather arrangement :-** During the prevalence of adverse or threatening weather, the master of every vessel in the port shall attend to the following directions, namely:

he shall not be absent from his vessel between sun-set and sun-rise

he shall keep his vessel ready in all respects to proceed to sea at short notice , and if this is not possible for him, he shall communicate the fact at once to the Deputy Conservator:

On the hoisting of the danger signal, he shall take all measures for the safety of his vessel, as no further instructions may be furnished by the port authorities.

**95. Compliance of certain Rules :-** All vessels arriving in the port shall, during their stay and while departing from the port must comply with the provisions of the Indian Port Health Rules, 1955.

(No. F.No.PGL-38/74)

M.R. GATHWAL Under Secretary

**PORT OF TUTICORIN (HARBOR CRAFT) RULES 1976 (Published in the Gazette of India,  
dated 30.09.1980)**

Harbor Craft Rules

**GOVERNMENT OF INDIA  
MINISTRY OF SHIPPING AND TRANSPORT  
(PORTS WING)**

**NEW DELHI, the 30.9.1980**

**NOTIFICATION**

G.S.R..... (e) Whereas a draft of a notification specifying the modified short title and certain changes in the text of the rules applicable to the Port of Tuticorin was published as required by sub-section (2) of Section 6 of the Indian Ports Act, 1908 (15 of 1908) at pages 977-978 of the Gazette of India Part II Section 3(i) dated 3 May, 1980, under the notification of the Government of India in the Ministry of Shipping and Transport (Ports Wing) No. G.S.R. 497, dated 18.4.1980, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of forty five days from the date of publication of the notification in the official Gazette.

And whereas the copies of the said Gazette were made available to the public on 12 May, 1980:

And whereas no objections and suggestions have been received from the Public before the expiry of the period aforesaid:

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby makes the following rules namely :-

In exercise of the powers conferred by sub-section (i) of section 6 of the Indian Ports Act, 1908 (15 of 1908), the Central Government hereby directs that the rules specified in column (i) of the Schedule annexed hereto, shall extend to, and come into force, in the Port of Tuticorin the precise extent of the limits whereof has been declared in the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. G.S.R. 90(E) dated the 1st March, 1979, subject to the modifications specified in column (2) of the said Schedule.

## The Schedule

	Short title of rules	Modification
1	The Port of New Tuticorin (Rates for the use of the Wharf) Rules, 1976	For the words "New Tuticorin" wherever they occur, the word "Tuticorin" shall be substituted.
2	The Major Port of Tuticorin (Harbor Craft) Rules, 1976 For the words "Major Port of Tuticorin" wherever they	For the words "Major Port of Tuticorin" wherever they occur the words "Port of Tuticorin" shall be substituted.
3	The Major Port of New Tuticorin (Regulations of the use of Landing Places) Rules, 1977	i) For the words "Chief Engineer and Administrator" wherever they occur the word "Chairman" shall be substituted; ii) in rule 1, for the words "Major Port of New Tuticorin" the words "Port of Tuticorin" shall be substituted; iii) in rule 2, in sub-rule (1), for the words "Port of New Tuticorin" the words "Port of Tuticorin" shall be substituted.

(PGL-83/78)

### GAZETTE OF INDIA PART II – SECTION 3 – SUB SECTION (i)

DATED THE 12TH FEBRUARY, 1977

#### MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 24th January, 1977.

GSR 529 – Whereas draft of the Major Port of Tuticorin (Harbor Craft) Rules 1976, was published as required by sub-section (2) of section 6 of the Indian Ports Act, 1908 (15 of 1908) at pages 1748 to 1753 of the Gazette of India, Part II, Section 3, Sub-section (i), dated the 26th June, 1976, under the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. GSR 917, dated the 15th May, 1976, inviting objections and suggestions from all persons likely to be affected there by till the expiry of a period of sixty days from the date of publication of that notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 6th July, 1976;

And whereas no objections or suggestions have been received from the public.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby makes the following rules, namely:-

## **1. Short title, commencement and application**

- (1) These rules may be called the Port of Tuticorin (Harbor Craft) Rules, 1976.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They shall apply to the Port of Tuticorin

## **2. Definitions**

In these rules, unless the context otherwise requires:-

- (a) "Deputy Conservator" means the Deputy Conservator of the Port;
- (b) "Form" means a form appended to these rules;
- (c) "Harbor Craft" means any catamaran plying for hire or any flat or cargo passenger of other boat plying whether for hire or not and whether power driven or not and whether plying regularly or only occasionally, or partly within and partly without the Port;
- (d) "Inner Harbor" means that part of the Ports' water area which lies east of the base line (South North road) having bearing of 205° and includes the turning basin, eastern dock arm, oil jetty and any future berths docks dredged and developed from time to time, west of the two entrance heads and enclosed by the breakwaters.
- (e) "licensed harbor craft" means any harbor craft licensed under these rules;
- (f) "Motor boat" means any power-driven harbor craft propelled wholly; or in part by any form of electrical or mechanical power other than steam;
- (g) "Outer Harbor" means the area outside the enclosed breakwaters and east of a line joining the two breakwater heads and covering the entire port limits as defined in the notification of the Government of India in the Ministry of Shipping and Transport No. GSR 314 (E) published in the Gazette of India, extraordinary Part II – Section 3 – Sub-section (i), dated the 11th July, 1974;
- (h) "Owner used in relation to a harbor includes any part owner, agent or mortgage in possession thereof;
- (i) "Port" means the Major Port of Tuticorin
- (j) "Roads" means that part of the port which lies outside the enclosed breakwaters and outside the demarcated channel, but within the port limit;
- (k) "servant" used in relation to owner includes the Tindal or any boatmen;



(l) "Steam-boat" means any harbor craft propelled wholly or in part by steam power.

(m) "tindal" includes any person in charge of a harbor craft.

### **3. Harbor craft, not to apply without a license**

(1) (a) No person shall, whether as owner or as servant, use any harbor craft to carry goods or passengers to or from any vessel at the Port or from place to place within the limits of the Port unless such person holds a license in form 'A' granted by the Registering or Licensing Officer and unless the harbor craft so used has been registered. For the purpose of registration the owner of a harbor craft shall cause it to be brought to such place as the Registering Officer or Licensing officer may appoint.

(b) The owner of any new craft to be licensed under rules should obtain a 'No Objection certificate from the Customs before their boats are registered and licensed.

(2) Nothing in these rules shall apply to:-

any craft forming part of the equipment of a ship or steamer unless it carries the passengers or cargo for profit;

any craft maintained solely for purpose of pleasure and not connected with the carrying of passengers or cargo for profit;

any craft belonging to the Port.

### **4. Licensing of harbor craft**

(1) Every application for the licensing of a harbor craft under rule 3 shall be made to the Deputy Conservator in writing and shall contain the following particulars, namely :-

(a) the owner's name and address in full and if the owner is a minor it shall contain the name and address of his guardian;

(b) the name and address of the agent, if any, duly authorized by the owner to act on his behalf;

(c) the name of the tindal whom the owner propose to place him in-charge of the harbor craft;

(d) the nature of the license required, that is to say, whether it is required for a passenger boat or for a cargo boat, or for any other purposes; and

(e) the details of the harbor craft in respect of its measurements, gross tonnage and other relevant particulars.

(2) On receiving an application for license under sub-rule (1), the Deputy Conservator shall survey and measure the harbor craft, or cause it to be surveyed and measured in the presence of the owner or any person duly appointed for the purposes by such owner, and on being satisfied that the harbor craft is seaworthy and fit for service at the Port, or upon the production of a certificate in writing from the officer who surveyed the harbor craft certifying:-

(a) that such harbor craft is seaworthy, properly equipped and suited for the purpose for which the license is required;

(b) the number of passenger that such harbor craft is capable of carrying under all conditions:

(c) the number of crew required for the safe navigation of such harbor craft :

(d) that the equipment of such harbor craft is in good order and condition, grant a license in Form A on payment of the fees specified in rule 28.

(3) For the purpose of survey and measurement specified in sub-rule (2), the owner shall cause the harbor craft to be brought to such place as the Deputy Conservator may specify:

(4) Subject to the provisions of these rules, all licenses in Form A shall be issued for the financial year ending on the 31st March.

## **5. Minor or female owners**

If the owner of a harbor craft is a minor, the license may be obtained by the guardian of the minor. If the owner is a woman, who according to the customs of the country does not appear in public, the license may be obtained on her behalf by her duly authorized agent. In such cases the guardian or the agent as the case may be shall be deemed to be the owner for the purposes of these rules.

## **6. License, rules, etc. to be produced when demanded**

(i) The license of every harbor craft shall be kept in the possession of the Tindal who shall produce the license whenever called upon to do so by the Deputy Conservator or by any person duly authorized by the Deputy Conservator in that behalf.

(ii) A copy of these rules and of any written directions issued by the Deputy Conservator in respect of their implementation shall also be furnished by the owner to the Tindal who shall on demand, show them to any hirer or consignor of, or passenger in, such harbor craft. The owner shall be responsible for ensuring that the Tindal understands the provision of these rules and directions and for obtaining a declaration from him to that effect and producing the same whenever required by the Deputy Conservator.

## **7. Distinctive numbering of licensed harbor craft**

(i) The owner of licensed harbor craft shall paint or cause to be painted upon a black back-ground in white or upon a light back-ground in black figures not less than six inches in length, on conspicuous part of the bow of such harbor craft on one side and on the quarter of the other, the number of the harbor craft as mentioned in the license.

(ii) No person shall paint or cause to be painted upon any harbor craft not duly licensed under rule 4, any such number as aforesaid or any other mark likely to induce the belief that such harbor craft has been so licensed.

## **8. Change of ownership or control of licensed harbor craft**

When the holder of a license in Form A transfer the ownership of the harbor craft to another person, the license shall cease to be valid on the expiry of six days from the date of such transfer. Where such holder mortgages the harbor craft to, or places it under the control of another person, the license shall cease to be valid on the expiry of six days from the date of such mortgage or placing unless an endorsement on the license is made by the Deputy Conservator to the effect that notwithstanding such transfer or placing, the license shall continue to be valid.

## **9. Changes in crew or carrying capacity of licensed harbor craft to be reported**

Whenever the Syrang or Tindal of any registered harbor craft is changed or any alternation in such craft is made so as to affect any of the particulars contained in the license granted for lit, such change or alternation shall be forthwith reported by its owner to the Registering Officer or Licensing Officer. In case of change of Syrang, Tindal or of any alteration in the carrying capacity, the harbor craft shall not ply until such report is made and in case of change of Syrang or Tindal until the new Syrang or Tindal has also been produced before the Registering or Licensing Officer. On such report or on such report on production, as the case may be, the Registering Officer or Licensing Officer shall amend the original license held by the owner and in case of change of Syrang or Tindal, also the register kept under rule 10.

Whenever there is change of Tindal or any other crew, the owners, of the craft concerned should obtain a 'No Objection' certificate from the Customs before their names are registered for employment in these boats.

In case of alteration in the harbor craft affecting its carrying capacity, the original license held by the owner shall be canceled and a fresh license issued by the Registering officer or Licensing Officer after the harbor craft been premeasured, and the harbor craft shall not ply until such fresh license has been issued.

Provided that if any harbor craft was away from the port at the time when such change or alternation takes place, the change or alteration shall be reported to the Registering Officer or Licensing Officer immediately on its return to the port.

## **10. Registration of Tindals**

(1) At the time of licensing of any harbor craft under rule 4, the name of its tindal as entered in the license and other particulars relating to him shall be entered in a register which shall be kept by the Deputy Conservator in Form B.

(2) Every year in the month of March on a date to be fixed by the Deputy Conservator the owner of every licensed harbor craft shall produce before the Deputy Conservator the tindal of the harbor craft for verifying the correctness of the entries in the register;

Provided that if such harbor craft is away from the port on the date so fixed, the owner shall produce the tindal within 24 hours after its return.

(3) No person shall be employed or registered as a tindal of a licensed harbor craft if he-

(a) is not a certificated officer qualified to be the master or Engineer of such harbor craft in accordance with rule 29 ;

(b) is in the opinion of the Deputy Conservator unaccustomed to the use of such harbor craft or otherwise inefficient.

## **11. Annual and special inspection of licensed harbor craft and crew**

Every owner shall, 30 days before the date of expiry of license, submit an application for the inspection of the Harbor Craft and renewal of license. Every owner of every registered harbor craft shall be required to produce it together with its license for inspection by the Registering Officer or Licensing Officer at such place, and on such date as he may appoint for the purpose. In addition to such inspection, special or partial inspection may be held by the Registering Officer or Licensing Officer or by any person duly authorised by him, at such times as the Registering Officer or Licensing Officer may consider necessary.

At all inspections under this rule, the harbor craft shall have its full complement of crew and equipment and no person who is not a certificated person as required by these rules, or who in the opinion of the Registering Officer is unaccustomed to the use of the harbor craft or inefficient shall be employed or registered as a Tindal or Syrang.

The owners of all craft licensed under these rules shall obtain a 'No objection' certificate from the Customs for renewal of license.

## **12. Repairs of licensed harbor craft ordered for inspection**

(i) The owner of every licensed harbor craft shall execute such repairs thereto as the officer referred to in rule 11 may direct in order to render it efficient, and no owner or any of his persons shall use any such harbor craft or cause or permit it to be used until such repairs have been duly executed and the Deputy Conservator has granted permission for its use. For the purpose of such repairs, the owner shall cause the harbor craft to be hauled up only to such place or places on the foreshore as the Deputy Conservator may from time to time direct.

(ii) All major repairs to be boiler, machinery or hull of a licensed harbor craft shall be carried out under the supervision of a Engineer and ship surveyor, appointed by the Deputy Conservator. The master or owner of such craft shall before the commencement of the repairs pay to the Deputy Conservator a sum sufficient to cover the fees and other expenses of such Engineer and ship surveyor.

Explanation:- For the purpose of the sub-rule, all the repairs which involve replacement or renewals affecting sea-worthiness of the craft shall be deemed to be major repairs.

(iii) The fees referred to in sub-rule (ii) shall be calculated on the following scale, namely:-

#### SCALE OF FEES

- i. For every vessel the gross tonnage of which does not exceed 25 tonnes.  
Rs.60
- ii. For every vessel the gross tonnage of which exceeds 25 tonnes and does not exceed 50 tonnes.  
Rs.75
- iii. For every vessel the gross tonnage of which exceeds 50 but does not exceed 75 tonnes  
Rs.90
- iv. For every vessel the gross tonnage of which exceeds 75 but does not exceed 100 tonnes  
Rs.105
- v. For every vessel the gross tonnage of which exceeds 100 but does not exceed 300 tonnes  
Rs.120
- vi. For every vessel the gross tonnage of which exceeds 300 but does not exceed 600 tonnes  
Rs.135
- vii. For every vessel the gross tonnage of which exceeds 600 but does not exceed 900 tonnes  
Rs.150
- viii. For every vessel the gross tonnage of which exceeds 900 but does not exceed 1200 tonnes  
Rs.180
- ix. For every vessel the gross tonnage of which exceeds 1200 tonnes  
Rs.180

Plus Rs.@ 30 for every 300 tonnes or part thereof in excess of 1200 tonnes.

(iv) The expenses referred to in sub-rule (ii) shall be determined in accordance with the general or specific % instructions of the Central Government in this regard.

### **13. Control of working of licensed harbor craft**

(i) The owner shall provide every licensed harbor craft with such crew and equipment may be determined by the Deputy Conservator and entered in the license. The tindal of the harbor craft shall not have on the board more or less than the number of the crew specified in the license for finger rough weather according the harbor craft plies in fine or rough weather and shall not carry passenger or goods in excess of the number of quantity entered in the license for the harbor craft.

- (ii) (a) Every licensed harbor craft playing within the Port shall carry as many member of life jackets as there are number of persons including passengers and crew.
- (b) In addition to life jackets, craft shall carry life buoys at the rate of one for every two persons including passengers and crew, subject to minimum of two numbers of life buoys in every harbor craft.
- (c) In lieu of life buoys buoyant apparatus sufficient to carry the total number of persons including passengers and crew may be provided.
- (d) The life buoys and buoyant apparatus shall be of the pattern as approved by the Ministry of the Government of India dealing with the transport.
- (e) All buoys and buoyant apparatus carried in the harbor craft shall be stowed to the satisfaction of the Deputy Conservator and so as to be readily accessible to the persons on Board.
- (iii) Every harbor craft license for the carriage of persons shall be so fitted that sufficient sitting space is available for such passengers and # awnings and side weather screen shall also provided, where necessary, to give protection to passengers from sun and weather respectively.
- (iv) The Deputy Conservator shall exercise his discretion in fixing the number of crew required in a licensed harbor craft plying within the Port and carrying passengers.
- (v) Whether the owner of the licensed harbor craft does not desire to carry the complement of passengers, or is not prepared, or considers it impracticable to carry the prescribed life saving appliances, the Deputy Conservator may limit the number of passengers accordingly and endorse the license to the effect.

#### **14. Obstructing port traffic**

- (i) No tindal or any member of the crew serving in any licensed harbor craft shall obstruct or hinder the loading, discharging or service of such harbor craft, or of any other licensed craft, or obstruct or hinder any vessel working in the Port.
- (ii) No tindal shall permit any licensed harbor craft in his charge to obstruct the free navigation of the Port or the approaches to wharves or jetties.

**15. Compliance with the provisions regarding prevention of collision at sea observance of the merchant shipping (Prevention of Collision at Sea) Regulations, 1965 :-** All licensed harbor craft, when under way, shall comply with the provisions of the merchant shipping (Prevention of Collision at Sea) Regulations, 1965.

#### **16. Refusal to ply without lawful excuse**

(a) If the owner of the Tindal/syrang in charge of a registered harbor craft plying regularly for hire, without reasonable excuse, refuses to ply such craft for hire when required to do so, the license of such harbor craft shall be liable to be revoked by the registering officer or licensing officer.

(b) If the harbor craft is found to be used for unlawful or illegal activities, the license shall be cancelled.

#### **17. Working of the license harbor craft at night and in bad weather**

(a) No licensed harbor craft shall ply in the outer roads.

(i) Between the hours of 6.00 p.m and 6.00 a.m without the previous permission of the Deputy Conservator.

(ii) When a storm warning indicating bad weather or high seas is displayed from the Port flag staff.

(b) When the signal referred to in sub clause (ii) of clause (a) is hoisted at the Port Flag staff, all harbor crafts plying in the outer roads shall returned to the inner harbor at once and shall not be proceed to the outer roads without the special permission of the Deputy Conservator until the signal is hauled down.

#### **18. Permission loading of licensed harbor craft in fine and rough weather**

(i) No person shall load a licensed craft with passengers or with animals or other cargo in contravention of the terms of its license.

(ii) No tindal or of any licensced harbor craft shall permit any animal to be loaded in it, unless the harbor craft has been provided with sand ballast or straw sufficient to form a flat floor and unless such other requirements as may be imposed by the Deputy Conservator in respect of the harbor crafts, have been complied with.

(iii) Where animals are carried in a licensed harbor craft, no other cargo or passengers shall be carried therein.

(iv) Passengers and cargo other than animals may be carried at the same time only in a licensed harbor craft propelled by Mechanical or Electrical power.

#### **19. Power of tindal to prevent overloading**

Whenever the number of passengers or the quantity of cargo in a licensed harbor craft exceed the number of quantity entered in the license, the tindal shall, before starting from the vessel or from the shore, require any passenger to leave the harbor craft or any consignor, consignee or shipping or landing agent concerned to remove from the harbor craft the whole or any part of the cargo. Provided that in the event of a licensed harbor craft being found over loaded by the tindal, only those passengers

who entered the craft or the quantity of cargo that was loaded after the prescribed limit as specified in the license, shall be asked to leave or that of quantity of cargo to be removed, as the case may be, to comply with the conditions of the assignment of the issue of license.

**20. Attention to certain signals required of tindals:-** The owner of every licensed harbor craft shall instruct the tindal of such; harbor craft to pay immediate attention to the harbor craft, master flag, square blue flag with four parallel red bars running cross wise which shall be displayed on the port flag staff when the Deputy conservator desired to carry out an inspection under Rule 11.

**21. Licensed harbor craft not to interfere with mooring or approaching vessels before they anchor :-** No person incharge of or navigating any licensed harbor craft shall attempt to make such harbor craft fast to any mooring or mark buoy, or take it alongside of a vessel approaching an anchorage or mooring before such vessel has come to anchor or been moored to a buoy.

**22. Fishing boats not to be allowed near a harbor boat or alongside a vessel**

(i) No person incharge of or navigating a licensed cargo boat shall allow a fishing boat to be within ten yards of her when such cargo boats is plying between a vessel and the shore.

(ii) No person incharge of or navigating a fishing boat shall allow it to go alongside the vessel while discharging or shipping of cargo is proceeding.

(iii) If any licensed harbor craft is found by the Deputy Conservator to have contravened the provisions of sub rule (i) or (ii) the Deputy Conservator may :-

(a) cancel the license issued in respect of the harbor craft ;

(b) direct that the tindal at fault shall not be employed in any capacity in any licensed harbor craft and that his name shall be removed from the register of tindals.

(iv) If any owner employs such tindal contrary to the directions of the Deputy Conservator, given under clause (b) of sub-rule (iii), the Deputy Conservator, may cancel all or any of the licenses held by the said owner.

**23. Landing and Shipping of passengers and goods to be within the Port :-** All passengers and goods shall be landed or shipped in such places within the limits of the Port as the Conservator may appoint and no person, shall ship or land passengers or goods outside such places unless the sanction of the Port and Officers of customs at the port has previously been obtained.

**24. Rates of Harbor Craft Hire :-** No owner, tindal or any member of the crew of licensed harbour craft license to carry passengers for hire and no person deputed by the owner of such harbor craft, shall demand from any passengers hire charges exceeding that sanctioned by the Central Government and no



owner, tindal or member of the crew of such harbor craft shall demand or accept any gratuity or present from any passengers during the course of its trip between any vessel and the shore or from place to place whether within or without the port.

**25. Liability of the owner for the acts of the tindal or any member of the crew employed by him on his craft :-** The owner of the craft shall be responsible for any acts of tindal or any other member of the crew employed by him on his craft, while plying the craft under the provisions of these rules.

**26. Revocation of licenses:-** If in the opinion of the Deputy Conservator the owner of any licensed harbor craft or tindal or any member of the crew has contravened any of the provisions of these rules, he may without prejudice to any other action that may be taken against such owner in respect of the contravention, and after giving him a reasonable opportunity of being heard cancel all or any of the license held by the owner.

**27. Appeal from Deputy Conservator's decision:-** An appeal shall lie from any decision of the Deputy Conservator under these rules, to the Conservator of the Port. Such appeal shall be preferred in writing within seven days from the date on which the decision of the Deputy Conservator has been communicated in writing to the party or parties concerned.

**28. Fees:-** The following fees be leviable for survey, licensing, inspection of the harbor crafts.

***Sl.No. Service rendered Boats Canoes & Catamarans Power***

***other than shoe dhonies Rs. P. driven***

***Canoes & Rs. P. craft***

***Shore Rs. P***

***dhonies***

***Rs. P.***

1. Issue of license 500.00 250.00 250.00 630.00

2. Amendment of the license or 150.00 150.00 150.00 150.0

transfer of license in favour of another person.

3. Grant of duplicate license 150.00 150.00 150.00 150.00

when the original is lost

mislaid or rendered

illegible

4. of tindals 150.00 150.00 150.00 150.00

5. Amendment to registration 150.00 150.00 150.00 150.00

of tindal

6. For each survey and 500.00 250.00 250.00 630.00

measurement

7. Annual inspection 500.00 250.00 250.00 630.00

8. Special inspection 500.00 250.00 250.00 650.00

**29. Special provisions applicable to Steam Boats and Motor Boats licensed under these rules:-** (1) Every steam boat licensed under these rules shall while plying for hire or otherwise have on board the following certificated officers namely :-

(i) If she has engines of not less than 100 N.H.P.

(a) As her master, a person possessing a First Class Master's certificate granted under the Inland Steam Vessel Act, 1917, (1 of 1917) or a Master's Certificate or Mat's Certificate of a Competency granted under Merchant Shipping Act, 1958 (44 of 1958) or under such Regulations as the Central Government may from time to time specify in that behalf; and

(b) as her Engineer a person possessing an Engineer Certificate granted under any of the aforesaid Acts or Regulations:

(ii) if she has engines of less than 100 N.H.P but not less than 40 N.H.P.

(a) as her Master, a person possessing a Second Class Master's Certificate granted under the Inland Steam Vessels Act, 1917 (1 of 1917) or any such certificate as is referred to in sub-clause (a) of Clause (i) and

(b) as her Engineer, a person possessing a First Class Engine Driver's Certificate granted under the Inland Steam Vessels Act, 1917 ( 1 of 1917) or an Engine Driver's Certificate granted under the Merchant Shipping Act, 1958 (44 of 1958) or under such regulations as the Central

Government may, from time to time specify or any such certificate as is referred to in sub-clause (b) of clause (i).

Provided that a boat shall be deemed to have complied with this clause if she has a person possessing both Certificates referred to in sub-clause(a) and sub-clause (b) ; and

(iii) if she has engine of less than 40 N.H.P.

(a) as her Master, a person possessing a Serang's Certificate granted under the Inland Steam Vessels Act, 1917 ( 1 of 1917) or any such certificate as is referred to in sub-clause (a) of Clause (ii) and

(b) as her Engineer, a person possessing a Second Class Engine Driver's Certificate granted under the Inland Steam Vessels Act, 1917 ( 1 of 1917) or any such certificate as is referred to in sub-clause (b) of clause (ii).

Provided that a boat shall be deemed to have complied with this clause if she has a person possessing both the Certificates referred to in sub-clause(a) and sub-clause (b) ; and

2. Every motor boat licensed under these rules shall, while plying for hire or otherwise have on board the following certificated officer namely :

(i) if she has engines of not less than 565 B.H.P.

(a) as her Engineer, a person possessing a Motor Engineer's Certificate granted under the Inland Steam Vessels Act, 1917(1 of 1917) or a certificate as a First Class or Second Class Engineer of Sea-going motor ship granted under the Merchant Shipping Act, 1958 (44 of 1958) or under such regulations as the Central Government may from time to time specify in that behalf.

(b) as her Master, a person possessing a First Class Master's Certificate under the Inland Steam vessels Act, 1917 ( 1 of 1917) or a certificate of Mate's Certificate or Competency granted under the Merchant Shipping Act, 1958 ( 44 of 1958) or under such regulations as the Central Government may from time to time specify.

(ii) if she has engine of less than 565 BHP but not less than 226 B.H.P.

(a) as her Engineer, a person possessing a First Class Motor Engine Driver's Certificate granted under the Inland Steam Vessels Act, 1917 ( 1 of 1917) or a Certificate of an Engine Driver of a sea-going motor ship granted under the Merchant Shipping Act, 1958 (44 of 1958) or under such regulations as the Central Government may from time to time specify or any such certificate as is referred to in sub-clause (a) of clause (i); and

(b) in case the engines are used for propulsion, as her Master, a person possessing a Second Class Master's Certificate granted under the Inland Steam Vessels Act, 1917 ( 1 of 1917) or any such certificate as referred to in sub-clause (b) of clause (i); and

(iii) if she has engines of less than 226 B.H.P :-

(a) as her Engineer, a person possessing a Second Class Motor Engine Driver's Certificate granted under the Inland Steam Vessels Act, 1917 ( 1 of 1917) or a certificate of an Engine Driver of a Sea-going motor ship granted under the Merchant Shipping Act, 1958 (44 of 1958) or under such regulations as the Central Government may from time to time specify or any such certificate as is referred to in sub-clause (a) of clause (i) and

(b) in case the engines are used for propulsion, as her Master, a person possessing a Second Class Master's certificate granted under the Inland Steam Vessels Act, 1917 ( 1 of 1917) or any such certificate as referred to in sub-clause (b) of clause (i) and.

(iv) if she has engines of less than 226 B.H.P.

(a) as her Engineer, a person possessing a Second Class Motor Engine Driver's Certificate granted under the Inland Steam Vessels Act, 1917( 1 of 1917) or any such certificate as is referred to in sub-clause (a) of clause (ii); and

(b) in case the engine are used for propulsion, as her Master, a person possessing a Serang's Certificate granted under the Inland Steam Vessels Act, 1917 ( 1 of 1917) or any such certificate as is referred to in sub-clause (i) and clause (ii); and

Provided that a motor boat having engines of not more than 40 B.H.P may have as her Engineer, a person holding permit granted by the Central Government or by any person duly authorised by the Central Government in this behalf ;

Provided further, that motor boat having engines of not more than 20 B.H.P the length of which measures from the fore part of the stem to the after part of the stem post does not exceed 30 feet may have as her Master and Engineer a person possessing both the certificates referred to in sub-clause (a) and sub-clause (b);

Provided also that a motor boat having engines of not more than 20 B.H.P the length of which measured as aforesaid does not exceed 30 feet, which is used exclusively for personal recreation by the owner or his family or friends need not carry a certificated Master or Engineer but may be navigated by the owner or any other person possessing a permit granted by the Central Government or by any person duly authorised by the Central Government in this behalf.

(3) Any person who has served as Master, Serang, Engineer or Engine Driver of a Steam boat or Motor-boat plying in a Port for a period of two years on the 1st January, 1976 but is not in possession of the certificate of competency required under sub-rule (1) or sub-rule (2) as the case may be, may be granted in the case of the Master or Serang by the Deputy Conservator and in the case of Engineer or Engine Driver by the Superintendent, Mechanical, a certificate to the effect that he is, by reason of his having so served, competent to act as Master, Serang, Engineer or Engine Driver as the case may be, on board such steam boat or motor boat while plying in the Port without examination, on payment of the fees set out below:-

First Class Mater's Certificate	Rs.20.00
Second Class Master' Certificate	Rs.15.00
Serang's Certificate	Rs.10.00

Second Class Engine Driver's or

Second Class Motor Engine Driver's

Certificate Rs.10.00

First Class Engine Driver's or

First Class Motor Engine Driver's Certificate Rs.15.00

Engineer's or Motor Engineer's Certificate Rs.20.00

4. The Central Government may in special circumstances:

(a) exempt any class of steam boats or motor boats from the requirement of sub-rule (1) or sub-rule (2) as the case may be.

(b) lay down the qualifications required for the officers employed on such boats.

### **30. Provision of Sand Box and Fire Extinguishers and silences on Noisy Engine :-**

(1) Every motor boat licensed under these rules shall be provided with a sand box and an approved patent fire extinguisher of suitable capacity for extinguishing fire and the owner shall keep it free from oil refuse.

(2) Noisy engines of all motor boats licensed under these rules while plying within the port shall be fitted with efficient silences.

### **31. Sinking of Licensed Harbor craft**

The owner of any licensed harbor craft which has been sunk within the Port area shall forthwith report the fact of such sinking and the place where it occurred to the Deputy Conservator.

### **32. Procedure for imposing penalties**

Every person on whom a charge of breach of any of the provisions under these rules are made shall be given a reasonable opportunity of being heard before any penalty is decided for such offence, and that no order imposing a penalty under these rules shall be made except after giving the person on whom such penalty is proposed to be imposed a reasonable opportunity of being heard.

**FORM "A"** [Click here](#)

**FORM "B"** [Click here](#)

# FORM "A"

(See Rule 4 (2) )

License No:

License granted to ..... Owner of the boat measuring .....feet long.....feet broad.....feet deep.....registered tonnes , to carry cargo(other than animals) and /or passengers/animals to the extend specified below, to and from ships at or off the Port of Tuticorin under the restrictions and subject to the penalties laid down in the port of Tuticorin (Harbour Craft) Rules, 1976.

Date of Registry	Name, number and description of Harbour craft	Rig and equipment	When built and where	When repaired, last and in what condition	Cargo without Passengers		Number of passengers without cargo	Number of crew
					Number of animals and presumed weight	Weight of cargo other than animals		
1	2	3	4	5	6	7	8	9
					Number of animals and presumed weight In fine weather	In rough weather In fine weather	In rough weather In fine weather	In rough weather In fine weather Tindal, Lascars  In rough weather Tindal, Lascars

Note : Two children under 12 years of age = 1 adult

# FORM "A"

Particulars respecting the owner or owners of the boat		Particulars respecting the Tindals of the boat		Period for which license to be in force	Remarks
Name or Names	Occupation, Place or places of residence	Name	Place of residence		
10	11	12	13	14	15

Licensing Officer / Registering Officer  
Extended to.....

Ditto

Ditto

Ditto

Endorsement of change of Tindal

**FORM "B"**  
(See Rule 10)

Register showing the names, ages, places of residence and Signature/thumb impressions of Tindal's employed in the Port of Tuticorin for the year 1976.

S.No	Date of registry	Number of harbor craft	Name	Age			Place of Residence	Signature/thumb impression(in case illiterate)	Remarks
				Years	Months	Days			
1	2	3	4	5	6	7	8	9	10

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