

PARADIP PORT TRUST

**HAND BOOK
OF
RULES AND
REGULATIONS**

5TH EDITION

2004

PREFACE TO FIRST EDITION

This is the first time that a “ Hand Book of Rules and Regulations of Paradip Port Trust” is compiled for publication. This Hand Book contains all Rules, Regulation and orders issued by either the Ministry of Shipping & Transport, Government of India or the Board of Trustees, Paradip Port Trust under the Indian Port’s Act 1908, Major Port Trusts Act 1963 or rules made there under for transaction of official business of the Port of Paradip. This compilation will not only be a guide to the employees of the Port Trust but will also be a reference book to others.

Premanada Tripathy
Chairman
Paradip Port Trust

PREFACE TO SECOND EDITION

This is the second time that a “ Hand Book of Rules and Regulations of Paradip Port Trust” has been compiled for publication. This Hand Book contains Rules, Regulation and others directives issued either by the Ministry of Surface Transport, Government of India or under orders of the Board of Trustees, Paradip Port Trust under the Indian Port’s Act 1908, Major Port Trusts Act 1963 or rules made there under for transaction of official business of the Port of Paradip. I am sure, Officers, employees and Port users will find it very useful for reference and guidance.

Prasanna Kumar Mishra
Chairman
Paradip Port Trust

PREFACE TO THIRD EDITION

This is the third time that a “ Hand Book of Rules and Regulations of Paradip Port Trust” has been compiled for publication. This Hand Book contains Rules, Regulation and other directives issued either by the Ministry of Surface Transport, Government of India or under orders of the Board of Trustees, Paradip Port Trust, under the Indian Port’s Act 1908, Major Port Trusts Act 1963 or rules made there under for transaction of official business of the Port of Paradip. I am sure, Officers, employees and Port users will find it useful for reference and guidance.

Prasanna Kumar Mishra
Chairman
Paradip Port Trust

PREFACE TO FOURTH EDITION

This is the fourth time that a “ Hand Book of Rules and Regulations of Paradip Port Trust” has been compiled for publication. This Hand Book contains Rules, Regulation and other directives issued either by the Ministry of Surface Transport, Government of India or under orders of the Board of Trustees, Paradip Port Trust, under the Indian Port’s Act 1908, Major Port Trusts Act 1963 or rules made there under for transaction of official business of the Port of Paradip. I am sure, Officers, employees and Port users will find it useful for reference and guidance.

Shri Ashok Kumar Patnaik
Chairman
Paradip Port Trust

PREFACE TO FIFTH EDITION

The Administrative Department has compiled the Fifth Edition of "Hand Book of Rules & Regulations of Paradip Port Trust". This Hand Book contains Rules, Regulations and other directives issued by Ministry of Shipping, Government of India, Orders pertaining to Resolutions of Trust Board Meetings as per the Provisions of Indian Ports Act 1908, Major Port Trust Act, 1963 alongwith rules made there under for transaction of official business of the Paradip Port Trust.

I congratulate the Administrative Department for undertaking this task. I am sure that this compilation will serve as an appropriate reference & guide to all concerned.

Subrat Trupathy
Acting Chairman
Paradip Port Trust

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LIST OF ABBREVIATIONS USED

Ins..... Inserted
S Section
Subs Substituted.

PARADIP PORT RULES, 1966

New Delhi the 19th December 1966

G.S.R. 1982- In exercise of the powers conferred by subsection (1) of section 6 of the Indian Ports Act, 1908 (15 of 1908), the Central Government hereby makes the following Rules for the port of Paradip, the same having been previously published as required by subsection (2) of the said section namely :-

I. Preliminary

1. Short title and application--

- (1) These rules may be called the Paradip Port Rules, 1966.
- (2) They shall, unless otherwise provided in these rules, be applicable only within the local limits of the port of Paradip.

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 port of Paradip 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 degrees centigrade.
- (e) "Deputy Conservator" means the head of the Port's Marine Department and includes the harbour master or any pilot duly authorised 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) "Master" in relation to any vessel means any person (except pilot or harbour master) having for the time being the charge or control of such vessel.

(h) "Owner" in relation to goods, includes any consignor, consignee shipper or agent for the sale, custody, Loading or unloading of such goods, and in relation to any vessel making use of the port, includes any part-owner, charterer, consignee, or mortgagee in possession thereof.

(i) "Petroleum" means any liquid hydro-carbon or mixture of hydro-carbon and any inflammable mixture (Liquid, viscous or solid) containing any liquid hydro-carbon, but does not include any oil ordinarily used for lubricating purpose and having a flash point at or above 93.3 degrees centigrade.

(j) "Pilot" means a person for the time being authorised by the Central Government to pilot vessels under sub-section (3) of section 3 of the Act.

(k) "Port" means the port of Paradip.

(l) "Port authorities" means the Administrator, Paradip Port appointed by the Central Government and includes any other officer of the Port acting under the authority of the Administrator Paradip Port.

(m) "Tanker" is a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature.

(n) "Traffic Manager" means the officer for the time being in charge of traffic operations in the port and includes the Deputy and Assistant Traffic Managers and any other officer acting under the authority of the Traffic Manager.

II. Admission of vessels into Port

3. Intimation of a vessels expected arrival- (1) When a vessel is expected to arrive, her agents shall, at least fortyeight hours before the expected time of arrival, send a notice in the form prescribed by the Deputy Conservator, to the Traffic Manager with a copy to the Deputy Conservator. 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. This cargo advice should be in triplicate.

(2) The agents of expected vessels should 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-- 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. Further, 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 disembarking troops, passenger vessels and any other class of vessels which the Deputy 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. Under exceptional circumstances, such as death or serious illness of the master, special arrangements may be made in consultation with the Deputy Conservator.

8. Orders etc., of the Deputy conservator to be carried out-- Master and owners of vessels shall obey all direction of the Deputy Conservator in relation to the rotation and manner of approaching the port entrance and of coming into or going out of port.

9. Entering or Leaving Port-- All sea-going vessels on entering or leaving the port between sun-rise and sun-set shall fly their national flag, and when entering the port, each vessels shall hoist her signal letters.

10. Piloting of Vessels-- subject to the provisions of the Act and the conditions given below, pilotage is compulsory for all vessels except for those which are specifically exempted in writing by the Deputy Conservator or some other officer specially empowered by him in this behalf.

(a) The pilot shall board in-coming ships and disembark from outgoing ships about 4cables length seaward of the Fair Way light Buoy in a position Lat. 20° 14. 5' N. Long. 086° 43.0' E and will assist in piloting vessels to and from their assigned berths and in berthing/unberthing such vessels.

(b) 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.

(c) In the event of an out-going vessel carrying a pilot outside the limits 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.

(d) 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.

(e) Every vessel entering or leaving the port shall be provided with an efficient pilot ladder in compliance with the India Merchant Shipping (Pilot Ladder) Rules, 1953. If a pilot considers the rope ladder or man-ropes provided by a 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.

(f) Vessels shall not anchor within the Outer Channel (Sea Admiralty chart No. 538 and Chart Approaches to Paradip) Fairway Buoys or within 4 cables length across the entrance marked by the Outer Channel Fair Buoys or in any other prohibited anchorage, nor shall a master attempt to enter the channel to pick up a pilot.

(g) 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 to 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. Should the accident occur while the vessel is leaving the port the master should send in full report direct to the Deputy Conservator from his next port of call. This report should be accompanied by a signed statement of any witness to the incident in question.

(h) 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 or installation within any dock area.

Explanation-- For the purposes of this rule, the expression "dock area" shall consist of the following, namely :-

(i) The area enclosed by fencing along the eastern, western and northern shores adjacent to the banks of the lagoon or turning basin ;

(ii) The Iron Ore berth area enclosed by customs boundary wall ;

(iii) 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 :-- Masters 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 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 expense of the master or the owner.

15. Other precautions-- (a) Vessels when entering leaving or being moved in 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.

(b) Vessels when entering, leaving, being moved or lying in the port alongside quays or jetties shall have their sides free of all projections. Their boats, davits and derricks shall be swung in board and gangway landers shall be stored in board.

(c) Masters and owners of vessels shall be responsible for all accidents which may result from failure to adopt any of the precautions specified in clauses (a) and (b).

16. Vessels lying outside the Port Entrance channel to be moved:-- A vessel lying in the harbour near the entrance to the port or in the fairway of the channel, or near the entrance channel in the pilotage waters of the harbour shall be removed by the master or owner, if and when required by the Deputy Conservator. Should such removal be 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.

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 Harbour 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-- Masters or owners of vessels shall obey the directions of and shall offers 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 it 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, mooring ports or other appliances specially provided for the purpose.

21. Vessels to be in charge of competent persons-- 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. Watchmen to be kept on deck-- A vessel in the port shall maintain a Quarter Master or a Watchman always on duty on the deck, who shall be in charge of the vessel's shore gangway and attend to the mooring ropes and lines of the vessel. 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 to be worked-- 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-- Masters shall be responsible for the immediate buoying of any anchor or other gear that may be dropped over board 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 ballsted that in the event of fire or other emergency, they may be removed from their berths without danger.

26. Repair to vessels- Masters intending to carry out repairs are required to bear in mind the following conditions, namely :--

- (i) Vessels shall not be immobilised without first obtaining permission from the Deputy Conservator.
- (ii) Vessels are likely to be moved from the berths when the berths are required for working cargo by other vessels.
- (iii) The Deputy Conservator may, if considered desirable prohibit chipping or repairs causing excessive noise between 10.00 and 17.00 hours.
- (iv) 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 in to 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 take immediate steps to remove the said cargo, goods or substance from the water.

29. Recovery of goods rubbish 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 do so the Deputy Conservator may remove such cargo goods or substance and any expenses 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 ballot, baskets, bottles, cinders dirt , dung, refuse, rubbish, shavings, stores or other similar loose materials or substances.

31. Prevention of materials falling in to Port, Disposal of ashes etc.-- Masters or owners of vessels or stevedores loading or unloading, ashes, ballast, bricks, cinders, coal, dustlime, rubbish, shingles, stones, tiles or any other loose matter, shall use, for such loading or unloading, a canvass cloth or wooden chute, to the satisfaction of the Deputy Conservator. Ashes, cinders, 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 a Vessel-- Projection 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. Fendere-- Fenders provided by the Port at the quay, jetty berths shall not be lifted or removed by the master 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 regulation 15, 28 and 31 of the International Regulations for preventing collisions at sea and in case of emergency when assistance from the shore is urgently required in the interest 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 harbour along side 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 of 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 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 Masters 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 thier vessels.

43. Port authorities accept no liability for delay, etc. -- The port authorities shall not be liable for any delay in respect of a vessel entering, remaining in or going out of the port or for dealy 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 Master, 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 required under 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 required under sub-rule (2)

2. The following methods shall be used for raising an alarm :-

1. Afloat by day - Hoist International Flag 'D.Q' sound continuous blasts on ship's whistle or siren until the arrival of the Fire float.

2. Afloat, by night- Sound whistle or siren as above hoist TWO RED LIGHTS above the other 6' (six) feet apart. When ships are alongised the alarm is to be raised by telephone in addition to the above procedure.

3. Ashore by day or night- Run to the nearest telephone and ring up Port Exchange and on being connected, state clearly :

FIRE IN SHIP AT
FIRE ASHORE AT

Note- The Port PBX Operator should take care that the connection to Port Fire Office is given WITHOUT ANY DELAY WHATSOEVER,

45. Prohibition of under-water salvaging or repairs- No person shall salvage any anchors, cables, stores, or for cargoes lost or supposed to be lost therein or undertake under-water repairs to vessels without the prior permission of the Deputy Conservator or an officer authorised by him.

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-- The loading and unloading of vessels in the port shall be 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 to 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 loading export cargo in the port may be required to give up her berth, if 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-

(i) The master, owner or agent of a 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. The manifest shall show full details of each consignment manifested including literage in the case of liquids in bulk and gross weight in kilos in other cases. Non-Submission of such manifests within the stipulated time may result in the vessel concerned not being permitted to break bulk. Where the consignment consists of packages of different weights, the gross weight in the metric system of each package shall be furnished in addition.

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 permitted to break bulk.

(ii) 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 filed for the vessel.

(iii) 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, Where the consignment consists of packages of different weights, the gross weight in the metric system of each package shall be furnished in addition.

(iv) The agents of a merchant vessel departing from the port, whether loaded or in ballast shall before three days of her departure, furnish the Traffic Manager, with a copy of her Export manifest.

52. Documents to be produced by shippers and consignees-- 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 agents. Except when required by the person authorised by the Traffic Manager to call for and 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.

53. Opening of packages--

No package shall be opened inside the harbour 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 of iron, steel machinery packages, long and unwieldy heavy lifts 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 hightide 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 permission of the Traffic Manager who may refuse such permission in cases where he considers any loss or damage to property is likely to arise from coal or similar dust, caused by such discharge or shipment.

(2) 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 clearing the wharf of the residue.

57. Works of art, bullion, etc.-- The port will not accept any responsibility in respect of any package containing a work of art or an article of vertu of which the value including that of the package exceeds Rs. 500 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 harbour 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 a receipt therefor obtained. Should any package containing any of the articles referred to above be brought to any wharf or pier without the 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 Custom House or to the sheds port 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 shed or to cause damage to other goods may be discharged from a vessel in the port only with 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.

(2) 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. 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 therefrom into the vessel' 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 substance discharged from any vessel and lying in the port decay into such a rotten putried or other condition 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 be no owner, the master, owner or agent of the vessel from which the goods or substance had been discharged, to forthwith cause the said goods substance to be removed out of the port, and if such owner or master, owner or agent, as the case may be shall, on being so required, refuse or neglect, 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. The owner or the master, owner or agent, as the case may be shall within forty-eight hours after demand in writing, pay to the port authorities all the costs of expenses attending or occasioned by such removal and destruction and of such cleaning, purifying or disinfecting the place discharge or storage.

60. Handling of Cargoes likely to Contaminate Food Stuff--

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. In all cases, where such permission has not been given, the vessel shall either discharge such cargo direct on to the quay, provided adequate arrangements have been made by the steamer agents with the consignees to the satisfaction of the Traffic Manager, for the clearance of such cargo direct from the landing point, rail or road transport, or land such cargo overside 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--

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.

Please [See Paradip Port Trust (Licensing of Stevedors)

Regulation 1987 at Page - 212]

62. Issue of Licences to Stevedores--

(1) The Deputy Conservator shall, from year to year, issue licences to certain approved firms and individuals granting them permission to perform the work of stevedoring vessels in the port and no stevedoring shall be allowed to work on board any vessel in the port unless he is in possession of such licence.

(2) The Deputy Conservator 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 provisions of Rule 63 or 64. The license may likewise be cancelled or suspended if, after the grant thereof, it is discovered that the application for the licence contained any misrepresentation or misstatements of material facts or if the licensee has been adjudged insolvent or has gone into liquidation, as the case may be, or if the licensee or his workmen cause any damage to port property to any vessel or equipment thereof 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 licence should not be cancelled or suspended as the case may be.

Provided further that no such opportunity for showing cause shall be necessary when the licence is suspended pending an inquiry against the holder of the licence for contravention of any of the terms thereof or for contravention of any of these rules or for doing anything for which the licence is liable under this rule to be cancelled or suspended.

63. Conditions for Issue of Licence 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 the relevant laws, rules and regulations for the time being in force.

(2) 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 Labour Act. 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.

(3) 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 hatchway at which loading, unloading or bunkering is being carried on. The tindal shall supervise the slinging or unslinging of goods in the hold and wherever a vessel is loading cargo in the between-decks alone he shall see that the between deck batches that are

~~provided with cross beams and fore and aft beams have all such beams fixed in their proper places, and that the hatch covers are properly put on and effectively secured to prevent their displacement before commencing work; the foreman shall remain on deck and see that the crane chain is not taken out of the square of the hatchway, and that the hook does not catch coamings or foul any of the ships gear or damage any structure or erection or ashore. The foreman shall give correct signals to the crane driver and shall superintend the taking off and putting on the beams and hatch covers and shall see that persons keep out of danger on deck and do not stand under any hoist. The foreman shall, where work is stopped for the day or night, search and satisfy himself that no one is remaining in the hold. The stevedore 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 superintendence of master, etc. or stevedore- Their liabilities--

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 licenced by the Conservator to perform such work in the port. Such master, owner, or stevedore shall be personally liable in respect of any loss or damage arising from the careless or improper slinging of goods on board such vessel and shall in every instance observe the following precautions, namely :-

- (i) That the sling is laid out flat without turns or kinks before any goods are loaded therein;
- (ii) That after each sling has been made up and with the first strain on heaving up, the running loop is well beaten home with a wooden bar in order that the grip may be made secure.

65. Masters, 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 vessels shall be jointly and severally responsible for the proper provision of lights in all those parts of vessels, where work is being carried on either with the use of the port's cranes, quays, piers or other property or otherwise. In default, they shall jointly and severally be liable in respect of any loss or damage to life, limb or property resulting therefrom.

66. Making up of Slings-Cranes not to be used under vessel's coamings--

Slings of import goods shall be made up directly under the open hatch-way of any vessel unloading in the port and under no circumstances the Port's cranes shall be employed for the purpose of breaking out or removing goods from under the coamings.

67. Use of vessel 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 may be fixed in positions as directed by the Stevedores.

(2) Ship's Officers shall see that the port 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 it is necessary or advisable to do so.

69. Discharge of heavy lifts--

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. 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 weight (Herein after referred to in this rule as heavy package) shall not be loaded on board any vessel in the port or along side 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.

(1) Manner of marking of heavy packages--

(a) The gross weight on a heavy package shall be marked thereon in English and the regional language if possible with a kind of paint which is not easily effecable.

(b) Where a heavy package is of a light colour, black paint and where the package is of a dark colour white or yellow paint shall be used for such markings.

(2) Gross weight to be marked in metric tons/kilograms--

Subject to the provisions of clause 6, the gross weight of a heavy package shall be marked thereon in metric tons/kilograms.

(3) 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.

(4) Size of letters or figures--

Every letter or figures used to mark the gross weight of a heavy package shall be at least seven and half Cms. (three inches) in length and half Cms.(one quarter of an inch) in breadth.

(5) 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 material and nature as can stand the strain of the packages being handled during the course of loading or unloading so that the risk of any injury to persons who handle the package is minimised.

(6) Marking of Approximate Weight in certain circumstances--

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/kilograms shall be marked thereon in the manner herein before specified.

Provided that such anticipated maximum weight shall be so assessed that it does not fall below the actual weight of the package.

Consignors and their agents, agents of vessels and stevedores shall be held responsible for any breach of the provisions of this rule.

71. Hazardous substances-General Restrictions—

The handling, transport and storage within the port limits of all substances, classified as hazardous (as defined in the recommendations of the United Nations

Committee of Exports 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--

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 owner 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 finished in default, removal 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 removal.

73. Arms--

The master, owner or agent of every vessel entering the port and having on board as import cargo for discharge, packages containing arms and ammunitions. shall as soon as possible after arrival in the port furnish to the Traffic Manager a complete list of all such packages. After discharge, such packages shall be handed over by the master into the direct charge of the shed foremen, who shall grant a receipt therefor in the specified form and shall immediately lock up the packages in the transit shed. The external condition of all packages containing arms and ammunition shall be carefully examined before a receipt is given therefor and any matter which calls for special mention shall be entered in the remark column thereof. Packages containing arms and ammunition 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 exempt any vessel or line of vessels, from the provision of this rule for such period as the Conservator may think fit.

74. Ammunition and Explosives--

The master of any vessel arriving in the port with ammunition or explosives, other than fireworks, etc., forming part of the ship's equipment of distress signals, or over 54 kgs. (100 lbs) in weight of gunpowder, on board as cargo, shall display a red flag B of the International Code at the fore during day-time, and between sunset and sunrise shall exhibit a red light at the fore or so long as the ammunition, explosives or gunpowder are on board within the limit of the port.

75. Landing of Explosives or other Dangerous Cargo--

(i) No package containing gunpowder or other explosive 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 there of, all rules or directions made or given by the port authorities from time to time to ensure safety shall be rigidly adhered to and observed.

(ii) Every vessel while loading, discharging or handling explosive 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 cased dangerous petroleum are completely closed. All ventilators to the stockhold shall be carefully attended and properly trimmed and wind-sails shall be rigged to the stockhold to prevent any pocket of gas accumulating in vessels which have any cased dangerous petroleum on board.

V. Discharged and Shipment of fuel oil and non-dangerous Petroleum.

76. Discharge of Fuel Oil in Bulk--

Vessels carrying petroleum in bulk shall observe the provisions of the Petroleum Rules, 1937, and all other rules or directions made or given by the Traffic Manager, from time to time to ensure safety.

77. Bunkering 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 ;--

(a) During all such time as any vessel is receiving fuel oil into her bunkers, the master or first mate of such vessel is present on board and he shall see that the provision of these rules are complied with and that all reasonable precautions for safety are observed.

(b) a ship's officer shall be on watch and an attendant of the oil company supplying the bunkers shall be stationed alongside the flexible connecting pipe while bunkering is in progress.

(c) no smoking, cooking, naked lights or forges shall be allowed on the vessels decks while bunkering is in progress.

(d) a suitable gutter or other contrivance shall be placed under the connecting service pipe to prevent any oil from dripping on the wharf or into the port basin.

(e) masters and owners of vessels receiving fuel oil and supplier of fuel oil for bunkering shall jointly and severally be held liable for any damage caused to any property belonging to the port or cargo in charge of the Traffic Manager by any defect in, or failure of the apparatuses or appliances of the vessels or the suppliers.

(f) no cargo other than steel plates, iron rails, and similar goods unaffected by oil, shall be allowed on the wharf within fifty feet of the oil, stand pipes, and shed doors immediately behind them shall be kept closed while bunkering is in progress.

(g) before bunkering commences, the attendant shall see that the telephone connection to the oil company's depot is in working order.

VI. Rules with respect to fire and lights

78. Smoking, etc--

Smoking and the use of any unprotected fire or light in any shed or warehouse within the port is strictly prohibited and no person shall smoke or ignite lucifer matches or other inflammable article on any pier or quay on board any vessel within the port, except in such places as may be allotted for the purpose.

79. Fires and lights

(a) No vessels shall be fumigated except at a place appointed by the Deputy Conservator for the purpose.

(b) Pitch or dammer shall not be heated on board vessels within the port; but in bost alongside or astern, nor shall spirits be drawn off on board such vessels by candle or other unprotected artificial lights.

(c) Vessels while loading cotton, shall not have any unprotected lights in the hold.

(d) When gunpowder, ammunition or other explosives exceeding 45 Kgs. (100lb.)

in weight are being shipped on or discharge from, any vessel within the limits of the port, no fires, lights or smoking shall be permitted on board, except as provided in the Explosives 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 whenever demanded and no person shall disobey the orders of any police officer or watchman for extinguishing any fire or light used in contravention of these rules.

VII. Miscellaneous

81. Quays, etc., and port area to be under the authority of the Traffic Manager--

(1) 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 in the open, he 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.

(2) No person shall enter any port area without a permit or token issued 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. No person shall allow any other person to use any permit or token issued to him as aforesaid. 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. Regulations of working hours of the various sections of the port-

The hours during which work may be carried on in each of the several sections 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 holiday shall be made to the Traffic Manager, who on production of the necessary permission from the Customs Department shall make necessary arrangements for the proper conduct thereof. Work on such days 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 these notified by the Deputy 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 pathways leading thereto, and therefrom, which shall be indicated by notice-boards.

86. Licensed Carpenters to be allowed in the sheds for opening and repairing cases-

The Traffic Manager shall grant licence to persons qualified to work as carpenters in the port for opening and repairing cases at the instance of the owners thereof and no person other than those license as such shall be allowed to carry into the port any tools or other instruments used for such purposes.

87. Issue of licences to hawkers-

No person shall hawk or sell goods within the port or on board any vessel within the port without a licence from the Traffic Manager, For this purpose, the Traffic Manager may issue licences to persons which shall be renewale yearly; provided that such persons shall obtain the prior approval in writing of the Collector of Customs and that such licence 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 of trucks and hand-barrows out of port-

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 expense 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 and mooring, rope chain, life-buoy,

life line 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 the 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 or offer or attempt to molest, assault, hinder, obstruct, impede, or interrupt any employee of the port in the performance of his functions, or disobey his lawful orders or use abusive or offensive language or aid or incite others to do any of these things.

91. Playing of Vehicles--

Motor lorries or other vehicles for the conveyance of goods shall not be driven along or upon any of the roads, wharves or quays within the port or be admitted into or allowed in the port without a licence issued in this behalf by the Traffic Manager and except in accordance with the following conditions, namely.

- i) Such vehicles shall conform, in all respects, to the provisions of the Motor Vehicles Act, 1939, and the rules made thereunder.
- ii) Such vehicle shall not be left unattended.
- iii) Such vehicles 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 purpose of loading or unloading subject to control by the port and police officers.
- iv) 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 and/or Customs Officers on duty at the gate and the Driver there of shall on demand produce for inspection the licence permitting the lorry or vehicle to enter the port.
- v) No such vehicles shall be allowed to remain within the port longer than shall, in the opinion of the Traffic Manager, be necessary for the purpose of loading or unloading goods, Loitering and plying for hire is prohibited.
- vi) No such vehicles shall fill their tanks with petrol or other fuel within the port without a special permit from the Traffic Manager.
- vii) The licence granted to any vehicle under this rule may be revoked by the Traffic Manager at any time without assigning any reason and no refund shall be made of any proportionate fees in respect of the unexpired portion of the period of the licence, if any.

92 Offer or 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-

All necessary signals may be made by 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 the Morse and Semaphore Codes may be made to the Port Signal Station using flag 'Z' during the day and flashing 'Z' at short intervals at night to call up station.

94 Bad Weather Arrangements-

During the prevalence of adverse or threatening weather, the Master of every vessel in the port is required to attend to the following direction, namely:-

(a) he should not be absent from his vessel between sunset and sunrise.

(b) he should keep his vessel ready in all respects to proceed to sea at short notice. If this is not possible for him, he must communicate the fact at once to the Deputy Conservator.

(c) on the hoisting of the danger signal, he should take all measures for the safety of his vessel, as no further instructions will be furnished by the port authorities.

95. 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.

96. Penalty for Contravention of Rules--

If any person contravenes any of the provisions of these rules or any order made thereunder, he shall be punishable for every such offence with fine which may extend to one hundred rupees.

NOTE : Paradip Port Rules, 1966 were published vide G.S.R. No. 1982 in The Gazette of India dt.24.12.1966.

PARADIP PORT HARBOUR CRAFT RULES 1967

G.S.R 980- In exercise of the powers conferred by subsection (1) of section 6 of the Indian Ports Act, 1908 (15 of 1908), the Central Government hereby makes the following Harbour Craft Rules for the port of Paradip the same having been previously published as required by sub-section (2) of the said section 6, namely:-

1. Short-title and application-

- (1) These rules may be called the Paradip Port harbour Craft Rules, 1967.
- (2) They shall apply to the port of Paradip.

2. Definitions--

In these rules, unless the context otherwise, requires :

- (a) "Deputy Conservator" means the Deputy Conservator, Paradip Port ;
- (b) "Form" means a form appended to these rules ;
- (c) "Harbour Craft" means any catamaran plying for hire or any flat or cargo, passenger or other boat plying whether for hire or not and wether power driven or not and whether plying regularly or only occasionally, or partly within and partly without the port.
- (d) "Inner Harbour" means that part of the port which lies North, North-East and North-West of Coordinate +2 and includes the Turning Basin, Ore Berth Arm and any future Arm Dredged and developed from time to time.
- (e) "Licensed harbour craft" means any harbour craft licensed under these rules ;
- (f) "Motor boat" means any power-driven harbour craft propelled wholly or in part by any form of electrical or mechanical power other than steam ;
- (g) "Outer Harbour" means that part of the Approach and Entrance Channels which lies between Co-ordinate +2 and CO-ordinate (--40);

(h) "Owner" used in relation to a harbour craft includes any part owner, agent or mortgage in possession thereof.

(i) "Port means the port of Paradip ;

(j) "Roads" means that part of the port which lies to seaward of the line drawn across the Approach channel at Co-ordinate--1200.

(k) "Servant" used in relation to owner includes the tindal or any boatman:

(l) "Steam-boat" means any harbour craft propelled wholly or in part by steam power;

(m) "Tindal" includes any person in charge of a harbour craft.

3. Harbour craft to be licensed--

No person shall, whether as owner, tindal or servant use any harbour craft to carry goods, or passengers, to or from, any vessel at the port or from place to place within the port unless the harbour craft has been duly licensed under these rules. A harbour craft licensed to ply between ship and shore may also ply from place to place within the port without a separate licence.

Provided that nothing in this rule shall apply to-

(a) any boat forming part of the equipment of a ship or a steamer;

(b) any harbour craft maintained solely for purposes of pleasure;

(c) any boat belonging to the port ;

Provided further that the Deputy Conservator may, if he thinks fit, require any boat or harbour craft referred to in clause (a) or clause (b) to be licensed under these rules,

4. Licensing of Harbour Craft--

1) Every application for the licensing of a harbour 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 authorised by the owner to act on his behalf,

(c) the name of the tindal whom the owner proposes to place in charge of the harbour craft ; and

(d) the nature of the licence required, that is to say whether it is required, for a passenger boat or for a cargo boat, or for any other purpose ;

(e) the details of the harbour craft in respect of its measurements, grosstonnage and other relevant particulars,

2) On receiving an application for licence under sub rule (1), the Deputy Conservator shall survey and measure the harbour craft, or cause it to be surveyed and measured in the presence of the owner or any person duly appointed for the purpose by such owner, and grant a licence in Form A on payment of the fees specified in rule 28 and on being satisfied that the harbour craft is seaworthy and fit for service at the port, or upon the production of certificate in writing from the officer who surveyed the harbour craft certifying--

(a) that such harbour craft is seaworthy, properly equipped and suited for the purpose for which the licence is required.

(b) the number of passengers that such harbour craft is capable of carrying under all conditions.

(c) the number of crew required for the safe navigation of such harbour craft,

(d) that the equipment of such harbour craft is in good order and condition.

3) For purpose of the survey and measurement specified in sub-rule (2) the owner shall cause the harbour craft to be brought to such place as the Deputy Conservator may appoint.

4) Subject to the provisions of these rules, all licences 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 harbour craft is a minor, the licence may be obtained by the guardian of the minor. If the owner is an woman, who according to the customs of the country does not appear in public, the licence may be obtained on her behalf by her duly authorised 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 Licence, Rules, etc, to be produced when demanded--

1) The licence of every harbour craft shall be kept in the possession of the tindal. Who

shall produce the licence whenever called upon to do so by the Deputy Conservator or by any person duly authorised by the Deputy Conservator in that behalf.

2) 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 harbour craft. The owner shall be responsible for ensuring that the tindal understands the provisions 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 harbour craft--

1) The owner of licensed harbour craft shall paint or cause to be painted upon a black background, in white or upon a light black-ground in black English and Hindi figures not less than six inches in length, on a conspicuous part of the bow of such harbour craft on one side, and on the quarter of the other, the number of the harbour craft as mentioned in the licence.

No person shall paint or cause to be painted upon any harbour craft not duly licensed under rule 4, any such number as aforesaid or any other mark likely to induce the belief that such harbour craft has been so licensed.

8. Change of ownership or control of licensed harbour craft--

When the holder of a licence in Form A transfers the ownership of the harbour craft to another person, the licence shall cease to be valid on the expiry of six days from the date of such transfer. Where such holder mortgages the harbour craft to, or places it under the control of another person, the licence shall cease to be valid on the expiry of six days from the date of such mortgage or placing unless an endorsement on the licence is made by the Deputy Conservator to the effect that notwithstanding such transfer or placing, the licence shall continue to be valid.

9. Changes in crew or carrying capacity of licensed harbour craft to be reported--

a) Whenever any alteration in a licensed harbour craft is made so as to affect any of the particulars contained in the license granted to it, such alteration shall forthwith be reported by its owner to the Deputy Conservator, provided that, if such alteration takes place at a time when the harbour craft is away from the port, it may be reported immediately on the return of the harbour craft to the port.

b) In the case of a change of tindal or of any alteration in the harbour craft not affecting its carrying capacity the harbour craft shall not ply until such report is made and in the case of change of tindal until the tindal had also been produced before the Deputy Conservator.

On such report or on such report and production, as the case may be, the Deputy Conservator shall amend the original licence held by the owner and in the case of change of tindal, the register kept under rule 10 shall also be amended.

c) In the case of any alteration in the harbour craft affecting its carrying capacity, the original licence held by the owner shall be cancelled and a fresh licence shall be issued by the Deputy Conservator after the harbour craft has been remeasured, and it shall not ply until such fresh licence has been issued.

10. Registration of Tindals--

1) At the time of licensing of any harbour craft under rule 4, the name of its tindal as entered in the licence 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 harbour craft shall produce before the Deputy Conservator the tindal of the harbour craft for verifying the correctness of the entries in the register.

provided that if such harbour 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 harbour craft if he-

a) is not a certificated officer qualified to be the Master or Engineer of such harbour craft in accordance with rule 29,

b) is in the opinion of the Deputy Conservator unaccustomed to the use of such harbour craft or otherwise inefficient.

11. Annual and Special Inspection of Licensed Harbour Craft and Crew--

On or before the expiry of the licence, the owner of every licensed harbour craft shall produce it together with its licence for inspection to the Deputy Conservator of such place as he may appoint for the purpose. In addition to such inspection, special or partial inspections may be held by the Deputy Conservator or by any person duly authorised by him at such times as the Deputy Conservator may consider necessary. At all inspections under this rule, each harbour craft shall have its full complement of crew and equipment.

12. Repairs of Licensed Harbour Craft ordered for Inspection--

1) The owner of every licensed harbour craft shall execute such repairs thereto as the inspecting 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 harbour 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 harbour craft to be hauled up only to such place or places on the forshore as the Deputy Conservator may from time to time direct.

2) All major repairs to the boiler, machinery or hull of a licenced harbour craft shall be carried out under the supervision of an Engineer and Ship Surveyor, appointed by the Deputy Conservator. The Master or the 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 this sub-rule, the decision of the Deputy Conservator as to whether a particular work should be regarded as a major repair or not shall be final.

3) The fees referred to in sub rule (2) shall be calculated on the following scale, namely-

SCALE OF FEES

(i) For every vessel the gross tonnage of which does not exceed 25 tons.	.....	60
(ii) For every vessel the gross tonnage of which exceeds 25 tons and does not exceed 50 tons.	.....	75
(iii) For every vessel the gross tonnage of which exceeds 50 tons but does not exceed 75 tons.	.....	90
(iv) For every vessel the gross tonnage of which exceeds 75 tons but does not exceed 100 tons.	.....	105
(v) For every vessel the gross tonnage of which exceeds 100 tons but does not exceed 300 tons.	.....	120
(vi) For every vessel the gross tonnage of which exceeds 300 tons but does not exceed 600 tons.	.....	135
(vii) For every vessel the gross tonnage of which exceeds 600 tons but does not exceed 900 tons.	.....	150
(viii) For every vessel the gross tonnage of which exceeds 900 tons but does not exceed 1,200 tons.	.....	180
(ix) For every vessel the gross tonnage of which exceeds 1,200 tons.	.....	180

Plus Rs 30 for every 300 tons or part there of in excess of 1,200 tons.

4) The expenses referred to in sub-rule (2) shall be determined in accordance with general or specific instructions of the Central Government in this behalf.

13. Control of working of licensed Harbour Craft--

1) The owner shall provide every licensed harbour craft with such crew and equipment as may be determined by the Deputy Conservator and entered in the licence. The tindal of the harbour craft shall not have board more or less than the number of the crew specified in the licence for fine or rough weather according as the harbour craft plies in fine or rough weather and shall not carry passengers or goods in excess of the number or quantity entered in the licence for the harbour craft.

2) Every licensed harbour craft plying within the port shall carry such number of life-buoys as may be considered reasonable by the Deputy Conservator and of a type approved by him. Every such harbour craft shall carry in addition. Such buoyant apparatus as may be considered necessary by the Deputy Conservator. All such buoys and buoyant apparatus carried in the harbour craft shall be stowed to the satisfaction of the Deputy Conservator and so as to be readily accessible to the persons on board.

3) Every harbour craft licensed for the carriage of passengers shall be so fitted that sufficient sitting space is available for each passenger and awnings and side weather screen shall also be provided, where necessary, to give protection to passengers from sun and weather respectively.

4) The Deputy Conservator shall exercise his discretion in fixing the number of crew required in a licensed harbour craft plying within the port and carrying passengers.

5) Where the owner of a licensed harbour craft does not desire to carry the full 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 according and endorse the licence to the effect.

14. Obstructing port traffic.

1) No tindal or any member of the crew serving in any licensed harbour craft shall obstruct or hinder the loading, discharging of service of such harbour craft, or of any other licensed harbour craft, or obstruct hinder any vessel working in the port.

2) No tindal shall permit any licensed harbour craft in his charge to obstruct the free navigation of the port or the approaches to wharves or jetties.

15. Compliance with the provision regarding prevention of collisions at sea-observance of the Merchant Shipping (Prevention of collision at sea.) Regulations, 1965--

All licensed harbour crafts, when under way, shall comply with the provisions of the Merchant shipping (Prevention of collisions at sea.) Regulation, 1965.

16. Refusal to ply without lawful excuse--

If the owner or the tindal in charge of a licensed harbour craft plying regularly for hire refuses to ply for hire when required to do so without reasonable excuse, of which the Deputy Conservator shall, subject to the appeal provided in Rule 27, be the sole deciding authority, the licence of such harbour craft shall be liable to be revoked.

17. Working of the licensed harbour craft at night and in bad weather--

(a) No licensed harbour craft shall ply in the outer roads-

(i) between the hours of 6 P.M. and 6. A.M. without the previous permission of the Deputy Conservator.

(ii) when a storm warning signal indicating bad weather or high seas is displayed from the port flagstaff.

(b) When the signal referred to in sub-clause (ii) of clause (a) is hoisted at the port flagstaff, all the harbour craft plying in the outer road shall return to the Inner harbour at once and shall not proceed again to the outer roads without the special permission of the Deputy Conservator until the signal is hauled down.

18. Permissible loading of licensed harbour craft in fine and rough Weather--

(1) No person shall load a licensed harbour craft with passengers or with animals or other cargo in contravention of the terms of its licence.

(2) No tindal of any licensed harbour craft shall permit any animal to be loaded in it, unless the harbour 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 harbour craft, have been complied with.

3) Where animals are carried in a licensed harbour craft, no other cargo or passenger shall be carried therein.

(4) Passengers and cargo other than animals may be carried at the same time only in a licensed harbour 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 harbour craft exceeds the number of quantity entered in the licence the tindal shall before

starting from the vessel or from the shore, require any passenger to leave the harbour craft or any consignee, or shipping or landing agent concerned to remove from the harbour craft the whole or any part of the cargo.

20. Attention to certain signals required of tindals--

The owner of every licensed harbour craft shall instruct the tindal of such harbour craft to pay immediate attention to the harbour craft master flag, square blue flag with four parallel red bars running crosswise which will be displayed on the port flag-staff when the Deputy Conservator desires to carry out an inspection under Rule 11.

21. Licensed Harbour Crafts not to interfere with mooring or Approaching Vessels before the anchor

No person in charge of or navigating any licensed harbour craft shall attempt to make such harbour craft to any mooring or mark buoy, or take it alongside of a vessel approaching anchorage or mooring before such vessel has come to anchor or moored to a buoy.

22. Fishing Boats not to be allowed near a Cargo Boat or alongside Vessel--

(1) No person in charge of or navigating a licensed cargo boat shall allow a fishing boat to be within ten yards of her when such cargo boat is plying between a vessel and the shore.

(2) No person in charge of or navigating a fishing boat shall allow it to go alongside a vessel while discharge or shipping of cargo is proceeding.

(3) If any licensed harbour craft is found by the Deputy Conservator to have contravened the provisions of sub-rule (1) or (2) the Deputy Conservator may--

(a) cancel the license issued in respect of the harbour craft,

(b) direct that the tindal at fault shall not be employed in any capacity in any licensed harbour craft and that his name shall be removed from the register of tindals,

(4) If any owner employs such tindal contrary to the directions of the Deputy Conservator, given under clause (b) of sub-rule (3), the Deputy Conservator, may cancel all or any of the licences 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 place 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 Harbour Craft Hire--

No owner, tindal or any member of the crew of licensed harbour craft licensed to carry passengers for hire and no person deputed by the owner of such harbour craft, shall demand from any passenger hire charges exceeding that sanctioned by the Central Government and no owner, tindal or member of the crew of such harbour craft shall demand or accept any gratuity or present from any passenger during the course of its trip between any vessel and the shore or from place to place whether within or without the port.

25. Prohibition of Employment of convicted Tindal etc--

If the tindal or any member of the crew of a licensed harbour craft is convicted for a breach of any of the provisions of these rules, the owner of the harbour craft shall; on being required so to do by the Deputy Conservator; dismiss such tindal or member of the crew from his employment.

26. Revocation of licences--

If, in the opinion of the Deputy Conservator; the owner of any licensed harbour craft has contravened any of the provisions of this rules, he may without prejudice to any other action that may be taken against such owner in respect of the contravention, cancel all or any of the licences 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 appealed against has been communicated in writing to the party or parties concerned, and the decision of the Conservator thereon shall be final.

28. Fees--

The following fees shall be leviable for survey, licensing inspection of the harbour crafts.

Service rendered	Boats other than canoes and Shoedhonies	Canoes and Shoedhonies	Catamarans	Power driven craft
(1)	(2)	(3)	(4)	(5)
	Rs.	Rs.	Rs.	Rs.
(i) Issue of licence	2.00	1.00	1.00	25.00
(ii) Amendment of the licence or transfer of licence in favour of another person.	1.00	1.00	1.00	1.00
(iii) grant of duplicate licence when the original is lost, mislaid or rendered illegible.	2.00	1.00	1.00	2.00
(iv) Registration of Tindal.	1.00	1.00	1.00	1.00
(v) Amendment to registration of Tindal	1.00	1.00	1.00	1.00
(vi) For each survey and measurement.	5.00	2.00	2.00	50.00
(vii) Annual inspection	3.00	1.00	1.00	50.00
(viii) Special inspection	3.00	1.00	1.00	50.00

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-

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 Vessels Act, 1917 (1 of 1917) or a Master's Certificate or master's Certificate of 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, and

(b) as her engineer a person possessing an Engineer's 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 Vessel Act, 1917 (1 of 1917) or any such certificate as is referred to in sub clause (a) of clause (i), and

(b) As her engineers, 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 the certificates referred to in sub-clause (a), and sub clause (b); and

iii) If she has engines 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 certificate referred to in sub-clause (a), and sub clause (b).

2. Every motor boat licensed under these rules shall, while plying for hire or otherwise have on board the following certificated officers :-

(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 a seagoing 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.

b) as her master, a person possessing a First Class Master's Certificate granted under the Inland Steam Vessels Act, 1917 (1 of 1917), or a Master's Certificate of 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 engines of less than 565 B.H.P. 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 is 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 any such certificate as is referred to in sub clause (a) of clause (ii) and

b) in case the engines 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 (b) of clause (ii)

Provided that a motor boat having engines of not more than 40 B.H.P. may have as her engineer a person holding a permit granted by the Central Government or by any person duly authorised by the Central Government in this behalf :

Provided further that a motor boat having engines of not more than 20 B.H.P. the length of which measured from the fore part of the steam to the after part of the steam 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 the port a period of two years on the 1st April 1966 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 :

	Rs.
First Class Master's Certificate.	..... 16
Second Class Master's Certificate	..... 6
Serang's Certificate.	..... 4
Second Class Engine-Driver's or Second Class Motor Engine-Driver's Certificate.	..... 4
First Class Engine-Driver's or First Class Motor Engine-Driver's Certificate.	..... 10
Engineer's or Motor Engineer's Certificate.	..... 12

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 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 silencers.

31. Sinking of Licensed Harbour Craft--

The owner of any licensed harbour 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.

FORM – A
[See rule 4(2)]

Licence granted to owner of boat measuring feet long feet broad and feet deep registered tons, to carry cargo (other than animals and/ or passengers or animals to the extent specified below, to and from ships at or off the port of Paradip under the restrictions and subject to the Penalties laid down in the Paradip Port Harbour Craft Rules, 1967.

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 passé-nger with-out cargo	Number of crew	Particulars respecting the owners or owners of the boat			Particulars respecting to tinal of the boat		Period for which the licence is to be in force	Remarks
					Number of animals and presumed weight	Weight of cargo other than animals			Name or names	Occupation	Place or places of residence	Name	Place of residence		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
					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							

Date

Note :- Two children under 12 years of age – 1 adult

Registering Officer

Extended to

Ditto
Ditto
Ditto
Ditto
Ditto
Ditto
Ditto
Ditto
Ditto
Ditto

Endorsement to change of Tindal

FORM B
[See Rule 10]

Register showing the Names, Ages, Places of Residence
And Signature/Thumb impression of tindals employed
In the port of Paradip for the year 20

Date of Registry	Number of Harbour Craft	Name	Age			Place of Residence	Signature / Thumb impression (in case of illiterate)	Remarks
			Years	Months	Days			

(No.11 PG (11)/66)

K. L. GUPTA
Under Secretary

NOTE : The Paradip Port Harbour Craft Rules, 1967 were published vide G.S.R No-980 in the Gazette of India dated 24.06.1967.

**PARADIP PORT TRUST,
(ADAPTATION OF RULES,
REGULATIONS,1967**

G.S.R. 1668

In exercise of the powers conferred by section 126, read with sections 28 and 134, of the Major Port Trust 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 Paradip Port Trust (Adaptation of Rules) Regulation, 1967.
- 2) They shall come into force on the 1st November, 1967.

2. Application--

They shall apply to the Port Trust of Paradip.

3. Definitions--

In these regulations, unless the context otherwise requires-

- a) "Act" means the Major Port Trust Act, 1963;
- b) "Appointed day" means the date on which the Act is made applicable to the port of Paradip;
- 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 the administration of the Port;
- e) "Port" means the port of Paradip.

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 thereunder, 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 in clauses (b), (c) and (e) of section 28 of the Act, and

ii) matters specified in clause (b) as clauses (e) to (n) of section 123 of the Act,

Provided that any amendment aforesaid to the existing Rules and orders, either wholly or partly, or any alteration or amendment if made by the Board 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. [(1) Period of responsibility--**

The period after which no responsibility shall attach to the Board in respect of goods taken charge of by the Board shall under sub-section (1) of section 43 of the Act, be seven clear working days from the date of taking charge of such goods by the Board.

(2) 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 the receipt given for the goods under sub-section (2) of section 42 of the Act.]

Appendix
(See regulation 5)
PORT OF PARADIP
Receipt

Serial No.....
Boat No..... Steamer.....
Name of Agents.....Berth No.....
Time and date commenced..... hrs..... mts..... day.....
month.....year.....
Time and date finished hrs..... mts..... day.....
month..... year.
marks Description Tally of Packages Total Talled Remarks

Total :
Signature of Tally Clerk of the Port of Paradip

[No.11-PG (38)/67.]
31-11-1967

*Sub R.6 vide G.S.R. No 607 dated- 1-2-1975. (w.e.f 1-5-1975).

- NOTE : (1) The principal Regulations namely "Paradip Port Trust (Adaptation of Rules) Regulations, 1967" were published vide G.S.R. No. 1668 in the Gazette of India dated the 1st November, 1967.
- (2) The first amendment namely, "Paradip Port Trust (Adaptation of Rules) (Amendment) Regulations, 1975" were published vide G.S.R. No 607 in the Gazette of India dated the 1st February, 1975.
- (3) The second amendment namely, "Paradip Port Trust (Adaptation of Rules) (Second Amendment) Regulation, 1989" were published vide G.S.R. No 681 (E) in the Gazette of India dated the 5th July, 1989.

THE MAJOR PORT TRUSTS (PROCEDURE AT BOARD MEETINGS) RULES, 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 (Port Wing No. G.S.R. 343, dated the 12th March: 1981 inviting objections and suggestions from all persons likely to be affected hereby 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 aforesaid.

NOW, THEREFORE, in exercise of the powers conferred by sub-section (i) of section 122 of the said Act, and in supersession of the Major Port Trusts (Procedure at Board Meetings) Rules, 1964 the Mormugao Port Trust (Procedure at Board Meetings) Rules, 1964 the Paradip Port Trust (Procedure at Board Meetings) Rules, 1967 the Board of Trustees of the Port of Calcutta (Procedure at Board meetings) Rules, 1975, the Board of Trustees of the Port of Bombay (Procedure of Board Meetings) Rules, 1975, the Board of Trustees of the Port of Madras (Procedure at Board Meetings) Rules, 1975, the Tuticorin Port Trust (Procedure at Board Meetings) Rules, 1979, and the New Mangalor Port Trust (Procedure at Board Meetings) Rules, 1980 except as respects things done or omitted to be done before such supersession. 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 meetings of the Boards of Trustees of the Ports of Calcutta, Bombay, Madras, Cochin, Visakhapatnam, Kandla, Mormugao, Paradip, Tuticorin, New Mangalore.

2. Frequency of Meetings :-

A meeting of the Board other than a special meeting referred to in rule 3, shall be held at least once in every 3 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 thinks fit, and shall upon the written request of not less than three Trustees, call a special meeting of the Board.

4. Circulation of agenda etc.:-

Agenda and noted 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 a special meeting, such agenda and notes or memoranda shall be circulated at least one day before the dated 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 agenda, if the same is, in his opinion, of sufficient importance or urgency of 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 both. any person chosen by the Trustees present from among themselves to preside at the meeting of the Board.

7. Minutes of the Meeting :-

(1) Minutes of the Proceedings at each meeting 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 open 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 open 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 at least three days in advance, or communicated to the Trustees at least three days before the date of the meeting.

NOTE : (1) Major Port Trusts (Procedure at Board Meeting) Rules, 1981 were published vide G.S.R. No. 725 in the Gazette of India dt 01.8.1981.

(2) Amendment to Major Port Trusts (Procedure at Board Meetings) Rules, 1981 were published vide G.S.R. No. 819 (E) in the Gazette of India dt. 28.7.1988.

(3) Major Port Trusts (Procedure at Board Meetings) Amendment Rules, 1990 were Published vide G.S.R. No. 89 (E) in the Gazette of India dt. 25.2.1991.

(4) Major Port Trusts (Procedure at Board Meetings) Amendment Rules,1991

were published vide G.S.R. No. 627 (E) in the Gazette of India dt. 14.10.1991. by the President of such meeting and shall be open to inspection by any Trustee during office hours.

MAJOR PORT TRUSTS (PAYMENT OF FEES AND ALLOWANCES TO TRUSTEES) RULES, 1981

G.S.R. 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 the 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 Trust 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 One hundred for attendance of each ordinary or special meetings of the board;

ii) rupees thirty 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 two hundred in the case of Calcutta, and Bombay Ports and rupees one hundred and fifty in the case of other Ports.

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 of Committee meeting and Headquarters.

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 ALLOWANCES 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 THE 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) 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 the 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 : On and from the date of publication of these rules, the rules mentioned in the Schedule annexed hereto are 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.
4.	Board of Trustees of the Port of New Mangalore (Payment of Fees and Allowances to Trustees) Rules, 1980.

NOTE : (1) Major Port Trusts (Payment of Fees and Allowances to Trustees) Rules, 1981 were published vide G.S.R. No. 134 in the Gazette of India dt. 06.2.1982.

(2) Major Port Trusts (Payment of Fees and Allowances to Trustees) (Amendment) Rules, 1988 were published vide G.S.R. No 797 in the Gazette of India dt. 18.7.1988.

**PARADIP PORT EMPLOYEES (RECRUITMENT,
SENIORITY AND PROMOTION
REGULATIONS, 1967.**

G.S.R. 1671--

In exercise of the powers conferred by section 28, read with section 126, 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 Paradip Port Employees (Recruitment, Seniority and Promotion) Regulations, 1967.
- 2) They shall come into force on the 1st November, 1967.

2. Application--

They shall apply to Class I, Class II, Class III and Class IV posts under the Board but shall not apply to those posts the incumbents of which are Heads of Departments.

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 Paradip Port Employees (classification/Control and Appeal, Regulation, 1967, to make appointments to that grade or post :
- (c) "Board", "Chairman", "Deputy Chairman" and "Heads of Departments" have the meanings respectively assigned to them in the Act :
- (d) "Departmental Promotion Committee" means a Committee constituted under regulation 16 for the purpose of making recommendations for promotion of confirmation in any grade or post;
- (e) "Direct Recruit" means a person recruited on the basis of a competitive examination or interview or both by the Staff Selection Committee;
- (f) "Duty post" means any post of a particular type whether permanent or temporary:
- (g) "Employee" means an employee of the Board:
- (h) "Grade" means any of the grads specified in the Schedule of posts prepared and sanctioned by the Board under section 23 of the Act:

- i) "Scheduled Castes" and " Scheduled Tribes" have the meanings assigned to them in clauses (24) and (25) of article 366 of the Constitution of India ;
- j) "Permanent Employee", in relation to any grade or post, means an employee who has been substantively appointed to a sub-stative vacancy in that grade of post :
- k) "Select list" in relation to any grade means the select list prepared in accordance with regulation, 16 :
- l) "Staff Selection Committee" means the Committee constituted under regulation 15 for the selection of candidates by means of a competitive examination or interview or both, for appointment to posts reserved for direct recruitment ;
- m) " Temporary employee", in relation to any grade means an employee holding a temporary or officiating appointment in that grade .
- n) "LIEN" means the right/title of an employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the periods of absence.

EXPLANATION :

"The benefit of having a lien in a grade will thus be enjoyed by all employees who are confirmed in the grade of entry or who have been promoted to a higher post declared as having completed the probation where it is prescribed.

The above right/title will however, be subject to the condition that the junior - most person in the grade will be liable to be reverted to the lower grade if at any time the number of persons so entitled is more than the posts available in that grade."

EXPLANATION :

If a person who is confirmed or whose probation in a higher post has been declared as having been completed reverts from deputation and if there is no vacancy in that grade to accommodate him, the junior-- most person will be reverted. If, however, this employee is the junior- most, he will be reverted to the next lower grade from which he was earlier promoted.

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. Authorized permanent and temporary strength--

The authorizes permanent and temporary strength of the various grades shall be as in the Schedule of staff prepared and sanctioned by the Board from time to time under section 23 of the Act.

6. Substantive Appointments--

All substantive appointments in the various grades or posts shall be made subject to the recommendations of the respective Departmental Promotion Committee.

7. Filling in of vacancies--

The manner of filling in of vacancies by direct recruitment and departmental promotion and the age limit, educational qualifications and experience for direct recruits in respect of the various grades or posts shall be laid down by the Board.

Provided that the upper age limit may be relaxed in the case of candidates belonging to any Scheduled Caste or Scheduled Tribe or any other special category of persons in accordance with the general orders issued from time to time by the Central Government for appointment to services under it.

8. Probation--

- 1) Every person appointed to a grade or post by direct recruitment, promotion or transfer shall be on probation for a period of two years from the date of his appointment.
- 2) The period of probation may, if the appointing authority deems fit, be extended or curtailed in any case, but the total period of such extension or curtailment shall not, save where any extension is necessary by reason of any departmental or legal proceedings pending against the officer, exceed one year.
- 3) During the period of probation the employee will be required to undergo such training and pass such tests specifically stipulated in the order of appointment/promotion/transfer, as the case may be.

9. Confirmation of employees on probation--

- 1) Confirmation shall be made only once in the service of an employee which will be in the entry grade.
- 2) When an employee initially appointed on probation on probation to any grade or post has passed the prescribed tests, if any, and has completed his Probation to the satisfac

tion of the appointing authority, he shall be confirmed in that grade or post, irrespective of the availability of permanent vacancy in the grade or post :

Provided that the case is cleared from all angles and the case is recommended by the Departmental Promotion Committee for confirmation of the employee.

- 3) A specific order of confirmation shall be issued by the appointing authority.
- 4) When an employee, promoted on probation to any grade or post has completed the prescribed period of probation to the satisfaction of the appointing authority, the appointing authority shall pass an order declaring that the person concerned has successfully completed the probation and he is fit to hold the higher grade or post to which he was promoted on probation.
- 5) (a) Until an employee appointed to a grade or post on probation by direct recruitment is confirmed or is discharged under Regulation 10, he shall continue to have the status of an employee on probation.
- b) Until an employee promoted to a grade or post on probation, is declared as having successfully completed the probation under this Regulation or is reverted under Regulation 10, he shall continue to have the status of an employee on probation.

10. Discharge or reversion of employees on probation--

- 1) An employee on probation who has no lien on any post under the Board or Government shall be liable to be discharged from service at any time :

Provided that the probationer shall be given reasonable opportunity to put forward his case :

Provided further that such reasons for discharge of the probationer during the probation period shall be recorded in writing.

- (a) If on the basis of his performance or conduct during the period of probation, he is considered unfit for further retention in service; or

- (b) If on the receipt of any information relating to his nationality, age health 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 under the Board or Government may be reverted to such post at any time in any of the circumstances specified in sub-regulation (1).

3) An employee of probation who is not considered suitable for confirmation at the end of the period of probation prescribed in sub-regulation (1) or regulation 8 or at the end of the extended period of probation, if any, under sub-regulation (2) of that regulation, shall be discharged or reverted in accordance with sub-regulation (1) or sub-regulation (2) as the case may be, of this regulation.

11. Seniority--

1) Permanent Employees :

(a) The seniority inter se of persons substantively appointed to a grade or post shall be determined on the basis of order of confirmation in that grade or post and not as per the order or merit indicated at the time of direct recruitment.

(b) The employee, whose confirmation has been delayed due to extension of probation period, shall become junior to those confirmed earlier, as the seniority shall be linked to confirmation.

(c) (i) The employee whose confirmation has been delayed because of disciplinary proceedings resulting in complete exoneration, his confirmation shall take effect from the date of confirmation of his immediate junior and the seniority shall be fixed accordingly.

(ii) The employee whose confirmation has been delayed because of disciplinary proceedings resulting in award of penalty, shall become junior to those confirmed earlier as the seniority, shall be linked to confirmation.

(d) Since there will be no confirmation on promotion, the seniority in the higher post shall not be linked to the completion of the Probation period.

(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 promotes which shall be based on the quotas 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 the 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.

12. Maintenance of roster--

A roster shall be maintained for each grade to determine whether a particular vacancy should be filled by direct recruitment or promotion.

13. (1) Reservation in favour of specified section of the people--

Orders issued by the Central Government from time to time for the reservation of appointments or posts under the Central Government in favour of Scheduled Castes and Scheduled Tribes shall apply **mutatis mutandis** to all appointments covered by these regulations and which are made by direct recruitment.

***13. (2)** Orders issued by the Central Government from time to time for reservation of appointments or post under the Central Government in favour of Ex-Serviceman and dependents of those killed in action shall apply **mutatis mutandis** to all appointments covered by those regulations and filled by direct recruitment.

14. 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 Board and shall also submit such proof of his qualifications, age, and the like as the Board may require.

2) In order to be eligible for direct recruitment to any grade or post, a candidate shall be-

- i) a citizen of India; or
- ii) a subject of Sikkim;

* Subs R. 13 vide notification dated 25-3-75.

Provided that, subject to the issue of a certificate of eligibility issued by the Central Government in his favour, a person of Indian origin who has migrated from Pakistan with the intention of permanently setting in India or subject of Nepal, Bhutan or Tibet who came over to India before the 1st day of January 1961, with such intention shall also be eligible.

Provided further that the certificate of eligibility issued in favour of a person of Indian origin who has migrated from Pakistan as aforesaid shall be valid only for period of one year from the date of his appointment to the said grade or post, as the case may be, his retention in service beyond that period being dependent on his becoming a citizen of India.

Provided further that a candidate in whole case a certificate of eligibility is necessary may be provisionally, appointed pending the issue of the necessary certificate in his favour by the Central Government.

3) No person--

(a) who has entered into or contracted a marriage with a 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 this sub-regulation.

4) A candidate must satisfy the appointing authority that his character and antecedents are such as to make him suitable for appointment to a grade or post.

5) The question as to whether a candidate does or does not satisfy all or any of the requirements of these regulations shall be decided by the *[Appointing Authority].

6) The Board may modify or waive any of the provisions of regulation 7 or sub-regulation (2) of this regulation or both 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 all the requirements of those provisions.

7) The prior approval of the Central Government shall be obtained in cases requiring relaxation of the provisions of sub-regulation (2)

*Subs. R.14 (5) vide G.S.R. 608 (w.e.f.1-2-1975).

8) 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 officer of the Board and a candidate who after such physical examination as the Board may prescribe, is found not to satisfy those requirements shall not be appointed.

9) A candidate shall at the time of making the application, pay such fees as the Board may from time to time prescribe.

15. Constitution of Staff Selection Committees--

A Staff Selection committee shall be constituted for each grade as indicated below :

a) Class I and Class II posts

Chairman;

Chairman of the Board.

MEMBERS :

- i) Deputy Chairman or a Head of Department nominated by the Chairman of the Board.
- ii) Head of the Department where the vacancy exists.

b) Class III posts

Chairman

Head of a Department nominated by the Chairman of the Board.

MEMBERS :

- i) Secretary or another officer not below the rank of senior Class-I nominated by the Chairman of the Board.
- ii) Another officer not below the rank of senior Class-I

c) Class IV posts.

Chairman ;

Head of a Department nominated by the Chairman of the Board.

MEMBERS :

- i) Secretary or another officer not below the rank of senior Class-I nominated by the Chairman of the Board.
- ii) Another officer not below the rank of senior Class-I

16. Departmental Promotion Committee--

1) a) Class I and Class II posts.

Chairman :

Chairman of the Board.

MEMBERS ;

- i) Deputy Chairman or a Head of Department nominated by the Chairman of the Board.
- ii) Head of Department where the vacancy exists.

b) Class III and Class IV posts.

Chairman ;

Head of a Department nominated by the Chairman of the Board.

Members :

- i) Two officers not below the rank of senior Class 1. nominated by the Chairman of the Board.
- 2) The Departmental Promotion Committee shall meet once or twice a year as may be necessary and prepare a select list of employees fit for appointment against the promotion quota of vacancies in the various grades or posts.
- 3) Where promotion is made on the basis of merit normally the field or selection shall not be less than three times and shall not be more than five times as much as the number of vacancies subject to the availability of employees with necessary qualification or experience provided that the Departmental Promotion Committee may at its discretion alter these limits to suit exceptional circumstances.
- 4) The names of employees shall be arranged according to the order of merit adjudged by the Departmental Promotion Committee and the select list so prepared shall be utilised for filling in vacancies likely to arise during the course of the year.
- 5) While adjudging the merit of an employee due regard shall be given to his seniority also.

17. Filling In of vacancies adhoc-

- i) When no suitable employee is available for appointment by promotion or direct recruitment, the appointing authority may fill in such vacancy for such time as may be necessary by the deputation of an officer employed under any other port authority, the Central Government, a State Government or any local authority, statutory undertaking or any Government company as defined in the Companies Act, 1956 (1 of 1956), or any institution receiving grants from Government.
- ii) The appointing authority may also make such other temporary arrangements, as it may deem necessary, to fill any post for a period not exceeding six months.

18. Deputation-

Any employee may be permitted to serve on deputation or on foreign service in a

post under the control of the Government or a state, Government, any local authority, statutory undertaking or a Government company as defined in the Companies Act, 1956 (1 of 1956), or any institution receiving grants from Government on such terms as may be agreed upon by the Board. The period of deputation of an employee shall be generally for a period of three years and the maximum period of deputation shall be for a period of five years.

19. Interpretation--

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

[No.F.16-PE(83)/67]

NOTE : (1) The Principal Regulations namely Paradip Port Employees (Recruitment, Seniority and Promotion) Regulations, 1967 were published vide G.S.R. No 1971 in the Gazette of India dated the 1st November, 1967.

(2) The first amendment namely, Paradip Port Employees (Recruitment, Seniority and Promotion) (Amendment) regulations, 1975 were published vide G.S.R. No. 608 in the Gazette of India dated the 1st February, 1975.

(3) The Second amendment namely, Paradip Port Employees (Recruitment, Seniority and Promotion) (Amendment) regulations, 1991 were published vide G.S.R. No. 314(E) in the Gazette of India dated the 21st June, 1991.

(4) The third amendment namely, Paradip Port Employees (Recruitment, Seniority and Promotion) 3rd Amendment Regulations, 1992 were published vide G.S.R. No. 849 (E) in the Gazette of India dated the 4th November, 1992.

(5) The fourth amendment namely PPE (RSP) 4th, Amendment Regulations, 2000 were published vide GSR No.755 (E) in the Gazette of India dt the 27th September, 2000.

PARADIP PORT (AUTHORISATION OF PILOTS) REGULATIONS, 1967.

G.S.R. 1672-

In exercise of the powers conferred by the proviso to sub-section (1) of section 24, read with section 28 and section 126, of the Major Port Trusts Act, 1963 (38 of 1963) and all other powers hereunto enabling the Central Government hereby makes the following regulations, namely :

1. Short title and commencement--

- 1) These regulations may be called the Paradip Port (Authorisation of Pilots) Regulations, 1967.
- 2) They shall come into force on the 1st November, 1967.

2. Definitions--

In these regulations, unless the context otherwise requires--

- a) "Board" "Chairman" and "Deputy Chairman" shall have the meanings assigned to them in the Major Port Trusts Act, 1963 ;
- b) "Coasting steamer" means a steamer not exceeding (except in special cases) one thousand tons net register, trading between the port of Paradip and other ports on the coast of India and returning to or due to return to Paradip at an interval on each voyage not exceeding fourteen days from the time of leaving Paradip.
- c) "Deputy Conservator" means the officer in whom the direction and management of pilotage are vested;
- d) "Harbour 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;
- e) "Licensed officer" means a person being a Master or Mate of any coasting vessel lawfully appointed and licensed as such by the Board subject to the authorisation of the Central Government, to pilot in the Port any such vessel.
- f) "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);
- g) "Port" means the Port of Paradip ;
- h) "Special pilotage licence" means the licence granted to a licensed officer.
- i) "Pilot" means a person for the time being authorized by the Central Government to Pilot vessels under sub-section (3) of section 3 of the Indian Ports Act, 1908 (15 of 1908).

3. Harbour Master's control over pilots--

The Harbour Master shall have control over pilots in pilotage charge of vessels while entering or leaving the port or mooring or berthing or unberthing at any berth in the port.

4. Pilots to be licensed--

- 1) Every pilot shall hold a licence to perform the duties of a pilot for the port of Paradip, and such licence, 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 licence to the Board.

5. Conditions for joining Pilot Service--

A person shall not be licensed as a pilot unless and until he satisfies the Board that he fulfils the following conditions; namely :-

- a) The conditions of eligibility laid down in regulation 14 (2) and 14 (3) of the Paradip Port Employees (Recruitment, Seniority and Promotion) Regulations, 1967.
- b) On the date of appointment as a Probationer Pilot, he is of an age not below 24 and not exceeding 35 years unless otherwise relaxed by the Board.
- c) That he possesses the qualifications specified in regulation 6.

6. Qualification of candidates--

- 1) A candidate for a Pilotage Licence Shall--

- a) produce certificates of good character and sobriety and be in possession of a certificate of competency as Master (Foreign-going granted by the Government of India or its equivalent and shall preferably have experience of at least six months as first Mate on a Foreign-going ship;
- b) Obtain a certificate of physical fitness issued by the Chief Medical Officer of the Port Trust on the recommendation of the Medical Board comprising a physician, a surgeon and an ophthalmologist to be nominated by the Chief Medical Officer. In case of a female candidate, a Lady Doctor will be co-opted in the Medical Board.
- c) unless the Board otherwise determines, undergo probationary training for a period of not less than 6 months; on completion of the training the probationer may, if recommended by the Harbour Master and subject to the approval of the Deputy Conservator, apply to be examined as to his qualifications to pilot ships.

- 2) The fee for a Pilotage licence shall be Rs. 50/- (Rupees fifty) only.

7. Subjects of examination--

The subject for the examination shall include the following namely :-

- i) Regulations and rules relating to navigation in port.
- ii) The course and distance between any two places :
- 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 of their anchors in a tideway;
- vii) To moor and unmoor and get underway;
- viii) To handle a vessel under all conditions.

8. Examination Committee--

1) The examination for granting of pilotage Licence shall be conducted in the manner stipulated below by an Examination Committee comprising :

- i) Deputy Conservator : Chairman
- ii) Harbour Master : Member
(in his absence senior-most pilot)
- iii) A Master of Foreign going ship : Member

2) After a Pilot completes the probation period of 6 months and depending on his performance during the training period, the Harbour Master shall conduct a practical ship handling test for one inward bound vessel and one outward bound vessel and submit the report to the Deputy Conservator. The Deputy Conservator after being satisfied with the report of the Harbour Master shall convene the Examination Committee and inform the candidate to appear for an oral test in which the candidate shall be examined in the subjects specified under Regulation 7 of the Principal Regulations.

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 while 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.

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 or the Harbour Master.

12. Pilot's behaviour--

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

2) He shall, when necessary keep the lead going while the vessel is under-way and shall not lay by the vessel aground without a written order from the owner, or Officer in command, of the vessel.

13. Pilot's behaviour 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.

14. Pilots 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 particular 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 officer in command at the time appointed.

16. Pilots when on duty to carry with them their licence, etc,-

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

17. Provision 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. A.M. lunch between 12 noon and 2 P.M. and dinner between 6.P.M. and 8 P.M. (I.S.T.) failing which the Master shall pay compensation

in cash at the rate of Rs. 15/- (Rupees fifteen) only for every meal missed by the pilot.

18. Pilots to see that anchors are ready to let go--

A pilot, before taking charge of an outward-bound vessel, shall enquire of the Master of the vessel whether the steering gear is properly connected and in working order and shall direct that both the anchors be made ready to be let gone.

19. Pilots giving evidence--

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

20. Pilots to give information of any alterations in navigational marks, 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 circumstance likely to affect the safety of navigation, shall forthwith send a detailed report thereof in writing to the Deputy Conservator.

21. Pilots to report casualties--

A pilot shall, as soon as possible on the occurrence of any accident involving any vessel in his charge, report in writing in the approved form the facts relating to the accident to the Deputy Conservator.

22. Harbour Master to regulate attendance of pilots on vessel--

Pilots on shore duty shall be detailed by the Harbour 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 Harbour Master.

23. Commencement of pilot's duties in regard to outward bound vessel--

The duties of a pilot in regard to an outward-bound vessel shall commence when the vessel leaves the wharf, pier berth, jetty or anchorage, as the case may be.

24. Cesser 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.

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 when the vessel enters the compulsory pilotage limits of the port.

26. Action to be taken by a pilot on boarding a vessel--

1) A pilot on boarding a vessel, shall ascertain whether there is or has been during the voyage, any infectious disease 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 signal and carry out the instructions contained in the said rules in this behalf;

2) A pilot shall likewise ascertain the vessel's present draft and see that both anchors are clear to be let gone, that the National Design 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. Cesser 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 as 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 unless the Master first signs a declaration under his own hand expressly assuming entire responsibility for the moving of the vessel.

Explanation--

In this regulation, the expression " Master" shall include the first or other officer duly authorised to act for the Master in the event of the Master being incapacitated from performing the duties of his office.

29. Loss of licence--

A pilot losing his licence shall forthwith give notice in that behalf to the Deputy Conservator, stating the circumstances in which the licence was lost and the Deputy Conservator shall, unless he is satisfied that the loss has been caused by the pilot's negligence issue the pilot a temporary licence pending the grant of a duplicate licence by the Board.

30. Pilot's examination of charts--

Every pilot shall, when required in writing by the Deputy Conservator attend the office of the Deputy Conservator or Harbour Master to acquaint himself with the latest plans and charts of the Port and ascertain any other information concerning the port.

31. Pilot's uniform--

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

Special Pilotage Licences to Masters and Mates of Coasting Steamers.

32. Qualifying voyages--

1) A master or mate of a vessel applying for a special Pilotage licence shall not be examined unless he has made at least nine voyages to the Port within the twelve months immediately preceding the date of his application for such licence, of which seven voyages shall have been made within the six months immediately preceding that date.

2) A Special Pilotage Licence shall be in force only for a period of one year from the date of issue, and shall not be renewed without re-examination unless the Licensed Officer has made not less than five voyages to the Port during the twelve months immediately preceding his application for the renewal of his licence. Provided, however, that if by reason of the Licensed Officer having been or being engaged in a seasonal trade, he has not made the requisite number of voyages during the said twelve months, the Examination Committee may, in its discretion, recommend the renewal of the Special Pilotage Licence without re-examination.

33. Subjects of Examination--

1) A Master or a Mate holding a Home Trade or Foreign-going Master's Certificate shall not receive a Special Pilotage Licence until he has passed the examination (before the Examination Committee) prescribed in these regulations for the Port Trust Pilots (with such modification as the Committee may determine).

2) A Special Pilotage Licence is applicable only in respect of the vessels belonging to the company named therein, but it may, on the recommendations of the Examination Committee, be transferred without re-examination of the holder on change of Company or employment.

34. Intervals between Examinations fees for Examinations etc.--

1) A candidate for examination for a Special Pilotage Licence shall be allowed to appear at three examinations only, at intervals of not less than one month, during a period of six

months from the date of the application.

2) The fees payable for the examination, grant or renewal of a Special Pilotage Licence shall be as under :-

a) Fee for examination	....	Rs. 30
b) Fee for Special Pilotage licence	.....	Rs. 5
c) Fee for renewal of Special Pilotage licence or grant of duplicate Special Pilotage licence.	.....	Rs. 5

35. Certificate of Conduct--

A Master or a Mate applying for a Special Pilotage Licence shall produce a certificate of conduct from the owner or owners of vessels under whom he has served during the twelve months immediately preceding the date of his application. He shall also produce a medical certificate of fitness in the manner prescribed by the Board.

36. Age limit for Special Pilotage Licence--

No application for a Special Pilotage Licence shall be entertained from a Master or a Mate of the age of fifty years or above and no renewal of license shall be granted to a licensed officer after he has attained the age of sixty years. The Board may, however, in special cases, restrict or extend this age limit.

37. Licensed officer not to add or alter or lend licence--

- 1) A licensed officer shall not add to or in anyway alter, such licence or make or alter any endorsement thereon or at any time lend such licence.
- 2) A licensed officer shall, when he become unemployed, deliver his licence to the Deputy Conservator for safe custody and shall on retirement from service forthwith deliver his licence to the Board.

38. Attendance of a licensed officer at the Deputy Conservator's Office--

- 1) A licensed officer shall attend the office of the Deputy Conservator at least once in every three months to acquaint himself with any changes which may have taken place within the Harbour and Channels and also with the regulations and other directions made by the Board from time to time.
- 2) For the purpose referred to in sub-regulation (1) the latest charts regulations and directions shall be kept open for inspection and the licensed officer shall sign his name in the attendance book provided for the purpose.

39. Quarterly return of Pilotage Services--

A licensed officer shall within the first ten days in the months of January, April, July and October render a return to the Deputy Conservator showing the names, draft and tonnage of the vessels piloted by him during the previous quarter and the dates on which he had so piloted them.

40. Examination as to physical efficiency--

- 1) A licensed officer shall from time to time, if so required by the Deputy Conservator submit to an examination as to his physical fitness to act as a Pilot and to an eyesight test as may be prescribed by the Board.

2) If at any time a licensed officer becomes physically unfit, to act as a Pilot or has not passed the prescribed eye-sight test or if he has contracted habits which may affect his efficiency or trustworthiness as a pilot, the Board shall have the discretion to revoke or suspend his licence.

41. Licensed officers to be subject to control of Deputy Conservator--

Every licensed officer shall be under the authority and direction of the Deputy Conservator in all matters relating to his duty as a pilot, and every order or instruction, whether written or verbal, given by the Deputy Conservator or the Harbour master, shall be promptly attended to by him and carried into effect.

42. Licensed officers to move or anchor in allotted berth--

A licensed officer may pilot coasting steamers to and from the open sea and between any part of the Harbour, to any other part. No licensed officer shall however, moor or anchor the vessel which he is piloting, in any berth in the Harbour unless such berth has been allotted to his vessel by the Deputy Conservator.

43. Precautions to be observed--

A licensed officer shall in the discharge of his duties, be required to exercise all reasonable care and shall not allow his vessel to run aground or come into collision with another vessel, or cause damage to his vessel or to other property.

44. Distinguishing signal--

Every licensed officer shall exhibit in his vessel such distinguishing signal as may be ordered by the Deputy Conservator, where it can best be seen distinct from other signals.

45. Disentitlement of licensed officer as regards fees etc.--

No licensed officer shall be entitled to receive any remuneration from the Board and no pilotage fees or transporting fees shall be charged by any person or authority other than the Board or be received by any licensed officer and no licensed officer shall be entitled to the benefit of any of the Pension and Provident Fund Rules of the Board. The grant of any Special Pilot's Licence shall in no way or prohibit any licensed pilot from performing any or all of the duties for which such Special Licence may have been granted.

46. Application of regulations to Master and Mates--

Pilotage Regulation 12, 16, 20, 21 and 29 shall apply to licensed officers and be observed by them.

47. Interpretation--

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

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No.F. 16-PE (85)/67

NOTE : (1) The Paradip Port (Authorisation of Pilots) Regulations, 1967 were published vide GSR No. 1672 in the Gazette of India dated 01.11.1967.

(2) The first amendment namely, Paradip Port (Authorisation of Pilots) (Amendment) Regulations, 1991 were published vide GSR No. 169 (E) in the Gazette of India dated 23.1.1991.

(3) The second amendment namely, Paradip Port (Authorisation of Pilots (Second Amendment) Regulations, 1993 were published vide GSR No. 605 (E) in the Gazette of India dated 13/9/93.

PARADIP PORT EMPLOYEES (CLASSIFICATION, CONTROL AND APPEAL) REGULATIONS, 1967.

G.S.R.1973-

In exercise of the powers conferred by section 28, read with section 126 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 Paradip Port Employees (Classification, Control and Appeal) Regulation, 1967.
- 2) They shall come into force on the 1st November, 1967.

2. Definitions--

In these regulations, unless the context otherwise requires--

- a) "Act" means the Major port Trusts, 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 a Department" have the meanings respectively assigned to them in the Act;
- d) (i) "Displenary Authority" means the authority competent under these regulation to impose on an employee any of the penalties specified in regulation 8.
(ii) "Enquiring Authority" means a person or an Officer of Paradip Port Trust or State or Central Government or a retired Officer or Central or State Government or a retired Judge as may be appointed by the disciplinary authority to enquire into the misconduct.
- 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 on 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. Classification of Posts--

1) All posts under the Board other than those ordinarily held by persons to whom these regulations do not apply, shall be Classified as follows :

Class I Posts	*Scales carrying a maximum or Rs 1100 and above.
Class II Posts	Scales carrying a maximum or Rs 651 and above but less than Rs. 1,100.
Class III Posts	Scales carrying a maximum or Rs 161 and above but less than Rs. 650.
Class IV Posts	Scales carrying a maximum of less than Rs 161.

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

PART III- APPOINTING AUTHORITIES

** 5 ["Appointments to posts--

- i) All appointments to 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 post 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.

* Subs R. 4 (1) Vide notification No. 552 date 10-1-76.

** Subs R.5 Vide GSR No.609 [w.e.f.1-2-75]

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

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 (i) of section 24 of the Act shall have effect until it is approved by the Central Government,"

3) Any 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, whether on a criminal charge or otherwise, 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 fortyeight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

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 setaside in appeal or on review under these regulations and the case is remitted for fouthier inquiry or action or with any other direction the order of his suspension shall be deemed to have continued in force on and from the date of 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 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 original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

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 other wise), 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.

7) 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.

PART V - DISCIPLINE

8. Penalties--

The following penalties may, for good and sufficient reasons 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 breach of orders :

iv) Withholding of increments of pay ;

Major Penalties :

v) Reduction to a lower stage in a 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) Compulsory retirement ;

* Subs. R. 7(2) vide GSR No, 609 (w.e.f.1-2-1975)

- viii) Removal from service which shall not be a disqualification for future employment.
- ix) Dismissal from service which shall ordinarily be a disqualification for future employment.

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 bar in the 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 the Central Civil Services (Temporary Service) Rules, 1965,

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-behavior against an employee, it may itself inquire into, or appoint an authority to inquire into, the truth thereof.

Note:- Principal Regulations were published in the Gazette of India vide G.S.R No.1675 dated 01-11-1967 and subsequently amended vide-

(i) GSR No. 609 dated 01-02-1975.

(ii) GSR No. 813 (E) dated 12-12-1984.

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 definite 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 or confession made by the employee;

b) a list of documents by which, and a list of witness 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 articles of charge, the statement of the imputations of misconduct or misbehaviour and list of documents and witnesses by which each article of charges is proposed to be sustained and shall require the employee to submit, within such time as may be specified, 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 misbehaviour;

ii) a copy of the written statement of defence, if any, submitted by the employee;

iii) a copy of the statements of witness, if any referred to in sub-regulation (3);

(iv) evidence proving the delivery of the documents referred to in sub-regulating (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 misbehaviour, 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.

9) If the employees 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 or guilty 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 witness on behalf 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 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 said 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-examined 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 interests 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 defence, 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 such circumstances.

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 clauses (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 witness 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 regulation.

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 hereinbefore 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 the imputations of mis-conduct or mis-behaviour;
- b) the defence 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 therefor.

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 defence, 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 the 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, if it dis-agrees with the findings of the inquiring authority on any article of charge, and records its reasons for such dis-agreement and records its own findings on such charge, if the evidence on record is sufficient for the purpose.

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 charges 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 so far as the proceedings concern an employee holding a post referred to in clause (a) of sub-section (i) of section 24 of the Major Port Trust Act, 1963, no such orders shall be made except with the previous approval of the Central Government :

Provided further that where at the commencement of the Paradip Port Employees (Classification, Control & Appeal) (Amendment) Regulations, 1984 any disciplinary action had been taken or is pending or an appeal/review in respect of any disciplinary action has been preferred, the same shall be deemed to have been taken or pending or preferred, as the case may be under these amended regulations and shall be disposed of in accordance with the provision of these amended regulations."

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 employees 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.

13. Communication of orders--

Orders made by the disciplinary authority shall be communicated 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 proceedings.

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 others.

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

*Vide The Orissa Gazette Notification No, 90, Cuttack, Tuesday, January 22,1985 Magha 2, 1906 G.S.R. 813(E)

- i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;
- 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 any thing contained in regulations 10,12 and 14-

- i) where a penalty is imposed on an employee on the ground of conduct which has 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 that it is not reasonably practicable to hold an inquiry in the manner provided in these regulations, or
- iii) where the ²[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 ;

³[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 (i) of section 24 of the 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 proceeding, as the case may be.

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

1. Subs. R. 14. Vide Notification No. G.S.R.609 dt. 1-2-75 (w.e.f.1-2-75)

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;

ii) 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 Board and transmit to it the proceedings of the inquiry and thereupon the Board may, pass such orders 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 proceeding as the case may be,

2) In the light of the findings in the disciplinary proceeding 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 to it the proceedings of the inquiry for

2. Subs. Reg. 15 vide G.S.R. No. 609 dt 1-2-75 (w.e.f.-1-2-1975)

3. Subs. R, 15 for the provision vide No. G.S.R. 609 dt 1-2-75 (w..e.f.1-2-75)

such action as it deems necessary.

PART VI- APPEALS

18. Orders made by Central Government not appealable--

Notwithstanding anything contained in this part, no appeal shall lie against (i) any order made with the approval of the Central Government; (ii) any order passed by an inquiring authority in the course of an inquiry under regulation 10.

19. Appeals against orders of suspension--

An employee may appeal against in 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 unfitness 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 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 cause for not preferring the appeal in time.

23. From and contents of appeals--

- 1) Every person preferring an appeal shall do so separately and in his own name.
- 2) a) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against.
b) The appeal shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.
- 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. 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) Whether 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

* Subs-- R-20. vide G.S.R. No.609 dt. 1-2-75 (W.e.f. 1-2-75)

record: and

c) whether the penalty imposed adequate, inadequate or severe; 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 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 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 inquiry; 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 other order specified in regulation 19 to 21, the appellate authority shall consider all the circumstances of the case and make such order as it may deem just and equitable.

25. 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

26. Review-

1) Notwithstanding anything contained in these regulation--

i) the Central Government, or

ii) the Board, or

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 orders; 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 or under the regulations repealed by regulation 29 from which no appeal is allowed, but no appeal has been preferred or from which no appeal is allowed, after consultation with the General 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 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 those 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 proceeding 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

27. Service of Orders Notices etc--

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

28. Power to Relax Time- limit and Condone delay--

Save as otherwise expressly provided in these regulations, the authority competent under the regulations to make any order may, for good and sufficient reasons 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.

PART IX- REPEAL AND REMOVAL OF DOUBTS

29. Repeal--

1) On the commencement of these regulations, any rules which were in force and applicable to the employees shall stand repealed;

Provided that-

a) such repeal shall not affect the previous operation of the said rules notifications and orders or anything done or any action taken thereunder;

b) any proceeding under the said rules pending at the commencement of these regulation shall be conducted and disposed of as far as may be in accordance with the provisions of these regulations.

2) An appeal pending or preferred after the commencement of these regulations against an order made before such commencement shall be considered and orders thereon shall be Passed in accordance with these regulations.

30. Interpretation-

Where a doubt arises as to whether any authority is sub-ordinate 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 Board for its decisions.

NOTICE : (1) The Paradip Port Employees (Classification, Control and Appeal) Regulations, 1967 were published vide G.S.R. No. 1673 in Gazette of India dated 01.11.1967.

(2) The first amendment namely, the Paradip Port Employees (Classification, Control and Appeal) (Amendment) Regulations, 1975 were published vide G.S.R. No. 609 in the Gazette of India dated 01.2.1975.

(3) The second amendment namely, the Paradip Port Employees (Classification, Control and Appeal) (Amendment) Regulations, 1984 were published vide G.S.R. No 813 (E) in the Gazette of India dated 12.12.1984.

(4) The Paradip Port Trust (Classification, control & appeal) amendment regulation 1995 published in the Gazette of India vide GSR No.1753(E) dated 17.11.95.

SCHEDULE

[See Regulations 2(b), 2(f), 6,9 and 20]

Description of Post	Appointing Authority	Authority Competent to impose penalties and penalties which it may impose [with reference to clause (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. II) Classes I and II posts [other than those covered by clause (a) of sub-section (1) of section 24 of the Major Port Trust Act, 1963.] III] Class - III IV. Class - IV	Central Government after consultation with the Chairman. Chairman Head of a Department Head of a Department	a) Chairman b) Chairman with prior approval of Central Government. Chairman Head of a Department Head of a Department	(i) to (iv) (v) to (ix) All All All	Central Government Central Government Central Government Chairman Chairman

*Subs. Vide G.S.R. No.609 dt.1-2-75 (w.e.f. 1-2-75)

[No.F.16-PE(82)/67.]

G.S.R. 1674

In exercise of the powers conferred by sub-section (1) of section 7, and sub-section (1) of section 36 of the Indian Ports Act, 1908 (15 of 1908), and in supersession of the notification of the Government of India in the late Ministry of Transport and Aviation, Department of Transport Shipping and Tourism (Transport Wing) No. 11-PG (12)/66, dated the 10th August, 1966 the Central Government hereby appoints, with effect from the 1st November, 1967, the Board of Trustees for the port of Paradip to be the Conservator of the Port of Paradip, and to receive all dues, fees and other charges authorised to be taken at the Port of Paradip by or under the said Act and, subject to the control of the Central Government, to expend the receipts on any of the objects authorised by the said Act.

[No. 11-PG (39)/67.]

PARADIP PORT EMPLOYEES (WELFARE FUND REGULATIONS, 1969

No. 4720-

L.O.G. 88/69-PPT-In pursuance of sub-section (2) of section 124 of the Major Port Trusts Act 1963 (38 of 1963) the Board of Trustees of the Paradip Port hereby publishes with the approval of the Central Government the following regulations made by it in exercise of the powers conferred by clause (b) of section 28 of the said Act, namely :-

1. Short title and commencement-

- 1) These regulations may be called the Paradip Port Employees (Welfare Fund) Regulation, 1969.
- 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-

- 1) 'Board', 'Chairman' and 'Deputy Chairman' shall have the same meaning as in the Major Port Trusts Act, 1963;
- 2) 'Employee' means an employee of the Board whether permanent or temporary and includes any employee on foreign service and any permanent or temporary employee of the Central Government or State Government or a local or other authority on deputation with the Board ;
- 3) 'Fund' means the Paradip Port Welfare Fund formed under regulation 3;
- 4) 'General Account' means the general account of the Board,

3. Constitution of the Fund-

There shall be formed a Fund to be called the Paradip Port Welfare Fund and there shall be credited thereto-

- a) Such contributions from the general account as may be sanctioned by the Board from time to time;
- b) fines recovered from the employees;
- c) interest and profit on investments belonging to the Fund; and
- d) any other sum or property made over to the Fund by way of gift or donation.

4. Administration of the Fund--

The Fund shall be administered by the Chairman who may, at his discretion, constitute an Advisory Committee for the purpose.

5. Expenditure from the Fund-

The objects on which the fund may be expended shall be the following, namely :-

- a) donations, subscriptions and gifts to institutions, clubs, co-operative societies, etc., connected with the welfare of employees and their families;
- b) grant of scholarships to the children of employees and literacy classes, handicraft education and reading rooms for employees and members of their families ;
- c) special reward to employees for saving of life and property and other meritorious acts within the Port;
- d) to provide artificial limbs or other aids to employees who are partially or permanently disabled due to accidents on duty :
- e) payment towards cost of special drugs recommended by the Medical Officer of the Board for the use of the employees;
- f) financial assistance to the employees and the members of their families in acute distress;
- g) grants for conducting sports, competitions, dramas, music, film shows, bhajans, ect., for employees and celebration of Independence and Republic Days by employees;
- h) payment of hot and cold weather charges for the benefit of employees; and
- i) any other item of expenditure for the benefit of employees and their families, at the discretion of the Chairman,

6. Disbursements from Fund--

Disbursements from the Fund shall be made with the specific sanction of the Chairman in each case.

7. Maximum amount in Fund--

The maximum amount that may be held in the Fund shall be limited to Rs. 50,000.

8. Disposal of surplus in the Fund--

Any surplus in the Fund over and above the prescribed maximum shall be credited to the Board's general account.

9. Interpretation--

In case of doubt, all questions relating to this Fund shall be decided by the Chairman.

R.N. Mohanty
Chairman
Paradip Port Trust.

The 21st July 1969

PARADIP PORT TRUST (TOWN PLANNING) REGULATIONS, 1974

A Regulation to Provide for the Improvement, Development and Expansion of Town in Master plan of Paradip Port Trust

In exercise of the powers conferred by section 123 (f) (h) (o) of Major Port Trusts Act, 1963 (38 of 1963),. Board of Trustees of Paradip Port makes the following regulations namely :-

1. Short title and commencement-

- i) These regulations may be called the "Paradip Port Trust Town Planning regulation 1974."
- ii) It extends to the whole of the Master Plan area of the Paradip Port Trust and they shall come into force on such date or dates as the Central Government may by notification appoint.

2. The Paradip Port Trust will prepare a Master Plan keeping in view the following objectives, namely :-

- i) removal or over-crowding;
- ii) clearance of slums and urban obsolescence;
- iii) Planned urban expansion;
- iv) reclamation of low-lying and waste areas;
- v) segregation of industrial areas from residential area;
- vi) provision for an integrated water supply system ;
- vii) provision for an integrated road system ;
- viii) provision for an integrated drainage and sewerage system;
- ix) provision for metropolitan green belts;
- x) provision for open spaces in built up areas;
- xi) development of residential areas in neighbourhood principles;
- xii) reservation of suitable areas for various community needs including playgrounds and children's park;
- xiii) utilisation of natural amenities;

- xiv) stoppage or ribbon-development and recovery of ribbonated roadside lands;
- xv) promotion of correct land use;
- xvi) any other aspect of town development having bearing on the health, comfort, convenience and general betterment of the inhabitants of the locality; and
- xvii) prevention of environmental pollution.

3. Publication of Master Plan--

The Paradip Port Trust shall immediately after the preparation of Master Plan notify in the Gazette that the said plan has been duly prepared and that any person interested in the site plan may see it at fixed time and place and file objection and suggestion, if any, within 60 days from the date of said notification. Necessary modification may be done to such plan by the Board of Trustees, after considering the objection and suggestion and the plan so modified shall be considered final until the same is modified or amended by the Board.

4. The Paradip Port Trust shall prepare within the framework of the Master Plan improvement Schemes and such schemes may be one of the following types or combination of any two or more of such types :-

- i) a general improvement scheme ;
- ii) a re-building scheme;
- iii) a re-housing scheme;
- iv) a street scheme :
- v) a deferred street scheme;
- vi) a development scheme;
- vii) a housing accommodation scheme;
- viii) a town expansion scheme;
- ix) a drainage and sewerage disposal scheme;
- x) a water- supply scheme and
- xi) any other schemes as may be considered necessary.

5. The Port Trust shall constitute one or more; sub-committee to prepare the scheme as per regulation-4 and formulate rules instructing as may be necessary from time to time to enforce the scheme subject to the approval of the Board of Trustees.

PARADIP PORT EMPLOYEES' (ALLOTMENT OF QUARTERS) ORDERS, 1975

1. Short title and commencement :

- i) These orders may be called the Paradip Port Employee's (Allotment of Quarters) orders, 1975.
- ii) These orders shall come into force at once.

2. Application--

These orders shall apply to Paradip Port Quarters situated at Paradip Port allottable to its employees.

3. Definitions :

In these orders unless the context otherwise requires.

- a) "Employee" shall have the same meaning assigned to it in orders 2 (e) of Paradip Port Employees (Classification, Control and Appeal) Regulations, 1967.
- b) "Board", "Chairman", "Deputy Chairman", "Heads of Departments" shall have the samemeaning assigned to them in the Major Port Trust Act, 1963.
- c) "Estate Officer" means the Estate Officer of the Port Trust.
- d) "Emolument" means pay, dearness pay and includes compensatory allowance.
- e) "Quarters" means building permanent or temporary owned, acquired or otherwise controlled by the Port Trust for the purpose of residential accommodation of its employees and shall exclude residences of Chairman and Deputy Chairman.
- f) "Type" in relation to quarters means a type of quarters as classified in the order 4 of these orders.
- g) " Family" means the wife, the husband, children and dependent parents, brothers and sisters.
- h) "Priority date" of an employee in relation to the type of quarters means the date of his joining in the pay range corresponding to a type of quarters.
- i) "Pay range" means a scale of pay or a group of scales of pay both the minima and maxima of which fall within the pay slabs indicated in Order 4.
- j) " House rent" means the sum of money payable in accordance with these orders in respect of the quarters allotted.

K) "Committee" means the Housing Committee constituted under these orders.

4. Classification of Quarters :

All quarters shall be classified into the following types according to the range of pay mentioned against each. An employee shall be eligible to a type of quarters according as he falls into the relevant range of pay :

Types of Quarters	Eligible basic pay in Rs.	Plinth area recommended by B. P. E	Plinth area range suggested on the basis of accommodation reported under Col-5	Existing types Quarters with Plinth area	Remarks
1	2	3	4	5	6
'A'	Upto Rs.500/-	388 Sft.	360 – 490 Sft.	i) Type I(pt) at 'V' Point & Nuabazar ii) Type II (Temp) behind water tower at Sector-21 iii) Type 'A' Qrs at Nuabazar iv) Type II (Temp) at Sector-21 (Stores shed converted) v) Chummary room vi) Dormitory vii) Bachelor barracks with kitchen and lavatory	400 Sft. 451 Sft. 444 Sft. 808 Sft. 372 Sft. 830 Sft. 374/360 Sft.
'B'	Rs.501/- to Rs.799/-	600 Sft.	515-689 Sft.	i) Type II(pt) at 'V' Point	629 Sft.

				ii) Type II(pt) at 630 Sft. Madhuban
				iii) Type II(Temp) Old at 689 Sft. 'V' Point and Sanapadia.
				iv) Type II(Temp) Old twin 569 Sft. at 'V' Point.
				v) Type II (Temp) near 515 Sft School, 'V' Point
'C'	Rs.900/- to 600 Sft. Rs.1099/-	710-861 Sft.		i) Qrs. at Balijhara 515 Sft.
				ii) Temp Type III Qrs. in 861 Sft. Yugoslavia Colony behind Dormitory blocks at Sector – 21.
				iii) Type III(pt) Qrs at 784 Sft. Madhuban
				iv) Temp Type Qrs at 'V' 927 Sft. Point
'C'-1	Rs.1110/- to 900 Sft. Rs.1229/-	922-1070 Sft		i) Type IV(pt) Qrs. at 'V' 922 Sft. Point
				ii) Type IV(pt) Qrs at 922 Sft. Madhuban
				iii) S.O Flats at Sector – 1070 Sft. 21
'C'-2	Rs.1300/- to 900 Sft. Rs.1599/-	1887 Sft.		Sr. Officers Qrs. at 'V' 1887 Sft. Point

'D'	Rs.1000/- and above	1500 Sft.	--	i) Type I (Temp) Qrs. at 296 Sft. Nuabazar
				ii) Type I (Temp) Qrs. at 890 Sft. Sector – 21
				iii) Type I (Temp) near 294 Sft. School at 'V' Point

5. Application for allotment :

An employee, for allotment of an eligible type of quarters, shall submit application to the Estate Officer through the concerned Head of Department/Head of office in the form enclosed.

6. Ineligibility :

No employee shall be eligible for allotment of quarters under these orders if the employee owns a house in his name or in the name of his family members within the Port or in radius of 10 Kms. from the Port limits.

7. Where 2 employees in occupation of separate quarter allotted under these orders marry each other, they shall within one month of marriage surrender one of the quarters. If the quarters is not surrendered, the allotment of one of quarters may be cancelled as the allotting authority may decide.

8. No employee shall be allotted a quarters if her/his husband/wife has already been in occupation of a quarters allotted under these orders.

9. Allotment of quarters :

The Estate Officer shall maintain a typewise waiting list of employees arranged in order of their priority dates.

10. Allotment of all types of quarters except Type V quarters meant for Heads of Departments etc. shall be decided by a Committee known as Housing Committee consisting of the Secretary, Paradip Port Trust as Chairman, Superintendent, Civil Engineering as member and Estate Officer as Member-Secretary. Day to day allotment will be done by Estate Officer in accordance with decision of the Committee.

11. The Housing Committee shall not allot a higher type quarters to an employee than he is eligible under order 4.

Provided that an employee, notwithstanding his promotion to the next higher pay scale entitling him to the next higher type of quarters may be allotted a quarters according to his priority date in the next lower grade.

12. The Committee shall allot quarters to employees in order of priority date appropriate to the type of quarters in question. If the priority dates of two or more employees are the same, the employee in receipt of higher emoluments shall get preference over the employee in receipt of lower emoluments. Where the emoluments as well as the priority date are the same, the employees having longer period of service under the port will get preference. If, however, the priority date, the emoluments and the length of service in the Port are common, the senior-most in age will get preference on the basis of date of birth.

13. The allottee shall occupy the quarters allotted within 7 days from the date of issue of the allotment order failing which the allotment shall stand cancelled.

14. The allotment shall be effective from the date of occupation of the quarters by the allottee and shall continue to be in force until :

- i) the expiry of the concessional period permissible under order 15.
- ii) it is cancelled or is deemed to have been cancelled under any provision of these orders.
- iii) it is surrendered by the employee.
- iv) the employee is allotted another quarters.

15. Concessional period for retention of residence :

A residence allotted to an employee shall be retained by him on any one or more of the events specified in Column (1) of the table below for a period in the corresponding entry in Column (2) thereof provided that the residence is required for bonafied use of the employee or members of his/her family.

T A B L E

Events	Permissible period for the retention of the residence
i) Resignation, dismissal, removal or termination of service, discharge, transfer.	Two months
ii) Retirement including voluntary retirement or terminal leave.	Four months
iii) Compulsory Retirement and Relieved from Contract Engagement.	
iv) Death of the allottee.	One year
v) All forms of leave sanctioned by the competent authority.	For the period of leave sanctioned.
vi) On proceeding on training in/outside	For the full period or training.

NOTE : The allotment of residence retained under the above orders shall be deemed to be cancelled on the expiry of the admissible concessional periods unless immediately on the expiry thereof the employee resumes duty or unless extended by proper authority.

16. Recovery of house rent :

House rent shall be charged from the date of occupation of quarters by the allottee and recoverable at the rate of 10% of the emoluments of the allottee.

Provided that for temporary quarters if concessional house rent is in force for any specified period the allottee shall pay house rent at that rate for the said period.

Provided further that for special types mentioned under Order 4, House rent will be collected at rates fixed from time to time.

17. (a) An employee who is eligible for a higher type of quarters but prefers to occupy a lower type of quarters even after the appropriate type of quarters is allotted to him shall pay house rent chargeable for the higher type of quarters.

b) Where an employee is allotted a type of quarters which is lower than the type to which he is eligible he shall pay house rent at 10% of the maximum pay scale of the pay range which is entitled to the type of quarters $7\frac{1}{2}$ % of his/her emoluments whichever is less.

c) Where joint allotment of a quarters is made the house rent shall be recoverable from each allottee at the rate of 10% of emoluments of the concerned occupant divided by the number of allottees given joint allotment. Each will pay the amount that is payable by him.

18. Penal House Rent :

(a) In case an employee fails to vacate the Quarters :

- i) On the expiry of the concessional period specified in Order 15, or
- ii) On cancellation or expiry of the allotment under these orders.

Penal house rent equal 25% of his emoluments shall be recovered besides disciplinary action which may be taken as deemed fit in each case.

*b) In case an employee forceably occupies the quarters of the Port Trust and does not vacate after notice, penal house rent equal to 30% of his total emolument shall be recovered besides disciplinary action that may be taken as deemed fit in each case. The Board is, requested to consider the above proposal and accord their approval.

19. Charges for Electricity, Water & other services :

Charges towards electricity and water supplied to the allottee shall be recovered at the rates fixed by the Board from time to time. Charges for any additional facilities supplied at the request of the allottee will be at the rate as may be fixed by the Board in each case.

20. Surrender of allotment :

An allottee may at any time surrender the quarters occupied by him by giving one month notice or by indicating a specific date. The allotment of the said quarters shall be deemed to have been cancelled on the expiry of the said period of date.

21. Maintenance of quarters :

An employee occupying the quarters shall be responsible to keep the quarters and its compound in good sanitary condition.

22. Cancellation of allotment :

If an employee commits any of the following acts, the allotment of the residence made to him/her is liable to be cancelled.

- i) Transferring or sub-letting the entire building or any portion thereof.
- ii) Using the building for a purpose other than for residential purpose.
- iii) Committing acts of waste or nuisance which are likely to impair the value or utility of the building :
- iv) Addition or alteration to structure or loss or damage to fixtures and fitting ;
- v) The allotment of the residence to an employee is liable to be cancelled also in the event of any act or conduct on the part of the family members or dependents of the employee concerned, which act or conduct is a nuisance to the occupiers of buildings in the neighbourhood.
- vi) On such other grounds as may be ordered by the appropriate authority.

23. Sharing and Sub-letting of quarters :

a) An employee may share his residence with other employees of Paradip Port Trust and in such cases, he shall intimate the date of sharing along with the address of the employee sharing.

No. E-Gs-1/39/77

Deptt. (Estate Branch).

* As per Amendment of Agenda Item No. 35 (5)/79.

Resolution No. 114/79

b) No employee shall sub-let whether to any employee or to an outsider the residence allotted to him/her except with the specific sanction.

c) Without prejudice to any other action that may be taken, an employee who sublets his residence without authority shall be liable to pay by way of penalty an amount not more than the market rent of the building from the date of subletting till subletting ceases. The market rent will be determined by the Executive Engineer, Camps & Buildings Division of the Port.

24. Continuance of allotments made prior to the issue of these orders :

Any allotment of quarters which is subsisting immediately before the commencement of these orders shall be deemed to the allotment duly made under these orders.

25. Chairman may relax all or any of the provisions of this order for allotting a quarter to an employee to whom an assurance was given for providing residential accommodation at the time of his selection for appointment to the service of the Port Trust or to any other employee for weighty reasons.

26. Violation of these orders will be treated as misconduct and disobedience of orders of proper authority under the Conduct Rules adopted by the Paradip Port Trust.

27. Interpretation of the orders :

If any question arises as to the interpretation of these orders, the same shall be decided by the Chairman.

Chairman
Paradip Port Trust

**PARADIP PORT TRUST
APPLICATION FOR ALLOTMENT OF PORT TRUST QUARTERS**

I (Name in full) Shri..... beg to request that my name may please be registered for the allotment of Port Trust quarters.

I give below the following particulars :

- | | |
|---|------|
| 1. Designation | .... |
| 2. Department/Office | .... |
| 3. Scales of Pay | .... |
| 4. Present pay | .... |
| 5. Dearness pay | .... |
| 6. Compensatory allowance | .... |
| 7. Total of pay, dearness pay and compensatory allowance. | .... |
| 8. Date of last increment | .... |
| 9. Date of birth | .... |
| 10. Age | .... |
| 11. Date of joining in the present grade | .... |
| 12. Date of joining in the next below grade | .... |
| 13. Date of joining in the Port | .... |
| 14. Total length of service | .... |
| 15. Permanent or temporary | .... |
| 16. Whether married or bachelor | .... |
| 17. Particulars of house owned by the employee or any of his/her family members | .... |

If I am allotted the quarters, I undertake to live there with my family and not to keep any outsiders therein without express permission of the authority concerned. I also undertake to abide by the Paradip Port Trust Allotment of Quarters Orders and any orders that may be issued from time to time. If I or any of my family members becomes owner of a house in the Port area or the nearby suburb, I will intimate the fact to the Estate Officer within a month.

Reasons, if any, for special consideration :

No. Date..... APPLICANTS SIGNATURE

Forwarded to the Estate Officer, Paradip Port Trust. The particulars given by the applicant have been duly verified and found correct.

HEAD OF DEPARTMENT/HEAD OF OFFICE

Eligible..... type quarters, Registered at No.....
in the Register of applications.

Date..... ESTATE OFFICER

PARADIP PORT ISSUE OF PERMIT (REGULATION OF ENTRY INTO PORT AREA) ORDER, 1975

Paradip Port, Dated, the 23rd/24th April 1975.

No. 2191/In pursuance of provisions or Rule 81,82, 84, 85, 89, 90, and 91 read with Rule 96 of Paradip Port Rules, 1966, framed under Section 6 of Indian Ports Act, 1908, the following order is made namely :-

1. Short Title and application-

- i) This order may be called Paradip Port Issue of permit (Regulation of Entry into Port area) Order, 1975.
 - ii) It shall apply to all quays, sheds, gates and other areas within the limits of Paradip Port notified as Prohibited place in Govt. of Orissa, Home Department (Special Section) Notification No. 2184/C dated the 28th April, 1966 under Section 2 of the Official Secrets Act, 1923.
 - iii) This order shall come into force with immediate effect.
2. i) All persons employing labour directly or indirectly or supplying labour inside the LIMITS of Paradip Port mentioned in sub clause (ii) of Clause 1 for the purpose of landing, shipment, storage, receiving and clearing of all cargoes and all other operations within the said area.
- a) Shall be required to register themselves as Labour employer/Labour Supplier with the Traffic Manager of the Port on payment of Rs. 10/- as Registration Fee and
 - b) Shall be required to obtain permit from the Traffic Manager of the Port in the form annexed on payment of fee of Rs. 100/- for such permit.
- ii) No person who is not a Registered permit-holder shall be allowed to operate in the above area.
3. All Registered Permit-holders shall observe the conditions mentioned in the permit annexed.
4. a) The registered Permit holder shall be required to obtain port entry pass/token for all persons employed/supplied by him requiring entry into the Port area as mentioned in sub-clause (ii) of Clause 1.
- b) The Registered Permit holder shall maintain records of entry permits/token issued to

him and produce them for inspection when required.

c) Entry pass and Token issued to him shall be surrendered by him on expiry of the term of the permit.

5. Permits issued under Clause 2 (1) and tokens to be issued to labour employed/supplied by the Registered Permit holder shall on demand by a Police Officer or any Officer of the Traffic Security/Labour Departments of the Port/any Executive Engineer and any other officer duly empowered by the Chairman be produced for inspection.
6. For faithful observation of the conditions of the permit the Traffic Manager may at any time require a Registered permit holder to give a security deposit not exceeding Rs.5,000/-
7. Names of all Registered Permit holders shall be notified in the Notice boards of all Departments of Port Trust and at important places inside the port area.
8. The Registered Permit holder shall not transfer nor allow any other person to use permit or token issued to him.
9. The entrance gates and wicket gates of the Port shall be kept open during the hours specified therefor by the Traffic Manager 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.
10. No registered Permit holder and labour employed/supplied by him 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 functions, or disobey his lawful orders, or use abusive or offensive language or aid or incite others to do any of these things.
11. The Registered Permit holder shall be required to undertake all or any of the operations mentioned in Clause (2) of the orders as may be directed by Traffic Manager.
12. The Registered Permit holder shall be required to employ adequate labour force to meet the operational requirement mentioned in Clause 2.
13. The Registered Permit holder shall ensure outturn of work as may be fixed from time to time.
14. The Registered Permit holder shall not engage any undersirable element in the labour force and shall ensure proper maintenance of order within the Port.
15. i) The permit issued to the Registered Permit holder shall be liable to be cancelled for any contravention of the provisions of this order and the terms of the permit.
ii) The Traffic Manager may cancel the permit of the Registered Permit holder without assigning any reason in the interest of the Port.

16. Where the Traffic Manager is satisfied after such enquiry as he deems fit that there has been indiscipline in the Port area, disruption and interruption of Port's operations attributable to the commission and omission on the Part of the Registered Permit holder and violation of Central and State Laws. he may order for black-listing of the Registered Permit holder in addition to cancellation of the permit.
17. Action as envisaged under clauses 15 and 16 shall be in addition to penalty which may be imposed under Rule 96 of Paradip Port Rules, 1966.
18. Nothing in the foregoing clauses shall prevent the Port authorities from realising from the Registered Permit holder any dues or compensation recoverable under Law and compensation for loss and damages caused to the Port property by the Registered Permit holder or the labour employed/supplied by him if such loss or damages can be attributed to any act of commission or omission on the part of the Registered Permit holder.
19. This order may be made applicable to such other categories of person operating inside the Port area as may be notified from time to time.
20. Traffic Manager shall be competent to issue instruction on all relevant items under the Paradip Port Rules as may be necessary to carry out the provisions of the Rules and this Order.
21. A Book of Registration and permit shall be maintained in Traffic Manager's Office in the form annexed.

Sd/- (Premananda Tripathy)
Chairman
Paradip Port Trust

Dated 23rd/24th April, 1975

PERMIT

This permit is granted to M/s..... (to be known here-in-after as Registered Permit holder) for the purpose of employing labour/ supplying labour for works connected with landing, shipment, storage, receiving and clearing of cargoes and all other operations envisaged in Clause 2 of the Paradip Port Issue of Permit (Regulation of Entry into Port Areas) Order, 1975 for the period from..... to subject to the following terms and conditions.

Terms and Conditions

1. The permit shall remain valid for the period specified above unless it is cancelled earlier.
2. The permit fees at the rate of Rs. 100/- (Rupees one hundred) or such other amount as may be fixed from time to time is payable for the period of permit in one instalment at the time of granting permit.
3. The permit is renewable on its expiry on prior application to that effect from the Registered permit holder to the Traffic Manager at the latter's discretion. The fees for renewal will be the same as for original permit.
4. a) The Registered Permit holder shall be required to obtain Port entry pass/token for all persons employed/supplied by him requiring entry into the Port areas as mentioned in sub-clause (ii) of Clause I of the Order.
b) The Registered Permit holder shall maintain records of entry permits/token issued to him and produce them for inspection when required.
c) Entry pass and Token issued to him shall be surrendered by him on expiry of the terms of the permit.
5. The Registered Permit holder shall ensure efficient working, desired turn over of work and discipline In the labour force employed/supplied by him under the permit.
6. The Registered Permit holder shall abide by all instructions given by the Traffic Manager or any officer authorised in connection with the work covered in the permit.
7. Permit/issued under Clause 2 (i) and tokens to be issued to labour employed/supplied by the Registered Permit holder shall on demand by a Police Officer or any officer of the Traffic/Security/Labour Departments of the Port/any Executive Engineer and any other officer duly empowered by the Chairman be produced for inspection.
8. For faithful observation of the conditions of the Permit the Traffic Manager may at any time require a Registered Permit holder to give a security deposit not exceeding Rs. 5.000/-
9. The Registered Permit holder shall not transfer nor allow any other person to use permit or token issued to him.

10. The entrance gates and wicket gates of the Port shall be kept open during the hours specified therefor by the Traffic Manager 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.
11. No Registered Permit holder and labor employed/supplied by him shall molest, assault, resist, hinder, obstruct, impede or interrupt or offer or attempt to molest assault, hinder obstruct, impeded or interrupt any employee of the port in the performance of his functions, or disobey his lawful orders, or use abusive or offensive language or aid or incite others to do any of these things.
12. The Registered Permit holder will abide by the working hours for traffic working purposes notified from time to time by the Traffic Manager and no work shall be done within the Port premises beyond the working hours so notified except with permission in writing by the Traffic Manager.
13. The Registered Permit holder shall be required to undertake all or any of the operations mentioned in Clause (2) of the order as may be directed by the Traffic Manager.
14. The Registered Permit holder shall be required to employ adequate labour force to meet the operational requirement mentioned in Clause 2 of the order.
15. The Registered Permit holder shall ensure out-turn of work as may be fixed from time to time.
16. The Registered Permit holder shall not engage any undesirable element in the labour force and shall ensure proper maintenance of order within the Port.
17. Nothing in the foregoing conditions shall prevent the Port authorities from realising from the Registered Permit holder any dues or compensation recoverable under law and compensation for loss and damages caused to the Port property by the Registered Permit holder or the labour employed/supplied by him, if such loss or damages can be attributed to any act of commission or omission on the part of the Registered Permit holder.
18. (i) The Permit issued to the Registered Permit holder shall be liable to be cancelled for any contravention of the provisions of the order and the terms of the permit.
(ii) The Traffic Manager may cancel the permit of the Registered permit holder without assigning any reason in the interest of the Port.
19. Where the Traffic Manager is satisfied after such enquiry as he deems fit that there has been indiscipline in the Port area, disruption and interruption of Port's operations attributable to the commission and omission on the part of the Registered Permit holder and violation of Central and State laws, he may order for black-listing of the Registered Permit holder in addition to cancellation of the permit.
20. Actions as envisaged under clauses 15 and 16 of the order shall be in addition to penalty which may be imposed under Rule 96 of Paradip Port Rules, 1966.

21. If the registered Permit holder damages any Port property, his permit shall be cancelled and without prejudice to any penalty to which he may be liable under any other law, be liable to pay amount of damage, repair and recovery.
22. If the Registered Permit holder contravenes any of the provisions of the above conditions or order made thereunder he shall be punishable for every such offences with fine which may extend to Rs. 100/-
23. The Registered Permit holder will ensure that provisions of various Act enacted by the State Government and the Central Government will strictly be adhered to.

Date

Signature of the Traffic Manager

I do hereby agree to abide by the aforesaid terms and conditions of the permit and order.

Signature of Registered
Permit holder.

**PARADIP PORT MOVEMENT OF VEHICLES
(CONTROL OF TRAFFIC)
ORDER, 1975
Paradip Port, the 19th March, 1976**

No. 1986/in pursuance of provisions of Rule 91 of Paradip Port Rules, 1966 framed under Section 6 of Indian Ports Act, 1908, the following order is made namely :-

1. Short Title and application :

- i) This order may be called "Paradip Port Movement of Vehicles (Control of Traffic) Order, 1975.
- ii) It shall apply to the whole area within the Paradip Port limits including the prohibited area as notified in Government of Orissa, Home Department (Special Section) Notification No. 2184/C, dated 28th April 1966, under Section 2 of the Official Secrets Act, 1923.
- iii) This order shall come into force with immediate effect.

2. The motor lorries, trucks or other Vehicles for the conveyance of goods and other motor vehicles including buses, mini-buses, stage carriages etc. shall not be driven along or upon any of the roads, wharves or quays within the Port or any road inside the Port limits or be admitted into or allowed in the Port without a licence issued in this behalf by the Traffic Manager and except in accordance with the following conditions namely :-

- i) Such vehicles shall conform in all respects to the provisions of the Motor Vehicles Act, 1938 and the rules made thereunder.
- ii) Such vehicles shall not be left unattended.
- iii) Such vehicles shall ordinarily ply on the recognised roads in the Port, but may however be permitted on the wharves, in transit sheds and upon open storage space and on all other roads for the purpose of loading or unloading etc. subject to the specific approval of the competent Port authority viz. Traffic Manager/Secretary/Officer-in-charge, Central Industrial Security Force.
- iv) 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 Traffic Manager and/or Secretary/Officer on duty, Central Industrial Security Force at the gate and the Driver thereof shall on demand produce for inspection the licence permitting the lorries or vehicles to enter the port area.

- v) No such vehicle shall be allowed to remain within the Port any longer than is in the opinion of the Traffic Manager/Secretary/Officer-in-charge, Central Industrial Security Force necessary for the purpose for which licence is granted. Loitering and plying of vehicles for hiring is prohibited.
 - vi) Vehicle should ply as per the speed limit as indicated at different points and places inside the port area.
 - vii) Traffic Manager/Secretary/Officer-in-charge of Central Industrial Security Force are the competent authority for the control of movement of vehicles inside the Port area and their decision and instruction are final and binding.
 - viii) No such vehicles shall fill their tanks with petrol or other fuel within the Port without a special permit from the Traffic Manager-Secretary/Officer-in-charge, Central Industrial Security Force as the case may be.
 - ix) All vehicles shall park at specified places or areas and at no other parking fees as and when prescribed shall be payable.
 - x) The licence granted to any vehicle under this order shall be revoked by the Traffic Manager at any time without assigning any reason and no refund shall be made of any proportionate fees in respect of the unexpired portion of the period of licence, if any.
 - xi) The licence granted to any vehicle under this order shall be cancelled as a penalty for violation of terms of this order/licence.
3. A valid licence shall be obtained from the Traffic Manager, Paradip Port Trust on payment of licence fee as may be prescribed in the form enclosed.
 4. For any destruction or damage to any of the Port property caused by the vehicles, without prejudice to any penalty that may be imposed under any other law, the owner of the vehicles shall be liable to pay the amount of compensation for the damage, as may be decided by the Traffic Manager.
 5. If any Driver/Owner of the vehicle contravenes any of the provisions of this order, the Motor Vehicles Act, 1939 and the rules made thereunder, Customs Act, the Paradip Port Rules, 1966 or any instruction issued by Traffic Manager,-Secretary, Officer-in-charge, Central Industrial Security Force, he shall be punishable for every such offence with fine which may extend to Rs. 100/- in addition to the other penalties as may be imposed under law by the Traffic Manager.

Sd/- (Premananda Tripathy)
Chairman
Paradip Port Trust

LICENCE

This licence is granted to M/s..... (to be know here-in-after as the licence for the purpose of using the vehicle No..... for conveyance of goods/passengers along or upon any of the roads, wharves or quays within the Port limits) under Rule 91 of Paradip Port Rules, 1966 for the period from..... to..... subject to following terms and conditions :-

1. Terms and conditions :

- 1) The licence shall remain valid for the period specified above unless it is cancelled earlier.
- 2) Licence fee or such other amount as may be fixed from time to time is payable for the period of licence at the time of granting permit.
- 3) The licence granted to any vehicle may be revoked by the Traffic Manager Paradip Port Trust without assigning any reason and no refund shall be made of any proportionate fees in respect of the unexpired portion of licence, if any.
- 4) The motor lorries or other vehicles for conveyance of goods and passengers shall be driven along or upon any of the roads, wharves or quays within the Port or be admitted into or allowed into the Port, subject to the following conditions namely :-
 - i) Such vehicles shall conform in all respects to the provision of the Motor Vehicle Act. 1939 and the rules made thereunder.
 - ii) Such vehicles shall not be left unattended.
 - iii) Such vehicles shall ordinarily ply on the recognised roads in the Port, but may however, be permitted on the wharves, in transit sheds and upon open storage space for the purpose of loading or unloading subject to control by the Traffic Manager/Secretary/ Officer-in-Charge of Central Industrial Security Force.
 - iv) 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 Traffic Manager and/or Secretary/ Officer on duty, Central Industrial Security Force at the gate and the Driver thereof shall on demand produce for inspection the licence permitting the lorry or vehicle to enter the Port.
 - v) No such vehicles shall be allowed to remain within the Port longer than is in the opinion of the Traffic Manager/Secretary/Officer-in-Charge, Central Industrial Security Force necessary for the purpose for which the licence is granted. Loitering and plying of vehicles for hire is prohibited.

vi) Vehicle should ply as per-the speed limits as indicated at different points/places inside the port area.

vii) Traffic Manager/Secretary/Officer-in-Charge, Central Industrial Security Force are the competent authority for the Control and supervision of the movement of vehicles inside the Port area and their decision and instruction are final and binding.

viii) No such vehicles shall fill their tanks with petrol or other fuel within the port without a special permit from the Traffic Manager/Officer-in-charge of Central Industrial Security Force.

ix) All vehicles shall park at specified places and areas and at no other, Parking fees as and when prescribed shall be payable.

x) Licence granted to any vehicle under the order shall be revoked by the Traffic Manager at any time without assigning any reason and no refund shall be made of any proportionate fees in respect of the unexpired portion of the period of licence, if any.

xi) The licence granted to any vehicles under the order shall be cancelled as a penalty for violating the terms of order and licence.

5) The licensee shall not 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 functions or disobey his lawful orders, or use abusive or offensive language or aid or incite others to do any of these acts.

6) The licensee shall abide by the instructions issued by the Traffic Manager/Secretary and other authorised officers from time to time.

7) For any destruction or damage to any of the Port property caused by the vehicle without prejudice to any penalty than can be imposed under any other law, the owner/ driver of the vehicles shall be liable to pay the amount of compensation for the damage, as may be decided by the Traffic Manager.

8) If any driver/owner of the vehicle contravenes and of the provisions of the order, conditions of this licence, the Motor Vehicle Acts. 1939, rules made there under, Customs Act, the Paradip Port Rules, 1966 and instructions issued by Traffic Manager/Officer-in-Charge of Central Industrial Security Force, he shall be punishable for every such offence with fine, which may extend to Rs. 100/- in addition to other penalties as may be admissible under law by the Traffic Manager.

Signature of the Licensing
Authority
Traffic Manager

I do hereby agree to abide by the aforesaid terms and conditions of licence issued to me and the provisions of the order made under Paradip Port Rules, 1966.

Signature of the Licensee

**PARADIP PORT TRUST IMMOVABLE PROPERTIES
(LANDS AND HOUSES)
LEASING AND LICENSING REGULATIONS, 1975**

NOTIFICATION

In exercise of the powers conferred by section 123 (b) read with section 34 (2) of the Major Port Trust Act, 1963 (38 of 1963), the Board of Trustees of Paradip Port hereby publish the following Regulations, the same having been published in pursuance of sub-section (2) of section 124 of the said Act and after having it approved by the Central Government as required by sub-section (1) of section 124 thereof, namely :-

1. Short title and commencement--

- 1) These Regulations may be called the Paradip Port Trust Immovable Properties (Lands and House) Leasing and Licensing Regulations, 1975.
- 2) They shall come into force with immediate effect.

2. Definition -

The words and expressions used in these Regulations shall have the same meaning as are assigned to them under the Major Port Trust Act, 1963.

3. Purpose of Grant of Leases and Licence -

Port lands and houses shall be leased out or licensed at the case may be for the following purposes and for such other purposes as may be decided by the Board from time to time :-

- i) To lease out lands to employees of the Board for residential purpose;
- ii) To shops and commercial establishments for residence and shopping centres;
- iii) For construction of residential housing complex and office building by Public Undertakings and Corporations;
- iv) For office and residence of firms and organisations like Shipping Agents, Clearing

and Forwarding and Transport Agencies, Stevedores and other persons, Firms and Organisation connected with Port activities;

- v) For port based industries;
 - vi) For warehousing and godowns;
 - vii) Land to be utilised for community purposes like Temple, Mosque, Church, Burial Ground, Trenching Ground etc;
 - viii) For banking and other financial institutions;
 - ix) For service Co-operatives;
 - x) To cultural, religious and spiritual organisations;
 - xi) For such other purposes as may be considered necessary in the interest of Port and township development.
4. Leases and licences shall be granted purely on temporary basis not exceeding thirty years and may also be for a shorter terms.
 5. The lessee or the licensee shall execute the lease deed or licence in the forms given at Appendices I and II respectively.
 6. Premium for the land to be leased out and the licence fees shall be fixed by the Board from time to time taking into account the cost of land and such other costs as may be incurred for development of the land.
 7. The Board shall fix the rent and the licence fees for the lands and houses and the same may be revised by the Board every five years or at shorter intervals as may be decided from time to time.
 8.
 - 1) The lessee or the licensee shall act and assist the Port as may be necessary for smooth operations, of the Port and shall not act directly or indirectly in the manner prejudicial to the interest of the Port.
 - 2) The lessee or the licensee shall allow inspection of the land and the house leased out and licensed to him by the officers of the Board to be authorised for the purpose.
 9.
 - 1) The lessee or the licensee shall observe the provision of laws, rules, bye-laws regulations orders and notifications relating to the Port issued by the Central Government Board, Chairman or other competent authority from time to time.
 - 2) Any statutory power that may be conferred upon the Board shall automatically be enforceable on the lessee or the licensee and provisions in that respect shall be deemed to have been incorporated in the lease deed or the licence already executed and the same shall be binding on the lessee or the licensee.
 - 3) In the event of the lessee or licensee falling to observe the conditions of the lease or of licence the provisions contained in Regulations 9 aforesaid or both the lease or the licence is liable to be cancelled and the Board shall have the right of re-entry in to

the land and the house in question.

10. If the lessee or the licensee contravenes any of the provisions of these regulation, he shall also be punished with fine which may extend to Rs. 200 (Rupees two hundred) for each occasion and where the breach is a continuing one with further fine which may extend to fifty rupees for every day after the first during which such breach continues.

11. Interpretation-

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

APPENDIX--I

THIS INDENTURE dated this day of two thousand and made BETWEEN THE BOARD OF TRUSTEES OF PARADIP PORT a body corporate under the Major Port Trust Act, 1963 (Act 38) (hereinafter called the Board/Lessor which expression shall where the context so admits include their successors in office and assigns) of the one part and.....

..... (hereinafter called the "LESSEE" which expression where not repugnant to the context shall be deemed to include his heirs, executors, administrators, representatives and permitted assigns) of the other part WITNESSETH that in consideration of the rents and covenants on the part of the lessee herein-after reserved and contained the Board of Trustees of Paradip Port hereby demise un to the Lessee for the purpose of All that piece of land described in the schedule here to and more particularly delineated on Plan No..... hereto annexed together with easements and appurtenances to the said land belonging to therewith usually held and enjoyed (hereinafter called the demised land) to hold the demised land on the Lessee as from the day of two thousand and for the term of years then the next ensuing yielding and paying therefor unto the Lessor during the said term the annual/monthly rent of Rs..... (Rupees..... subject to the right of the Lessor to revise the rent every 5 years or of shorter interval as may be decided and such rent shall be paid at the Accounts Department, Paradip Port Trust on or before the date of the month/year succeeding that for which such rent is due. Provided always and it is hereby agreed that if the Lessor shall at any time during the said terms consider that the demised land or any part thereof is required for the purpose of the construction or for carrying out of any works or otherwise for the development of the Port or in the interest of he public using the same or in the interest of the Port and shall be desirous on any of these grounds of determining this present lease and such of their desire shall give at least two month's previous notice in writing to the lessee then and in such case immediately on the expiration of the said notice this present lease and every thing herein contained shall cease and be void but without prejudice to any claim by either party against the other in respect of any antecedent breach of any covenant or condition herein contained and subject to the provision hereinafter contained as to the structures or buildings,

if any erected on the demised land at the time of such determination and the lessee shall have no claim against the Lessor for such earlier determination of this lease as aforesaid. It is expressly agreed that Chairman/Secretary/Estate Officer are the authorised officer of the Lessor for the purpose of implementing the provisions of this lease deed and their action shall be binding on the parties.

AND THE LESSEE do hereby covenant with the Board/Lessor in manner following that is to say :

1. THAT the Lessee will during the continuance of the term hereby granted pay the said rents hereinbefore reserved and made payable for the revised rent as may be fixed hereafter as hereinbefore contained at the times and in the manner at and in which the same are hereinbefore reserved and made payable.
2. And also will from time to time and at all times during the said term pay and discharge all present and future rates, taxes, duties, charges, assessments and outgoings whatsoever which are now or may at any time hereinafter be assessed, charged or imposed upon or be payable in respect of the demised land and or any structure or building thereon erected by the Lessee of the owner, or occupier in respect thereof as herein-after provided.
3. And also will not at any time during the said term without the permission in writing of the Lessor first had and obtained erect any building or structure or erection or other structural work on the demised land or make any alteration or addition whatsoever in or to any building or structures which may hereafter be erected on the demised land without such permission as aforesaid. Provided however and it is distinctly stipulated and agreed that no application for the grant of such permission will be entertained by the lessor unless they are satisfied that the proposed structures or buildings have bearing on the purpose for which the Lessee is taking lease of the demised land, the period of the lease and in this respect the decision of the lessor shall be final, conclusive and binding.
- 3-A. And the Lessee will erect building or structure as per the plans approved by the Board and will abide by the instructions regarding house plans, etc, or town planning purposes as may be issued by the Lessor from time to time.
4. And will not at any time during the said term without such permission as aforesaid open work or dig any quarries for clay, gravel or sand in, upon or under the demised land. PROVIDED THAT the lessee shall be at liberty to dig pits and make other excavations for the purpose of foundations for permanent building or structures the erection which may be permitted as aforesaid.
- 4-A. The Lessee shall faithfully observe and allow all laws, rules, regulations and notifications whatsoever governing the use of the demised land and structures or building, if any, erected or built thereon.
5. The Lessee will not use the demised land or any part thereof or any building or structure that may be erected thereon or any part thereof for any purposes other than that for

which the demised land is let out to the Lessee save and except with the previous consent of the Lessor first had and obtained in writing.

6. The Lessee will not assign, transfer, underlet or part with the possession of the demised land or any part thereof without the prior consent in writing of the Lessor. In case the permission is granted it may be on such terms and conditions as the Lessor may think fit. If permission is refused the Lessor should not be called upon to assign any reasons for such refusal.

6-A. AND the Lessee will not offer the demised land or any portion thereof as security either in Court of Law or anywhere else without the previous consent in writing of the Board.

6-B. AND the Lessee shall not effect or cause or allow to be effected any change in the formation, constitution or composition of his business or the name of the business without the prior consent of the lessor.

7. It shall be lawful for the Lessor, their agents and staff at any reasonable time to times to enter upon the demised land with a view to inspect and examine the condition of the same the manner of construction of any building structure or erections for the time being under construction or erection or already constructed, or for the purpose of constructing laying, altering, repairing or maintaining any water-courses, drains, pipes or electric wires in connection, with any adjoining property, the Lessor filling up excavations made and otherwise making good any damage done to the demised land or to property of the Lessee by reason of such repairing, laying altering etc., by the Lessor as aforesaid but the Lessor will not be liable to pay any compensation to the lessee for any damage for any inconvenience that the Lessee may suffer in this connection.

8. The Lessee will not do or suffer to be done in or upon the demised land or any part thereof or in the buildings or structures that may be erected thereon any act or thing which shall or may be or become a nuisance, damage, annoyance, inconvenience or danger to the demised land or to the owners or occupiers of any adjoining or neighbouring land or area or premises. *2 Except to the extent of and on the ground that it is necessary for carrying out the operation for the industries for which the lease is granted by the Board.

9. The Lessee shall at all times during the said term be bound to execute to the satisfaction of the Lessor and/or their staff all such works and observe and perform all such rules and conditions which shall appear to the Lessor and/or to their staff or to the sanitary authorities of the district in which the demised land is situated to be necessary or desirable in order to keep the demised land in good sanitary order and condition.

10. The Lessee will at the expiration or sooner determination of the said term or any extended period thereof quietly and peacefully yield up vacant possession of the demised land as a whole up to the Lessor with all buildings, erections and other structures, if any,

erected thereon that shall not have been previously removed by the Lessee.

11. AND PROVIDED ALSO and it is hereby expressly agreed that the Lessee shall construct culverts over all water pipes which may pass through the demised land and over which building or structures may be erected in such manner as shall give to the Lessor their staff and agents free access at all times to the said water pipes.
12. The Lessee shall obtain at his own cost any trade or other "Licence" which may legally be necessary on account of his business.
13. PROVIDED ALWAYS and it is agreed that any arrears of rent or other moneys accruing to or in favour of the Lessor or from the Lessee shall be recoverable as a Public Demand with interest @ 12% per annum without prejudice to any other action that may be taken by the Lessor to recover by suit in the Court having jurisdiction over the area.
14. ANY statutory powers hereafter conferred upon the Lessor shall automatically apply to the demise *3 property and provisions in the respect shall be deemed to be incorporated in these presents and the Lessee shall be deemed to have constructive notice thereof.
15. ANY NOTICE required to the Lessee hereunder may be served on the Lessee by sending the same through the *4 registered Post addressed to him at the address above-mentioned and shall be deemed to have been duly served on him on the day next subsequent to the day on which it was posted.
16. THE LEASE deed after registration shall remain in the custody of the Lessor. The costs of preparing stamping and registering the lease shall be borne by the Lessee and also the cost of a counterpart or a copy if required by the Lessee.
17. The Lessee shall on or before the execution of these presents deposit with the Lessor in cash a sum equivalent to..... years/months rent as security for the due payment of the rent hereby reserved and due observance and performance of the covenants and conditions on the part of the Lessee herein contained. It shall be lawful for the Lessor to appropriate and apply the said sum towards the payment of rents or any moneys, loss, costs or damages due to or suffered by the Lessor in respect of or arising out of these presents. Should the Lessor desire not to exercise the said power of appropriation then after the Lessor receive back vacant and peaceful possession of the demised land at the termination or determination of these presents the Lessor shall pay over such money to the Lessee or to his legal representatives which shall be a valid discharge as against the Lessor. Should the Lessor exercise the said power of appropriation so as in part to exhaust such money then upon the Lessor receiving back vacant and peaceful possession of the demised land at the termination or determination of these presents any balance not appropriated shall be paid by the Lessor to the Lessee or to his legal representatives which shall be a valid discharge as aforesaid. The Lessor shall not be bound to make any such appropriation and failure to do so at any particular time shall not be deemed to be a waiver. The Lessor shall be entitled without prejudice to the said power of appropriation to exercise any other rights or remedies which the Lessor may in law or under these presents have before making any such appropriation and may subsequently after exercise of any

such rights effect such appropriation,

18. THE Lessee shall during the entire term of the demise properly maintain the boundary of the demised land by masonry pillars of fencing to be built and erected at his own cost. PROVIDED ALWAYS that in the event of the Lessee failing to do so the Lessor shall without prejudice to their other rights under these presents at their absolute discretion be at liberty to carry out the work aforesaid in such manner as they shall in their absolute discretion think fit and proper and to recover from the Lessee the amount spent by them for the purpose.

19. THE Lessee shall not exhibit or allow to be exhibited any advertisement or placards or other mode of representation on above or within or outside the demised land and or the buildings or structures standings thereon or any part thereof without the prior written permission of the Lessor except name boards and sign boards of any nature relating to the business of the Lessee himself or his tenants duly authorised by the Lessor subject to the Lessee or the tenants complying with the Port Trust Rules or Regulations for the same for the time being in force. *5 Provided that in the event of the lessee entering into mortgage or hypothecation agreement with its financiers subject to clause 6 of the covenants, the name of the financiers may be exhibited on the demise of mortgage properties.

20. THE Lessee shall not on any account encroach or allow or suffer any encroachment to be made upon the land reserved as margin of safety along side the Railway siding and/or on the Railway track in any manner whatsoever nor shall encroach or allow or suffer any encroachment to be made upon the road or any portion of the land surrounding the land hereby demised or upon any other land whatsoever. In the event of the Lessee committing a breach of any of the term contained in this clause he shall in addition to all other right conferred on the Lessor under these presents be liable to pay to the Lessor damages at such rate and for such period as the Lessor shall in his absolute discretion think fit and proper PROVIDED ALWAYS that in the event of a breach of the covenants contained in this clause on the part of the Lessee to be observed the Lessee shall in addition hold the Lessor harmless and indemnified against any loss damage claims or action whatsoever that the Lessor may be put to or the Lessor may incur in any way relating there to or arising therefrom.

And the Lessor hereby covenant with the Lessee in the manner following.

1. THAT Lessor will at all times during the said term pay the owners Share of taxes payable in respect of the demised land but not any taxes in respect of the building or structures that may hereafter be erected thereon by the Lessee.

2. AND that the Lessee paying the rent hereby reserved and observing each and all the several covenants conditions and agreements herein contained and on his part to be performed and observed shall and may peaceably and quietly hold the demised land during the term hereby granted or any extension thereof without any interruption or disturbance from or by the Lessor *6 and/or his permitted mortgagee or assignees.

PROVIDED ALWAYS and these presents are upon the express conditions that if the said monthly/annual rent herein before reserved or any part thereof shall at any time be in arrear and unpaid for thirty days after the same shall have become due (whether demanded or not) or if the Lessee shall at any time commit a breach of or fail or neglect to perform or observe any of the covenants, conditions or agreements herein contained including the conditions laid down in this clause, and on his part to be paid, performed and observed or if the Lessee shall become insolvent or commit an act of insolvency or be adjudicated insolvent or enter in to a composition or arrangement with his creditors or suffer any execution proceedings to be levied or a Receiver to be appointed in respect of any of his property and effects then and in any of such cases it shall be lawful for the Lessor to forthwith stop all railway booking facilities of the Lessee and it shall also be lawful for Lessor or any officer duly authorised by them without notice at any time thereafter into and upon the demised land or any part thereof to re-enter, repossess and enjoy as if these presents had not been made but without prejudice to any right or action or remedy of the Lessor in respect of any antecedent breach or non-performance or non-observance of any of the covenants and conditions by the Lessee herein contained. *7

PROVIDED further and these presents are also upon the express conditions that in the event of the demised land not being put into use or utilised for the purpose for which the land is demised within the period of from the date of the lease, the Board shall be at liberty immediately thereafter to resume the demised land, after giving one month's notice in writing to the Lessee.

AND it is hereby agreed and declared that if the lease hereby granted shall not be determined under any of the provisions herein before contained and if the Lessee shall be desirous of taking a new lease of the demised land for a further term..... after the expiration of the aforesaid term of hereby granted and shall at least 2 calender months before the expiration thereof signify such of his desire by a notice in writing to the Lessor, the lessor may on or before the expiration of the said term..... PROVIDED ALL the covenants and conditions hereinbefore contained shall have been duly performed and observed by the Lessee up to that time, make and execute to the Lessee, all costs and charges thereof being payable by the Lessee a new and effectual lease or the demise land for a further term as may be decided by the Lessor from the expiration of the said term of at such increased rate of rents as may be fixed and with and subjected to the like covenants conditions and provisions as are in and by these presents/reserved and contained excluding/including the present proviso for renewal and proviso for increased rate of rent and so on and subject to above and in like manner grant..... FURTHER periods of lease as may be decided by the Lessor.

AND it is also hereby agreed and declared that the Lessee may at any time prior to the expiration of the said term of or any renewal thereof of previous determi-nation under the proviso for determination first herein-before contained remove at his own cost all buildings or structures and fixtures, if any, erected or set up by or belonging to the Lessee on the demised land all buildings, structures and fixture not so removed shall all

the expiration or previous determination of the said term of or any renewal thereof as the case may be become the absolute property of the Lessor *8 may be taken over by the Lessor on payment of compensation to be determined by the Lessor based on market value PROVIDED that on any such removal the surface of the demised land shall be restored and relevelled by the Lessee at his own costs as it was at the time of this lease and to the satisfaction of the Lessor.

PROVIDED ALSO and it is hereby agreed and declared that notwithstanding anything herein before contained if this lease shall be determined by the Lessor by at least 2 months' notice in writing under the power in that behalf hereinafter reserved the Lessee shall be entitled at any time after such notice and before such determination to give notice in writing to the Lessor requiring them to purchase all buildings, structures and erections erected by the Lessee with the permission of the Lessor in writing as provided in clause 3 hereof and at the time of such 2 months' notice from the Lessor standing and being on the demised land and in case such notice shall be given the Lessor may if they so decide to purchase such buildings or structures and erections accordingly (but without any plant or machinery therein or elsewhere upon the demised land whether attached there to or not) and in the event of the Lessor deciding to purchase the buildings and erections as aforesaid the price to be paid therefor shall be assessed by any authorised officer of the Lessor whose decision shall be final and binding on both the parties. *9 "Provided that the Lessor may resume the property and determine the Leasehold" if it is necessary for a "Public Purpose" after giving six clear calendar months notice in writing to the Lessee and on payment of compensation at the market value for all the constructions made on the demised premises with the consent of the Lessee."

IN WITNESS WHEREOF these presents have been executed the..... day, month and year first above written.

GIVEN under the common seal of the Board for the Port of Paradip and duly signed in the presence of.....

Signed, sealed and delivered by the above name.....

in the presence of

Witness Lessees.

- 1.
- 2.

Secretary
Paradip Port Trust

APPENDIX II

This licence is made on the day of..... between the Board of Trustee of Paradip Port, a body corporate under the Major Port Trusts Act, 1963 (Act 38) (hereinafter called the licensor) of the one part and Mr./M/s..... hereinafter called "the license" of the other part, whereas the licensee had been allotted in the Paradip Port area (More fully described in the schedule annexed hereto) for use and occupation for and has agreed to use the same for the purpose of subject to the terms and conditions herein

contained.

NOW THIS DEED WITNESS AS FOLLOWS

1. I) In pursuance of the said agreement and in consideration of the licence fee hereinafter reserved and of the covenants by the licensee hereinafter contained, the licensor hereby allows the licensee the use and occupation of the premises described in the schedule annexed hereto.

TO HOLD the premises hereby demised on to the licensee for a term of years from the date of 19..... up to the day of 197..... paying thereof during the said term the monthly licence fee of Rs. (Rupees.....) on or before the 25th day of the month preceding the month for which the licence fee is payable by depositing the same in the Accounts Department, Paradip Port Trust during office hours.

ii) That the licensee before occupying the shall pay a sum of Rs..... only towards security deposit which may be refunded to the licensee after satisfactory completion of the terms and conditions of the covenants herein contained fulfilling the conditions of the allotment and the licensor reserves the right to adjust any amount for such damages, if any, at the completion of the term and the licensee shall not have any right to claim interest over the security deposit. The licensor also reserves the right to forfeit the entire security deposit or any part thereof in case the condition of allotment and covenants herein contained are not fulfilled by the licensee.

2. The licensee hereby covenants with the licensor as follows :

i) To pay up the licensor during the term hereby granted the fee reserved on the day and in the manner aforesaid.

ii) To pay enhanced fees if it is so decided by the licensor and intimate to the licensee by a notice in writing and reserved upon the licensee three calendar months prior to the beginning of the month for which enhanced fee is claimed.

iii) To pay interest at the rate of 12 percent (Twelve percent) per annum of the fees accruing due from time to time, if the same is not paid on the due date.

iv) To use the premises for the purpose only for which it is allotted subject to such restrictions and conditions as may be prescribed by the licensor from time to time and not to use any other part of the premises other than the area which is licensed hereby.

v) To keep the premises neat and clean and not to cause any damage to the building or its boundary or its fitting and fixtures and not to add any structure either temporary or permanent to the existing premises without the written approval of the licensor.

vi) To keep the premises always well lighted and in or candle fire or any kind whatsoever

*1 to *9 Deleted, substituted and added vide our Notification in the Orissa Gazeet No. 6918, August 17, 1979.

inside the premises.

vii) To pay and discharge at all times during the said term all charges relating to water, electricity and other fees or taxes now or hereafter assessed/imposed or charged upon the premises.

viii) Not to transfer this licence or part with the possession of the premises or any part thereof without the written permission of the licensor.

ix) To permit the licensor or his authorised agents at all reasonable times during the said term to enter into the premises to inspect the condition thereof.

x) To handover the building in good and complete shape to the licensor on the date of expiry of the agreement, unless and otherwise the said date is extended in writing by the licensor prior to the date of expiry of the licence.

xi) Not to use or permit to be used the premises for any purpose other than that for which this licence has been granted.

xii) Not to claim any right or interest in the property licensed hereby.

xiii) The licensee shall observe the provisions of laws, rules; bye-law, regulations, orders relating to the port and notifications issued by the Central Government, the Board, Chairman or other competent authority from time to time.

Provided further that any statutory power that may be conferred upon the Board shall automatically be enforceable on the licensee and the provisions in that respect shall be deemed to have been incorporated in the licence deed already executed and the same shall be binding on the licensee.

3. Provided always and it is hereby expressly agreed to as follows :-

i) That the licensee may vacate the premises after giving 15 days notice ending with a calendar month in writing to the licensor at any time during the period of the licence.

ii) That the period of licence can be renewed provided the premises is not required by the licensor for his own purpose and at his option.

iii) That if any complaint regarding over charges of the usual rate or non-availability of the articles of sale of bad, stale and adulterated food with which the license deals is received by or reported to or comes within the notice or knowledge of the licensor, the licence is liable to be cancelled.

iv) If the licensee contravenes any of the conditions of this licence he shall be punished with fine which may extend to Rs. 200 (RUpees two hundred) for each occasion where

the breach is a continuing one; with further fine which may extend to Rs. 50 (Rupees fifty) only for every day after the first during which such breach continues in addition to the compensation to the extent of loss that the licensor may suffer for such breach.

v) That if any part of his fees hereby reserved shall be in arrear for thirty days, next after the day when the same shall have become due whether the same shall have been demanded or not or if there shall be a breach of any of the licensee's covenants herein contained or if the building is required for some purpose of the port or otherwise required by the licensor of which fact the licensor shall be the sole judge, then the licensor may, notwithstanding the waiver of any previous cause or right of reentry terminate the licence by giving 15 days notice in writing and thereupon licence of the licensee shall absolutely cease and determine and the licensee shall vacate the premises during the notice period and handover the premises to the licensor or to his agent and in the event of such termination the licensee shall be liable to pay for all damages, if any, caused to the building, its fittings and fixtures by the licensee after making the allowances for ordinary wear and tear the value of which as determined by the licensor, shall be binding on the licensee.

vi) That if the licensee shall not deliver up possession of the said under sub-clause (x) of clause-2, sub-clauses (i) and (vi) of this clause the licensor is hereby authorised to treat the licensee as a trespasser and to evict him and take over possession of the premises by applying reasonable force and to claim damage to the extent of Rs. 200 only as a fine for each occasion and when the breach is a continuing one, with further fine which may extend to Rs. 50 for every day after the first during which such breach continues for breach of covenant for voluntary making over possession and the said damages, fine, etc., shall also be recoverable as the public demand with interest at the rate of 12 % (Twelve percent) per annum without prejudice to any other action that may be taken by the licensor to recover by suit in the Court having jurisdiction over the area. Provided that if by the date of taking over forcible possession of the premises the licensee has still his wares and articles inside the rooms, the same shall be inventorised in the presence of two gentlemen of the locality and made over to the custody of Zimandar from whom the licensee shall be entitled to take them under proper receipt within thirty days of the date of such entrustment failing which the licensor shall be competent to sell the same by public auction and hold the price thereof in deposit till the licensee agrees to take it less the cost of sale by auction.

The licensee shall be competent to be present in person or through his authorised agent at the time of inventory or sale of the articles by public auction.

Provided further that the licensor is hereby authorised to reimburse himself all his dues, claims and damages out of the sale proceeds before the balance is held in deposit as provided in the previous proceedings.

4. It is hereby expressly agreed that any arrear of licence fee or other moneys accruing to or in favour of the licensor from the licensee shall be recoverable as a public demand with interest at the rate of 12% (Twelve percent) per annum without prejudice to any

other action that may be taken by the licensor to recover by suit in the Court having jurisdiction over the area.

5. It is hereby expressly agreed that where the context so requires or admits the expressions the licensor, the licensee wherein before used shall include their successor in office heirs agents and assigns.

6. That the difference in rent, if any, due to subsequent recalculation can be realised from the licensee.

7. In witness where of the parties before to have put their hands and seals on the dates respectively mentioned under their signature.

Secretary, Paradip Port Trust

i
ii.

Signature on behalf of the licensor, i.e., the
Board of Trustees, Paradip Port Trust.

Signature of the licensee

In the presence of witness :

- i.
- ii.

Schedule of premises-

... Sector No.

Paradip Port in the district of Jagatsinghpur under the jurisdiction of sub-Register size of the buildings.

Bounded by-

NORTH :
SOUTH :
EAST :
WEST :

Signature of the Licensee

..... Signature of the Licensor

PARADIP PORT TRUST PENSION FUND REGULATIONS, 1976

G.S.R. 980.... 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 **Paradip Port Trust Pension Fund Regulation, 1976**.
- 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 Trust Act, 1963 (38 of 1963);
- b) "Board" means the Board of Trustees for the Port of Paradip;
- 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 or other authority on deputation with the Board.

- e) "Fund" means the Paradip 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 rules and orders to provide pensions, gratuity and commutation of pension which continue to be in force by virtue of the Paradip Port Trust (Adaptation of Rules) Regulations, 1967, or such other regulations as may be framed by the Board in this behalf to replace or modify the aforesaid rules and orders.

3. Establishment of the Fund :-

There shall be established a Fund to be called the Paradip Port Trust Pension Fund and there shall be credited there to-

- 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 a Committee which shall be constituted as under :

- i) Chairman, Paradip Port Trust : Chairman
- ii) One Trustee of the Board representing the labour employed in the Port. : Member
- iii) Financial Adviser & Chief Accounts Officer, PPT. : Member
- iv) In absence of Trustee representing labour, Chairman shall himself administer the Pension Fund.

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 rules 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 as admissible under the pension rules to the employees or their family members or their dependants, as the case may be :-
- c) payment of commuted value of pension as admissible under the pension rules.

6. Disbursement of the Fund:-

Disbursement shall be made out of the Fund to the employees or their family members or their dependants as per the provisions of the pension rules under specific sanction of the Chairman in each case.

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.

(F.PEP-16/75)

NOTE : (1) Paradip Port Trust Pension Fund Regulations, 1976 were published vide G.S.R. No. 980 in the Gazette of India dated the 17th June, 1976.

(2) First amendment namely, Paradip Port Trust Pension Fund (Amendment) Regulation, 1993 were published vide G.S.R. No. 280(E) in the Gazette of India dated 12.3.1993.

PARADIP PORT TRUST EMPLOYEES (ACCEPTANCE OF EMPLOYMENT AFTER RETIREMENT) REGULATIONS, 1978

No. 10267-In exercise of the powers conferred by section 28 read with section 124 of the Major Port Trust Act, 1963 (38 of 1963) the Board of Trustees of Paradip Port hereby makes the following regulations, namely :

1. Short Title :

- i) These regulations may be called the Paradip Port Trust Employees (Acceptance of Employment After Retirement) Regulation, 1978.
- ii) They shall come into force on such date or dates as the Central Government may by notification appoint,

2. Application :

These regulations shall apply to all employees coming under Class I service.

3. Definition :

In these regulations unless the context otherwise requires--

- a) "Board", "Chairman" shall have the meaning assigned to them in the Major Port Trusts Act, 1963.
- b) "Class I service" shall mean the service classified as such by the Board from time to time under the Paradip Port Employees (Classification, Control and Appeal) Regulation, 1967.
- c) "Competent authority" shall mean "Chairman" for the purpose of these regulations.

4. Permission for Employment :

- a) No person who has held a Class I post under the Board immediately before retirement (Whether governed by Pension or Contributory Provident Fund Regulations of the Board) shall accept any employment including an employment as contractor for or in connection with the execution of public 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.
- b) No person who is covered by these regulations and has not obtained the necessary permission shall be given any such contract and a condition shall be incorporated in the terms of the contract that it is liable to cancellation if either the contractor him-self or any of his employee is found to be a person to whom these orders apply and he had not obtained the necessary permission.

c) Officers governed by Pension Fund Regulations 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 will not accept employment within two years of retirement without obtaining the previous permission of the competent authority.

APPENDIX II FORM (A)

Note- The undertaking shall be given in a nonjudicial stamp paper the cost of which shall be borne by the retiring officer concerned.

d) In default, an officer-

“Notwithstanding contained any other law, Rules or Regulations in force in default of any of the aforesaid provision, an officer-

i) Governed by the Pension Regulations of the Port may forfeit his pension for the period during which he is employed or for such longer period as the competent authority may direct :

Provided that no such order shall be passed by the competent authority without affording the concerned person a reasonable opportunity of showing cause ;

Provided further, the officer may prefer an appeal to the Board within 30 days of the said order of the competent authority. The Board shall hear the appeal and may pass such order as it deem proper :

Provided 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.

e) Before granting permission under these regulations the following factors shall be taken into consideration-

i) Has the officer while in service had any dealings with the proposed employer as might provoke the suspicion that he had shown favour to the latter ?

ii) Will his duties be such that his official knowledge and experience could be used to give the employer an unfair advantage ?

iii) Will his duties be such as might bring him into conflict with the Board ?

iv) Is the proposed employment of a thoroughly reputable kind ?

Note1- Employment involving contract or liaison work with the Board will not be considered as employment of a thoroughly reputable kind.

Note 2- The reputation of the firm, which offers employment will also be taken into account while granting permission. For instance the fact that a firm is blacklisted by Government will be one of the factors which will render the employment to be considered as not being of a reputable kind.

v) Are there any exceptional circumstances, which would make the refusal of consent a real hardship ?

F) In respect of officers of the Board's Engineering Department whether in the executive or administrative side, permission within two years of retirement for seeking employment as contractors for or in connection with the execution of works of the Board or as employees of such contractors who are executing such works may be given very rarely and only in special circumstances.

g) The application for permission to take up an employment within two years of retirement shall be made in such form as may be prescribed by the competent authority Appendix.I

5. Permission necessary in respect of temporary officers :-

Permission for acceptance of employment after retirement will be necessary even in the case of an officer who immediately before retirement held a Class I post in an officiating or temporary capacity.

6. 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.

SATYARANJAN PAL
Chariman
Paradip Port Trust

PARADIP PORT
The 24th August 1978

APPENDIX I
[See Regulations 4 (g)]

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 the last five years preceding retirement (with duration).

Name of the department	Post held	From	<u>Duration</u> to
[1]	[2]	[3]	[4]

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) 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, ect.
 - b) Whether the official had during his official career any dealings with the firm/company, etc.
 - c) Duration or nature of the official dealings with the firm/company, ect.
 - d) Name of job/post offered.
 - e) Whether post was advertised, if not, how was offer made.
 - f) Description of the duties of the job/post
 - g) Does it involve liaison/contract work with Paradip Port Trust ?
 - h) Remuneration offered for the post/job.
8. Any information which the applicant desires to furnish in support of his request.

Station

Date.....

Signature of the officer

APPENDIX II
[See Regulation 4 (c)]
FORM OF UNDERTAKING
FORM A

To be given by employees governed by the Pension Regulations of the Trust.

I hereby undertake that I will not

- 1) accept any employment within or outside India ;
- 2) Take up any contract for or in connection with execution of any public works :
- 3) be an employee of a contractor who has taken up such contract :

for a period of two years from the date of my retirement without obtaining in writing the prior permission of the competent authority.

In default, I shall forfeit my pension for the period during which I am so employed or for such longer period as the competent authority may direct.

Witness :

Signature of the Officer

- 1)
- 2)

PARADIP PORT AREA MANAGEMENT & SAFETY REGULATION, 1976

* In exercise of the powers conferred by Section 123 (f) (n) and (o) of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of Paradip Port hereby publish the following regulations, the same having been published in pursuance of section 124 (2) of the said Act and after having it approved by the Central Government as required under section 124 (1) thereof, namely :-

1. Short Title and commencement :-

- i) These regulations may be called the "Paradip Port Area Management and Safety Regulation 1976"
- ii) It extends to whole of Paradip Port Area as defined in Regulation 2 and it shall come into force at once.

2. Definitions :-

In these regulations, unless the context otherwise requires :-

- a) "Act" means the Major Port Trusts Act, 1963 and Indian Port Act, 1908 as may be relevant in the context.
- b) "Port Area" means Port limits as notified in notification No. 1307-G.S.R. of the 12th August 1966, under sub-section (2) of section 5 of Indian Ports Act, 1908 (15 of 1908) and includes all premises comprised in the land, building or other works in the area vested in the Board, or to be vested in the Board.
- c) "Prohibited Area" means the area as notified in notification No. 2184--C, dated the 28th April 1966 under sub-clauses (c) and (d) of clause (8) of section 2 of the Indian Official Secrets Act, 1923, (XIX of 1923)
- d) The words and expressions used in these regulations shall have same meaning as are assigned to them under the Major Port Trusts Act, 1963/Indian Ports Act. 1908 and rules framed there under.

- e) "Chief Security Officer" and "Security Officer" means such officers appointed by the Port Trust to look after Security and Police Service of the Port and includes any Officer/ Officers who may at any given time be in-charge of these activities.
 - f) "Rules" means rules framed under Major Port Trusts Act, 1963 and Indian Ports Act 1908.
3.
 - 1) No person shall enter into the prohibited area and any area mentioned in or notified under sub-regulation (2) of this regulation without a valid permit having been issued by or under the instructions of the Chief Security Officer.
 - 2) No person shall enter into the following premises, namely, Balijhara Water Works, Water Tower, Drinking water sumps and water pumping station, electricity sub-station points, sewerage pumping stations, loco shed, Rail and road weighbridges, telecommunication installations, warehouses, administrative offices, Administrative core area, Petrol Bunks, petrol pumps and bunkering stations. Hospital berths, sheds, wharves, quays, cargo stackyards, slipway and dry docking area, workshops, Iron Ore Handling Plant and other Mechanical handling plants, Signal station, Mechanised Coal Handling plant and booster stations, Break-waters, approach and entrance channels in the lagoon and any other area, place or installation as may be notified by the Chairman, Paradip Port Trust from time to time, without a specific pass from the concerned Heads of Departments of the Port Trust in addition to permit obtained under sub regulation (1) above.
 4. No person shall display any explosive fire works or use and play mike, loudspeaker and other speech equipments at and place within a radius of 400 meters from the outer compound area of the premises, place, area, installation mentioned under sub-regulation (2) of Regulation 3 without the permission in writing of the Chief Security Officer.
 5. The Secretary Paradip Port Trust, the Chief Security Officer, Security Officer and such other Officers as may be authorised by the Chairman, Paradip Port Trust shall be competent to take all necessary steps for exclusion from the premises of Board of all disorderly or other undesirable persons and of trespassers.
 6. The Port Trust may take the following measures, amongst others, for the safe efficient and convenient use, management and control of the docks, wharves, quays, jetties, Railways, tramways, buildings and other works constructed or acquired by or vested in the Board or of any land or foreshore acquired by or vested in the Board and for the purpose of control and exclusion of disorderly or other undesirable persons and of trespassers and for the safety of the Port and enforcement of these regulations and generally for the efficient and proper administration of the Port.
 - 1) Erect gates, bars, walls and fences;

- 2) Display signboards, pamphlets and posters at appropriate places;
- 3) Survey and fix boundaries and put marks;
- 4) Take or order such other measures as may be necessary.
7. The Chairman, Paradip Port Trust may prescribe mode of functioning and powers of various officer and agencies for implementing the provisions of this regulation.
8. Violation of the provisions of this Regulation shall be dealt with as prescribed under Section 124 of Major Port Trusts Act, 1963.

Paradip Port
The 23rd Feb' 1977.

PREMANANDA TRIPATHY
Chairman
Paradip Port Trust

**PARADIP PORT TRUST EMPLOYEES
(CONDUCT)
REGULATION, 1989
MINISTRY OF SURFACE TRANSPORT
(Port Wing)
NEW DELHI, THE 5TH JULY - 1989
NOTIFICATION**

G.S.R, 682 (E) : In exercise of the powers conferred by sub-section (i) of Section 124, read with sub-section (1) Section 132 of the Major Port Trust Act, 1963 (38 of 1963), the Central Government hereby approves the Paradip Port Trust Employees (Conduct) Regulations, 1989 made by the Board of Trustees for the Port of Paradip 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-12013/8/88/PE-I]

YOGENDRA NARAIN, Jt. Secy.

In Exercise of the powers conferred under Section 28 of the Major Port Trust Act, 1963, (38 of 1963), the Paradip Port Trust Board hereby makes, the following Regulations viz :

1. Short Title Commencement & Applications :

1. These regulations may be called the Paradip Port Trust Employees' (Conduct) Regulations, 1989.
2. Except as otherwise provided by or under these Regulations they shall apply to all persons appointed to posts in connection with the affairs of Paradip Port Trust.

Provided that nothing in Clause (ii) of Sub-Regulations (5) of Regulation 5 subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947) Regulation 10 : Note-2 below the explanation in Regulation 11 : Sub-Regulation (2) of Regulation (13) Regulation 17 : shall apply to an employee drawing a pay not exceeding Rs. 1676 per mensem and holding a Class III or IV post.

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Provided further that nothing in the foregoing proviso shall apply to any employee holding an office which is mainly concerned with administration, managerial, supervisory, security or welfare functions.

2. Definitions :

In these regulations unless the context otherwise required :-

- a) "Board" "Chairman" "Deputy Chairman" and "Head of a Department" shall have the same meaning as in the major Port Trust Act, 1963 (38 of 1963).
- b) "Government" means the Central Government.

- c) "Employee" means an employee of the Board.
- d) "Members of the family" in relation to an employee included :
- i) The Wife or husband as the case may be of the employee, whether residing with him or not but does not include a wife or husband as the case may be separated from the employee by a degree or order of a competent court.
 - ii) Sons or daughters or step sons or step daughters of the employee and wholly dependent on him, but does not include a child or step child who is no longer in any way dependent on the employee or of whose custody the employee has been deprived of by or under any law.

Explanation :

"Dependent of an employee is one whose income does not exceed five hundred rupees a month from all sources.

- e) Class-I, Class-II, Class-III and Class-IV posts shall have the same meaning as assigned to them respectively in the Paradip Port Employees (Classification, Control and appeal) Regulations 1967.
- f) Prescribed authority means the appointing authority as prescribed in the Paradip Port Employees (Classification, Control and Appeal) Regulations 1967.

3. General :

- 1) Every employee shall, at all times, maintain absolute integrity and devotion to duty.
- 2) Every employee holding a Supervisory post shall take all possible steps to ensure the integrity any devotion to duty of all employees for the time being under his control and authority.
- 3) No employee holding a supervisory post shall in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation writing; he shall obtain written confirmation of the direction as soon thereafter as possible.
- 4) No employee holding a post of Class I & II shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm.
- 5) i) No employee holding a Class I post shall except with the previous sanction of the Chairman permit his son, daughter or any other dependent to accept any employment with any firm or company 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 the son daughter or other dependent of such employee cannot await the prior permission, the matter shall be reported by the employee to the Chairman and the employment may be accepted provisionally, subject to the permission of the Chairman.

Explanation :

- 1) Nothing in sub-regulation (3) above shall be construed as empowering an employee to evade his responsibility by seeking instructions from or approval of a superior officer or authority when

such instructions are not necessary under the scheme of distribution of powers and responsibilities, Oral instruction should not as far as possible be issued by senior officers to their subordinates. If the oral instructions are issued by any senior officer they should be confirmed by him in writing immediately thereafter.

A Junior Officer who has received oral orders from his superior officer should seek confirmation in writing preferably within twenty four hours. If a Junior Officer seeks confirmation to the oral instructions given by the senior, the latter should confirm it in writing whenever such confirmation is sought. It is not open to the superior officer to refuse to confirm in writing the orders given him orally, just as it is open to him to state immediately that no such oral orders were given.

- 6) Every employee should 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 his child or dependent is employed.
- 7) No employee should bid at auctions arranged by or on behalf of the Board.
- 8) Participation by an employee in proselytising activities or the direct or indirect use of his position and influence in such activities is objectionable.
- 9) 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.

Explanation :

- i) In case where an employee is reported to have conducted himself in a manner unbecoming of servant of the Board as, for instance by neglect of his wife and family, action may be taken against him on that score.
- ii) 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 Misconduct :

Without prejudice to the generality of the term misconduct the following acts of omission and commission shall be treated as misconduct :

- 1) Theft fraud or dishonesty in connection with the business or property of the Board or of property of another person within the Port premises.
- 2) Taking or giving bribes or any illegal gratification.
- 3) Possession of pecuniary resources or property disproportionate to the known sources of income by the employee or on his behalf by another person, which the employee cannot satisfactorily account for.
- 4) Furnishing false information regarding name, age, fathers name, qualification, ability or previous service or any other matter germane to the employment at the time of employment or during the course of employment.
- 5) Acting in a manner prejudicial to the interests of the Board.
- 6) Wilful insubordination or disobedience whether or not in combination with others, of any lawful and reasonable order of his superior.
- 7) Absence without leave or over-staying the sanctioned leave for more than ten consecutive

days without sufficient grounds or proper or satisfactory explanation.

- 8) Habitual late or irregular attendance.
- 9) Neglect of work or negligence in the performance of duty including malingering or slowing down of work.
- 10) Damage to any property of the Board.
- 11) Interference of tampering with any safety devices installed in or about the port premises.
- 12) Drunkenness or riotous or disorderly or indecent behaviour in the Port premises or outside within premises where such behaviour is related to or connected with the employment.
- 13) Gambling within the Port premises.
- 14) Smoking within the Port premises where it is prohibited.
- 15) Collection without the permission of the Chairman of any money within the Port premises except as sanctioned by any law of the land.
- 16) Sleeping while on duty.
- 17) Commission of any act which amounts to a criminal offence involving moral turpitude.
- 18) Absence from the employees appointed place of work without permission or sufficient cause.
- 19) Purchasing properties, machinery, stores etc. from or selling properties, machinery stores etc. to the Board without express permission in writing from the Chairman.
- 20) commission of any act subservice of discipline or of good behaviour.
- 21) Abatement of or attempt at abatement of any act which amounts to misconduct.
- 22) Wilful misrepresentation facts.

NOTE : The above instance of misconduct are illustrative in nature and not exhaustive.

5. 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 :

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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 time being in force.

- 2) No employee shall 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.

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.

6. Connection with Press or Radio :

- 1) No employee shall except with the previous sanction of the Chairman, 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 Chairman or any other authority empowered by him in this behalf or in the bonafide discharge of his duties participate in a radio broadcast or contribute any article or 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 action shall be required if such broadcast or such contribution is purely literary, artistic or scientific character.

7. Criticism of Board/Government :

No employee shall in any radio or television broadcast or in any document published 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 recent policy or action of the Central Government, State Government, the Board or any other Major Port Trust.

Provided that the case of any employee specified in the proviso to sub-regulation (2) of regulation 1, nothing contained in the 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 condition of such employees or for securing any improvement there.

or

- ii) Which is capable of embarrassing the relations between the Board and 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.

8. 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 Chairman give evidence in connection with any inquiry 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 police or any action of the Board of any other 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 the 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 inquiry 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.

9. Unauthorised Communication of Information :

No employee shall, except in accordance with any general or special order of the Chairman or in the performance in good faith of the duties assigned to him, communicate directly or indirectly, any official document or information to any person to whom he is not authorised 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 which they are ordinarily not expected to have been or to have retained the action shall be construed as not only improper but also as involving contravention of this regulation.

10. Subscription :

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

Explanation :

- 1) More 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 who is a member of a Service union of employees, from amongst other members of the Union shall be :-
 - i) Un-objectionable shall not require prior sanction if :-
 - a) The proceeds are proposed to be utilised for welfare activities of the Union, or
 - b) Where a matter affecting the general interests of the members of the Union is in dispute, it is permissible under the rules of the Union to spend its funds over such matters.
 - ii) objectionable if the proceeds are proposed to be utilised for the defence of an individual employee against whom departmental action is being taken on grounds which concern him in particular.

11. Gifts :

- 1) Save as otherwise provided in these regulations no employee shall accept, or permit any member of his family or only other person acting on his behalf to accept, any gift.

Explanation :

The expression "gift" shall include free transport, boarding, lodging or other service or

any other pecuniary advantages when provided by any person other than a near relative or personal friend having no official dealings with the employee.

Note : 1. A casual meal, life or other social hospitality shall not be deemed to be a gift.

Note : 2. An employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisation etc.

2) a) on occasions such as weddings, anniversaries, funeral 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 Chairman 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. 350, 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.

b) On such occasion as are specified in Clause (a) of sub-regulation (2), an employee may accept gifts from his personal friends having official dealings with him, but he shall make report to the Chairman 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.

3) In any other case an employee shall not accept or permit any member of his family or any person acting on his behalf to accept any gift without the sanction of the Chairman/Deputy Chairman 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.

4) 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 a bride or bridegroom, as the case may be any dowry.

Explanation :

For the purpose of this sub-regulation dowry has the same meanings as in the Dowry Prohibition Act, 1961 (28 of 1961),

12. Public Demonstrations etc. in Honour of Employees :

1) No employee shall, except with the previous sanction of the Chairman, accept any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour or in the honour of any other employees :-

Provided that nothing in this regulations 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.

Explanations :

Acceptance of invitation to declare buildings, etc. open or to lay the foundation stone of new building etc. or to allow public places, institutions to be renamed after him attract the provisions of this regulation.

2) Exercise of pressure of influence of any sort on any employee to induce him to subscribe towards any farewell entertainment event if it is of a substantially private or informal character and the collection of subscriptions from employees for the entertainment of any officer is forbidden and will constitute a violation of this regulation.

13. Private Trade or Employment :

1) No employee shall, except with the previous sanction of the chairman, engage directly or indirectly in any trade or business either in his own name or in the name of any member of his family or undertake any other 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 in any way, but he shall not undertake or shall discontinue such work, if so directed by the Chairman.

Explanation :

Canvassing by an employee in support of business or 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.

2. Every employee shall report to the chairman if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

3) No employee shall, except with the previous sanction of the chairman except in the discharge of his official duties take part 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 any other law for the time being in force or any co-operative society for commercial purposes.

NOTE :

Partnership firms and small scale industries are included in this category.

Provided that an employee may take part in the registration, promotion or management of a co-operative societies established substantially, for the benefit of Port employees registered under the co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force, or of a literary, scientific or charitable society under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.

4) No employee shall accept any fee for any work done by him for any public body or any private person without the sanction of the Chairman or the prescribed authority.

Provided that fees accepted for remuneration as paper setter examiner, etc. of public institutions will not attract the provisions of this regulation if such work has been accepted by the employee with an approval of the Chairman.

14. Investments, Lendings and Borrowings :

- 1) No employee shall speculate in any stocks, share on other investments.

Explanation :

Frequent or habitual purchase of sale or both of securities , shares shall be deemed to be speculations 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 which is likely to embarrass or influence him in the discharge of his duties.

- 3) If any question arises whether a security or investment is of the nature referred to in sub-regulation (1) of sub-regulation (2) the decision of Chairman thereon shall be final.

- 4) No employee shall, except with the previous sanction of the Chairman, lend money to any person possessing land or valuable property, or engage in any commercial activity 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 in the ordinary course of business with a bank or firm of standing borrow money from of otherwise place himself 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 be permit any member of his family, except with the previous sanction of the Chairman 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 a bonafide 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 chairman and shall thereafter act in accordance with such orders as may be passed by the Chairman.

Insolvency and Habitual Indebtedness :

- 1) An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who becomes a subject of a legal proceeding for insolvency shall forthwith report full facts to the Chairman.

Explanation :

When an attachment order is to be enforced against an employee, the Chairman may :

- 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 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 member of his family .

Provided that any such transaction conducted otherwise than through a regular or reputed dealer shall require the previous sanction of the prescribed authority.

Explanation :

It is not contemplated that an employee should enter into transactions regarding movable and immovable property without the previous sanction of the prescribed authority and afterwards seek ex-post facto sanction.

2) An employee who enters into any transaction concerning any movable property exceeding Rs. 10,000 in the case of Class I and Class II Officers and 5,000 in the case of Class III and IV employees in value by way of purchase, sale or otherwise shall forthwith report such transaction to the Chairman.

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 Chairman.

Explanation :

For the purpose of this sub-regulation the expression "movable property" includes inter alia the following property.

- a) jewelry, insurance Policies, where annual premium exceeds Rs. 5000 shares, securities debentures, fixed deposits in Banks and Companies, National Savings Certificates.
- b) loans advance by such employee, whether secured or not,
- c) motor cars, motor cycles, cows bullocks, buffaloes, and
- d) refrigerators, radios and radiograms, television sets, video cassette recording or video cassette playing sets.

3) Every Class I and II employee shall, on his admission in the service of the Board and thereafter at the end of each calendar year, submit a return as in Annexure A & B to these regulations of all immovable property owned, acquired, or inherited by him or hold by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person.

4) The Chairman may, at any time, by general or special order, required 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 Chairman, include details of the means by which or the source from which, such property was acquired.

Explanations :

- 1) The construction of a house results in acquisition of immovable property and attracts the

provisions of his regulation. The purchase of movable property required for the construction of the house also attracts this regulation.

2) Transaction as members of a Hindu undivided joint family shall not require the Chairman's prior permission. In such cases, transactions in immovable property shall 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.

Before starting construction of the house, the employee should report or seek permission, as the case may be, and after completion of the house, he should report to the prescribed authority further :-

i) the details in the proforma prescribed (Annexure A) should be furnished whenever it is possible to do so. Where however, it is not possible to furnish these details, the employee concerned should mention the covered area on which the building is proposed to be erected and the estimated cost of the building.

ii) In cases where the expenditure to be incurred on repairs or minor construction work in respect of any immovable property belonging to an employee is estimated to exceed Rs. 1,000 sanction of the prescribed authority is necessary.

While reporting to the prescribed authority the employee shall indicate the source of finance with full details thereof.

17. Vindication of Acts and Character of Employees :

No employee shall, except with the previous sanction of the Chairman have recourse to any Court or the press for the vindication of 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 character of any act done by him in his private capacity.

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. Restriction Regarding marriage :

1) No employee shall :-

- a) enter into or contract a marriage with a person having a spouse living or,
- b) having a spouse living, entry into or contract a marriage with any person.

2) Every person who enters the Board's service after the commencement of these regulations shall make before such entry a declaration as set out in Annexure-C to these regulations.

3) An employee who has married or marries a person other than of an Indian nationality shall forthwith intimate the fact to the Chairman.

20. Drinking :

Subject of the provisions of any law relating to intoxicating drinks or drugs for the time being in force in any area, no employee shall :

- a) While on duty be under the influence of such drinks or drugs, to such an extent as to render him incapable of discharging his duty properly and efficiently or.
- b) Appear in a public place in a state of intoxication, or
- c) Habitually use such drinks or drugs in excess.

21. Restrictions in relation to Acquisition and Disposal of immovable property outside India and Transactions with Foreigners etc.

Notwithstanding anything contained in Regulation 16, an employee shall except with the previous sanction of the Chairman :-

- a) Acquired, 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 :
 - i) For the acquisition, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family or any immovable property,
 - ii) For the disposal of, by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

22. Repeal and Saving :

Any rules corresponding to these regulation in force immediately before the commencement of these regulation and application to the employee to whom these rules apply, are hereby repealed;

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations.

Provided further that such repeal shall not affect the previous operation of the rules so repealed and a contravention of any of the said rules shall be punishable as if it were a contravention of these regulations.

23. Interpretation :

If any question arises relating to the interpretation of these regulations, it shall be referred to the Chairman who shall decide the same.

ANNEXURE - A
(See Regulation-16)

[Form of report application (for permission) to the prescribed authority for the building of, or addition to, a house]

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 & 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 building.

Yours faithfully,

FORM II

(Form report of to the prescribed authority after completion of the building extension of house).

Sir,

In my letter No. dated I had, permission was granted to me in Order reported that I proposed to build a house dated for building of house. The house has since been completed and I enclose a valuation report, duly certified by *

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

Yours faithfully.

Date

Signature

VERIFICATION REPORT

I/We hereby certify that I/We have valued house.....constructed by Shri/Shrimati * and I/We give below the value at which we estimate the cost of the house under the following heading.

HEADING	COST (Rs.	P.)
1. Bricks.		
2. Cement.		
3. Timber.		
4. Iron & Steel.		
5. Sanitary Fittings.		
6. Electrical Fittings.		
7. All other special Fittings.		
8. Labour Charges.		
9. All other Charges.		
Total Cost of the Buildings		Rs.

Date :

Signature of the Valuation Authority.

(here enter details of the House)/ here enter name etc. of the employee.

ANNEXURE-B
(See Regulation 16)

Statements of Immovable property on first appointment for the year

1. Name of employee (in full)
2. Present Post held
3. Present pay

Name of District, Sub-Divn., Tahasil & Village in which property is situated.	Name & details of property House Land. & other Buildings.	Present. If not in value. own name, state in whose name held & his/her relationship to the employee.	How acquired whether by purchase lease (**) mortgage in hereitance, gift, or otherwise with date of acquisition & name with details of the persons from whom acquired.	Annual Income from the Property.	Remarks.
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	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1)								
2)								
3)								
4)								
5)								

Note : The declaration form is required to be filled and submitted by every member of Class I and Class II service under Sub-regulation (3) of regulation 16 of the Paradip Port Employee's (Conduct) Regulations, 1988 on first appointment to the service and there after at the interval of every twelve months, giving particulars of all immovable property owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any other persons.

Signature :

Date :

* Incase where it is not possible to assess the value accurately, the approximate value in relation to present conditions may be indicated in applicable clause to be struck out.

* Includes short term also.

ANNEXURE-C

(Declaration)

1. Sri/Srimati/Kumari
declare as under :

- * i) That I am unmarried/a widower/a widow.
- * ii) That I am married have only wife living.
- * iii) That I am married and 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 the 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

Note : The Paradip Port Employees (Conduct) Regulations, 1989 were published vide G S R. No. 682 (E) in the Gazette of India dt. 05.11.1989.

**PARADIP PORT EMPLOYEES (GENERAL PROVIDENT FUND)
REGULATIONS, 1991**

MINISTRY OF SURFACE TRANSPORT

(Ports Wing)

NOTIFICATION

New Delhi, the 19th March 1991

G.S.R. 150 (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 Paradip Port Employees (General Provident Fund) Regulations, 1991, made by the Board of Trustees for the Port of Paradip 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.

[No. PR-12016/6/90-PE-1]

SCHEDULE

PARADIP PORT EMPLOYEES (GENERAL PROVIDENT FUND) REGULATIONS, 1991

In exercise of the powers conferred by section 28 of the Major Port Trusts Act, 1963 (38 of 1963) the Board of Trustees of the Port of Paradip hereby make the following regulation, namely "Paradip Port Employees (General Provident Fund) Regulations, 1991", Subject to the approval of the Central Government under Sub-Section (1) of Section 124 of the said Act-

1. Short title and commencement :-

- a) These regulations may be called the Paradip Port Employees (General Provident Fund) Regulations, 1991.
- b) They shall come into force on the date of their publication in the Gazette of India.

2. Definitions :-

- l) In these regulations unless the context otherwise requires-
 - a) "Accounts Officer" means the FA & CAO of the Board.
 - b) "Board" and "Chairman" shall have the same meaning respectively assigned to them in the Major Port Trusts Act, 1963.

- c) Save as otherwise expressly provided "emoluments" means pay as defined in the Fundamental Rules of Government of India or in the Rules/Regulations, if any, framed by the Board whichever may be applicable to the subscriber, leave salary, subsistence grant and any remuneration of the nature of pay received in respect of foreign service.
- d) "Employee" means an employee of the Board.
- e) "Family" means-
- i) In the case of a male subscriber, the wife or wives, parents children, minor brothers, unmarried sisters, deceased son's widow and the children and where no parents of the subscriber is alive, a paternal grand parent. 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 regulation relate, unless the subscriber subsequently intimates, in writing to the Accounts Officer that she shall continue to be recorded.
 - ii) In the case of a female subscriber, the husband, parents, children minor brothers and adopted sisters, deceased son's widow and children and where no parents of the subscriber is alive, a paternal grand parent : 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:

- i) "Child" means a legitimate child and includes an adopted child where adoption is recognised by the personal law governing the subscriber.
- ii) An adopted child ceases to be included in the family of the natural father for the purpose of Paradip Port Employees (General Provident Fund) Regulations, when under the personal law of the adopter, adoption is legally recognised as conferring the status of a natural child.
- f) "Form" means the form appended to the Regulations.
- g) "Fund" means the Paradip Port Employees General Provident Fund.
- h) "Head of Department" means the authority declared by the Central Government.
- i) "Head of Office" means the authority so declared by the Chairman.
- j) "Leave" means any kind of leave under C.C.S. (Leave) Rules, 1972 or Regulations as may be framed by Paradip Port Trust under section 28 of the Major Port Trust Act, 1963 whichever may be applicable to the subscriber.
- k) "Year" means a financial year.
- l) Any other expression used in these Regulations which is defined either in the Provident Fund Act, 1925 (19 of 1925) or in the Fundamental Rules of Central Government or any other rules regulations applicable to the subscriber shall have the same meanings respectively assigned to them in such Act, Rules or Regulations.

3. Constitution of Fund :-

l) The fund shall be administered by the Board of Trustees and maintained in rupees .

4. Conditions of eligibility:-

1) All temporary employees after a continuous Service of one year, all re-employed pensioners (other than those eligible for admission to the Contributory Provident Fund) and all permanent employees shall subscribe to the fund.

2) The temporary employee before completion of continuous service of one year, may subscribe to the fund, if so desires.

3) Employees who are subscribers to C.P.F. shall not be eligible to subscribe to G.P.F.

4) The employee shall submit nomination in the prescribed Form-II (in triplicate) to the Head of Office.

5) The Head of Office shall send a statement in duplicate to the Accounts Officer in the Form-I alongwith Nomination Forms in triplicate on the 15th of every month.

6) The Accounts Officer after allotment of G.P.F. Number shall retain one copy of the statement (Form-I) and Nomination Form and return other copies of Form-I and II to Head of Office. Thereafter one copy of nomination in Form-II, shall be pasted in the first page of Service Book Service Roll of the subscriber and an other copy shall be returned to the subscriber under receipt.

5. Transfer of balances :-

On the commencement of these Regulations, the balance standing to the credit of an employee in the G.P.F. constituted under G.P.F. Rules, 1960, for such employee shall be credited to the account of the employee under the Fund constituted under these Regulations.

6. Nominations :

1) The subscriber shall at the time of joining the Fund, send to the Accounts Officer through the Head of Office 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 death before that amount has become payable or having become payable has not been paid :

Provided that a subscriber who has 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 Provident Fund 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 these Regulations until he makes a nomination in accordance with these Regulations.

2) If a subscriber nominates more than one person under sub-regulations (1) he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

3) Every nomination shall be made in the Form-II appended to these Regulations.

4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Accounts Officer. The subscriber shall alongwith 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 any 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 a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee/nominees.

b) That the nomination shall become invalid in the event of the happening of a contingency specified therein :

Provided that if at the time of making nomination, the subscriber has only one member of the family, he/she shall provide in the nomination that the right conferred upon the alternate nominee under Clause (a) shall become invalid in the event of his/her subsequently acquiring other member or members in his/her family.

6) Immediately on the death of a nominee in respect of whom on special provision has been made in the nomination under Clause (a) of sub-regulation (5) or on the occurrence of any event by the reason of which the nomination becomes invalid in pursuance of Clause (b) of sub-regulation (5) or the proviso thereto the subscriber shall send to the Accounts Officer a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this Regulation.

7) Every nomination made, and every notice of cancellation given by a subscriber shall to the extent that it is valid, take effect on the date on which it is received by the Accounts, Officer.

8) In case where no nomination exists in favour of the widow of the subscriber, the title of the widow be the claim in respect of the fund deposit or her former husband is not affected by her subsequent marriage.

9) If a subscriber has no family, or has no other person, excepting the nominee constituting his family as defined in the regulations, the person whom the right of the nominee should pass named in the last column can, of course, be some one other than a member of his family.

10) A subscriber, even after retirement discharge etc. can change the nomination already made by him while in service: so long as the amount of the credit of the subscriber is not actually paid, provided the changes of revised nomination are made and notified in accordance with the provisions of the relevant General Provident Fund Regulations.

11) The nomination for Provident Fund submitted to the Head of Office, well before the death of the subscriber, should be treated as valid nomination, notwithstanding the fact, that it did not reach the Accounts Officer before the death of the subscriber.

12) i) In the event of the subscriber's death, the nominee though has right to receive the Provident Fund money, he/she shall have no right to authorise any body else to receive the said money.

ii) It is always open to the heirs under the personal law applicable to the deceased subscriber to claim their share of Provident Fund Money. As such, if any Court of law decrees that payment should be made to persons other than the nominee (s), before actual payment has been made to the nominee(s), the orders of the court will be complied with irrespective of the fact whether nomination is valid or not.

NOTE :-

- a) Provident Fund amount should not be paid to the nominee in a case which is known to be subjudice.
- b) In a case where there is a possibility of a suit being filed, the concerned Head of Department shall write to the party intending to file a suit that Port Trust intends to make payment within a certain number of days, and
- c) After the orders have been passed by a lower Court if certain parties intend to go in appeal against the judgement of a such court, the concerned Head of Department should write to the party which has lost the case that if, within a stated reasonable period, that party does not obtain a stay order from the Court, payment shall be made.
- d) The concerned Head of Department should take action in all the three types of cases mentioned above, so long as the application for final payment is not forwarded to the Accounts Officer. After the application has been forwarded, the responsibility rests both with Accounts Officer and the concerned Head of Department and whoever receives any information should pass it on to the other.

7. Subscribers Account- An account shall be opened in the name of each subscriber in which shall be shown-

- i) his subscriptions;
- ii) interest, as provided by Regulation 12, on subscriptions;
- iii) advances and withdrawals from the fund;
- iv) refund of advance to the Fund.

NOTE :- The General Provident Fund Account number allotted to the subscriber should be entered on the right hand top of page-1 of his Service Book/Service Roll by means of a rubber stamp.

8. Conditions 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 re-instatement after a period passed under suspension shall be allowed the option of paying in one lump sum, or in instalments, any sum not exceeding the maximum amount of arrear subscriptions payable for that period.

NOTE :-

A subscriber need not subscribe during a period treated as dies non.

2) The subscriber shall intimate his opinion not to subscribe during the leave referred to in the first proviso to sub-regulation (1) in the following manner :-

a) if he is an officer by written communication to the Account Officer before he proceeds on leave.

b) if he is not an officer, by written communication to the head of his Office before he proceeds on leave. 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) A subscriber who has under regulation 20, withdrawn the amount standing to his credit in the Fund shall not subscribe to the Fund after such withdrawal unless he returns to duty.

4) Notwithstanding anything 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.

5) An employee due to retire in superannuation shall be exempted from making any subscription to the G.P.F. during the last three months of his service, The discontinuance of subscription would be compulsory and not optional.

6) An employee, if he so desired, may deposit the whole or part of the amount of Bonus, Interim Relief, etc. in his G.P.F. Account.

9. Rates of subscription :-

1) The amount of the 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 6 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 the fraction of a rupee will be rounded to the nearest whole rupee, 50 p. counting on 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 Boards service on the 31st March of the preceding years the emoluments to which he was entitled on that date :

Provided that-

i) If the subscriber was on leave on the said date 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;

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 emoluments shall be the emoluments 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 31 March of the preceding year, the emoluments to which he was entitled on the day he joins the Fund.

3) The subscriber shall intimate the fixation of the amount of this monthly subscription in each year in the following manner :-

a) If he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;

b) If he was on leave on 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 makes 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 makes in the 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 causes to be made in this behalf from his pay 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 into 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-

a) reduced once at any time during the course of the year;

b) enhanced twice during the course of the year; or

c) 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 (1);

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.

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 in the same manner as if he were not so transferred on sent on deputation.

11. Realisation of subscription -

1) When emoluments are drawn in India recovery of subscriptions on account of these emoluments and of the principal & interest of advance 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 subscription 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 on default in any month or months during the course of a year otherwise than is provided in Rule 8, the total amount due to the fund on account of arrears of subscriptions shall, with interest thereon 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 instalment, 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 subscribers 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 proviso to sub-regulation (2) of this regulation, the date of deposit shall be deemed to be the 1st day of that month if received by the Accounts Officer before the fifteenth day of that month.

12. Interest :

1) Subject to provisions of sub-regulation (5) of this regulation, the Board shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year according to the method of calculation prescribed from time to time by the Board.

Provided that, if the rate of interest determined for a year is less than 4 percent, all subscriber 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 interest thereon, have been transferred to his credit in his Fund under Regulation 23, shall also be allowed interest at 4 percent, if he has been receiving that rate of interest under the rules of such other Fund provision similar to that of the first proviso to this Regulation.

2) Interest shall be credited with effect from last day in each year in the following manner :-

- i) On the amount to the credit of a subscriber on the last day of the preceding year less any sums withdrawn during current year the interest for twelve months;
- ii) On sums withdrawn during the current year-interest from the beginning of the current year up to the last day of the month preceding the month of withdrawal;
- iii) On all the sums credited to the subscriber's account after the last day of the preceding year interest from the date of deposit up to the end of current year;
- iv) the total amount of interest shall be rounded to the nearest whole rupee (fifty paise counting as 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 only of the period from the beginning of the current year or from the date of deposit as the case may be up to the date on which the amount standing to the credit of the subscriber become payable.

3) In this regulation, the date of deposit shall in the case of recoveries from emoluments be deemed to be the first day of the month in which it is recovered and in the case of amounts forwarded by the subscriber, shall be deemed to be the first day of the month, if it is received on or after the fifth day of that month the first day of the next succeeding month :

Provided that where there has been delay the in drawal of pay or leave salary and allowances of a subscriber and consequently the recovery of his subscription towards the Fund, the interest on such subscriptions shall be payable from the month in which the pay or leave salary of the subscriber was due under the regulations, irrespective of the month in which it was actually drawn :

Provided further that in case of an amount forwarded in accordance with the proviso to sub-regulation (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 further 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 his subscriptions is be deemed to be the first day of the succeeding month.

4) In addition to any amount to be paid under Regulations 19, 20 or 21 interest thereon up to end of the month proceeding that in which the payment is made, or up to the end of the sixth month after the month in which such amount, become 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 for his agent a date on which he is prepared to make payment in cash or has posted a cheque in payment to that person interest shall be payable only up to the end of the month proceding the date so intimated or the date of posting the Cheque as the case may be :

Provided further that where a subscriber on deputation to a body corporate, owned or controlled by the Government or an autonomous, organisation registered under the Societies Registration Act, 1860 (21 of 1860), is subsequently absorbed in such body corporate or organisation with effect from a retrospective date, for the purpose of calculating the interest due..... on the Fund accumulations of the subscriber, the date of issue of the orders regarding absorpion shall be deemed to be the date on which the amount to the credit of the subscriber became payable subject however, to the condition that the amount recovered as subscriptions during the period commencing from the date of absorption and ending with the date of issue of order of absorpion shall be deemed to be subscription to the fund only or the purpose of awarding interest under this sub-regulation.

Note :-

Payment of interest on the Fund balance beyond as of six month period up to a period of one year may be authorised by the Accounts Officer after he has personally satisfied himself that the delay in payment was occasioned by circumstances beyond the control of the subscriber or the person to whom such payment was to be made and in every such case the administrative delay involved in the matter shall be fully investigated and action if any required, taken.

5) Interest shall not be credited to the account 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 asked for it.

6) The interest on amounts which under sub-regulation (3) of Regulation 11, Regulation 19 or Regulation 20 are replaced to the credit of the subscriber in the Fund, shall be calculated at such rate as may be successively prescribed under sub-regulation (1) of this regulation and so far as may be in the manner described in this regulations.

7) The rates of interest percent per annum as notified by the Comptroller & Auditor-General of India every year shall be adopted for calculation of interest under these Regulations.

8) When subscriber retires on the last working day of a month, the period of six months for the purpose of Regulation 12 (4) *ibid* should be counted after excluding the immediate succeeding month, that is to say, for instance, when a subscribers last day of service is the 31st May, the period of six months should be computed from July to December.

9) When a subscriber dies in the forenoon of the last day of a month before retirement, the period of six months for the purposes of Regulation 12 (4) *ibid* should be reckoned from the second month following the month in which he dies.

13. Advance from the Fund :-

1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding an amount of three months' pay or half the amount standing to his credit in the Fund, whichever in less, for one or more of the following purposes :-

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 cost of higher education, including where necessary, the travelling expenses of the subscriber and members of his family or any person actually dependent on him 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.

c) To pay obligatory expenses on a scale appropriate to the subscriber's status which by customary usage the subscriber has to incur in connection with betrothal or marriages, funerals or other ceremonies.

d) To meet cost of legal proceeding instituted by or against the subscriber, any member of his family or any person actually dependent upon him, the advance in this case being available in addition to any advance admissible for the same purpose from any other Government source.

e) To meet the cost of the subscriber's defence where he engage a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on his part.

f) To meet the cost of a plot and/or construction of a house or flat for his residence or to make any payment towards the allotment of plot and/or flat by a Government Development Authority or a State Housing Board or a Registered House Building Co-operative Society under relevant co-operative Act.

1-A) The Chairman may, in special circumstances, sanction the payment to any subscriber of an advance if he is satisfied that the subscriber concerned requires the advance for reasons other than those mentioned in sub-regulation (1).

2) 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 (1) or until repayment of the last instalment of any previous advance.

3) When an advance is sanctioned under sub-regulation (2) before repayment of last instalment of any previous advance is completed the balance of any previous advance not recovered shall be added to the advance so sanctioned and the instalment's for recovery shall be fixed with reference to the consolidated amount.

Note :-1. An advance under this Regulation may be sanctioned for the following purpose also.

a) First Annual Sradha ceremony of a person who prior to his/her death was a member of the subscriber's family or was dependent upon him/her.

b) Betrothal Marriage ceremony of the subscriber or his sons or daughters or any other female relation actually dependent on him

c) Purchase of a Car/Motor Cycle 'Scooter' moped

2) For the purpose of this Regulation "Pay" includes pay dearness pay where admissible.

3) The appropriate sanctioning authority shall be the authority that may be authorised by the Chairman.

4) A Subscriber shall be permitted to take an advance once in every six months under item (b) to sub-regulation (1) of regulation 13.

5) The course of study to be treated as technical specialised for the purpose of item (b) (ii) of sub-regulation (1) of Regulation 13 shall be as under :-

a) Diploma course in the various fields of Engineering and Technology e.g., Civil Engineering Mechanical Engineering, Electrical Engineering, Telecommunication, Radio Engineering Metallurgy Automobile Engineering, Textile Technology, Leather Technology Printing Technology, Chemical Technology etc. conducted by recognised technical institutions.

b) Degree course in the various fields of Engineering and Technology, e.g. Civil Engineering, Electrical Engineering, Tele-Electrical Communication Engineering and Electronics, Mining Engineering Metallurgy, Aeronautical Engineering, Chemical Engineering, Chemical Technology, Textiles Technology, Leather Technology, Pharmacy, ceramic, etc. conducted by Universities and recognised technical institutions.

c) Post-Graduate courses in the various fields of Engineering and Technology conducted by the Universities and recognised institutions.

d) Degree and Diploma course in Architecture, Town Planning and allied fields conducted

by recognised institutions.

- e) Diploma and Certificate course in Commerce conducted by recognised institutions.
- f) Diploma courses in Management conducted by recognised institutions.
- g) Degree courses in Agriculture, Veterinary Science and allied subjects conducted by recognised Universities and institutions.
- h) Courses conducted by Junior Technical Schools.
- i) Courses conducted by Industrial Training Institutes under the Ministry of labour and Employment (D.G.E. & T).
- j) Degree and Diploma Courses in Art/Applied Art and allied subjects conducted by recognised institutions.
- k) Draftsmanship courses by recognised institutions.
- l) Medical courses (including Allopathic, Homeopathic, Ayurvedic and Unani systems.) conducted by recognised institutions.
- m) B. Sc. (Home Science) course.
- n) Diploma course in Hotel Management conducted by recognised institution.
- o) Degree and Post-Graduate courses in Home Science.
- p) Pre-Professional course in Medicine if part of regular 5 years course in Medicine.
- q) Ph. D. in Biochemistry.
- r) Bachelor and master's Degree courses in Physical Education.
- s) Degree and Post-Graduate course in Law.
- t) "Honours" course in "Microbiology".
- u) Associateship of the Institute of Chartered Accountants.
- v) Associateship of the Institute of Cost and Works Accountants.
- w) Degree and Master's course in Business Administration or Management inclusive of Degree Post-Graduate Diploma course in Labour/Social Welfare Personnel Management and/or Industrial Relations.
- x) Diploma course in Hotel Management.
- y) M. Sc. course in Statistics.
- z) Master of Education and Bachelor Education.
- aa) The Company Secretaryship Course of the Institute of Company Secretaries of India.
- ab) The Course of pre-sea training imparted on the Trainingship "Rajendra" to prospective Navigating Officers on merchantships.
- ac) The course in Marine Engineering conducted in the Directorate of Marine Engineering Training.
- ad) Payment of initial charges for admission to the National Defence Academy, Khadakvasla, will also qualify for advances or final withdrawals.

6) Advances/final withdrawals to the subscriber shall be sanctioned by the Chairman in relaxation of rule as follows :

- i) Advance for purposes other than those specified under Regulation-13 to the extent of 90 percent of the balance of the G.P.f. accumulations at the credit of the subscribers, and
- ii) Withdrawal up to 90 percent of balance of accumulation at the credit of the subscriber subject to other conditions prescribed under regulation 16 and 17 in this regard.

14. Recovery of Advance :-

1) An advance shall be recovered from the subscriber in such number of equal monthly installments as the sanctioning authority may direct, but such number shall not be less than twelve unless the subscriber so elects and more than twenty - four. In special case, where the amount of advance exceeds three months pay of the subscriber under sub-regulation (2) of Regulation 13 the sanctioning authority may fix such number of installments to be more than twenty - four but in no case more than thirty six. A subscriber may, at his option, repay more than one instalment in a month. Each instalment shall be a number of whole rupee, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such installments.

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 month following the one in which the advance was drawn. Recovery shall not be made except with the subscriber's consent while in receipt of subsistence grant or is on leave for days or more in a calendar month which either does not carry any leave salary or carries leaves salary equally to or less than half pay or half average pay, as the case may be. The recovery may be postponed on the subscriber's written request by the sanctioning authority during 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 lump sum or in monthly instalments not exceeding twelve 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) or regulation 13.

Provided that before such advance is disallowed, the subscriber shall be given an opportunity to explain to the sanctioning authority in writing and within fifteen days of the receipt of the communication why the repayment shall not be enforced and if an explanation is submitted by the subscriber within the said period of fifteen days it shall be referred to the Chairman for decision and if no explanation within the said period is submitted by him the repayment of the advance shall be enforced in the manner prescribed in this sub-regulation.

4) Recoveries made under this regulation shall be credited as they are made to the subscriber's account in the Fund.

15. Wrongful use of advance :-

Notwithstanding anything contained in these Regulations if the sanctioning authority has

reason to doubt that money drawn as an advance from the Fund under Regulation 13 has been utilised for a purpose other than that for which sanction was given to the drawal of the money, he shall communicate to the subscriber the reasons for his doubt and require him to explain in writing and within fifteen days of the receipt of such communication whether the advance has been utilised for the purpose for which sanction was given to the drawal of the money. If the sanctioning authority is not satisfied with the explanation furnished by the subscriber within the said period of fifteen 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 sum from the emoluments of the subscriber even if he be on leave. If however the total amount to be repaid be more than half the subscriber's emoluments, recoveries shall be made in monthly installments of moieties of his emoluments till the entire amount is repaid by him.

Note - The term "emoluments" in the regulation does not include subsistence grant.

16. Withdrawal from the Fund :-

1) Subject to the conditions specified therein. withdrawals may be sanctioned by the authorities competent to sanction advance for special reasons under sub-regulation (2) of Regulation 13 at any time.

A) 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 or superannuation, whichever is earlier from the amount standing to his credit in the Fund, for one or more of the following purpose, namely :-

a) meeting the cost of higher education including where necessary the travelling expenses of the subscriber or any child of the subscriber in the following cases, namely :-

for duration 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.

b) meeting the expenditure in connection with the betrothal 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 the illness, including where necessary, the travelling expenses, of the subscriber and members of his family or any person actually dependent on him.

B) after the completion of (ten year) of service (including broken period 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) building or acquiring a suitable house of ready built flat for his residence including the cost of the site,

b) repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready built flat for his residence;

- c) purchasing a house site for building a house thereon for his residence or repaying any outstanding amount on account of loan expressly taken for this purpose,
 - d) reconstructing or making additions or alternations to a house or a flat already owned or acquired by a subscriber;
 - e) renovating addition or alteration or upkeep of an ancestral house at a place other than the place of duty or to a house built with the assistance of loan from Government at place other than the place of duty;
 - f) constructing a house on a site purchased under clause (c).
- C) within six months before the date of the subscriber's retirement, from the amount standing to his credit in the Fund for the purpose of acquiring a farm land or business premises or both.

Note-1 : A subscriber who has availed himself of a loan under the P.P.T. House building loan scheme for house building purpose, or has been allowed any assistance in this regard from any other Government source, shall be eligible for the grant final withdrawal under sub-clauses (a), (c), (d) and (f) of clause (B) of this regulation for the purposes specified therein and also for the purposes of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-regulation (1) of Regulation 17.

If a subscriber has an ancestral house or built a house at a place other than the place of his duty with the assistance of loan taken from the Board he shall be eligible for the grant of a final withdrawal under sub-clauses (a), (c) and (f) of clause (B) for purchase of a house site or for Construction of another house or for acquiring a ready built flat at the place of his duty.

Note-2 : Withdrawal under sub-clauses (a), (d), (e) or (f) or clause (B) shall be sanctioned only after a subscriber has submitted a plan of the house to be constructed or of the additions or alterations to be made duly approved by the local municipal body of the area where the site or house is situated and only in case where the plan is actually got to be approved.

Note-3 : The amount of withdrawal sanctioned under sub-clause (B) of clause (B) shall not exceed $\frac{3}{4}$ th of the balance on date of application together with the amount of previous withdrawal under sub-clause (a), reduced by the amount of previous withdrawal. The formula to be followed is, $\frac{3}{4}$ th of the balance as on date plus amount of previous withdrawal (s) for the house in question minus the amount of the previous withdrawal (s).

Note-4 : withdrawal under sub-clause (a) or (d) of clause (B) shall also be allowed where the house site or house is in the name of wife or husband provided she or he is the first nominee to receive Provident Fund money in the nomination made by the subscriber.

Note-5 : only one withdrawal shall be allowed for the same purpose, under the Regulation But marriage or education of different children or illness on different occasions or a further addition or alteration to a house or flat covered by fresh plan duly approved by the local municipal body of the area where the house or flat is situated shall not be treated as the same purpose. Second or subsequent withdrawal under sub-clause (a) or (f) of clause (B) for completion of the same house shall be allowed up to the limit laid down under Note 3,

Note-6 : A withdrawal under this regulation shall not be sanctioned if an advance under Regulation 13 is being sanctioned for the same purpose and at the same time.

Note-7 : Courses of study for which withdrawals may be given under sub-clause (a) of clause (A) of sub-regulation (1) of Regulation 16 shall be as specified under Note (5) below Regulation 13.

1) Any sum withdrawn by a subscriber at any one time for one or more of the purposes specified in regulation 16 from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of such amount or 6 months pay, whichever, is less. The sanctioning authority may, however, sanction the withdrawal of an amount in excess of this limit up to 3/4th of the balance at his credit in the Fund having due regard to (i) the object for which withdrawal is being made, (ii) the status of the subscriber, and (iii) the amount to his credit in the Fund.

2) A subscriber who has been permitted withdraw money from the Fund under Regulation 16 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 or the sum so withdrawal or so much thereof as has not been applied for the purpose for which it was withdrawn shall forth with be repaid in one lump sum 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 lump sum or in such number of monthly installments as may be determined by the Chairman.

Provided that, before repayment of a withdrawal is enforced under this sub-regulation the subscriber shall be given an opportunity to explain in writing and within fifteen days of the receipt of the communication why the repayment shall not be enforced, and if the sanctioning authority is not satisfied with the explanation or no explanation is submitted by the subscriber within the said period of fifteen days, the sanctioning authority shall enforce the repayment in the manner prescribed in this sub-regulation.

3) A subscriber who has been permitted under sub-clause (a), (b) and (c) of clause (B) of sub-regulation (1) of Regulation 16 to withdraw money form the amount standing to his credit in the Fund shall not part with the possession of the house built or acquired or house-site purchased by way of sale, mortgage (other than mortgage to the Board) or gift without the previous permission of the Chairman. He shall all so not part with the possession of same house or house-site by way of exchange or lease for a term exceeding three years without previous permission of the Chairman. The subscriber shall submit a declaration not later than the 31st day of December of every year to the elect 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 required, produce before the Chairman on or before the date specified by that authority in that behalf, the original sale deed and other documents on which his titled to the property is based.

4) If at anytime before his retirement the subscriber parts with the possession of the house or house-site without obtaining the previous permission of the Chairman, the sums withdrawn by him shall forthwith be repaid in one lump sum 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 a lump sum or in such number of monthly instalments as may be determined by the Chairman.

Note :

1. An advance and final withdrawal for the same purpose should not be sanctioned together. In other words a person should be granted either an advance or a final withdrawal for a particular

purpose subject to the conditions mentioned in Regulation-16. Further the advance which is subsequently converted into final withdrawal should be treated as final withdrawal under Regulation-16, that is to say, if a person has got an advance converted into final withdrawal under Regulation 18, he should not be allowed another final withdrawal for the same purpose under Regulation-16. This principle shall also apply to advance under Regulation-13 (b).

2) A subscriber shall be permitted to make final withdrawal both on the occasion of the betrothal ceremony and an marriage ceremony. Each occasion shall be treated as separate for the purpose of Regulation 17 (1) of these Regulations. This principle shall also apply to advances for marriage under Clause (c) of Regulation 13 (1).

3) A subscriber should not be granted a second withdrawal for house building purpose at any place he has already been granted a final withdrawal for similar purpose at the same place or another place. In other words, final withdrawal should not be allowed for more than one house.

4) Final withdrawals up to 90 percent of the amount at the credit of the subscriber shall be sanctioned by the Chariman.

18. Conversion of an advance in to a withdrawal :-

A subscriber who has already drawn or may draw in future an advance under Regulation 13 for any of the purposes specified in sub-regulation (1) of Regulation 16 may convert at his discretion by written request to the Accounts Officer through the sanctioning authority, the balance outstanding against each into a final withdrawal on his satisfying the conditions laid down in regulations 16 and 17.

Note :

1) Method of computing the balance at credit for the purpose of applying the limitations in regulation 17 (1) while permitting conversion of advance into withdrawal shall be as under.

i) For convention of an advance into final withdrawal under Regulation 18 these Regulations, the balance for the purpose of Regulation 17 (1), bid should be taken as the amount subscriptions and interest thereon standing to the credit of the subscriber in account at the time of Conversion plus the outstanding amount of the advance.

ii) Under the Regulations, each withdrawal is to be treated as a separate one and hence the same principle would apply in the case of more than one conversion, i.e. in each case the limit under Regulation 17 (1) would be applied taking into consideration the balance.

2) There should not be any objection to the conversion of second advance into final withdrawal of the subscriber so desires, subject to the condition that the total amount so desired for conversion into final withdrawal should not exceed the limit prescribed in Regulation 17. In such case where more than one Advance taken for the same purpose on different occasion are allowed to be converted into final withdrawal individually and separately, the sanctioning authority which forwarding the application to the Account Officer, should indicate therein the total amount to be converted to date.

19. Final withdrawal of accumulations 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 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 proviso to Regulation 20. The amount so repaid shall be credited to his account in the Fund.

Explanation-I

A subscriber, who is granted refused leave shall be deemed to have quite the service from the date of compulsory retirement or on the expiry of an extension of service.

Explanation-II

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 a break in service, shall not be deemed to 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 Regulations) and without retaining any connection with his former post. In such case, his subscriptions together with interest thereon shall be transferred to his account in other Fund in accordance with the Rules of that Fund. The same shall hold good in cases of retrenchment followed by immediate employment whether under the Board or under any other Major Port Authority.

Explanation - III

When a subscriber, other than one who is appointed on contract or one who has retired from service and is subsequently re-employed, is transferred, without any break to the service under a body corporate owned or controlled by Government, or an autonomous organisation, registered under the Societies Registration Act, 1860, 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.

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 organisation, registered under the Societies Regulation Act, 1860, without any break and with proper permission of the Board. The time taken to join the new post shall not be treated as a break in service it does not exceed the joining time admissible to an employee on transfer from one post to another :

Provided that the amount of subscription together with interest thereon, of a subscriber opting for service under a Public Enterprise 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.

2) No amount due to the Board by a subscriber shall be deducted from his accumulations in the G.P.F. at the time of his retirement, or from undisbursed G.P.F. accumulations payable to a subscriber's nominees in the event of subscriber's death in service or after retirement as the case may be even though the consent of the subscriber or nominee may have been obtained. In cases

where the subscriber or nominee is willing to repay the amount due to Board, the best course is to treat the repayment as a second transaction. The whole of money should first be paid intact and without any compulsion. Thereafter the payee may be called upon to make good the Board's dues.

3) No portion of the money misappropriated by the employee can be made good from his G.P.F. money.

4) Final payment on dismissal to be made without reference to any appeal against dismissal. In case where the fact of appeal against dismissal comes to notice, payment need not be delayed if the subscriber applies for it. This is subject to drawal of attention of the subscriber for repayment of the amount with interest as contained in proviso under sub-regulation (1) of Regulation 19.

20. Retirement of subscriber - When a subscriber :

- a) has proceeded on leave preparatory to retirement or if he is employed in Educational Institutions of the Board, on leave preparatory to retirement combined with vacation, or
- b) 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 accept where the Board decides otherwise repay to the Fund for credit to his account, the 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 authority competent to sanction an advance for the grant of which, special reasons are required under sub-regulation (2) of Regulation 13.

21. Procedure on death of subscriber :-

On the death a 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 rule there to fore in force in favour of a member or members of his family 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;
 - b) if on such nomination in favour of a member or members of a family, of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit, in the Fund, the whole amount or the part, thereof to which the nomination does not relate as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person of persons other than a member or 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 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 clauses (1), (2), (3) and (4);

Provided further that the widow or widows and the 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 proviso.

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 regulation there to fore in force 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 :-

1. Board's does not recoverable from final payment of G.P.F. See. sub-Regulation (2) of Regulation 19
2. Disbursement of General Provident Fund moneys to persons on behalf of minors-

The payment of provident fund moneys to the extent of Rs. 5,000 (or the first Rs. 5,000 where the amount payable exceeds Rs. 5,000) on behalf of the minor(s) can be made to his/their natural guardian or where no natural guardian exists to the person considered fit by the Chairman Port Trust to receive payment on behalf of the minor(s) without requiring him to produce a guardianship certificate. The person receiving payment on behalf of the minors should be required to execute a bond signed by the two sureties agreeing to indemnity Board against any subsequent claim. The balance in excess of Rs. 5,000, if any, would be paid in accordance with the normal regulations.

3. In case where the natural guardian is a Hindu Widow/Hindu Widower, the payment of Provident Fund moneys on behalf of her/his minor children can be made to her/ him with the approval of the chairman, Paradip Port Trust without production of guardianship certificate or any indemnity bond unless there is any thing concete to show that the interest of mother/father are adverse to those of the minor children.

4. Proforms for bond of indemnity for disbursement of Provident Fund money on behalf of minor. The indemnity bond may be executed on any durable plain paper and it should be in the Form-III appended to these Regulations.

5. A subscriber's posthumous, child, if born, should be treated as a members of his family in the same way as surviving child, born before the subscriber's death. If the existence (on ventre desa mere) of a posthumous child is brought to the notice of the Disbursing Officer, the amount which will be due to the child in the event of its being born alive should be retained & the balance distributed in the normal way. If the child is born alive, payment of the amount retained should be made as in the case of minor child, but if no child is born, or a child is still born, the amount

retained should be distributed among the family in accordance with ordinary regulations.

6. Under Hindu Law, a step-mother is not the natural guardian of her minor step-son and in the case an order of the Court would be necessary.

7. If the identity of the legal representative can be established beyond doubt, payment can be made with the approval of the Chairman to the legal representative, without the production of probate letter of administration or a succession certificate as the case may be. If there is any difficulty to establish identity and in any case when probate, letter of administration or a succession certificate are not produced the case should be referred to the board whose decision would be final.

22. 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 a 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 reassigned 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 reassignment or delivery shall be made to such manager and not to 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 order of the Collector be made in terms of sub-section (1) of Section 95 of the India Lunacy Act, 1942 to the person having charge of such lunatic and the Account 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) Payment of the amount withdrawn shall be within India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India. The following procedure shall be adopted for claiming payment by a subscriber, namely:-

i) To enable a subscriber to submit an application for withdrawal of the amount in the Fund, the Head of office shall event to every subscriber necessary forms either one year in advance of the date on which subscriber attains the age of superannuation, or before the date of his anticipated retirement, if earlier, with instructions that they should be returned to him duly completed within a period of one month from the date of receipt of the forms by the subscriber. The subscriber shall submit the application to the Account Officer through the Head of Office or Department for payment of the amount in the Fund. The application shall be made.

A) for the amount standing to his credit in Fund as indicated in the Accounts Statement for the year ending one year prior to the date of his auperanuation, or his anticipated date of retirement, or

B) for the amount indicated in his ledger accounts in case the Account Statement has not been received by the subscriber.

ii) The Head of Office/Department shall forward the application to the Account Officer indicating the recoveries effected against the advances which are still current and the number of installments yet to be recovered and also indicate the withdrawals, if any taken by the subscriber after the period covered by the last statement of the subscriber's account sent by the Account Officer.

iii) The Account Officer shall after verification with the ledger account give concurrence for the amount indicated in the application at least a month before the date of superannuation but payable on the date of superannuation.

23. Procedure on transfer of an employee from one Major Port to another :-

If an employee who is subscriber to the fund permanently transferred to a pensionable service in any other Major Port in which he is governed by rules 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 the credit in the Fund of such Major Port.

24. Relaxation of the provisions of the regulations in individual cases :-

When the Board is satisfied that the operation of any of the regulations causes or is likely to cause under 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.

NOTE - The payment of Provident Fund shall not be made to a subscriber before he proceeds on leave preparatory to retirement or actually retires, even in relaxation under Regulation 24.

25. Number of account to be quoted at the time of the payment of subscription - When paying a 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 Account Officer. Any change in the number shall similarly be communicated to the subscriber by the Account Officer.

26. Annual statement of accounts to be supplied to subscriber :-

1) As soon as possible after the close of each year, the Account Officer shall send to cash subscriber a statement of his account in the Fund showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year. total amount of interest credited as on the 31st March of the year and the closing balance on that date. The Account 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 rule heretofore in force :

b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-Regulation (1) of Regulation 6.

Note :-

1) On receipt of the Annual statements of account from the Accounts Officer's the Heads (of Offices) should distribute them promptly amongst the subscribers concerned and obtain their acceptance of balances.

Note :-

2) If any subscriber finds that the balance at his credit as shown in the annual account statement is less than what he has actually subscribed/withdrawn or is otherwise incorrect, he should immediately submit a representation to his Head of Office. While forwarding the representation to the Accounts Officer concerned, the Head of Office should record thereon a certificate indicating the monthwise details of the subscriptions recovered from the salary of the subscriber during the year, or withdrawals made together with the particulars of the bills in which the recoveries/withdrawals were made.

Note :-

3) The Account Officer shall then immediately initiate action to locate the missing credits/debits and to adjust them in the subscriber's account in accordance with the procedures prescribed in this behalf by the Board and send necessary intimation to the Head of Office and the subscriber.

27. Interpretation :-

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

[No. P.R. - 12016/6/90-P.E.-I]

ASHOK JOSHI, Jt. Secy

Form-I

**STATEMENT OF PARTICULARS FOR ALLOTMENT OF PROVIDENT FUND ACCOUNT
NUMBER TO COMPULSORY SUBSCRIBERS FOR THE MONTH OF**

Office of the

Please read carefully the instructions printed on the reverse before filling in the form Head of account to which pay and relevances are debited

.....

Name of fund : G.P.F.

Sl. No.	Name of Port Employee (subscriber)	Name of Subscriber's Father/Husband	Date of Birth of Subscriber	Date of Joining Service	Designation
(1)	(2)	(3)	(4)	(5)	(6)

Monthly rate of Emoluments Subscription (in whole rupees)	Month from which subscription to commence	Remarks	To be filled in by F. & A Department Account No. allotted
(7)	(8)	(9)	(10)

No..... dated

Forwarded in duplicate to F.A & C.A.O, P.P.T. for necessary action. The employee whose name are included in their statements are required to join the General Provident Fund under rule 4 of Paradip Port Employees (G.P.F.) Rules, 1989. Their names have not been included in the previous statements and they are not already members of General Provident Fund (Nominations are enclosed as mentioned in the remarks column).

Certified that all the employees, whose names are shown above are eligible to subscribe to the General Provident Fund in accordance with the relevant rules.

No. dated.....

Returned to Account No. allotted may be intimated to the subscribers and also noted in the Service Books nomination and other Official records. In correspondence connected with General Provident Fund of any subscriber, the account number should be quoted. Receipt of nominations at Sl. Nos. is hereby acknowledged.

(Head of Office)

Accounts Officer

Office of the F.A. & C.A.O., P.P.T.

Institutions for filling the statement :

- a) This form should be used only in cases where subscription to the Fund is compulsory.
- b) The statement should be sent in duplicate. It should include permanent Port Employees who joined service in the previous month and are required to join the fund compulsorily on entry into Port Trust service and temporary Port Trust employees who will complete one year's continuous service or otherwise become eligible to subscribe to the provident fund, three months hence.
- c) Column 3 Husband's name (instead of father's name) may be given in respect of married female subscribers indicating the position.
- d) Column 7 Dearness pay, if any may be distinctly shown.
- e) Column 8 please see Rule 9 of Paradip Port Employees (G.P.F.) Rules, 1989.
- f) Column 9 under the Paradip Port Employees (G.P.F) Rules, 1989 a temporary Port Employee who completes one year's continuous service during the middle of a month shall commence sub-scribing to the G.P. Fund from his/her salary for the month following that in which he/she completes one year's service.
- g) The nomination should be obtained in the prescribed form the subscriber and forwarded to the F.A & C.A.O., P.P.T. alongwith this statement making a suitable note in the remarks column.

FORM OF NOMINATION

I hereby nominate the person(s) mentioned below who is/are member(s) non-member (s) of my family as defined in Rule 2 of the Paradip Port Employees (G.P.F.) Rules, 1991 to receive the amount that may stand to my credit in the Fund as indicated below, in the event of my death before that amount has become payable or having become payable has not been paid.

Name of full address of the nominee(s)	Relationship with the subscriber	Age of the nominee(s)	Share payable to each nominee	Contingencies on the happening of which the nomination will become invalid	Name, Address and relationship of the person (s) if any to whom the right of nominee shall pass in the event of his/her predeceasing the subscriber	If the nominee is not a member of the family as provided in Rule 2 indicate the reasons
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Dated this..... day of 19..... at

Signature of the subscriber

Name in block letters

Designation

Two witnesses to signature

1.

2.

Signature :

(Reverse of the form)

Space for use by the Head of Office (Finance & Accounts Department)

Nomination by Shri/Smt./Kumari Designation.....

Date of receipt of nomination

Signature of Head of Office

Accounts Officer

Designation

Instructions for subscriber :

Date :

a) Your name may be filled in

b) Name of the Fund may be completed suitably.

c) Definition of term "Family" as given in the Paradip Port Employees (G.P.F) Rules, 1989 is reproduced below :

Family means :-

- i) In the case of male subscriber, the wife or wives, parents, children minor brothers unmarried sisters, deceased son's widow and children and where to parents of the subscriber is alive, a paternal, grant parent 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 be henceforth deemed to be no longer a member of the subscriber's

family in matters to which these rules 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 a female subscriber, the husband, parents, children, minor brothers, unmarried sisters, deceased son's widow and children and where no parents of the subscriber is alive, a paternal grandparent, 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 henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels such notice in writing.

Note : Child means legitimate child and includes an adopted child where adoption is recognised by the personal law governing the subscriber.

d) Col. 4. If only one person is nominated the words "in full" should be written against the nominee. If more than one person is nominated, the share payable to each nominee over the whole amount of the Provident Fund shall be specified.

e) Col. 5. Death of nominee(s) should not be mentioned as contingency in this column.

f) Col. 6. Do not mention your name.

g) Draw line across the blank space below last entry to prevent insertion of any name after your have signed.

Note : A nomination shall become invalid in case of a subscriber who had no family at the time or nomination subsequently acquiring a family.

FORM NO. III

FORM OF BOND OF INDEMNITY FOR DRAWAL OF PROVIDENT FUND MONEY DUE TO THE MINOR CHILD/CHILDREN OF DECEASED SUBSCRIBER BY A PERSON OTHER THAN ITS/THEIR NATURAL GUARDIAN (TO THE EXTENT OF RS. 5000/-)

KNOW ALL MEN by these presents We (a) son/daughter/wife of (hereinafter called 'obligor') resident of and (b) (1) son/ daughter/wife of and resident of and (b) (2) son/daughter of and resident of (hereinafter called the sureties) sureties on her/his/their behalf are held firmly to the Board of Trustees (hereinafter called the Board) in the sum of Rupees in words and figures) to be paid to the Board or his successors or assigns for which payment to be will and truly made, each of us severally binds himself and his heirs, executors, administrators and assign and every two and all of us jointly binds ourselves and our heirs, executors, administrators and assigns firmly by these presents.

Signed this day of..... Two thousand and.....
..... WHEREAS (c) was at the time of his death a subscriber to the General Provident Fund and whereas the said (c) died on the day of

..... Two thousand and and a sum of Rupees (in words and figures) payable by Board on account of his General Provident Fund accumulations AND WHEREAS the above bounden Obligor chaim(s)* the said sum of behalf of the minor child /children of the said (c) but has/have not obtained a guardianship certificate.

AND WHEREAS the Obligor(s) has/have satisfied the (d) (officer concerned) that he/she the is/are entitle to the aforesaid sum and that it would cause undue delay and hardship if the claimant were required to produce a guardianship and WHEREAS the Board desire to pay the said sum to the claimant but under Board rules and orders it is necessary that the claimant should first execute a bond with two sureties to indemnify Board against all claims to the amount so due us aforesaid to the said (c) (deseased) before the said sum can be paid to the claimant which the obligor and at his/her request the sureties have agreed to do.

NOW THE CONDITION of this bond is such that if after payment has been made to the claimant the Obligor or Sureties shall in the event of a claim being made by any other persons against Board with respect to the aforesaid sum of Rs. refund to Board the sum of Rupees and shall otherwise indemnify and keep the Board harmless and indemnified from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of any claim thereto THEN the above written bond or obligations shall be void but otherwise the same shall remain in full force, effect and virtue. The Board have agreed to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hand hereunto on the day, month and year above written.

Signed by the above named 'Obligor' in the presence of.

1)

.....

2)

.....

'Signed by the above named Surety/Sureties'

(1)

.....

(2)

.....

in the presence of

.....
(Name and designation of the witness)

Accepted for and on behalf of the Board of Trustees by

CHAIRMAN

PARADIP PORT TRUST

- a) Full name of claimant(s) with place(s) of residence,
- b) Name and address of the Sureties.
- c) Name of the deceased.
- d) Name and designation of the Officer.

FORM-IV

APPLICATION FORM FOR FINAL PAYMENT OF BALANCES IN THE PROVIDENT FUND

Form of Application for Final Payment/Transfer to Corporate Bodies/Other Governments/of Balances in the Provident Fund Account.

To

The F.A. & C.A.O.

Paradip Port Trust

(Through the Head Office)

Sir,

I am to retire/have retired have proceeded on leave preparatory to retirement for..... months/have been discharged/dismissed/have been permanently transferred to..... have resigned finally from Port service/have resigned service under Paradip Port Trust to take up appointment with..... and my resignation has been accepted with effect from..... forenoon /afternoon. I joined service with..... on forenoon/afternoon.

2. My Provident Fund Account No. is

3. I desire to receive payment through my office, particulars of my personal marks of identification, left hand thumb and finger impression (in the case of illiterate, subscribers and specimen signature (in the case of literate subscribers) in duplicate, duly attested by Drawing & Disbursing Officer, are enclosed.

.....
*Here insert "to be intitled to" or "as guardian" as the case may be.

PART-I

(To be filled in when the application for final payment is submitted up to one year prior to retirement).

- 4. An amount of Rs..... stood to the credit in my General Provident Fund Account as indicated in the Accounts Statement issued to me for year..... as appearing in my ledger account being maintained by you. I request that my G.P.F. Account may be reviewed and brought up to date.
- 5. I will make another application immediately after last fund deduction has been made from my salary in part II of the Form.

Yours faithfully,

Signature

Station

Name

Date

Address

(FOR USE BY HEAD OFFICE)

Forwarded the F.A. & C.A.O. for necessary action.

- 2. The Provident Fund Account No. of Shri/Smt./Kumari (as verified/the Statements issued to him her from year to year) is
- 3. He/She is due to retire from Port Trust service on
- 4. Certified that he/she had taken the following advances in respect of which..... installments of Rs..... are yet to be recovered and credited to the Fund Account. The details of the final withdrawals granted to him/her after the period covered by the aforesaid Accounts Statements are indicated below.

Temporary advances

Final withdrawals

- 1.
- 2.
- 3.

-
-
-

Signature of the Head of Office

PART-II

(To be submitted by the subscriber immediately after the last fund deduction has been made from his salary. This part is also applicable in the case of subscribers who apply for final payment for the first time, after the date of superannuation, discharge, resignation, etc.)

In continuation of my earlier application, dated..... for the final payment of Provident Fund balances, I request that entire balance at my credit with interest due under the rules may be paid to me.

OR

I request that the entire amount at my credit with interest due under the rules may be paid to me/transferred to

Signature.....

Name

Address.....

(FOR USE BY HEADS OF OFFICES)

Forwarded to the F.A & C.A.O. for necessary action/in continuation of endorsement No.

2. He/She is due to retire from service on has proceeded on leave preparatory to retirement for months from/has been discharged/dismissed/permanently transferred to..... /has resigned finally from Port Trust services/has resigned service under Paradip Port Trust to take up appointment with and his/her resignation has been accepted with effect from forenoon/afternoon. He/she joined service with..... on forenoon/afternoon.

3. The last fund deduction was made from his/her pay in this office Bill No..... date for Rs..... (RupeesCash Voucher No..... dated..... the amount of deduction being Rs..... and recovery on account of refunds of advances Rs.....

4. Certified that he/she was neither sanctioned advance nor final withdrawn from his/her Provident Fund Account during the 9 months immediately preceding the date on which the last fund deduction has been made from his/her salary or there.

OR

Certified that the following temporary advance, final withdrawal were sanctioned to him/her and drawn from his/her Provident Fund Account during the 9 months immediately preceding the date on which the last fund deduction has been made from, his/her salary or thereafter.

Amount of Advance/Withdrawal	date	Voucher No.
1.
2.
3.

1.
2.
3.

5. Certified that he/she has not resigned from Port Trust service with prior permission of the competent authority to take up an appointment in another Port Trust or Department of the Central Government or under State Government or under a corporate owned or controlled by the State/Central Government.

(Signature of Head of Office)

FORM OF APPLICATION FOR FINAL PAYMENT OF BALANCES IN THE PROVIDENT FUND AND ACCOUNT OF A SUBSCRIBER TO BE USED BY THE NOMINEES OR ANY OTHER CLAIMANTS WHERE NO NOMINATION SUBSISTS

To

The F. A. & C.A.O
Paradip Port Trust
(Through the Head of Office)

SIR,

It is requested that arrangements may kindly be made for the payment of the accumulations in the central provident fund account of Sri/Smt. The necessary particulars required in the concession are given below.

1. Name of the Port Employee :
2. Date of birth :
3. Post held by the Post Employee :
4. Date of death :
5. Proof of death in the form of death certificate issued by the Municipal authorities, etc. if available:
6. Provident Fund Account No. allotted to the subscriber :
7. Amount of Provident Fund money standing to the credit of the subscriber at the time of his death if known :
8. Details of the nominee alive on the date of the subscriber if a nomination subsists :

 Name of nominee Relationship with the subscriber Share of the nominee

- 1.
- 2.
- 3.
- 4

9. In case the nomination is in favour of a person other than a member of the family, the details of the family of the subscriber subsequently acquired a family;

Name	Relationship with the subscriber	Age on the date of death
------	----------------------------------	--------------------------

- 1.
- 2.
- 3.

10. In case no nomination subsists, the details of the surviving members of the family on the date of death of the subscriber. In the case of a daughter, or of a daughter of a deceased son of the subscriber, married before the death of the subscriber, it should be stated against her name whether her husband was alive on the date of death of the subscriber;

Name	Relationship with the subscriber	Age on the date of death
------	----------------------------------	--------------------------

- 1.
- 2.
- 3.

11. In the case of amount due to a minor child whose mother (widow of subscriber) is not a Hindu, the claim should be supported by Indemnity Bond or Guardianship certificate, as the case may be;

12. If the subscriber has left no family and no nomination subsists the name of persons to whom the Provident Fund money is payable (to be supported by letter of probate or succession certificate, etc.)

Name	Relationship with the subscriber	Address
------	----------------------------------	---------

- 1.
- 2.
- 3.

13. Religion of the claimant(s) :

Yours faithfully

Station.

(Signature of claimants)

Date.

(Full name and address)

(FOR USE OF HEAD OF OFFICE/DEPARTMENT)

Forwarded to the F.A.& C.A.O., P.P.T for necessary action. The particulars furnished above have been duly verified.

2. The Provident Fund Account No. of Shri/Shrimati/Kumari (as verified from the annual statements furnished to him/her) is

3. He/she died on A death certificate issued by the Municipal authorities has been produced, is not required in these case as there is no doubt his/her death.

4. The last fund deduction was made from his/her pay for the month of drawn in this Office Bill No. dated for Rs. Rupees Cash voucher No..... Dt..... the amount of deduction being Rs. and recovery, on account of refund of advance Rs.

5. Certified that he/she was neither sanctioned any temporary advance nor any final withdrawals from his/her Provident Fund account during the 12 months immediately preceding the date of his/her death.

OR

Certified that the following temporary advances/final withdrawals were sanctioned to him/her and drawn from his/her Provident Fund account during the 12 months immediately preceding the date of his/her death.

Amount of advances/withdrawals	Date and place of encashment : Voucher Number
1.
2.

(Signature of Head of Office/Department) :

FORM-VI

PROFORMA FOR APPLICATION FOR ADVANCES FROM PROVIDENT FUNDS

PARADIP PORT TRUST DEPARTMENT/OFFICE.....

Application for Advance from General Provident Fund

1. Name of subscriber :
2. Account Number :
3. Designation :
4. Pay : Rs.
5. Balance at credit of the subscriber on the date of application as below -

- i) Closing balance as per statement for the year : Rs.
 - ii) Credit form toon account of monthly subscription. : Rs.
 - iii) Refunds : Rs.
 - iv) Withdrawals during the period from to : Rs.
 - v) Net balance at credit : Rs.
- 6) Amount of advance/outstanding advances.

Amount of advance taken and date of sanction	Balance outstanding as on date :
1.
2.

7. Amount of advance required : Rs.
8. a) Purpose for which the advance is required :
- b) Rules under which the request is covered :
- c) If advance is sought for House Building etc. following information may be given. :
- i) Location and measurement of the Plot :
 - ii) Whether Plot is freehold or on lease :
 - iii) Plan for construction :
 - iv) If the flat or plot being purchased is from a H.B. Society, the name of the Society, the location and measurements etc. :
 - v) Cost of construction :
 - vi) If the purchase of flat is from any Development Authority or any Housing Board, etc. the location, dimension, etc. may be given. :
- d) If advance is required for education of children, following details may be given- :
- i) Name of the son/daughter :
 - ii) Class and institution/College where studying :
 - iii) Whether a day scholar or a hosteler. :
- e) If advance is required for treatment of ailing family members, following details may be given- :

- i) Name of the patient and relationship :
- ii) Name of the Hospital/Dispensary Doctor :
where the patient is undergoing treatment.
- iii) Whether outdoor/indoor Patient :
- iv) Whether reimbursement available or not. :

NOTE : In case of advance under items 8(c) to 8 (e), no certificate of documentary evidence would be required.

9. Amount of the consolidated advance (items 6: Rs..... in..... instalment. & 7) and number of monthly instalment 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. :

I certify that particulars given above are correct and complete to the best of my knowledge and belief and that nothing has been concealed by me.

Date

Signature of applicant ...

Name

Designation

FORM - VII

PROFORMA

FOR SANCTION OF ADVANCE FROM GENERAL PROVIDENT FUND

PARADIP PORT TRUST

NAME OF DEPARTMENT/OFFICE.....

No.

Dated

ORDER

Sanction of the is hereby accorded under Rule of for the grant of an advance of Rs. (Rupees) to Sri/Shrimati/Kumari from his/her G.P.F. Account No. to enable him/her to defray expenses on.....

2. The advance will be recovered in monthly instalments of Rs. each, commencing from the salary for the month of payable in

3. A sum of Rs. (Rupees) 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 specifying 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 issues with the concurrence of the Finance and Accounts Department vide their UOI No. dated

HEAD OF OFFICE

Copy communicated to -

- 1) F.A. & C.A.O. Paradip Port Trust
- 2) Person concerned.
- 3) Bill Clerk.

FORM - VIII

**PROFORMA FOR APPLICATION FOR WITHDRAWAL FROM
GENERAL PROVIDENT FUND**

Department/OFFICE.....

Application for withdrawal from General Provident Fund

1. Name of the Subscriber.
2. Account Number.
3. Designation (with department suffix)
4. Pay.
5. Date of joining service and the date of superannuation.
6. 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 at credit on date of application.
7. Amount of withdrawal required.
8. a) Purpose for which the withdrawal is required.
b) Rule under which the request is covered.
9. Whether any withdrawal was taken for the same purpose earlier.
If so, indicate the amount and the year.
10. Name of the Account Officer maintaining the Provident Fund Account.

Dated

Signature of Application

Name

Designation

FORM - IX

**PROFORMA FOR SANCTIONING WITHDRAWALS FROM GENERAL
PROVIDENT FUND PARADIP PORT TRUST
NAME OF DEPARTMENT OFFICE**

No.....

Dated

TO

The F.A. & C.A.O

Paradip Port Trust

Sub : Withdrawal from the G.P.F. by Shri/Shrimati/Kumari

Sir,

1. I am directed to convey sanction of the under Rule of the Rules..... to the withdrawal by Shri..... (there enter the designation) of a sum of Rs. (Rupees) from his G.P.F. Fund Account No. (with departmental suffix) to enable him to meet expenditure.....

2. The amount of withdrawal does not exceed six months pay of Shri..... or half the amount at his credit/subsription in the General Provident Fund account, whichever is less/three fourth of the amount of credit/subsription of Shri..... in the General Provident Fund Account. His basic pay is Rs.....

3. It is certified that Shri..... is within 10 years of his retirement on superannuation/has completed twenty five year of his Board service on.....

4. 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,

HEAD OF OFFICE

Copy forwarded to :-

1) Shri..... His attention is drawn to the provisions of the Regulations of Paradip Port Employees, (G.P.F.) Regulations according to which a subscriber who has been permitted to withdraw money from the Fund should satisfy the sanctioning authority that the money has been utilised for the purpose for 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 the drawal of the money.

2)

3)

FORM - X

**FORM OF APPLICATION FOR CONVERSION OF AN
ADVANCE INTO A FINAL WITHDRAWAL**

1. Name of the subscriber.
2. Designation and Officer to which attached.
3. Pay.
4. G.P.F. Account No.
5. Balance at credit on the date of application (amount actually subscribed by him along with interest due thereon)
6. Balance outstanding to be converted into a final withdrawal.
7. a) Purpose for which advance taken.
b) Date of payment of the advance.
c) Amount of advance sanctioned.
8. Particulars of communication under which advance was sanctioned.
9. Whether any advance or final withdrawal has been drawn previously for the purpose mentioned above. If so, particulars thereof.
10. a) Total service, including broken periods, if any, on date of this application :
b) Period of service left on the date of application for attaining the age of superannuation.
c) The date of superannuation.

Place :

Date :

Signature of the Applicant

No.....

Designation.....

The above Particulars have been verified to be correct

Signature and Designation of recommending
authority.

PARADIP PORT TRUST
NAME OF DEPARTMENT/OFFICE.....
ORDER

No.....

Date.....

Sanction is hereby conveyed/accorded under Rules 18 of the Paradip Port Employees (General Provident Fund) Regulations 1889 for the conversion into final withdrawal of an amount of Rs..... (Rupees.....) being the outstanding balance of the G.P.F. advance of Rs. sanctioned on 19 and drawn in Voucher No..... and dated for the (purpose)..... to Sri/Shrimati/Kumari of the Office of the (G.P.F. Account No.).....

Signature

Designation

Dated

Copy forwarded to :-

- 1) F. A. & C.A.O., Paradip Port Trust.
- 2) Person concerned
- 3) etc. etc.,

Signature :

Designation :

FORM - XI

GENERAL PROVIDENT FUND
LEDGER

Account No.

Date of appointment

Name

Date of superannuation.....

Designation

Pay as on 31st March 19..... Rs.

Nomination received vide

Letter No.

Dated..... and accepted

PARADIP PORT TRUST
PORT EMPLOYEES GENERAL PROVIDENT FUND ACCOUNT SLIP FOR
THE YEAR 20..... 20.....

G.P.F. Account No..... Name Designation..... Office Code.....

Month of posting (1)	Opening Balance (2)	Subscription (3)	Withdrawal (4)	Refund (5)	Interest (6)	CLO Balance (7)
-------------------------	------------------------	---------------------	-------------------	---------------	-----------------	--------------------

April

May

June

July

August

September

October

November

December

January

February

March

Total :

Account Officer
Paradip Port Trust

N.B. :- Account relates to the transactions March 19..... to February 19..... rate of interest is 12% (twelve percent)

REGISTER OF FINAL PAYMENT CASES

Sl. No. & Date of forwarding Application	Name and Designation	Account No.	Date of death/retirement/ quitting service	Date of authorising payment	* Avail-Residual able balance	Details of actual payment	Date of receipt of disbursement certificate	Remarks		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										

*Note 1 : When a single payment is made for the final settlement, the column "AB" would not be used.

Note 2 : Reminders issued for receipt of disbursement certificates are to be noted in Remarks column.

Note : 1) PARADIP PORT EMPLOYEES (General Provident Fund) Regulations, 1991 were published vide G.S.R. No. 150(E) in the Gazette of India dated the 19th March 1991.
2) Corrigendum to Paradip Port Employees (General Provident Fund) Regulations, 1991 was published vide G.S.R. No. 858(E) in the Gazette of India dated the 6th November, 1992.

**THE PARADIP PORT TRUST (RECRUITMENT
OF HEADS OF DEPARTMENT)
REGULATION 1991.**

**MINISTRY OF SURFACE TRANSPORT
(Ports Wing)**

NOTIFICATION

New Delhi, the 4th October 1991

G.S.R. 615(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 Trust Act, 1963 (38 of 1963), the Central Government hereby approves the Paradip Port Trust (Recruitment of Heads of Department) Regulations, 1991 made by the Board of Trustees for the Port Paradip 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.

NOTIFICATION

In exercise of the powers conferred by sub-section(1) of section 124 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves "The Paradip Port Trust (Recruitment of Heads of Department) Regulations, 1991", made by the Board of Trustees for the Port of Paradip, as set out in the schedule attached.

2. They shall come into force from the date of publication of this Notification in the Official Gazette.

SCHEDULE

**THE PARADIP PORT TRUST (RECRUITMENT OF HEADS OF DEPARTMENT)
REGULATION, 1991**

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

1. Short Title and Commencement :-

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

ii) They shall come into effect from the date of publication in the Official Gazette.

2. Application :-

They shall apply to all posts 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 Trust 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 "Heads 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 person 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) "Scheduled 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 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 post of which the duties and level of responsibilities and/or the pay ranges are comparable to those of the post to which selection is to be made;
- j) "Employees on Probation" means the incumbent appointed to the post on probation 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 post 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 qualification 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 prescriber upper age limit may be relaxed :-

- i) 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;
- ii) in the case of a candidate belonging to a Scheduled Caste or a Scheduled Tribe, in accordance with such order as the Central Government may issue from time to time for appointment to services or posts under it in favour 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 (2) 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 deem 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 in confirmed/declared to have completed probation to the satisfaction of the appointing authority under this regulation or is discharged or prevented 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 bases of his performance of 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 circumstance 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 Disqualifications 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 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 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.

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 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 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 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 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 Organisation 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 posts 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, Paradip 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 whenever 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 Trust/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; or

ii) refer the candidates to the Selection Committee referred to in regulation 11 with directions to scrutinise the case and make appropriate recommendation and then make an appointment by promotion/transfer/deputation on the basis of 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 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 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 an appointment in the Board service is liable to be disqualified and, if appointed, to be discharged 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. Concedation 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 may 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 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 which 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 any customs corresponding to these regulations and inforce immediately before the commencement of these regulations are hereby repealed :

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

SCHEDULE

Name of the Post	Pay Scale	Whether Selection or Non-selection post	Age limit for direct recruitment	Educational & Other Qualifications required for direct recruitment	Whether age & educational qualification prescribed for direct recruitment will apply in case of promotion/ transfer	Period of Probation if any	Method of Recruitment. Whether by direct recruitment or by promotion/ transfer.	In case of recruitment by promotion / transfer the grade from which promotion/ transfer to be made	The composition of Selection Committee
1	2	3	4	5	6	7	8	9	10
Secretary	Rs. 18500-450,23900/-	Selection (The bench mark in the over all grading in the Confidential Reports not below "Very Good")	45 years	QUALIFICATION: ESSENTIAL: 1) Educational Degree of a Recognised University or equivalent. 2) Experience : 10 years experience in a managerial position dealing with administration/personnel management/general management in a Major Port Trust/Government or Semi Government Dept. Public Sector or Autonomous Body. 3) Desirable : Postgraduate Degree/diploma in Personnel Management/ Industrial Relations or Bachelor Degree in Law.	Age. No Qual : Yes	Two years	By the composite method of promotion/transfer on absorption basis of Officers from Major Ports, failing which by transfer of officers in Government/Semi Government Organizations/Public Sector Undertakings or Autonomous Bodies failing which by direct recruitment.	Promotion/Transfer Officer holding the post of Secretary in Major Ports or Officers with minimum experience of 5 years in the cadre below the post of Secretary in Group 'A' Ports or equivalent or higher grades in Group 'B' Ports, failing which Transfer on absorption basis:- Officers holding posts equivalent to Secretary in Major Port Trusts or Officers with minimum experience of 5 years in the next lower post in Government/Semi Government Organisation/ Public Sector Undertakings or Autonomous Bodies with experience in personnel management and industrial relation. Note :- If an officer of the Port is selected his/her appointment will be treated as on promotion.	1. Joint Secretary (Ports), Ministry of Surface Transport. 2. Chairman Paradip Port Trust. 3. An Officer having wide experience in the field as nominated by the Ministry of Surface Transport.

Name of the Post	Pay Scale	Whether Selection or Non-selection post	Age limit for direct recruitment	Educational & Other Qualifications required for direct recruitment	Whether age & educational qualification prescribed for direct recruitment will apply in case of promotion/ transfer	Period of Probation if any	Method of Recruitment. Whether by direct recruitment or by promotion/ transfer.	In case of recruitment by promotion / transfer the grade from which promotion/ transfer to be made	The composition of Selection Committee
1	2	3	4	5	6	7	8	9	10
Financial Adviser Chief Accounts Officer	Rs. 18500-450,23900/-	Selection (The bench mark in the over all grading in the confidential Reports not below "Very Good")	45 years	Qualification: Essential : 1. Degree of a Recognised University or its equivalent. 2. An Associate Member of the Institute of Cost & Works Accountants of India/The Institute of Chartered Accountants of India. Experience : 1. 15 years post qualification experience in Financial Management including finalisation of annual accounts, project management, fixation of tariff and tax management. 2. 5 years experience in the cadre equivalent to Deputy General manager or above in a 'B' Group Public Sector Enterprises/Autonomous Bodies or Corporations of Central/State Government/reputed Private Sector Enterprise.	Age. No Qualification : Yes	Two years	By the composite method of promotion/transfer of Officers from Major Ports, failing which by transfer of Officers in Government/Semi Government Organizations/Public Sector Undertakings or Autonomous Bodies failing which by direct recruitment.	Promotion/Transfer Officer holding the post of Financial Adviser and Chief Account Officer in Major Port Trusts or officers with minimum experience of 5 years in the cadre below the post of Financial Adviser and Chief Accounts Officer in Group 'A' Ports or equivalent or higher grades in Group 'B' Ports, failing which Transfer of absorption basis :- Officers holding posts equivalent to Financial Adviser and Chief accounts Officer in Major Port Trusts or Officers with minimum experience of 5 years in the next lower post in Government/Semi Government Organisations/Public Sector Undertaking or Autonomous Bodies with experience in finalisation of annual accounts, project management, fixation of tariff and tax management. Note :- If an officer of the Port is selected his /her appointment will be treated as on promotion.	1. Joint Secretary (Ports), Ministry of Surface Transport. 2. Financial Adviser, Ministry of Surface Transport. 3. Chairman, Paradip Port Trust.

Name of the Post	Pay Scale	Whether Selection or Non-selection post	Age limit for direct recruitment	Educational & Other Qualifications required for direct recruitment	Whether age & educational qualification prescribed for direct recruitment will apply in case of promotion/ transfer	Period of Probation if any	Method of Recruitment. Whether by direct recruitment or by promotion/ transfer.	In case of recruitment by promotion / transfer the grade from which promotion/ transfer to be made	The composition of Selection Committee
1	2	3	4	5	6	7	8	9	10
Traffic Manager.	Rs. 18500-450-23900/-	Selection (The bench mark in the over all grading in the confidential Reports not below "Very Good")	45 years	<p>Qualification: Essential : A Post Graduate Degree of a Recognised University or its equivalent.</p> <p>Experience : 1. 15 years post qualification experience relating to sea transportaion management. 2. 5 years experience in the cadre equivalent to Deputy General Manager or above in a 'B' Group Public sector Enterprises/ Autonomous Bodies or Corporations of Central/State Government/reputed Private Sector Enterprise.</p>	Age. No Qual : Yes	Two years	By the composite method of promotion/transfer of Officers from Major Ports, failing which by transfer of officers in Government/Semi Government Organizations/Public Sector Undertakings or Autonomous Bodies, failing which by direct recruitment.	<p>Promotion/Transfer Officer holding the post of Traffic Manager in Major Port Trusts or officers with minimum experience of 5 years in the cadre below the post of Traffic Manager in Group 'A' Ports or equivalent or higher grades in Group 'B' ports, failing which</p> <p>Transfer on absorption basis of :- Officers holding posts equivalent to Traffic Manager in Major Port Trusts or Officers with minimum experience of 5 years in the next lower post in Government/Semi Government Organisations/Public Sector Undertaking or Autonomous Bodies with experience in sea transportation management. Note :- If an officer of the Port is selected his /her appointment will be treated as on promotion.</p>	<ol style="list-style-type: none"> 1. Joint Secretary (Ports), Ministry of Surface Transport. 2. Chairman Paradip Port Trust. 3. An Officer having wide experience in the field as nominated by the Ministry of Surface Transport.

Name of the Post	Pay Scale	Whether Selection or Non-selection post	Age limit for direct recruitment	Educational & Other Qualifications required for direct recruitment	Whether age & educational qualification prescribed for direct recruitment will apply in case of promotion/ transfer	Period of Probation if any	Method of Recruitment. Whether by direct recruitment or by promotion/ transfer.	In case of recruitment by promotion / transfer the grade from which promotion/ transfer to be made	The composition of Selection Committee
1	2	3	4	5	6	7	8	9	10
Chief Engineer	Rs. 18500-450-23900/-	Selection (The bench mark in the over all grading in the Confidential Reports not below "Very Good")	45 years	<p>Qualification: Essential :A Degree in Civil Engineering from a recognised University or its equivalent.</p> <p>Desirable: Post Graduate Degree in Port and Harbour Engineering.</p> <p>Experience :</p> <ol style="list-style-type: none"> 15 years post qualification experience in Port and Harbour Engineering 5 years experience in the cadre equivalent to Deputy General Manager or above in a 'B' Group Public sector Enterprises/ Autonomous Bodies or Corporations of Central/State Government/reputed Private Sector Enterprise. 	Age. No Qualification : Yes	Two years	By the composite method of promotion/transfer of Officers from Major Ports, failing which by transfer of officers in Government/Semi Government Organizations/Public Sector Undertakings or Autonomous Bodies, failing which by direct recruitment.	<p>Promotion/Transfer Officer holding the post of Chief Engineer in Major Ports or officers with minimum experience of 5 years in the cadre below the post of Chief Engineer in Group 'A' Ports or equivalent or higher grades in Group 'B' ports, failing which</p> <p>Transfer on absorption basis :- Officers holding posts equivalent to Chief Engineer in Major Port Trusts or Officers with minimum experience of 5 years in the next lower post in Government/Semi Government Organisations/Public Sector Undertaking or Autonomous Bodies with experience in Port and Harbour Engineering.</p> <p>Note :- If an officer of the Port is selected his /her appointment will be treated as on promotion.</p>	<ol style="list-style-type: none"> 1. Joint Secretary (Ports), Ministry of Surface Transport. 2. Chairman Paradip Port Trust. 3. Development Adviser, Ministry of Surface Transport.

Name of the Post	Pay Scale	Whether Selection or Non-selection post	Age limit for direct recruitment	Educational & Other Qualifications required for direct recruitment	Whether age & educational qualification prescribed for direct recruitment will apply in case of promotion/ transfer	Period of Probation if any	Method of Recruitment. Whether by direct recruitment or by promotion/ transfer.	In case of recruitment by promotion / transfer the grade from which promotion/ transfer to be made	The composition of Selection Committee
1	2	3	4	5	6	7	8	9	10
Chief Mechanical & Electrical Engineer	Rs. 18500-450-23900/-	Selection (The bench mark in the overall grading in the confidential Reports not below "Very Good")	45 years	Qualification: Essential : Certificate of Competency as Master Foreign Going issued by Ministry of Surface TRansport or equivalent. Experience : 10 experience as Master of Foreign going vessels or in pilotage in a Port. Desirable : Experience in Port Operation.	Age. No Qualification : Yes	Two years	By the composite method of promotion/transfer of Officers from Major Ports, failing which by transfer of officers in Government/Semi Government Organizations/Public Sector Undertakings or Autonomous Bodies, failing which by direct recruitment.	Promotion/Transfer Officer holding the post of Chief Electrical & Mechanical Engineer or Officers with minimum experience of 5 years in the grade below the post of Chief Electrical & Mechanical Engineer or 5 years in the post superintending engineer in group 'A' Ports or equivalent or higher grades in group 'B' Ports failing which. Transfer on absorption basis:- Officers holding posts equivalent to Chief Mechanical Engineer in Major Port Trust or Officers with minimum experience of 5 years in the next lower post in Government/Semi Government Organisations/Public Sector Undertaking or Autonomous Bodies with experience in maintenance and management or cargo handling equipments.. Note :- If an officer of the Port is selected his /her appointment will be treated as on promotion.	<ol style="list-style-type: none"> 1. Joint Secretary (Ports), Ministry of Surface Transport. 2. Chairman Paradip Port Trust. 3. An Officer having wide experience in the field as nominated by the Ministry of Surface Transport.

Name of the Post	Pay Scale	Whether Selection or Non-selection post	Age limit for direct recruitment	Educational & Other Qualifications required for direct recruitment	Whether age & educational qualification prescribed for direct recruitment will apply in case of promotion/ transfer	Period of Probation if any	Method of Recruitment. Whether by direct recruitment or by promotion/ transfer.	In case of recruitment by promotion / transfer the grade from which promotion/ transfer to be made	The composition of Selection Committee
1	2	3	4	5	6	7	8	9	10
Deputy Conservator	Rs. 18500-450-23900/-	Selection (The bench mark in the overall grading in the confidential Reports not below "Very Good")	45 years	Qualification: Essential :Certificate of Competency as Master Foreign Going issued by Ministry of Surface Transport or equivalent. Experience : 1. 10 experience as Master of Foreign going vessels or in pilotage in a Port. Desirable : Experience in Port Operation.	Age. No Qualification : Yes	Two years	By the composite method of promotion/transfer of Officers from Major Ports, failing which by transfer of officers in Government/Semi Government Organizations/Public Sector Undertakings or Autonomous Bodies, failing which by direct recruitment.	Promotion/Transfer Officer holding the post of Deputy Conservator in Major Port Trusts or officers with minimum experience of 5 years in the cadre below the post of Deputy Conservator in Group 'A' Ports or equivalent or higher grades in Group 'B' ports, failing which Transfer on absorption basis :- Officers holding posts equivalent to Deputy Conservator in Major Port Trusts or Officers with minimum experience of 5 years in the next lower post in Government/Semi Government Organisations/Public Sector Undertaking or Autonomous Bodies with experience in Port Operations. Note :- If an officer of the Port is selected his /her appointment will be treated as on promotion.	1. Joint Secretary (Ports), Ministry of Surface Transport. 2. Chairman Paradip Port Trust. 3. An Officer having wide experience in the field as nominated by the Ministry of Surface Transport.

Name of the Post	Pay Scale	Whether Selection or Non-selection post	Age limit for direct recruitment	Educational & Other Qualifications required for direct recruitment	Whether age & educational qualification prescribed for direct recruitment will apply in case of promotion/ transfer	Period of Probation if any	Method of Recruitment. Whether by direct recruitment or by promotion/ transfer.	In case of recruitment by promotion / transfer the grade from which promotion/ transfer to be made	The composition of Selection Committee
1	2	3	4	5	6	7	8	9	10
Chief Medical Officer	Rs. 14500-350-18700/-	Selection (The bench mark in the overall grading in the confidential Reports not below "Very Good")	45 years	Qualification: Post Graduate Degree in any branch of Medical science from an Institution recognised by the Medical Council of India. Experience : 15 year experience in the profession of which not less than 5 years experience as Specialist or a senior hospital administrative post of atleast a 50-bedded hospital.	Age. No Qualification : Yes	Two years	By the composite method of promotion/transfer of Officers from Major Ports, failing which by transfer of officers in Government/Semi Government Organizations/Public Sector Undertakings or Autonomous Bodies, failing which by direct recruitment.	Promotion/Transfer of :- Officer holding the post of Chief Medical Officer in Major Port Trusts or officers with minimum experience of 5 years in the cadre below the post of Chief Medical Officer in Group 'A' Ports or equivalent or higher grades in Group 'B' ports, failing which Transfer on absorption basis :- Officers holding posts equivalent to Chief Medical Officer in Major Port Trusts or Officers with minimum experience of 5 years in the next lower post in Government/Semi Government Organisations/Public Sector Undertaking or Autonomous Bodies with experience in hospital administration. Note :- If an officer of the Port is selected his /her appointment will be treated as on promotion.	<ol style="list-style-type: none"> 1. Joint Secretary (Ports), Ministry of Surface Transport. 2. Chairman Paradip Port Trust. 3. An Medical expert nominated by the Ministry of Surface Transport.

Name of the Post	Pay Scale	Whether Selection or Non-selection post	Age limit for direct recruitment	Educational & Other Qualifications required for direct recruitment	Whether age & educational qualification prescribed for direct recruitment will apply in case of promotion/ transfer	Period of Probation if any	Method of Recruitment. Whether by direct recruitment or by promotion/ transfer.	In case of recruitment by promotion / transfer the grade from which promotion/ transfer to be made	The composition of Selection Committee
1	2	3	4	5	6	7	8	9	10
Manager Materials	Rs. 14500-350-18700/-	Selection (The bench mark in the overall grading in the confidential Reports not below "Very Good")	45 years	<p>Qualification: Essential : Degree in Engineering/Science/Commerce from a recognised University with PG Degree/Diploma in Materials Management /PG Degree/Diploma in Industrial Engineering/ Industrial Management/MBA with Material Management from Govt recognised University/Institution</p> <p>Experience : 10 years experience in a managerial position dealing with in the areas of materials Planning & Control procurement. Stores Management. Vendor analysis & Development Transportation related to large industrial projects including imports & familiarity with import controls regulations customs clearance licensing committee, Insurance claims settlement etc.</p>	Age.No Qualification : Yes	Two years	By the composite method of promotion/transfer of Officers from Major Ports, failing which by transfer of officers in Government/Semi Government Organizations/Public Sector Undertakings or Autonomous Bodies, failing which by direct recruitment.	<p>a) By promotion of an Officer holding the post of Deputy Manager (Materials) or its equivalent or above in any Major Port Trust with 05 years regular service in the grade FAILING WHICH.</p> <p>b) Transfer on absorption basis of an officer in the Government/Semi Government Department /Public Sector Undertaking or Autonomous Body holding the equivalent post as indicated at (a) above with 05 years regular service in the grade.</p> <p>Note :- If an officer of the Port is selected his /her appointment will be treated as on promotion.</p>	<ol style="list-style-type: none"> 1. Joint Secretary (Ports), Ministry of Surface Transport. 2. Chairman Paradip Port Trust. 3. An Officer having wide experience in the field as nominated by the Ministry of Surface Transport.

1. The Paradip Port Trust (Recruitment of Heads of Department) Regulations 1991 were published vide GSR NO.615(E) in the Gazette of India dated 4th October 1991.
2. Corrigendum to the above Regulations was published vide GSR No. 897(E) in the Gazette of India 13th October 1992.
3. The 1st amendment to Paradip Port Trust (Recruitment of Heads of Department) (Amendment) Regulations 2002 was published vide GSR No. GSR No. 72(E) in the Gazette of India dt. 31st January 2002.

**PARADIP PORT TRUST EMPLOYEES'
(CONTRIBUTORY OUTDOOR & INDOOR MEDICAL BENEFIT AFTER RETIREMENT)
REGULATIONS, 2000**

G.S.R. 72-(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 Trust Act, 1963 (38 of 1963) the Central Government hereby makes the following regulations namely.

1. Short Title and Commencement :

(i) These Regulations may be called the "Paradip Port Trust Employees' (Contributory Outdoor and Indoor Medical Benefit after Retirement) Regulations, 2000".

(ii) They shall come into force from the date of their Publication in the Gazette of India.

2. Extent of Application :

(a) These Regulations are applicable to (i) retired Paradip 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 the Paradip Port Trust, and is eligible 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 or as dependent.

(b) "Retired Paradip Port Trust Employees" in relation to these Regulations means :

(i) Employees of all classes, viz., Class-I,II, III and IV, who retire from the Paradip Port Trust service, on attaining the age of Superannuation under the service regulations applicable to them ;

(ii) Class I and Class 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 allowances, 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, after attaining the age of fifty five (55) years.

(iii) Employees irrespective of their Class, who were medically invalidated from service after completion of 15 years of continuous service in Paradip Port Trust.

(iv) Employees of all class who retire from the Port service under Voluntary Retirement Scheme on or after 12-01-93.

(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 dependant as the case may be within three months from the date those regulations come into effect.

3. Contribution :

(a) To become member for availing medical benefits under these Regulations is purely voluntary. Only those retired employees or surviving spouses of deceased employees who make the payment either by deduction from their retirement benefits or in case, of those time lumpsums contribution as set out below, are eligible for availing medical benefits under these regulations for themselves and /or their spouses for life. The amount of one time lumpsum contribution will be determined

by the Board from time to time and atleast once in every three years.

Class of Employees	Amount of lumpsum contribution
Class -I	Rs. 2,500
Class -II	Rs. 2,200
Class -III	Rs. 1,800
Class -IV	Rs. 1,500

Note :- For the purpose of Regulations 2 and 3(a), the expression "Class-II, Class-III and Class-IV" shall have the same meanings as assigned to them in the Paradip Port Employees' (Classification, Control and Appeal) Regulations, 1967. 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) This amount should not be considered as payment for any treatment. The contributed amount will be spent towards the development of hospital facilities. Contribution once paid will not be refunded on any circumstance.

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 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 Photograph of the retired employee/his spouse should also be sent to the Head of Department alongwith a declaration in the proforma Annexure 'C' (attached)- that he/she is not gainfully employed in any public/private undertaking and/or covered by any medical benefit scheme of the undertaking and the receipt of having paid the lumpsum contribution referred to in preceding para. This declaration should be renewed every year on the 1st of April.

(b) On receipt of the application by the Head of Department the contents of the application will be scrutinised with refernece to records available inthat 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 Paradip Port Trust Employees' (Contributory Outdoor and Indoor Medical benefit after Retirement) Regulations, 2000".

(c) In case it is found that the applicant is not eligible for any benefit under these Regulations, he should 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 lumpsum payment made by him will be refunded to him on the basis of the advice of the respective Head Of the Department.

(e) On receipt of the recommendations from the Head of the Department, the Chief Medical oFFicer will issue to the retired/invalid employee or spouse as the case may be, an indentity Card in the prescribed proforma Annxure 'B' (attached) with a copy of photograph duly pasted on it. The second copy of the photograph should be pasted on the application and kept for records. The cost of the Identity Card, if any, should be borne by the retired employee/spouse.

(f) If the retired employee or his spouse in case of death of employee is gainfully employed 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 employee/spouse or by the next kin of the deceased, as the case may be. On receipt of such information, Chief Medical Officer should take necessary action to cancel the Identity Card issued to him/her.

(g) A monthly return in respect of such Identity Cards issued/cancelled during the month, should be sent to the Financial Adviser & Chief Accounts Officer on or before 10th of the succeeding month.

(h) On receipt of the application and the lumpsum contribution, the Chief Medical Officer of the Paradip Port Trust, should grant the retired employee or surviving spouse, as the case may be, a registration number and he/she should be registered in the Hospital. He/She will be entitled to outdoor medical attendance and treatment only in the Paradip Port Trust Hospital.

5. Scope :

On payment of contribution, the medical attendance and treatment will be made available to retired employees and their spouses on the same scale and conditions as is normally admissible to employees in service subject to the following conditions :

(a) The treatment should generally be limited to outdoor only. Medicines available in the Port Trust Hospital can be supplied. Any Medicine not available in the Port Trust Hospital should be purchased at his/her own cost and should not be claimed for reimbursement.

(b) Outdoor Medical attendance and treatment includes such Pathological, Bacteriological, Radiological (including taking of 'X' Ray Plates) or other methods of examination (including ECG and Ultrasound Scanning) as the Dy. Chief Medical Officer/Chief Medical Officer may consider necessary and to the extent that the equipment and facilities are available at the Hospital. It will, if so considered necessary by Dy. C.M.O./C.M.O., also include such physical therapy, dental treatment, hyperbaric treatment as may conveniently be given in the hospital. The Port will not take any liability for treatment at other hospitals.

(c) As far as practicable indoor treatment should be avoided. If, in the course of medical examination of a retired employee/his/her spouse, an emergency arises necessitating hospitalisation in the Paradip Port Trust Hospital, such hospitalisation should be limited to the minimum period considered necessary by the C.M.O.

(d) Such medicines and injections as may be prescribed at the Hospital will be supplied without any charge if they are available from the stock of medicines and injections maintained in the hospital. If any medicines and injections are not available at the Paradip Port Trust hospital, the same should be purchased by him/her at his/her own cost and shall not be claimed for reimbursement.

(e) A maximum of 2 (Two) beds at a time will be reserved for retired employees and/or spouses and these beds will be allotted to retired employees and/or spouses in preference to serving employees and their dependants, as an indoor patient.

(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 dependants.

(g) A serving employee and/or his dependant who is allotted a bed from out of the aforesaid

2(two) beds reserved for retired employees and/or spouses will not be discharged prematurely on the ground that an eligible retired employee and/or his spouse subsequently requires admission.

(h) Such hospitalisation should be limited to the minimum period considered necessary by the Chief Medical Officer.

(i) Ambulance service and medical attendance of Trust's doctors at the residence will not be available to retired employees/spouses.

6. Expenditure on the Regulations :

The contribution collected from retired employees/ their spouses under these Regulations will be credited to and the expenditure on providing the medical benefit will also be met from the Welfare Fund under separate head of Account.

7. Penalty :

(a) The renewal of the declaration referred to in Regulation 4(a) above is the sole responsibility of the retired employee/ his spouse as the case may be.

(b) If a retired employee/his spouse/spouse of the eligible deceased employee who have enjoyed benefit under these Regulation 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 outsiders rate with 5% penalty charges will be levied, and collected from them and they will forfeit the right to avail further benefit under these Regulations.

8. Miscellaneous:

(a) The Chief Medical Officer shall ensure that the separate register in the form shown in Annexure 'D' (attached)- showing therein the person/persons to whom the medical facilities are extended under these Regulations and this register will be made available for periodical inspection by the FA & CAO or by an Officer nominated by the FA & CAO.

(b) The Chief Medical Officer shall maintain a separate register in the form shown in Annexure-D' (attached) - showing therein the person/persons to whom the medical facilities are extended under these Regulations and this register will be made available for periodical inspection by the FA & CAO or by an Officer nominated by the FA & CAO.

9. Interpretation :

When a doubt arises as to the interpretation of these Regulation the matter will be referred to the Chairman, Paradip Port Trust, for decision.

10. The Board may make such changes in the Regulations as considered necessary from time to time.

PARADIP PORT TRUST.

APPLICATION FORM FOR JOINING THE PARADIP PORT TRUST EMPLOYEES' ((CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT) REGULATIONS, 2000.

1. Name of the retired employee
(In Block Letters). :
2. (a) Designation & Class of post :
(b) Employee No./P.P.O. No. :
(c) Department :
3. Date i) Appointment :
ii) Retirement :
4. Last pay drawn :
5. Name of surviving Wife/Husband :

Name	Relations	Date of Birth	Present Age
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i)

ii)

6. Name of the applicant :
7. Permanent Address :

Signature of the Applicant

Note : Two copies of the Passport size Photograph of the members joining these Regulations must accompany.

PARADIP PORT TRUST.

PARADIP PORT TRUST EMPLOYEES' (CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT) REGULATIONS, 2000.

Identitiy Card No. _____

1. Name of the retired employee
:
2. Name of the surviving Wife/husand :
3. Designation on the date of retirement
With name of department and
Employee 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 Head of the
Department with Rubber Stampa. :

PARADIP PORT TRUST.

DECLARATION TO BE FILLED BY RETIRED EMPLOYEES AT THE TIME OF JOINING THE PARADIP PORT TRUST EMPLOYEES' (CONTRIBUTORY OUTDOOR AND INDOOR MEDICAL BENEFIT AFTER RETIREMENT) REGULATIONS, 2000 AND THEREAFTER ON 1ST OF APRIL EVERY YEAR.

1. I, the undersigned Employees 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 fromto I understand that I am not entitled to free consultation, free medicines, free investigation from the Board's Hospital for duration of this appointment as per the Paradip Port Trust Employees' (Contributory Outdoor and Indoor Medical Benefit after (Retirement) Regulations, 2000.

Signature

Identity Card No.....

Issued by

PARADIP PORT TRUST.

Form of register to be maintained under the Paradip Port Trust Employees' (Contributory Outdoor and Indoor Medical Benefits after Retirement) Regulations 2000 by the Trust's Chief Medical Officer.

Name of the Retired Employee	No. of Family members including the retiree	Designation Emp. No. and name of Department	Contribution deposited with the FA & CAO/CMO
Name of the Retired Employee			
No. of Family members including the retiree			
Designation Emp. No. and name of Department			
Contribution deposited with the FA & CAO/CMO of the period from to			
Deposited amount Rs.			
Date of payment			
Cash Receipt No.			
Signature of the Officer collecting the contribution			
Remarks.			

NB.

1. The principal Regulations namely Paradip Port Trust employees (Contributory out door and indoor Medical Benefits after retirement) Regulation 2000 were published vide GSR No. 72 (E) the Gazette of India dated the 27th January 2000.
1. The 1st amendment to the Paradip Port Trust employees (contributory out door and indoor medical benefits after retirement) Regulations 2000 were published vide GSR No. 204 (E) the Gazette of India dated 21st March 2000.
3. The schedule attached to Paradip Port Trust employees (contributory out door and indoor medical benefits after retirement) Regulations 2000 were published vide GSR 288 (E) the Gazette of India dated 24th April 2000.

Paradip Port Trust (Licensing of Stevedores) Regulation, 1987

Approved by Central Govt. vide Gazette Notification dt. 9.3.1988

NOTIFICATION

In exercise of the powers conferred under section 123 of the major Port Trusts Act, 1963 (38 of 1963) the Board of Trustees hereby make the following regulations, namely : -

1. Short Title and Commencement :- (1) These regulations may be called the Paradip Port Trust (Licensing of Stevedores) Regulations, 1987.

(2) They shall come into force on the date of their publication in the official Gazette as required under section 124 of the Major Port Trust Act.

2. Definition :- In these regulations unless the context otherwise requires:-

(i) Act means the major Port Trusts Act, 1963.

(ii) 'Board' means the Board of Trustees of the Port of Paradip as constituted under the Act;

(iii) 'Chairman' means Chairman of the Board,

(iv) 'Form' means Form annexed to these regulations;

(v) "Stevedores" means a person or a firm to whom Stevedoring Licence is issued under Regulation 3 and includes a person who is a Stevedore by virtue of Regulation 10 :

vi) 'Traffic Manager' means the Officer for the time being in charge of the Traffic Department of the Paradip Port Trust and includes the Deputy and Assistant Traffic Managers and any other officers acting under the authority of the Traffic Manager.

3. Issue of Stevedoring Licence :- (1) The Chairman may issue stevedoring licences for a period of two years on application, to persons to act as stevedores at the port to perform the work of landing and shipping of goods between vessels in the port and the wharves, piers, quays or docks belonging to or in the possession of the Board and any other work involved in the stevedoring of vessels within the Port.

(2) No Stevedores shall be allowed to work on board any vessel in the Port except under a licence issued by the Chairman under these regulations.

4. Production of Evidence of Stevedoring work done/Capacity to do such work.

No licence for stevedoring be granted unless the applicant produces evidence :- (a) 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;

(b) that his financial standing to meet the obligations to the workers and staff employed on account of wage and compensation under the Workmen's Compensation Act, 1923 payment of Wages Act, 1936, Industrial Disputes Act, 1947 or any other law for the time being in force; and makes a deposit of rupees one lakh in cash or any other acceptable security which will be refunded discharges after the termination/expiry of the licence :

(c) that he undertakes to have in his employment such minimum staff and have in his

possession such minimum gear as may be prescribed by the Board for undertaking stevedoring efficiently.

Note : The vessel owners, Vessel operators, Steamer agents and importers and exporters would also be eligible for grant of a licence.

5. Duties and responsibilities of stevedores :- Every stevedore, shall be subject to the following duties, obligations and responsibilities during the currency of stevedoring licence issued to them by Chairman, namely :-

- (a) He shall ensure due compliance by all the staff and the workers employed by him during operation of landing and shipping of transshipping goods or work incidental thereto, of the provisions of the Indian Dock Labourers. Act, 1964; the Indian Dock Labourers Regulations, 1948, the Dock Workers' (Safety.) Health and Welfare) Scheme, 1961 and notifications issued thereunder the Industrial Disputes Act, 1947, the Payment of Bonus Act, 1965 and rules, regulations and scheme issued thereunder, relating to such operations and for the time being in force.
- (b) He shall carry out the operations with the gear owned or hired by him.
- (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 sale practices in relations 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 compensations to any of its employees 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 worker employed by him, the Stevedore shall reimburse the Board any sum so paid and for such purpose, the quantum 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 Paradip 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 experinced 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 Chariman, Traffic Manager or any other competent Officer of the Board from time to time.
- (k) He shall ensure that all the dues of the Board are paid on the appointed dates, faling which his licence 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 him in order to ensure maximum productivity consistent with the 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 or any other Officer.
- (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 worksite 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 cargostacking of cargo storage of cargo, etc. on board the vessels.
- (r) He shall undertake to pay to workers engaged by him wages in accordance with the term of wage settlement arrived at between the Central Governemnt 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 licence to any other person without the prior approval in writing of the Chaiman;
- (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.
- (u) He shall ensure to keep the Security and other Deposits valid during the currency of Stevedoring Licence.

6.Application for grant/renewal of licence : - (1) The application for grant or renewal of Stevedoring licence shall be made in Form - A to the Traffic Manager.

- (2) The applicant shall pay a licence fee of Rs. 4.500 (Rupees four thousand five hundred) only before the licence is issued or renewed. Every licenced stevedore shall deposit a sum of Rs. 5,000 (Rupees five thousand) only as earnest money for the proper performance of work permitted under the licence. The earnest/Security money will not carry and interest and will be refunded when the licence ceases to operate after adjusting the claims, if any, of the Board.
- (3) That the applicant shall also produce a Bank Guarantee for rupees one lakh to be valid during the currency of the Stevedoring licence (not less than 2 years) so as to meet any contingency.
- (4) Every licence granted or renewed under these regulations shall be in Form B;
- (5) The application for renewal of stevedoring licence shall be make at least one month before the expiry of the licence.

If the application for renewal is not received. within the stipulated period of one month, such application may be accepted on payment of Rs. 50 (Rupees fifty) only 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 licence.

(6) Upon-receipt of an application in Form 'A' the Chairman may grant/renew a licence or refuse grant/renewal of licence for reasons to be recorded in writing.

(7) Provided further that the applicant will be intimated of such refusal in writing.

(8) In the event of loss or defacing of the original licence, a duplicate licence, may be obtained on an application made to the Traffic manager on payment of Rs. 100 (Rupees one hundred only).

7. Change in name, constitution, etc. to be communicated : (1) Where the Stevedore is a firm of 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 Licence 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 licence:

Provided that the Chairman may allow such firm or company to carry on business till a decision is taken on such fresh application.

8. Suspension of Licences : (1) The Chairman may, at any time, suspend for such period as it may deem fit, or cancel the licence issued to a Stevedore for violation of any of the terms of the licence or for any of the reasons listed below :

(i) violation of safety precautions,

(ii) low productivity.

(iii) Lack of supervision over stevedoring workers.

(iv) improper and unsafe handling packages.

(v) mis-representation of mis-statement of material facts.

(vi) the Stevedores being adjudged insolvent or has gone into liquidation.

(vii) on the Stevedore, being charged of a Criminal offence.

(viii) causing obstruction in any work in the port.

(ix) sub-letting of work to other parties.

(x) any misconduct which in the opinion of the Chairman warrants such cancellation or suspension.

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

9. Appeal - (1) Any person aggrieved by any of cancellation, suspension or refusal of licence made under these regulations may prefer an appeal in writing to the Central Government within thirty days of the communications 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 has sufficient cause for not making an application within such period.

10. Notwithstanding anything contained in these Regulations, stevedoring licenses which may be in force on the date of issue of these regulations shall be deemed to have been issued under these Regulations and shall continue to be valid till the expiry of the period of such Licenses.

11. Repeal - Rules No. 62, 63 and 64 of Paradip Port Rules, 1966 dealing with Stevedoring License shall stand repealed from the date this Regulation comes into force.

Form 'A'

To

The Traffic Manager, Paradip 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 :
5. *Name/s of the Steamship Company/Charterer of Ships/Owner of cargo with whom the Contract for stevedoring their, vessel/cargo subsides or is proposal to be entered (Proof of Contract for the period covered is to be appended. The approximate tonnage for each party is to be indicated).
6. * Previous experience in the field.
(The cargo and tonnage stevedored in the previous 5 years in case of new applicant and 2 years for renewal to be furnished).
7. Proof of financial ability to meet the obligations on account of wages, compensation under Workmens. Compensation Act. etc.
(A certificate from the Bankers as to the financial ability and Income-Tax Clearance Certificate to be produced).
8. Whether the application has/is willing to acquire adequate gear for stevedoring the contracted vessel/cargo.
(List of gear with necessary certificate to be furnished).
9. Whether the applicant has/is willing to have in his employment adequate staff with experience and conversance with rules and Regulations :
(A list of the Staff and their experience to be furnished)
10. Whether the applicant has cleared all dues if any, an account of transportation he has with the Port Trust ?
11. Whether the applicant has made the following deposits :
 - (a) Licence fee of Rs. 4.500
 - (b) Earnest Money Deposit of Rs. 5,000.
 - (c) Security of Rs. 1,00 lakh towards liabilities under Workmen's Compensation Act 1923, Payment of Wages Act 1936 and Industrial Disputes Act. 1947. etc.
 - (d) Bank Guarantee of Rs. 1,00 lakh to meet contingency valid for the period for which the licence is required under Col. 4 of this form (If so, original to be attached).

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 licence.

I agree to abide by the Paradip Port Trust (Licensing of Stevedores) Regulations, 1987 and to comply with the directions made by the Paradip Port Trust. from time to time, if the licence is issued/renewed.

Place :

Date :

Signature of applicant

* Columns 5 and 6 will not be applicable in case of a fresh applicant or an applicant under probations.

Form 'B'

(Emblem of Paradip Port Trust)

Licence for undertaking stevedoring operation at Paradip Port.

1. Name of the Licensee
2. Address
3. Period for which the licence is granted (Mention here period of probation, if any From to).
4. Any other particulars required to be mentioned
5.
6.
7.

Seal

Chairman,
Paradip Port Trust

Conditions :

1. This licence is granted subject to the provisions of the Major Port Trusts Act, 1963 and the Paradip Port Trust (Licensing of Stevedores) Regulations. 1986.
- 2.
3. (Here print the conditions subject to which the licence is given, e.g. the duties and responsibilities enlisted in Regulation 5 of the Draft Regulations.

(The Orissa Gazette No- 37 Sept' 9th 1998)

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