

DOCK WORKERS (SAFETY, HEALTH AND WELFARE) RULES, 1990

G.S.R. 79 (E), dated 16th February, 1990.*-

Whereas the draft of Dock Workers, (Safety, Health and Welfare) Rules, 1987, was published as required by sub-section (1) of Sec. 22 of the Dock Workers, (Safety, Health and Welfare) Act, 1986 (54 of 1986), in Pt. II, Sec. 3 (i), of the Gazette of India, Extraordinary, dated the 27th November, 1987 with notification of the Government of India In the Ministry of Labour, No. G.S.R. 939 (E), dated the 27th November, 1987, 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 draft notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 18th December, 1987;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now therefore, in exercise of the powers conferred by Sec. 20 of the said Act, the Central Government hereby makes the following rules, namely:-

1. Short title, application and commencement.-

- (1) These rules may be called the Dock Workers, (Safety, Health and Welfare) Rules, 1990.
- (2) They shall apply to all major ports in India as defined in the Major Ports Act, 1963 (38 of 1963).
- (3) They shall come into force after expiry of 30 days from the date of their publication in the Official Gazette.

2. Definitions.-

In these rules, unless the context otherwise require.-

- (a) "Act" means the Dock Workers, (Safety, Health and Welfare) Act, 1986 (54 of 1986);
- (b) "Regulations" means the Dock Workers, (Safety, Health and Welfare) Regulations, 1989; and,
- (c) All the words used in these rules and not defined but defined in the Act or the regulations shall have the meanings respectively assigned to them in the Act and the regulations.

Comment

This rule lays down that the words used in these rules but not defined shall have the meanings as assigned to those words in the Act or the regulations.

Otherwise-What amounts to.-

The word "otherwise" is not to be construed ejusdem generis with the words "Circulars, advertisements". **

3. Inspection procedure.-

An Inspector shall exercise the powers conferred upon him under the Act and the regulations.

4. Notice to employer.-

The Inspector shall, after every inspection visit, as may be deemed necessary, issue an improvement notice or a prohibition notice pointing out the non-compliance of provisions of the Act or the regulations to the owner or master or officer-in-charge of the ship or their agent or the employer of the dock workers in Form IX appended to the regulations.

5. Compliance of previous inspection reports.-

An Inspector shall, at each inspection, ascertain to what extent any shortcomings notified at a previous inspection have been rectified and the notices previously issued have been complied with. His findings and any shortcomings which may come to light during the inspection, together with any order passed by him under the Act or the regulations shall be recorded in an inspection register required to be maintained for the purpose.

6. Notice to whom served.-

Any notice or order required or intended to be served under the Act or the regulations, may be served:

(a) On any person by delivering it to him, or by leaving it at, or sending it by registered post to the ship, premises or registered office as the case may be.

(b) On any firm by delivering it to any partner of the firm or by leaving it at, or sending it by registered post to the office of the firm.

(c) On any company by delivering it to any of the directors or the person in charge of operation in the dock premises or by sending it by registered post to the office of the company.

7. Show-cause notice.-

An Inspector may, as deemed necessary, issue show cause notice and prohibition order and prosecute the port authority, firm or company, who by himself or through his agent is responsible for non-compliance of the provisions under the Act and the regulations.

Comment

Deemed-Meaning of.-

The word "deemed" always means to be treated "as if it were" ***

8. Inquiry into causes of accidents.-An Inspector shall conduct inquiry into causes of any accident or dangerous occurrence, which he has reason to believe was caused as a result of collapse or failure of lifting appliance, loose gear, transport equipment, etc., or non-compliance with any of the provisions of the Act or the regulations.

9. Advisory Committee.-

(a) The Advisory Committee under Sec. 9 of the Act shall consist of the following nine members to be appointed by Central Government, namely:

(i) The Chief Inspector and other two members representing the Central Government.

(ii) Three members representing organisation of employers of dock workers as the Central Government may consider appropriate.

(iii) Three members representing organisations of dock workers, as the Central Government may consider appropriate:

Provided that, in the event of a vacancy in the Advisory Committee, it shall, as soon as possible, be filled by the Central Government.

Provided that any vacancy occurring in the Advisory Committee shall, as soon as possible, be filled by the Central Government by appointing new members representing the organisations as provided in this sub-rule:

Provided further that the Central Government may remove any member from the Advisory Committee, without assigning any reasons.

(b) The Chief Inspector shall be Chairman of the Advisory Committee.

(c) The members of the Committee shall be appointed for a period of three years.

(d) An official of the organisation of the Chief Inspector shall function as the Secretary to the Advisory Committee and shall be entitled to attend and take part in the meetings of the Committee, he shall not have a right to vote.

(e) (i) The Chairman shall convene meetings of the Advisory Committee, as often as considered necessary, by giving notice of at least 15 days. The Chairman shall also forward to the members the agenda for the meeting before the meeting is held.

(ii) The decisions taken by the Committee shall be forwarded by the Chairman to the Central Government, along with comments and recommendations on the action to be taken thereon.

(iii) A report of the action taken on the decisions of the Advisory Committee shall be presented to the Committee by the Chairman at its next meeting.

Comments

This rule deals with composition of the Advisory committee under Sec. 9 of the Act

Proviso-Internal aid.-It is a well settled principle of construction that unless clearly indicated, a proviso would not take away substantive rights given by the section or the sub-section ****

10. Competent person appointed by Central Government for the purposes of inquiring into the causes of any accident, diseases connected with the dock work under the provision of Sec. 10 of the Act shall make the inquiry in the following manner:

(a) date, time and place of holding the inquiry shall be fixed and may be varied, notice of which shall be given not less than 30 days in writing of such date, time and place to every person entitled to appear at the inquiry whose name and address are known to the competent person :

Provided that.-

(i) with the consent of all such persons, the competent person may give such lesser period of notice as shall be agreed to with those persons; and

(ii) where it becomes necessary or advisable to vary the time or place fixed for the inquiry, the competent person shall give such notice of the variation as may appear to it to be reasonable in the circumstances.

(b) The notice given under paragraph (a) of this rule shall state the name of the competent person and the names of assessors, if any, appointed to assist the competent person in the inquiry.

(c) Without prejudice to the foregoing provisions of this rule, the competent person shall also for the purpose of notifying to the persons who may in any way be concerned with the subject matter of the inquiry, take one or more of the following steps namely:

(i) publish notice of the inquiry in one or more newspapers, including where appropriate, newspapers circulating in the locality/area in which the subject matter of the inquiry arose; and

(ii) give such other notice of the inquiry as appears to the competent person to be appropriate; and the requirements as to the period of notice contained in paragraph (a) of this rule shall not apply to any such notices.

Comment

This rule lays down the manner the inquiry under Sec. 10 of the Act.

11. Persons to appear at inquiry.-

(1) The person entitled to appear at the inquiry shall be-

(a) any competent person under regulation 2 (a);

(b) any enforcing authority concerned;

(c) any employers' association or trade union of employees;

(d) any person who was injured or suffered damage as a result of the accident, occurrence, situation, disease or other matter which is the subject of the inquiry, or his representative;

(e) the owner of any premises in which the accident, occurrence, situation or other matter occurred or arose;

(f) any person carrying on dock work giving rise to the accident, occurrence, situation or other matter which is the subject of the inquiry, and

(g) any other person at the discretion of the appointed competent person.

(2) The following shall represent at the inquiry-

(a) a corporate body may be represented by its secretary or by any other officer appointed for the purpose, or by counsel or solicitor;

(b) a Government department, an employers' association or a trade union may be represented by a counsel or a solicitor,

(c) where there are two or more persons having a similar interest in the matter under inquiry, the competent person may allow one or more persons to appear for the benefit of some or all persons so interested.

(3) The competent person appointed by the Central Government under Sec. 10 of the Act, may, either of his own motion or on the application of any person entitled or permitted to appear, cause to be served on any person appearing to him to be likely to be able to give material evidence or to produce any document likely to be material evidence, a notice requiring that person to attend at the inquiry at the time and place specified in the notice to give evidence or produce the document.

(4) A person on whom a notice is served under sub-rule (3) may apply to the competent person either at or before the inquiry to vary or set aside the requirement, and where he does so before the inquiry he shall give notice of his application to the person, if any, who applied for the notice under sub-rule (3) to be served.

(5) Except as otherwise provided in these rules, the procedure at and in connection with an inquiry shall be at the discretion of the competent person who shall state at the commencement of the hearing the procedure which, subject to consideration of any submission by the persons appearing at the inquiry, he proposed to adopt and shall inform those persons what he proposes as regards any site inspection arising out of the hearing.

(6) Except as provided in sub-rule (1) of rule 12 the inquiry shall be held in public.

12. Inquiry in public.-

(1) The competent person appointed by the Central Government under Sec. 10 of the Act, shall conduct the inquiry under rule 10 in public, unless.-

(a) the Central Government is of the opinion that the matters of the inquiry or any part of it are of such nature that it would be against the interests of national security to hold the inquiry in public and directs the competent person to hold the inquiry in camera; or

(b) on an application made to him by any party to the inquiry, decides to hold the inquiry, or such part of it in camera, if he is of the opinion that the holding of public inquiry will lead to disclosure of information relating to a trade secret.

Information disclosed to any person by the hearing of evidence in the circumstances mentioned in sub-paragraphs (a) or (b) above shall not be disclosed by him except for the purposes of the inquiry.

(2) Persons entitled or permitted to appear shall be heard in such order as the competent person appointed by the Central Government under Sec. 10 of the Act, may determine.

(3) Persons entitled to appear shall be entitled to make an opening statement, to call evidence and to cross-examine persons giving evidence, but any other person appearing at the inquiry may do so only to the extent permitted by the competent person appointed by the Central Government under Sec. 10 of the Act.

(4) Where the competent person appointed by the Central Government under Sec. 10 of the Act, so requires, witnesses shall give evidence on oath, and for that purpose he may administer an oath in due form.

(5) Any evidence may be admitted at the discretion of the competent person appointed by the Central Government under Sec. 10 of the Act, who may direct that documents to be tendered in evidence may be inspected by any person entitled or permitted to appear at the inquiry and that facilities be afforded to him to take or obtain copies thereof.

(6) The competent person appointed by the Central Government under Sec. 10 of the Act, shall be entitled (subject to disclosure thereof at the inquiry and making available copies thereof to the persons appearing at the inquiry) to take into account any written representation or statement received by him before the inquiry from any person.

(7) The competent person appointed by the Central Government under Sec. 10 of the Act, may from time to time adjourn the inquiry and where he does so shall give reasonable notice to every person entitled or permitted to appear at the inquiry of the date, time and place of the adjourned inquiry. Provided that where the date, time and place of the adjourned inquiry are announced at the inquiry, no further notice shall be required.

(8) The competent person appointed by the Central Government under Sec. 10 of the Act, and any person appointed to assist him in the inquiry may, where necessary for the purpose of the inquiry, at any reasonable time enter and make an inspection of any ship/premises to which the inquiry relates and anything in them.

(9) (a) The competent person appointed by the Central Government under Sec. 10 of the Act, shall after the close of the inquiry make a report in writing to the Central Government, which shall include the findings of the facts and his recommendations, if any, or his reasons for making any recommendation.

(b) Except where the said report is to be published, in whole or in part, the Central Government shall send to any person who appeared at the inquiry a copy of the report or so much of it as the competent person appointed by the Central Government under Sec. 10 of the Act, thinks fit.

Comment

This rule lays down the manner of the inquiry under Sec. 10 of the Act.

"May" and "shall".-Where the Legislature uses the words "may" and "shall" together in two different parts of the same provision, prima facie it would appear that the Legislature manifested its intention to make one part directory and another mandatory. But that by itself may not be decisive. The power of the Court, however, to ascertain the real intention of the Legislature by carefully examining the scope of the statute to find out whether the provision is directory or mandatory, remains unimpaired. *****

* Publishing in Gazette of India, Extraordinary. Pt. II, Sec. 3 (i), No.61, dated 16th February, 1990

** Sidarth Wheels Pvt. Ltd. v. Bedrock Ltd., A.I.R. 1998 Delhi 228 at p. 236.

*** 1zz. Kalika Kumar alias Kalika Singh v. State of Bihar, (1990) (38) (1) B.L.J.R. 51 at p. 73 (Pat.)

**** 1aa. Madhugopal v VI Additional District Judge, A.I.R. 1989 S.C. 155 at p. 157

***** Agya Ram v State of U.P., 1990 (27) A.C.C. 29 at p. 31, See also State of H.P. v. Sudershan Kumar, 1990 (1) E.F.R. 25 at p. 28 (H.P.).

DOCK WORKERS (SAFETY, HEALTH AND WELFARE) REGULATIONS, 1990

G.S.R 80 (E), dated 16th February, 1990.-Whereas the draft of the Dock Workers (Safety, Health and Welfare) Regulations, 1987, was published as required by sub-section (1) of Sec. 22 of the Dock Workers (Safety, Health and Welfare) Act, 1986 (54 of 1986), in the Gazette of India, Extraordinary, Part II, Sec. 3 (i) dated the 27th November, 1987, under the notification of the Government of India In the Ministry of Labour No. G.S.R. 937 (E), dated the 27th November, 1987, Inviting objections and suggestions from all persons likely to be affected thereby, before 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 said Gazette was made available to the public on the 6th January, 1988;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by Sec. 21 of the said Act the Central Government hereby makes the following regulations, namely:

PART I

General

1. Short title, application and commencement.- (1) These regulations may be called the Dock Workers (Safety, Health and Welfare) Regulations, 1990.

(2) They shall apply to all major ports in India as defined in the Major Ports Act, 1963 (38 of 1963).

(3) They shall come into force after the expiry of 30 days of their publication in the Official Gazette.

2. Definitions.-In these regulations unless the context otherwise requires.-

a) "Act" means the Dock Workers (Safety, Health and Welfare) Act, 1986 (54 of 1986);

(b) "access" includes egress;

(c) "authorised person" means a person authorised by the employer, the master of the ship or a responsible person to undertake a specific task or tasks and possessing necessary technical knowledge and experience for undertaking the task or tasks;

(d) "competent person" means.-

(i) a person belonging to a testing establishment in India who is approved by the Chief Inspector for the purpose of testing, examination or annealing and certification of lifting appliances, loose gears or wire ropes;

(ii) any other person who is recognised under the relevant regulations in force in other countries as competent for issuing certificates for any of the purposes mentioned in sub-clause (1) for the implementation of the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32) and the Convention concerning Occupational Safety and Health in Dock Work (No. 152), 1979, adopted by International Labour Conference;

(e) "container" means an article of transport equipment of a permanent character and accordingly strong enough to be suitable for repeated use and as specified under national or international standards;

(f) "container terminal" means the area where the operations of receiving, storage, dispatch and interchange of containers, between transport made is carried out primarily with the help of lifting appliances and transport equipment, and includes associated road vehicles, waiting places, control inter-change grid, stacking areas and associated road vehicle, departure, but shall not include.-

(i) terminals which handle significant volumes of containerized cargo and break-bulk cargo together using the same operational areas;

(ii) all railway terminals and all in-land depots;

(iii) the stuffing and stripping of the contents of containers; and

(iv) ship-board and ship-side operations LQ/LO and RO/RO vessels;

(g) "conveyer" means a mechanical device used In dock work for the transport of single packages or solid bulk cargo from one point to another point;

(h) "dangerous goods" means any cargo which due to its explosiveness, inflammability, radioactivity, toxic or corrosive properties, or other similar characteristics, may cause injury, adversely affect the human system, loss of life or property while handling, transporting, shipping or storing and which is classified as such by any international or national standards;

(i) "dock" means any dock, wharf, quay or shore and shall include any warehouse or store place belonging to owners, trustees or conservators of, and situated in or in the vicinity of the dock, wharf, quay or shore and any railway line or siding on or used in connection with the dock, wharf quay or shore but not forming part of Indian railways;

(j) "form" means a form appended to these regulations;

(k) "hatch" means an opening in a dock used for purposes of dock work or for trimming or for ventilation or for cleaning;

(l) "hatchway" means the whole space within the square of the hatches from the top dock to the bottom of the hold;

(m) "Inspector" means a person appointed by the Central Government under Sec. 3 of the Act and includes the

(j) "Inspector" means a person appointed by the Central Government or a State Government or a State Chief Inspector;

(n) "lifting appliance" means all stationary or mobile cargo handling appliances including their permanent attachments, such as cranes, derricks shore based power operated ramps used on shore or on board ship for suspending, raising or lowering, cargo or moving them from one position to another while suspended or supported, in connection with the dock work and includes lifting machinery;

(o) "loose gear" means hook, shackle, swivel, chain, sling, lifting beam, container spreader, tray and any other such gear, by means of which the load can be attached to a lifting appliance and includes lifting device;

(p) "port" means a port as defined under the Indian Ports Act, 1908 (15 of 1908);

(q) "port authority" means the person having the general management and control of dock:

Provided that if any other person has, by exclusive right to occupation of any part of the dock acquired the general management and control of such part, he shall be deemed to be the "port Authority" in respect of that part;

(r) "premises" means any dock, wharf, quay, warehouse, store place or landing place where the dock work is carried on;

(s) "prescribed" means prescribed by the Central Government;

(t) "pulley block" means pulley block, gin and similar gear, other than a crane block specially constructed for use with a crane to which it is permanently attached;

(u) "responsible person" means a person appointed by the employer, the master of the ship, the owner of the gear or port authorities, as the case may be, to be responsible for the performance of a specific duty or duties and who has sufficient knowledge and experience and the requisite authority for the proper performance of the duty or duties;

(v) "safe working load" in relation to an article of loose gear or lifting appliance means the load which is the maximum load that may be imposed with safety in the normal working conditions and as assessed and certified by the competent person;

(w) "schedule" means a schedule appended to these regulations;

(x) "ship" means any kind of ship, vessel barge, lighter or hover-craft excluding ships of war and country craft;

(y) "testing establishment" means an establishment with testing and examination facilities, as approved by the Chief Inspector for carrying out testing, examination, annealing or certification, etc. of lifting appliance or loose gear or wire rope as required under the regulations;

(z) "transport equipment" means all powered and hand truck, for lift truck, tractor, trailer, locomotive, prime mover and any other such equipment used in dock work;

(zz) words and expressions not defined in these regulations but defined or used in the Act shall have the same meaning as assigned to them in the Act

3. Powers of Inspectors.-(a) An Inspector may at any port for which he is appointed. -

(i) enter, with such assistance, (if any), as he thinks fit, any ship, dock, warehouse or other premises, where any dock work, is being carried on, or where he has reason to believe that any dock work is being carried on;

(ii) make examination of the ship, dock, lifting appliance, loose gear, lifting device, staging, transport equipment, warehouse or other premises, used or to be used, for any dock work;

(iii) require the production of any testing muster roll or other document relating to the employment of dock workers and examine such document;

(iv) take on the spot or otherwise such evidence of any person which he may deem necessary:

Provided that no person shall be compelled under sub-regulation 3 (a) (iv) to answer any question or, give any evidence tending to incriminate himself;

(v) take copies of registers, records or other documents or portions thereof as he may consider relevant in respect of any offence which he has reason to believe has been committed or for the purpose of any inquiry;

(vi) take photograph, sketch, sample, weight measure or record as he may consider necessary for the purpose of any examination or inquiry;

(vii) hold an inquiry into the cause of any accident or dangerous occurrence which he has reason to believe was the result of the collapse or failure of any lifting appliance loose gear, transport equipment, staging non-compliance with any of the provisions of the Act or the regulations;

(viii) issue show-cause notice relating to the safety, health and welfare provisions arising under the Act or the regulations;

(ix) prosecute, conduct or defend before any court any complaint or other proceedings, arising under the Act or the regulations;

(x) direct the port authority, dock labour board and other employers of dock workers for getting the dock workers medically examined if considered necessary.

(b) A person having general management and control of the premises or the owner, master, officer-in-charge or agents of the ship, as the case may be, shall provide such means as may be required by the Inspector for entry, inspection, examination, inquiry, otherwise for the exercise of his powers under Act and the regulations in relation to that ship or premises which shall also include the provision of launch or other means of transport.

4. Notice of Inspection.-(1) An inspector may notify any defects or deficiencies which may come to his notice during his inspection and examination which he wishes to point out together with any orders passed by him under the Act or the regulations in Form IX to-

(i) the owner, master, officer in charge or agents of the ship; or

(ii) the port authority; or

(iii) the owner of lifting appliances, loose gears, lifting devices and transport equipment; or

(iv) the employer of dock workers.

(2) When an Inspector serves notice, under sub-regulation (1) above, in relation to any dock, lifting appliance, loose gear, lifting device, transport equipment, ladder or staging, he may, in the notice prohibit the dock work where conditions are dangerous to life, safety or health of dock workers and the use of the same in connection with the dock work and such dock, lifting appliances, loose gears, lifting devices transport equipment, ladders or stagings shall not be used until the defect or defects specified in the notice have been remedied and the Inspector has withdrawn the prohibitory order.

5. Appeal.-Any person aggrieved by an order of the Chief Inspector passed under Sec. 5 of the Act may, within 15 days from the date on which the order is communicated to him prefer an appeal to the Secretary in Government of India Ministry of Labour, New Delhi and the provisions of Sec. 8 of the Act shall apply accordingly.

of the Ministry of Labour, New Delhi and the provisions of sections 10 and 11 shall apply accordingly.

6. Penalties.-Only save as is otherwise expressly provided in these regulations, whoever being a person responsible to comply with any of the regulations commits a breach of such regulations shall be guilty of an offence and punishable with imprisonment; for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and, if the breach is continued after conviction, with a further fine which may extend to one hundred rupees for each day on which the breach is so continued.

1. Publish in Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), No. 61, dated 16th February, 1990

7. Responsibilities.-(1) It shall be the duty of the Port Authority to comply with regulations 9 to 12, 15 to 23, 61 (1 & 8), 80 (2 and 3) 81, 85 (12), 89, 91 (2 to 6), 92 (2), 93 (1, 3 & 4), and 94 to 115.

(2) It shall be the duty of the owner, or master, or officer-in-charge and the agents of a ship to comply with regulations 12, 16 (1) to (3), 17 (1) (a), 24 to 37, 76, 80 (1), 99 (1) and 101 (1 & 3).

(3) (a) It shall be the duty of the owner of the lifting appliance, loose gear, and transport equipment or any other equipment used in dock work on shore or on board the ship to comply with the regulations 17 (4), 27, 40 to 49, 51, 52 (1 to 4), 54, 57 (1 to 4, 6 & 7), 59 (1 to 3), 60, 62, 63, 64, 84 (1), 85 (5), 87 and 88.

(b) In case lifting appliance, loose gear, or any other equipment used in dock work on board a ship not registered in India, It shall be the duty of the master or Chief Officer of such ship and agent of such ship to comply with the regulations 27, 40 to 49, 51, 52 (1 to 4), 54, 87 and 88.

(4) (a) It shall be the duty of every employer and of all agents, employees and dock workers employed by him to comply with regulations 11 (1 & 2), 17 (5), 77 (5), 85 (8) and 86 (8).

(b) It shall be the duty of every employer to comply with regulations 13, 14, 16 (4), 17 (4 & 5) 18, 20 (2), 24 (7 & 8), 25, 28, 29 (2), 31, 32 (3, 6, 8 & 9), 33 to 39, 45 (1), (2) & (3), 52 (5), 53 to 56, 57 (4) (e), (5), (6) & (8), 58, 59 (4), 61 (9) and (10), 62 (13), (17), 64 to 75, 77 to 82, 84 (2), 85 except 85 (12), 86, 87 (2), 88 (4 to 8), 89 to 93, 95, 98, 107, 109 (2), 110, 114 (4), 116 and 117.

Provided that where the dock work is carried on by a stevedore or other person other than the owner of a ship it shall be the duty of the owner, master or officer-in-charge of the ship, to comply with regulation 33 (1) so far as it concerns:

(i) Any hatch not taken over by the said stevedore or other person for the purpose of the dock work; and

(ii) any hatch which, after having been taken over by the said stevedore or other person for the purpose of the dock work-

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(a) has been reported by written notice in Form I to the owner, master or officer-in-charge of ship, or by on behalf of the said person, as being hatch at which the dock work has been completed for the time being,

(b) either has been left by the persons fenced or covered as required by regulation 33 (1) or has been taken into use by or on behalf of the owner of the ship, and in either case has been so reported by such written notice as aforesaid. It shall be the duty of the owner, master or officer-in-charge of the ship to give immediately written acknowledgment of such written notice as aforesaid.

(5) It shall be the duty of every dock worker to comply with the requirement of such of these regulations as relate to the performance, of or refraining from, an act by him and to co-operate in carrying out requirements of these regulations and if he discovers any defects in the lifting appliance, loose gear, lifting device, conveying any transport

equipment or other equipment to report such defects without un-reasonable delay to his employer or foreman or other person in authority.

(6) No person shall unless duly authorised or in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, hatch covering, life saving appliance, lighting, or other thing whatsoever required by the Act and these regulations to be provided. If removed such things shall be restored at the end of the period during which their removal was necessary, by the persons last engaged in that work necessitated such removal.

(7) (a) No employer shall allow lifting appliance, loose gear, lifting device, or conveying and transport equipment to be used by dock workers which does not comply with regulations 17 (4), 27, 40 to 49, 51, 52 (1 to 4), 54, 57 (1 to 4 & 6 to 7), 59 (1 to 3), 60, 62, 87 and 88.

(b) If the person whose duty, it is to comply with regulations mentioned in sub-regulation (2) above fail to do so, then it shall also be the duty of the employer of the dock workers to comply with such regulations within the shortest time reasonably practicable after such failure.

(8) It shall be the duty of the person for the time being in charge of any ship to produce for inspection and examination certificates required under regulation 51.

(9) Every dock worker shall use the means of access provided in accordance with these regulations and no person shall authorise or order another to use means of access other than those provided in accordance therewith.

(10) No person shall go upon any hatch beam for the purpose of adjusting the gear for lifting them on or off nor shall any person authorise or order another to do so.

(11) It shall be the duty of the Dock Labour Board and every other employer of dock workers to comply with regulations 74, 89, 91(3), 92, 93 (1, 3 & 4), 103, 107, 108 to 111.

(12) It shall be the duty of the competent person to comply with the regulations 41, 47, 48 and 50.

8. Exemption.-The Chief Inspector may, subject to such conditions, if any, as may be specified therein by order in writing (which may in its discretion be revoked at any time), exempt from all or any of the requirements of these regulations,-

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(a) any dock or part of a dock, if he is satisfied that dock work is only occasionally carried on or traffic is small and confined to small ships and fishing vessels at such dock;

(b) any appliance, gear, equipment, or device or any class or description of appliances, gear, equipment or device, if he is satisfied that the requirement in respect of which the exemption is granted are not necessary or equally effective measures are taken:

Provided that he shall not grant exemption under this regulation unless he is satisfied that such exemption will not adversely affect the health, safety and welfare of dock workers.

PART III
Safety
A.-Working Places

9. Surfaces. -

(1) Every regular approach over a dock which the working place and every such working place inside the dock which workers have to use for going to or from a dock shall be,-

(a) kept clean and free from objects that can cause slipping, stumbling or falling,

(b) maintained in good repair with due regard to the safety of the dock workers.

(2) All areas of a dock shall be kept properly drained and graded In order to facilitate safe access to sheds, warehouses and store places and safe handling of cargo and equipment.

(3) Drain pools and catch basins shall be properly covered or enclosed.

(4) All areas of a dock and all approaches on which lifting appliances and transport equipment are used shall be soundly constructed, surfaced with good wearing material and sufficiently even and free from holes and cracks to afford safe transport of cargo and shall be properly maintained.

(5) Any working area in a dock which is damaged or under repair shall be effectively blocked off from other areas and when necessary,, warning lights shall be provided at night.

(6) All landing places used by dock workers for embarking or disembarking from crafts meant for transport by water, shall be maintained in good repair with due regard to the safety of the persons using them.

10. Fencing of dangerous places. -

(1) The following parts of a dock and approaches as far as practicable having regard to the traffic and working be securely fenced so that the height of the fence shall be in no place less than one meter and the fencing shall be maintained in good condition:

(a) all breaks, dangerous comers, and other dangerous parts or edges of a dock;

(b) both sides of such foot ways, over bridges, caissons, and dock gates as are in general use by dock workers and each side of the entrance at each end of such foot way for sufficient distance not exceeding, 4.5 meters:

Provided that in case of fences which were constructed before the date of commencement of this regulation, it shall be sufficient if the height of the fence is in no place less than 75 cm.

(2) The ditches, pits, trenches for pipes and cables and other hazardous openings and excavations shall be securely covered or adequately fenced.

(3) Where wharves or quays slope steeply towards the water, the outer edge shall be protected as far as practicable.

11. Passages to be kept clear.-

(1) Cargo shall not be so stored or transport equipment or lifting appliances so placed on any areas of a dock where dock workers are employed so as to obstruct access to ships, cranes, life saving appliances, fire fighting equipment and welfare facilities provided under these regulations.

(2) Where any place is left along the edge of any wharf or quay, it shall be at least 90 cms, wide and shall be kept clear of all obstructions other than fixed structures, plant and appliances in use.

(3) Where working areas of a dock are enclosed and the traffic warrants, a separate gate or passage shall be provided for pedestrians.

12. Railings and fencings. -

(1) All railings for the fencing of hatchways, accommodation ladders, grangways, stinway for embarking, disembarking, and any other dangerous place shall be of sound material, good construction and possess adequate strength and unless specified in these regulations;

- (a) be at least one metre in height; and
 - (b) consist of two rails or two taut ropes or chains supporting stanchions and toe boards.
- (2) Intermediate rails, ropes or chain shall be 50 centimetre high.
 - (3) Stanchions shall not be more than two metre apart and shall be secured against inadvertent lifting out.
 - (4) The toe board shall be at least 15 centimetre high.
 - (5) Railings shall be free from sharp edges.
 - (6) Temporary fencing of hatchways elevated platforms, etc. shall be as far as reasonably practical, extend to a height of one metre and consist of either:
 - (a) two taut ropes or chains with stanchions; or
 - (b) a properly rigged and securely fastened safety net.
 - (7) Stairs giving access to transport vessel shall be equipped with wooden or rubber fenders so that the gap of more than 30 centimetre is maintained between the side of the steps and side of the vessel.

13. Staging construction and maintenance.-

- (1) Sufficient supply of sound and substantial material shall be available at convenient place or places for the construction of staging.
- (2) All staging shall be:
 - (a) securely constructed of sound and substantial material and shall be maintained in such condition so as to ensure the safety of all dock workers; and
 - (b) inspected at regular and frequent intervals by a responsible person.
- (3) All planks and ropes intended to be used for a staging shall be:
 - (a) carefully examined before being taken into use; and
 - (b) re-examined by a responsible person before they are used again after the stages have been dismantled.
- (4) All planks forming stages shall be securely fastened to prevent slipping.
- (5) All stages shall be of sufficient width to secure the safety of the dock workers working therein. In particular, on stage at a height of two metres or more above

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the ground level deck bottom, deck or tank top, shall be less than 30 centimetre wide.

- (6) Planks supported as the rungs of ladders shall not be used to support stages.
- (7) (a) Stage suspended by ropes or chains shall be secured as far as possible so as to prevent their swinging; and
 - (b) no rope or chain shall be used in suspending stages unless it is of suitable quality, adequate strength and free from patent defects. Fibre rope shall not pass over sharp edges.

(8) Safe means of access shall be provided for the use of dock workers to and from stages and ropes used for suspending stages shall not be used as means of access.

14. Work on staging.-

(1) More than two men shall not be allowed to work at any one time on a staging plank.

(2) When dock workers are employed on staging more than 2.5 metres high, they shall be protected by safety belts equipped with lifelines which shall be secured with a minimum of flask to a fixed structure.

(3) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage or other defects which may affect their strength. Defective belts shall not be used.

(4) Work on a staging shall not be carried on when loaded slings have to pass over the stagings and there is danger from falling objects.

15. Lifesaving appliances.-

Provision for the rescue from drowning of dock workers shall be made and maintained, and shall include;

(a) a supply of life-saving appliances, kept in readiness on the wharf or quay, which shall be reasonably adequate having regard to all the circumstances; and

(b) means at or near the surface of the water at reasonable intervals for enabling a person in water to support himself or escape from the water which shall be reasonably adequate having regard to all the circumstances.

16. Illumination.-

(1) All areas in a dock and on a ship where the dock work is carried on and all approaches to such areas and to places to which dock workers may be required to go in the course of their employment, shall be safely and efficiently lighted in an appropriate way.

(2) The general illumination, in areas on the dock where dock workers have to pass, shall be at least 10 lux and at places where dock workers are employed the illumination shall be at least 25 lux without prejudice to the provision of any additional illumination needed at particularly dangerous places.

(3) The means of artificial lighting shall, so far as is practicable, be such and so placed as to prevent glare or formation of shadows to such an extent as to cause risk of accident to any dock worker.

(4) The portable lights shall be maintained in good condition and shall:

(a) be equipped with substantial reflectors and guards; and

(b) be equipped with heavy duty electric cords with connection and insulation maintained in safe condition.

17. Fire protection.-

(1) Place where dock workers are employed shall, be provided with-

(a) sufficient and suitable fire-extinguishing equipment; and Dock Workers (Safety, Health & Welfare) regulation., 1990 [R. 18

(b) an adequate water supply at ample pressure as per national standards.

(2) Persons trained to use the fire-extinguishing equipment shall be readily available during all working hours.

(3) Fire-extinguishing equipment shall be properly maintained and Inspected at regular intervals and a record maintained to that effect.

(4) A portable fire-extinguishing equipment of suitable type shall be provided in every launch or boat or other craft used for transport of dock workers and also in the crane cabins including mobile cranes.

(5) Smoking shall not be allowed in the hold of a ship, on wharf, in warehouses and transit sheds and "No Smoking" or other cautionary notices shall be displayed at such places.

18. Excessive noise, etc.-

Adequate precautions shall be taken to protect dock workers against the harmful effects of excessive noise, vibrations and air pollution at the work place. In no case the noise levels shall exceed the limits laid down in Schedule VII.

19. Construction.-

(1) All floors, walls, steps, stairs, passages; chutes and gangways of warehouses and storeplaces shall be of sound construction and properly maintained.

(2) The slope of ramps shall be such that the stability of transport equipment or vehicles using them is not endangered.

20. Floor loading.-

(1) The maximum load per square metre to be carried by any floor of a warehouse or store place and maximum load of any lifting appliance and transport equipment used on such floor shall be displayed at conspicuous places.

(2) The maximum loads referred to in sub-regulation (1) shall not be exceeded.

21. Stairs.-

(1) For every staircase in a warehouse or store place, a substantial handrail of a height of at least one metre shall be provided and maintained, which if the staircase has an open side shall be on that side, and in the case of a staircase having two open sides, such a handrail shall be provided and maintained on both sides.

(2) Any open side of staircase shall also be guarded by the provision and maintenance of lower rail or other effective means.

22. Openings.-

All openings in floors and walls shall in so far as they prevent danger, be effectively protected.

23. Means of escape In case of fire.-

(1) All warehouses and store places shall be provided with sufficient means of escape in case of fire for the dock workers employed therein and all the means of escape, other than the means exit in ordinary use, shall be distinctively marked in a language understood by the majority of the dock workers.

(2) A free passageway giving access of each means of escape in case of fire shall be maintained for the use of all dock workers.

(3) In every dock there shall be provided effective and clearly audible means of giving warning in case of fire to every dock worker employed therein.

C. Means of Access

24. Access between shore and ship.-

(1) When a ship is lying at a wharf or quay for the purpose of dock work, adequate and safe means of access to the ship, properly installed and secured, shall be provided.

(2) Safe means, required by sub-regulation (1) shall be as follows:

Where practicable, the ship, accommodation ladder or a gangway or a similar construction, shall be-

- (i) not less than 55 cms, wide at the steps and of adequate depth with steps having permanent non-skid surface;
- (ii) properly secured and securely fenced throughout its length on each side to a clear height of one metre by means of upper and lower rails, taut ropes or chains or by other equally safe means except that in the case of ship's accommodation ladder such fencing shall be necessary one side only provided that the other side is properly protected by the ship's side;
- (iii) constructed of suitable material and maintained in good condition and suitable for the purpose;
- (iv) maintained in a condition as to prevent slipping;
- (v) fitted with a platform at either end of the ladder and the lower platform or the treads resting on the dock;
- (vi) an angle maintained not exceeding 40 degrees to the horizontal irrespective of resting on the dock.

(3) When a fixed tread ladder is used and the angle is low enough to require dock workers to walk on the edge of the treads, cleated duck boards shall be laid over and secured to the ladder.

(4) Whenever there is danger of dock workers falling between the ship and the shore, a safety knot or other suitable protection shall be rigged below the accommodation ladder in such a manner as to prevent dock workers from falling.

(5) If it is not possible to rest the accommodation ladder or gangway and the foot of the same is more than 30 cms. away from the edge of the wharf or quay, the space between them shall be bridged by a firm walkway equipped with railing on both the sides with a minimum height of one metre with the mid-rails.

(6) Access to the ship shall not be within the swinging radius of the load.

(7) When the upper end of the means of access rests on or is in flush with the top of the bulwark substantial steps properly secured and equipped with at least one substantial handrail one metre in height shall be provided between the top of the bulwark and the deck and the steps provided shall be, as far as practicable, in line with the gangway.

(8) The use of swinging derricks or rope ladders for the access shall be prohibited.

25. Access between ship and another vessel.-

(1) When a ship is alongside another ship, and dock workers have to pass from one to the other, adequate and safe means of access shall be provided for their use, unless the conditions are such that it is possible to pass from one to the other without undue risk and without the aid of any special appliance.

(2) If the other ship is sailing barge, flat, keel, lighter or other similar vessel of relatively low free board, the means of access shall be provided by the ship which has the higher free board.

(3) Rope ladders used as a means of access between ship and another vessel shall,-

- a) be of good construction, made up of suitable and sound material with adequate strength and properly maintained for the purpose for which it is used;
- (b) be adequately secured at its upper end in such a manner that it is firmly and safely held in order to prevent any possible slip-down of its spare rolled up portion when the ladder is used;
- (c) have treads which are flat and of a width and depth of not less than 30 centimetres and 15 centimetres respectively and so constructed as to prevent slipping;
- (d) have suitable provisions as far as practicable, for preventing the ladder from twisting; and
- (e) have bottom tread within the safe distance of the lower landing place.

26. Access between deck and hold.-

- (1) If the depth from the level of the deck to the bottom of the hold exceed 1.5 metres there shall be maintained safe means of access from the deck to the hold in which work is being carried on.
- (2) Where practicable, access to the hold shall be by separate man-hatches 60 centimetre by 60 centimetre clear in size, with a sloping ladder and hand rail through each deck to the lower hold and hinged cover for a man-hatch shall, while in the open position, be effectively secured.
- (3) When the length of the hatchway exceeds 7 metres, a fixed hold ladder shall be fitted both on or near the fore and aft side of the hatchway.
- (4) Fixed hold ladders shall be maintained in good repair and shall comply with the following provisions:
 - a) the ladders shall be at least 30 centimetres between their up-rights and leave free foot-room of at least 12 centimetres behind the ladder;
 - b) the rungs shall be so fastened that they cannot tilt, and the intervals between rungs shall not exceed 30 centimetres;
 - c) the rungs shall afford an adequate hand-hold;
 - d) the ladders shall be sufficiently long; and
 - e) a suitable landing platform shall be provided for every six metres length or fraction thereof.
- (5) Fixed hold ladders connecting decks shall lie in the same straight line, unless measures are taken at each tween deck for safe ascent and descent from the ladders.
- (6) (a) If the fixed holds ladders cannot extend upwards on to the coamings, strong cleats shall be fitted to the coamings in the same line as the ladders at intervals not exceeding 30 centimetres having a clear internal width of at least 30 centimetres while affording free footroom of at least 12 centimeters and so constructed as to prevent the foot from slipping sideways:
 - (b) Coamings which are higher than 90 centimeters above the deck shall also be provided with the necessary cleats referred to in this sub-regulation on the outside.
- (7) Shaft tunnels shall be provided with adequate hand-hold and boot-hold on each side.
- (8) The approaches to hold ladders and stairs shall be at least 40 centimeters wide and shall not be obstructed, and if on one or both sides there are dangerous moving parts it shall be at least 50 centimeters wide.
- (9) Cargo shall be stacked sufficiently far from the ladder to leave at each rung of the ladder foot-hold of a depth including any space behind the ladder of not less than 12 cms. for a width of 25 centimeters.

27. Fencing of and means of access to lifting appliances. -

- (1) Safe means of access to every part of a lifting appliance shall be provided.
- (2) The operator's platform on every crane or tip driven by mechanical power shall be securely fenced and shall be provided with safe means of access. In particular, where access is by a ladder,-
 - a) the sides of the ladder shall extend to a reasonable distance beyond the platform or some other suitable handhold shall be provided;
 - b) the landing place on the platform shall be maintained free from obstruction and slipping; and
 - c) in case where the ladder is vertical and exceeds six metres in height, a resting place shall be provided, after every six metres and part thereof.

28. Ladders. -

(1) All metal, wooden, rope or other ladders, that are used by dock workers shall be of sound material, good construction and adequate strength for the purpose for which they are intended and shall be properly maintained and kept free from oil or other slippery material.

(2) Wooden ladders, shall not be painted, but covered with clear varnish or other transparent preservative.

(3) No ladder shall be used which has-

a) a missing or defective rung; or

(b) any rung which depends for its support on nails, spikes or other similar fixings.

(4) Every ladder shall be inspected at suitable intervals by a responsible person, and if any defects are found in any ladder, the ladder shall be immediately taken out of service.

29. Bulwarks or rails. -

(1) All upper decks to which dock workers may have access for the purpose of carrying on dock work shall be provided on the outer edge upto a height of one metre above the deck with a bulwark or guard rails so designed, constructed and placed, as to prevent any dock worker from accidentally falling overboard.

(2) The bulwark or guard rails shall be continuous except where sections have to be removed for the purpose of dock work and such sections shall not extend beyond the minimum distance necessary.

30. Deck ladders. -

Ladders leading from upper deck or bridge deck or which deck to main deck shall be so situated as to reduce, as far as practicable, the risk of dock workers,-

a) being struck by cargo during loading or unloading; and

(b) falling direct into an open hold if they fall from the ladder.

31. Skeleton decks. -

(1) When dock work is proceeding at any skeleton deck, adequate staging with suitable railings shall be provided to ensure a safe working surface unless the space beneath the deck is filled with cargo to within a distance of 60 centimetres of such deck.

(2) When skeleton decks are not accessible from hold ladders, safe means of access such as portable ladders shall be provided.

32. Working spaces. -

(1) Dock cargoes shall be stowed, or effective measures taken, so that,-

a) safe access is provided to the winches, hold ladders and to the signaller's stand; and

(b) winches and cranes used during loading or unloading can be safely operated.

(2) Safe access to the deck cargo, hold ladders and winches shall be ensured by securely installed steps or ladders.

(3) When a signaller has to move from the square of the hatch to the ship's side, a space at least 90 centimetres wide shall be kept clear.

(4) If the surface of the deck cargo is uneven, suitable measures shall be provided for the safe movement of dock workers.

(5) When deck cargo is stowed against ship's bulwark or hatch coamings and at such a height that there is a danger

to the dock worker from falling overboard or into the open hold, suitable fencing shall be provided to prevent such fall.

(6) When there is a cargo on dock, it shall be ensured that the visibility between the signaller and crane or winch operator is not obstructed by making suitable arrangements.

(7) All places, such as decks, stages, etc. shall be properly cleaned and kept free from objects which can cause slipping, stumbling and falling.

(8) When the coaming is so high that signaller cannot see properly in the hold, a suitable step or platform shall be provided in such a manner that the distance between the top of the platform and the upper edge of the coaming is not less than one metre.

(9) A clear unobstructed space at least 90 centimetres wide and where this is not practicable as wide as is reasonably practicable shall be provided around every hatch.

(10) Any part of the ship used in connection with the dock work shall be free from patent defect and maintained in good working order.

33. Fencing around hatchways. -

(1) Every hatchway of a hold exceeding 1.5 metres in depth, which is not protected by coaming to a clear height of 75 centimetres shall, when not in use either be effectively fenced to a height of one metre or be securely covered to prevent dock workers from falling into the hold.

(2) If in any hatch dock work is carried on simultaneously at two decks, the open end of the hatch in the higher deck shall be protected to a height of one metre by means of planks or nets or in some other suitable manner to prevent fall of dock workers or cargo and the safety nets when rigged shall not be secured to the hatch covers.

(3) When an edge of a hatch section or of stowed cargo more than 2.5 metre high is so exposed that it presents a danger to dock workers falling the edge shall be guarded by a taut rope, safety net or railing to a height of one metre.

(4) Dock workers employed in a hold on a partly covered hatch or on a stack shall be protected by spreading a net or in some other suitable way, against the danger of falling down.

34. Hatch coverings, hatch beams, etc. -

(1) All fore and aft beams and thwartship beams used for hatch coverings shall have suitable gear for lifting them on and off without it being necessary for any dock worker to go upon them to adjust such gear.

(2) All hatch coverings and beams shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein.

(3) All hatch coverings and beams shall be replaced according to their markings:

Provided that this regulation shall not apply in cases where all the hatch coverings and beams of a ship are interchangeable or, in respect of marking of position, where all hatch coverings of a hatch are interchangeable.

(4) All fore and aft beams and thwartship beams including sliding beams and the tracks used for hatch coverings and all hatch coverings shall be maintained in good condition.

(5) Adequate handgrips shall be provided on all hatch coverings, having regard to their size and weight, unless construction of the hatch or the hatch covering is of a character rendering the provision of handgrips unnecessary.

(6) Hatch coverings shall not be used in the construction of stages or for any other purpose which may expose them to damage.

(7) Hatch covers and beams shall not be removed and replaced while dock work is in progress in the hold under the

hatchway. Before loading or unloading take place, any hatch cover or beam that is not adequately secured against displacement shall be removed.

(8) Only an authorised person shall be permitted to open or close power operated hatch covers.

(9) Folding hatch covers shall be fitted with locking devices to prevent covers from folding back.

(10) Hatch covers shall not be opened or closed in such manner as is likely to cause injury to any dock worker.

35. Opening and closing of hatches. -

(1) Hatchways shall be opened sufficiently to allow loads to be safely hoisted or lowered.

(2) No hatch cover or hatch beam shall be removed from or replaced on any hatch unless there is around the hatch coaming an unobstructed working space at least 60 centimetre wide or where this is not reasonably practicable, as wide as is reasonably practicable.

(3) Before covering hatch with tarpaulin it shall be ensured that there is no opening left uncovered by hatch covers and that all the hatch covers are resting securely.

36. handling of hatch coverings and beams. -

(1) All hatch cover exceeding 55 kilogram in weight and all beams of any hatch shall be removed or replaced only with a which or other suitable mechanical means.

(2) When being replaced, hatch covers and beams shall be placed on the hatches in the position indicated by the markings thereon and shall be adequately secured.

(3) Hatch covers and beams shall not be removed or replaced while dock worker is below the level of the hatch in a position in which he is liable to be struck by a falling hatch covering or hatch beam.

(4) Hatch covers, tarpaulins, fore-and-aft beams and thwartship beams which have been removed shall be so laid down, stacked or secured that they cannot fall into the hold or otherwise cause danger.

(5) Hatch covers and beams shall be so placed as to leave a safe walkway from bulwark to hatch coaming or fore-and-aft.

(6) Hatch covers shall be either arranged in neat piles not higher than the coaming and away from it or spread one high between coaming and rail with no space between them. The height of the stack shall be regulated so that, if accidentally struck by a sling, they will not endanger a dock worker below or overside.

37. Securing of hatch covering and hatch beams. -

(1) Where any hatch beam is fitted with a permanent device for securing it in position in the hatch, that device and its corresponding fitting in the coaming shall be effectively and properly maintained.

(2) The beams of any hatch in use for the dock work shall, if not removed be adequately secured to prevent their displacement.

(3) Any sliding or rolling hatch beams supporting hatch coverings which are left in position in a partly opened hatch shall be adequately secured to prevent any horizontal movement of the hatch beams.

(4) Every sliding or rolling hatch beams and its guides shall be so constructed and maintained that the hatch beam is not liable to be accidentally displaced from its guides.

(5) Mechanically operated hatch coverings shall, when stowed be adequately secured to prevent movement,

38. Escape from holds. -

Precautions shall be taken to facilitate the escape of dock workers when handling coal or other bulk cargo in a hold or in tween decks or bin or hooper.

39. Dangerous and harmful environment.-

(1) When internal combustion engines exhaust into a hold or intermediate deck or any other working place where neither natural ventilation nor the ship's ventilation system is adequate to keep the carbon monoxide content of the atmosphere, below 50 parts per million adequate and suitable measures shall be taken at such places in order to avoid exposure of dock workers to health hazards.

(2) No dock worker shall be allowed to enter any hold or tank of a vessel wherein there is given off any dust, fumes or other impurities of such a nature and to such an extent as is likely to be injurious or offensive to the dock workers or in which explosives, poisonous, noxious or gaseous cargoes have been carried or stored or in which dry ice has been used as a refrigerant or which has been fumigated, or in which there is possibility of oxygen deficiency, unless all practical steps have been taken to remove the dust, fumes or other impurities and dangers which may be present and to prevent any further ingress thereof, and such holds or tanks are certified to be safe and fit for dock workers to enter the same by the competent authority.

(3) When dock workers are exposed to any dust in substantial quantities as in handling bulk grains fertilizers, cements and other similar cargoes, they shall be protected by suitable respiratory protective equipment.

40. Construction and maintenance of lifting appliances

(1) General.

All lifting appliance, including all parts and working gear thereof, whether fixed or moveable, and any plant or gear used in anchoring or fixing such appliance, shall be:

(a) of good construction, sound material, adequate strength for the purpose for which it is used and free from patent defect; and

(b) maintained in good repair and working order.

(2) Drums.

(a) Every drum or pulley round which the rope of any lifting appliances is carried, shall be of adequate diameter and construction in relation to the rope used.

(b) Any rope which terminates at the winding drum of a lifting appliances shall be securely attached to the drum and at least three dead turns of the rope shall remain on the drum in every operating position of the lifting appliance.

(c) The flange of the drum should project twice the rope diameter beyond the last layer and if this height is not available, other measures such as anti-slackness guards shall be provided to prevent the rope from coming off the drum.

(3) Brakes.

Every lifting appliances shall be provided with an efficient brake or brakes which shall-

(a) be capable of preventing fall of a suspended load (Including any test load applied in accordance with these regulations) and of effectively controlling a load while it is being lowered;

(b) act without shock;

(c) have shoes that can be easily removed for relining; and

(d) be provided with simple and easily accessible means of adjustment:

Provided that this regulation shall not apply to steam winch which, can be so operated that the winch is as safe as it would be if a brake or brakes were provided in accordance with this regulation.

(4) Controls.

Controls of lifting appliance shall,-

(a) be so situated that the driver at his stand or seat has ample room for operating and has an unrestricted view of dock work, as far as practicable, and remains clear of the load and ropes, and that no load passes over him;

(b) be positioned with due regard to ergonomic considerations for easy operation;

(c) be so located that the driver does not have to remain in the bright of the heel block;

(d) have upon them or adjacent to them clear markings to indicate their purpose and mode of operation;

(e) be provided, where necessary, with a suitable locking device to prevent accidental movement or displacement;

(f) as far as practicable, move in the direction of the resultant load movement; and

(g) automatically come to a neutral position in case of power failure wherever automatic brakes are provided.

41. Test and periodical examination of lifting appliances. -

(1) Before being taken into use for the first time or after it has undergone any alterations or repairs liable to affect its strength or stability and also once at least in every five years, all lifting appliances including all parts and gears thereof, whether fixed or moveable, shall be tested and examined by a competent person in the manner set out in Schedule I.

(2) All lifting appliances shall be thoroughly examined by a competent person once at least in every 12 months. Where the competent person making this examination forms the opinion that the lifting appliance cannot continue to function safely, he shall forthwith give notice in writing of his opinion to the owner of the lifting appliance or in case of lifting appliance carried on board a ship not registered in India, to the Master or officer-in-charge of the ship.

(3) Thorough examination for the purpose of this regulation shall mean a visual examination, supplemented if necessary by other means such as hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined; and if necessary for this purpose, parts of the lifting appliance and gear, shall be dismantled.

42. Automatic safe load indicators. -

(1) Every crane, if so constructed that the safe working load may be varied by raising or lowering of the jib or otherwise, shall have attached to it an automatic indicator of safe working loads which shall also give a warning to the operator wherever the safe working load is exceeded.

(2) Cut-out shall be provided which automatically arrests the movement of the lifting parts of the crane in the event of the load exceeding the safe working load wherever possible.

(3) The provisions of sub-regulation (1) shall not apply where it is not possible to install an automatic safe load indicator, in which case, provision on the crane of a table showing the safe working loads at the corresponding inclinations or radii of the jib shall be considered sufficient compliance.

43. Rigging of ship's derricks. -

(1) Every ship shall carry the current and relevant rigging plans and any other relevant information necessary for the safe rigging of its derricks and necessary gear.

(2) All such rigging plans shall be certified by a competent person.

44. Securing of derrick foot. -

Appropriate measures shall be taken to prevent the foot of a derrick being lifted out of its socket or supports.

45. Winches. -

(1) General

(a) Winches shall not be used if control levers to operate with excessive friction or excessive play.

(b) Double gear winches shall not be used unless a positive means of locking the gear shift is provided.

(c) When changing gears on a two gear winch, there shall be no load other than the fall and the cargo hook assembly on the winch.

(d) Adequate protection shall be provided to winch operator against the weather, where necessary.

(e) Temporary seats and shelters for winch operators which create a hazard to the winch operator or other dock workers shall not be allowed to be used.

(f) When winches are left unattended, control levers shall be secured in the neutral position and whenever possible, the power shall be shut off.

(2) Steam winches

In every steam winch used in dock work,-

(a) measures shall be taken to prevent escaping steam, from obscuring any part of the decks or other work places or from otherwise hindering or injuring any dock worker;

(b) extension control levers which tend to fall of their own weight shall be counter-balanced;

(c) except for short handles on wheel type controls, winch operations shall not be permitted to use the winch control extension levers unless they are provided by either the ship or the employer and such levers shall be of adequate strength and secure and fastened with metal connections at the fulcrum and at the permanent control lever.

(3) Electric winches

(a) In case of any defect, dock workers shall not be permitted to transfer with or adjust electric control circuits.

(b) Electric wireless shall be used for dock work in case where,-

(i) the electro-magnetic brake is unable to hold the load; and

(ii) one or more control points, either hoisting or lowering is not operating properly.

46. construction and maintenance of loose gears. -

(1) Every loose gear shall be

(a) of good design and construction, sound material and adequate strength for the purpose for which it is used and free from patent defects and,

(b) properly maintained in good repair and working order.

(2) Components of the loose gear shall be renewed if one of the dimensions at any point has decreased by 10 per cent. or more by user.

(3) (a) Chains shall be withdrawn from use when stretched and increased in length exceeds five per cent, or when a link of the chain deformed or otherwise damaged or raised scarfs of defective welds appeared.

(b) Rings hooks, swivels and end links attached to chains shall be of the same material as that of the chains.

(4) The voltage of electric supply to any magnetic lifting device shall not fluctuate by more than + 10 per cent.

47. Test and periodical examination of loose gears. -

(1) All loose gears shall be initially tested for the manufacturer by a competent person, in a manner set-out in Schedule-I before taking into use or after undergoing any substantial alternations or renders to any part liable to affect its safety and shall subsequently be retested for the owner of the gear, at least in every five years.

(2) All loose gears shall be thoroughly examined once at least in every twelve months by a competent person. In addition chains shall be thoroughly examined once at least every month by a responsible person.

48. Ropes. -

(1) No rope shall be used for dock work unless:-

(a) it is of suitable quality and free from patent defect, and

(b) in the case of wire rope, it has been tested and examined by a competent person in the manner set out in Schedule I.

(2) Every wire rope of lifting appliance or loose gear used in dock work shall be inspected by a responsible person once at least in every three months, provided that after any wire has broken in such rope, it shall be inspected once at least in every month.

(3) No wire rope shall be used in dock work if in any length of eight diameters the total number of visible broken wires exceed 10 per cent. of the total number of wires or the rope shows sign of excessive wear, corrosion or other defects which in the opinion of the person who inspects it or Inspector, renders it as unfit for use.

(4) Eye splices and loops for the attachment of hooks, rings and other such parts to wire ropes shall be made with suitable thimble.

(5) A thimble or loop splice made in any wire rope shall conform to the following standard,-

(a) wire rope or rope sling shall have at least three tucks with full strand of rope and two tucks with one-half of the wires cut out of each strand and strands in all cases shall be tucked against the lay of the rope;

(b) protruding ends of strands in any salice on wire rope and rope slings shall be covered or treated so as to leave no sharp points;

(c) fibre rope or rope sling shall have at least four tucks tail of such tuck being whipped in a suitable manner; and

(d) synthetic fibre rope or rope sling shall have at least four tucks with full strand followed by further tuck with one-half

filaments cut-out of each strand and final tuck with one-half of the remaining filaments, cut-out from trends. The portion of the splices containing the tucks with the reduced number of filaments shall be securely covered with suitable tape or other materials: Provided that this sub-regulation shall not operate to prevent the use of another form of splice which can be shown to be as efficient as that laid down in this regulation.

49. Heat treatment of loose gears. -

(1) All chains other than bridle chains attached to derricks on mass and all rings, hooks, shackles and swivels used in hoisting or lowering shall, unless they have been subjected to such treatment as an Inspector may, subject to confirmation by the Chief Inspector approve, be effectively annealed under supervision of a competent person and at the following intervals:

(a) 12.5 millimetre and smaller chains, rings, hooks, shackles and swivels in general use, once at least in every six months; and

(b) all other chains, rings, hooks, shackles and swivels in general use, once at least in every twelve months:

Provided that in the case of such gear used solely on cranes and other hoisting appliances worked by hand twelve months shall be submitted for six months in sub-clause (a) and two years for twelve months in sub-clause (b):

Provided further that where an Inspector is of the opinion that owing, to the size, design material or frequency of use of any such gear or class of such gear, the requirements of this regulation as to annealing is not necessary for the protection of dock workers, he may by certificate in writing (which he may at his discretion revoke) and subject to confirmation by the Chief Inspector exempt such gear or class of gear from such requirement subject to such conditions as may be specified in such certificate.

(2) Sub-regulation (1) shall not apply to;

(i) pitched chains, working on sprocket of sprocketed wheels;

(ii) rings, hooks and swivels permanently attached to pitched chain, pulley blocks or weighing machines; and

(iii) hooks and swivels having ball bearings or other case hardened parts.

(3) All chains and loose gears made from high tensile steel or alloy steel be plainly marked with an approved mark indicating that they are so made. No chain or loose gear made from high tensile steel or alloy steel shall be subject to any form of heat treatment except where necessary for the purpose of repair and under the direction of a competent person.

(4) If the past history of wrought iron gear is not known or if it is suspected that the gear has been heat treated at incorrect temperature, it shall be normalised before using the same for dock work.

50. Certificate to be issued after actual testing, examination, etc.-

A competent person shall issue a certificate for the purpose of regulation 41, 47, 48 or 49 only after actual testing or, as the case may be, examination of the apparatus specified in the said regulation.

51. Register of periodical test and examination and certificates thereof.-

(1) A register in Form II shall be maintained and particulars of test and examination of lifting appliances and loose gears and heat treatment, as required by regulations 41, 47 and 49 shall be entered in it,

(2) Certificates shall be obtained from competent person and attached to the register in Form II, in respect of the following, in the forms shown against each:

(a) initial and periodical test and examination under regulations 41 and 47, for-

- (i) winches, derricks and their accessory gear in Form III.
- (ii) cranes or hoists and their accessory gear in Form IV;
- (b) test, examination and re-examination of loose gears under regulation 47 in Form V;
- (c) test and examination of wire ropes under regulation 48 in Form VI;
- (d) heat treatment and examination of loose gears under sub-regulation (1) of regulation 49, in Form VII;
- (e) annual thorough examination of the loose gears under sub-regulation (2) of regulation 47 in Form VIII, unless required particulars have been entered in the register in Form II.
- (3) The register and the certificates attached to the register shall be, -
 - (a) kept on board the ship in case of ship's lifting appliances, loose gears and wire ropes;
 - (b) kept at premises of the owner in respect of other lifting appliances, loose gear and wire ropes;
 - (c) produced on demand before an Inspector; and
 - (d) retained for at least five years after the date of the last entry.
- (4) No lifting appliance and loose gear in respect of which an entry is required to be made and certificates of test and examination are required to be attached in the register in Form II, shall be used for dock work unless and until the required entry has been made in the register and the required certificates have been so attached.

52. Marking of safe working load.-

- (1) Every lifting appliance and every item of loose gear shall be clearly marked with its safe working load and identification mark by stamping or where this is impracticable, by other suitable means.
- (2) (a) Every ship's derrick (other than derrick crane) shall be clearly marked with its safe working load when the derrick is used, -
 - (i) in single purchase,
 - (ii) with a lower cargo block, and
 - (iii) in union purchases in all possible block positions;
- (b) The lowest angle to the horizontal, that the derrick may be used, shall also be legibly marked.
- (3) Every lifting appliance (other than ship's derricks) having more than one safe working load shall be fitted with effective means enabling the operator to determine the safe working load under each condition of use.
- (4) Means shall be provided to enable any dock worker using loose gears to ascertain the safe working load for such loose gears under such conditions as it may be used and such means shall consist, -
 - (a) as regards chain slings, of marking the safe working load in plain figures or letter: upon the sling or upon a tablet or ring of durable material attached securely thereto; and
 - (b) as regards wire rope slings, either the means specified in CL (a) above or a notice or notices so exhibited as can be easily read by any concerned, dock worker stating the safe working load for the various sizes of the wire rope slings used.

(5) No lifting appliance or loose gear shall be used unless marked in accordance with the provisions of this regulation.

53. Loading of lifting appliances and loose gears. -

(1) No lifting appliance, loose gear and wire rope shall be used in an unsafe way and in such a manner as to involve risk to life of dock workers, and, in particular, shall be loaded beyond its safe working load or loads, except for testing purposes as given in Schedule I and under the direction of a competent person.

(2) No lifting appliance and loose gears or any other cargo handling appliances shall be used, if-

(a) the Inspector is not satisfied by reference to a certificate of test or examination or to an authenticated record maintained as provided under the regulations; and

(b) in the view of the Inspector, the lifting appliance, loose gear or any other cargo handling appliance is not safe for use in dock work.

54. Pulley blocks. -

No pulley blocks shall be used in dock work unless the safe working load and its identification marks are clearly stamped upon it.

55. Vacuum and magnetic lifting device.-

(1) No vacuum or any other lifting device where the load is held by adhesive power only, be used while workers are performing operations in the holds.

(2) Any magnetic lifting device used in connection with dock work shall be provided with an alternative supply of power, such as batteries, that come into operation immediately in the event of failure of the main power supply:

Provided that the provisions under this sub-regulation shall not apply to magnetic lifting device that is being used to load or unload scrap metal or to other cargo handling operations of such a nature that there is no dock worker within the swinging zone of the load.

56. Knotting of chains and wire ropes. -

No chain or wire rope shall be used in dock work with a knot in it.

57. Power trucks and hand trucks. -

(1) All trucks/trailers and tractor equipments shall be of good material, sound construction, sufficiently strong for the purpose for which it is used and maintained in good state of repair:

Provided that trucks and trailer employed for transporting freight containers shall be of the size to carry the containers without overhanging and provided with twist locks conforming to national standards at all the four corners and these shall be:

(i) approved by a competent person; and

(ii) inspected, by a responsible person once at least in every month and record maintained.

(2) All trucks and other equipments shall be inspected at least once a week by a responsible person and when any dangerous defect is noticed in an equipment it shall be immediately taken out of use.

(3) Power trucks and tractors shall be equipped with effective brakes, head lights, and tail lamps and maintained in

(3) Power trucks and tractors shall be equipped with effective brakes, head lights and tail lamps and shall be kept in good repairs and working order.

(4) Side stanchions on power trucks and trailers for carrying heavy and long objects shall be.

(a) of substantial construction and free from defects;

(b) provided with tie chains attached to the top across the loads for preventing the stanchions from spreading out; and

(c) wherever necessary the stanchions shall be in position while loading and, unloading.

(5) Safe gangways shall be provided for to and for movement of dock workers engaged in loading and unloading in lorries, trucks, trailers and wagons.

(6) Trucks and other equipment; shall not be loaded beyond their safe carrying capacity which shall be clearly and plainly marked on them.

(7) Handles of hand trucks shall be so designed as to protect the hands of the dock workers or else be provided with knuckle guards.

(8) (a) Unauthorised persons shall not ride on transport equipment employed in connection with the dock work.

(b) Driver of the transport equipment shall manoeuvre the equipment under the direction of signaller only:

Provided that this sub-regulation shall not apply in case vision of the driver is not obstructed.

58. Use of internal combustion engines in the holds. -

(1) Internal combustion engines shall not be used in connection with the dock work in the holds or cargo spaces unless,-

(a) adequate means of ventilation and, where necessary mechanical ventilation is provided;

(b) suitable fire fighting equipment is readily available;

(c) exhaust pipes, connections and mufflers are kept tight;

(d) exhaust is so directed as not to cause inconvenience to the operator and dock workers;

(e) it is ensured that no explosives, inflammable liquids, gases or similar dangerous cargo are present;

(f) a spark arrestor is fitted on the exhaust of the engine and the bare heated surfaces of the engine, that are liable to ignite spilled fuel, are suitably protected;

(g) the engine is refuelled above deck; and

(h) the exhaust does not contain the carbon monoxide above the prescribed in the national standards.

(2) The internal combustion engine shall be switched off when not in use in connection with the dock work.

(3) Operators of internal combustion engines in cargo spaces or cargo holds shall not work alone.

(4) Whenever internal combustion engines for use in dock work are to be brought on board, the Master or the Officer-in-charge of the ship shall be notified.

59. Use of forklifts, electric trucks or cars. -

(1) Electrically driven trucks or cars, fork-lifts, etc. shall be fitted with at least one effective mechanical braking device and mechanically operated current cut-off that comes into operation automatically when the operator leaves the vehicle.

(2) Fork-lift trucks shall be fitted with overhead guard to protect the operator from falling objects.

(3) Fork-lift trucks or electric cars shall have their gross weight conspicuously marked upon them.

(4) When a fork-lift truck or electric car is operated in intermediate deck, steps shall be taken to ensure that the working surface can support the load and the hatch covers cannot be dislodged by the movement of the truck.

60. Stability test. -

All fork-lift trucks and electric cars shall have been tested for stability as per national standards.

61. Dock railways. -

(1) Sufficient clearance to ensure safety shall be allowed between structures or piles of cargo and railway track.

(2) Locomotive drivers shall act only on signals given by an authorised person: Provided that stop signals shall always be acted upon, irrespective of their source.

(3) Locomotives pulling or pushing wagons shall move dead slow and shall be preceded by a man on foot when passing through an area where dock workers are employed.

(4) No locomotive or wagon shall be moved on a railway line until an efficient sound signal as a warning has been given by the man preceding it on foot where dock workers are working and whose safety is likely to be endangered, or on approaching any curve where sight is intercepted, or any other point of danger to dock workers.

(5) When a railway wagon or a group of wagons not directly connected to a locomotive is being moved, a person shall be appointed to control each wagon or a group of wagons.

(6) Cranes, ship's winches and derricks shall not be used to move railway wagons.

(7) Fly shunting in premises where dock workers are engaged in dock work shall be prohibited and all trains shall be brought to a full stop before any wagons are cut loose.

(8) As far as practicable, idle wagons shall not be left standing on quays with short distances between them.

(9) When dock workers are required to work between or beneath railway wagons, they shall be provided with a lookout man responsible for giving them necessary warning.

(10) Dock workers shall not be employed inside open wagon when-

(a) bulk cargo is being handled by means of grabs; or

(b) steel cargo is being handled by means of electro-magnets.

(11) Locomotive used for pulling or pushing wagons shall be maintained in good repairs and working order.

(12) Before moving railway wagons, train crews shall make sure that all dock workers are out of the wagons and the danger zone.

62. Conveyers. -

- (1) Conveyers shall be of sound material, good construction and sufficient strength to support safely the loads for which they are intended, and shall be kept in good repair.
- (2) (a) Conveying machinery shall be so constructed and installed as to avoid hazardous points between moving and stationary parts or objects.

(b) When a passage way is adjacent to an open conveyer a clearance of at least 90 centimetre shall be provided between the inner edge of the walkway and the conveyer.
- (3) When dock workers have to cross over conveyers, regular crossing facilities affording safe and adequately lighted passage shall be provided.
- (4) When conveyers that are not entirely enclosed cross over places where dock workers are employed or might pass beneath them, sheet or screen guards shall be provided to catch any material which might fall from the conveyers.
- (5) Power driven conveyers shall be provided at loading and unloading stations, at drive and take-up ends, and at other convenient places, with devices for stopping the conveyer machinery in an emergency.
- (6) Adequate fencing shall be provided at transfer point.
- (7) Conveyers which carry loads up-inclines shall be provided with mechanical devices that will prevent machinery from reversing and carrying the loads back towards the loading point in the event of the power being cut off.
- (8) Where two or more conveyers are operated together, the controlling devices shall be so arranged that no conveyer can feed on to a stopped conveyer.
- (9) Where the tops of hoppers for feeding conveyers are less than 90 centimetres above the floors the openings shall be adequately guarded.
- (10) (a) Where conveyers extend to points not visible from the control stations they shall be equipped with gongs, whistles or signal lights, to be used by the operators before starting the machinery so as to warn dock workers who might be in positions of danger;

(b) Similar provisions shall be made where necessary to enable the dock workers to communicate with the operator.
- (11) Conveyers shall be provided with automatic and continuous lubrication systems, or with lubricating facilities so arranged that oiling and greasing can be performed without the oilers coming within dangerous proximity to moving parts.
- (12) Conveyers shall be thoroughly inspected once in every three months by a responsible person.
- (13) Dock workers shall not ride on conveyers.
- (14) Belt conveyers shall be provided with guards at the nips of the belts and drums.
- (15) Intake openings of blower or exhaust fans for pneumatic conveyers shall be protected with substantial metal screens or gratings.
- (16) Frames of gravity roller and chutes shall be kept free of splinters, sharp edges and roughs surfaces.
- (17) Gravity roller and chutes shall not be used for the passage of dock workers.
- (18) Sideboards of chutes shall be of sufficient height to prevent cargo from falling off.
- (19) Suitable provision shall be made for the cleaning of conveyers and for clearing obstructions in a safe way.

63. Transport equipment operators. -

No person shall be employed to operate transport equipment unless he is above 18 years of age and is sufficiently competent and reliable.

64. Qualification for mobile crane drivers, signaller., etc.-

No person shall be employed to drive or operate lifting appliances whether driven by mechanical power or otherwise or to give signals to driver or operator of such lifting appliances or to work as rigger for ship's derricks unless he is above 18 years of age and is sufficiently competent and reliable.

65. Loading and unloading operations. -

(1) No cargo shall be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at that deck is securely covered or a secure landing platform of a width not less than that of one section of hatch coverings has been placed across it: Provided that this regulation shall not apply to any loading or unloading work the whole of which may be completed within a period of half an hour.

(2) No loose gear or any other object shall be thrown in or out of the holds.

(3) During the loading and unloading of bulk cargo a record of all dock workers employed in the hold shall be maintained and produced on demand to the Inspector.

(4) Where necessary cargo shall be secured or blocked to prevent its shifting or falling. In breaking down, precautions shall be taken where necessary to prevent the remaining cargo from falling.

(5) (a) Dragging of cargo shall be done with the ship's winches only when the runner is led directly from the derrick heel block; and

(b) Pulley blocks shall be used to provide a fair lead for the runner so as to prevent it from dragging against obstructions.

(6) If the head room in the hold of a ship for the purpose of stacking and unstacking is less than 1.5 metres, suitable measure shall be taken to guard against accident.

(7) Loads shall be safely slung before being hoisted. Loose dunnage or debris hanging or protruding from loads shall be removed and suitable means shall be adopted to prevent cargo from falling out.

(8) Cargo handling bridles, such as pallet bridles, which are to remain attached to the lifting appliance while hoisting successive sling loads, shall be attached by shackles, or other positive means shall be taken to prevent them from becoming accidentally disengaged from the hook of the lifting appliance.

(9) When lifting appliance is operating without a load on the slings:

(a) slings or chains shall be hooked securely to the appliances before the operators are given signal to move;

(b) sharp hooks, multiple hooks and claws shall not hang at one end but shall be reeved through slings; and

(c) the operators shall raise the appliance sufficiently to keep clear off dock workers and objects.

(10) Effective measures shall be taken, by the use of suitable packing or otherwise, to prevent edges of any load from coming in contact with any rope or chain sling which is likely to cause any damage to the rope or chain sling.

(11) Buckets, tubs and similar appliances shall not be loaded above their rims.

(12) No loads shall be lifted at strappings unless such strappings are approved as proper and safe slinging points. Movement of such loads is allowed only if everybody has left the danger zone.

(13) When working with lifting appliances, slope-pulling, horizontal dragging and intentional swing of loads and lifting devices are prohibited.

66. Stacking and unstacking.-

(1) Where stacking, unstacking, stowing or unstowing, stuffing or destuffing of cargo or handling in connection therewith cannot be safely carried out unaided, reasonable measures to guard against accidents shall be taken by shoring or otherwise.

(2) Stacking of cargo shall be made on firm foundation not liable to settle and the weight of the cargo shall be such as not over- load the floors.

(3) Cargo shall not be stacked against partition or walls of warehouses or store places unless it is known that the partition or the wall is of sufficient strength to withstand the pressure.

(4) Cargo shall not be stacked to such a height and in such a manner as would render the pile unstable.

(5) Where the dock workers are working on stacks exceeding 1.5 metre in height, safe means of access to the stack shall be provided.

(6) Stacking and unstacking work shall be performed under the supervision of an authorised person.

67. Handling objects having sharp and projecting parts. -

Dock workers handling objects with sharp edges, fins, slivers, splinters or similar dangerous projecting parts shall be provided with suitable protective equipment.

68. Hooks for bales, etc.-

When the working space in a hold is confined to the square of the hatch, hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny bags, or other similar goods, nor shall can hooks be used for raising or lowering a barrel when owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe.

69. Cargo platforms. -

(1) Cargo platforms (except those formed by cargo itself) shall be made of sound material, substantially and firmly constructed, adequately supported and maintained in good repair.

(2) Cargo platforms shall-

(a) be of sufficient size to receive cargo and to ensure the safety of dock workers working on them;

(b) if of a height exceeding 1.5 metres, in addition to the requirements of (a) above, be protected on any side, which is not being used for receiving or delivering cargo, by substantial fencing to a height of one metre; and

(c) be provided with safe means of access, such as ladders or starts.

(3) Cargo platforms shall not be overloaded.

(4) Portable trestles shall be so placed as to be steady.

70 Restrictions on loading and unloading operations -

(1) No other work, for example, maintenance or repair work such as sand blasting or welding shall be performed at places where dock work is in progress if it is likely to endanger or obstruct the person carrying out dock work.

(2) When more than one gang of dock workers are employed in dock work simultaneously in a hold, it shall be ensured that,--

(a) the operation of loading or unloading is harmonised to avoid dangers to the working gangs from one another;

(b) the slung cargo of one gang will not endanger the dock workers of the other gang;

(c) where gangs are working at different levels, a net shall be rigged and securely fastened to prevent dock workers from falling down or cargo falling on to dock workers below;

(d) over crowding of gangs in a section of the hold is avoided.

71. Dock work and midstream.-

No dock worker shall be employed to handle cargo on any ship anchored in midstream whenever, the working conditions are considered to be dangerous.

72. Work during berthing and shifting of ships.-

(1) While ships are being berthed or shifted, no dock work shall be carried out by dock workers in the holds or hatches and on docks.

(2) When ships are being moored, dock workers shall be kept clear of the mooring ropes and in particular, shall not be allowed to stand in the height of ropes being hauled by capstans.

73. Protective equipment.-

(1) Where other means of protection against harmful agents are impracticable or insufficient, dock workers shall be provided with adequate protective clothing and personal protective equipment to shield them from the effects of such agents.

(2) Protective clothing personal protective equipment shall be of suitable quality and maintained in good condition and shall be cleaned and disinfected at suitable intervals.

(3) Where protective equipment and clothing may be contaminated by poisonous or other dangerous goods, it shall be stored in a separate accommodation where it will not contaminate the dock workers clothing and other belongings.

(4) Suitable protection equipment shall be issued to the dock workers employed in the reefer holds or chambers or reefer containers for affording complete body protection:

74. Winch and crane operators.-

There shall be one winch or crane operator for each single or pair of loading winches or cranes which can be operated from the same point and he shall,-

(a) be not less than 18 years of age;

(b) be competent and reliable;

(c) possess the knowledge of the inherent risks of the winch/crane operation; and

(d) be medically examined periodically as per the Schedule XI.

75. Signaller.-

(1) When cargo is being loaded or unloaded by a fall at a hatchway, a signaller shall be employed, and where more than one fall is being worked at a hatchway, a separate signaller shall be employed to attend to each fall: Provided that:

(a) this regulation shall not apply, in cases where a barge, lighter or other similar vessel is being loaded or unloaded, if the operator of the crane or winch, working the fall has a clear and unrestricted view of those parts of the hold where dock work is being carried on; and

(b) where the Inspector is of the opinion that owing to the nature of the crane or winch or other appliance in use or by reason of any special arrangements, the requirements of this regulation are not necessary for the safety of dock workers, he may by certificate in writing (which he may at his discretion revoke) suspend such requirements subject to such conditions as may be specified in such certificate.

76. Notification.-

(1) Before unloading of any dangerous goods, as categorised in Schedule II, from any ship is commenced, the master or officer-in-charge and the agent of the ship shall furnish the employer of the dock workers, Port Authority and the Inspector with a statement in writing identifying the goods and specifying the nature of the danger which they can give rise to and specifying the categories and obtain an acknowledgment of the receipt of the same.

(2) Before any dangerous goods are received for shipment, the shipper or his agent shall furnish the information as required by sub-regulation (1) above to the Port Authority, the Inspector and the employer of the dock workers handling the dangerous goods.

77. General precautions. -

(1) Dangerous goods shall be loaded, unloaded handled and stored under the supervision of a responsible person who is familiar with the risks and the precautions to be taken. In case of doubt as to the nature of the risk or the precautions to be taken, necessary instructions shall be obtained from the Safety Officer appointed under these regulations.

(2) Dangerous goods shall not be loaded, unloaded or stored unless they are suitably packed and labelled showing the danger therefrom. The dock workers shall be given adequate information concerning the nature of the cargo and special precautions to be observed in handling them.

(3) Special precautions, such as provision of mats, sling nets, boxes and high sided pallets shall be taken to prevent breakage or damage to containers of the dangerous goods.

(4) Dock workers employed in loading or unloading or otherwise handling dangerous goods shall be provided with suitable protective equipments.

(5) Dock workers handling dangerous goods shall thoroughly wash their hands and faces with soap or some other cleaning agent before taking any food, drink, pan and supari or tobacco.

(6) Only specially trained dock workers shall be employed for cleaning, sweeping or handling spillages or sweeping of dangerous goods.

78. Explosive and inflammable cargo.-

(1) Where there is a risk of explosion from electrical equipment, the circuit shall be made dead and kept dead as long as the risk lasts unless such equipment and circuits are safe for use in the explosive atmosphere and non-sparking tools shall be provided and used in such atmosphere.

tools shall be provided and used in such atmosphere.

(2) When inflammable cargo is being loaded or unloaded, special measures shall be taken to ensure that an incipient fire can be controlled immediately.

79. Other dangerous goods. -

(1) Before fumigated cargo such as grain is loaded or unloaded, adequate measures shall be taken to ensure that the cargo is safe to handle.

(2) Where caustic and corrosive substances are handled or stored, special precautions shall be taken to prevent damage to the containers and to render any spillage harmless.

(3) If skins, wool, hair, bones, or other animal parts have not been certified by competent authority as having been disinfected, especially against anthrax, the dock workers concerned shall be:-

(a) instructed about the risk of infection and the precautions to be taken;

(b) provided with suitable type of personal protective equipment; and

(c) subjected to special medical supervision.

80. Handling of tetraethyl lead compound-

(1) Tetraethyl lead compound shall not be unloaded from a ship unless:

(a) it is packed in specially constructed steel drums of substantial construction, sealed with an inner and outer bung, and fitted with rolling hoops on to the shell as an added precaution;

(b) all receptacles containing tetraethyl lead compound are distinctively and durably marked with the words "Tetraethyl Lead Compound- Poison"; and

(c) two sets of protective equipment comprising the following are provided and kept readily available for use in the event of any leakage of tetraethyl lead compound:

(i) rubber gloves.

(ii) rubber boots,

(iii) rubber apron or oilskin suit, and

(iv) suitable respirator, which should be either of cannister type containing minimum of 50 cc. of activated charcoal or an airline respirator with an independent fresh air supply.

(2) Following measures shall be taken while unloading tetraethyl lead compound:

(a) no receptacle containing tetraethyl lead compound shall be opened within the limits of the port;

(b) before commencement of the unloading operations, the consignment of tetraethyl lead compound shall be inspected on board the vessel by a responsible person. No tetraethyl lead compound drums showing any sign of leakage shall be unloaded until suitably repaired or placed in a larger receptacle or container offering sufficient precautions from leakage;

(c) drums containing tetraethyl lead compound shall be discharged under the supervision of a responsible person;

(d) drums containing tetraethyl lead compound shall be loaded discharged in rope slings with a maximum of two drums to a sling for each drum. Hooks shall on no account be used.

drums at a separate site for each drum. Hooks shall be used to account be used

(e) dock workers handling drums containing tetraethyl lead compound shall be provided with heavy gloves of canvas or leather and shall use such gloves; and

(f) adequate quantities of non-inflammable solvent or kerosene a. soap and water to deal with any leakages of tetraethyl lead compound shall be kept readily available where the work of handling of the tetraethyl lead compound is carried on.

(3) Following measures shall be taken In the event of leakage of tetraethyl lead compound:

(a) the area on which the leakage of tetraethyl lead compound has occurred (including the outside of a drum) shall be treated as follows:

(i) flush with kerosene or some other light oil solvent followed by water. If the surface permits, wash thoroughly with soap working-up as much lather as possible, and again flush with water;

(ii) if it is possible to obtain quickly a supply of common bleaching lime (Ca O Cl₂) the area should first be treated generously with a mixture of bleaching lime and water in the form of thin slurry (NEVER use the dry powder) alternatively a five per cent solution of sulphuryl chloride (SO₂ Cl₂) in kerosene may be used;

(b) if contamination of absorbent material such as wooden flooring, dunnage, or other packing material has taken place, then such material shall, after treatment as above, be removed from the place where tetraethyl lead compound is being handled;

(c) any clothing which becomes contaminated by tetraethyl lead compound shall be removed immediately and cleaned by repeated rinsing in a non-inflammable dry cleaning fluid;

(d) if tetraethyl lead compound can be smelled, dock workers not assigned to deal with the leakage of tetraethyl lead compound shall be removed from that place; and

(e) dock workers assigned to deal with leakage of tetraethyl lead compound shall wear the protective equipment described under sub-regulation 1 (c).

(4) Suitable protective clothing shall be provided for handling of tetraethyl lead compound in refrigerated spaces.

81. Broken or leaking containers. -

(1) When there is danger from broken or leaking containers of dangerous goods dock workers shall be evacuated from the area involved and the following steps taken before dock work is resumed:

(a) if the cargo produces dangerous gases or vapour:

(i) suitable respiratory protective equipment shall be made available for dock workers who are to remove the defective containers;

(ii) the area shall be ventilated if necessary and tested to ensure that the concentration of gases or vapours In the atmosphere is safe for dock work;

(b) if the cargo is a corrosive substance-

(i) suitable personal protective equipment shall be made available to the dock workers engaged in the removal of damaged containers; and

(ii) suitable absorbent or neutralizing materials shall be used in cleaning the spillage.

82. Toxic solvents. -

Before any solvents are used, the toxic properties of such solvents shall be ascertained and adequate means to

safeguard the health of the dock workers exposed to toxic solvents shall be provided.

84. Lifting appliances and other equipment.-

(1) Container terminals shall be equipped with suitable lifting appliances and transport equipment which shall be maintained in good repair and working order.

(2) (a) In the case of fork lift trucks employed for handling empty containers, the length of the forks shall be equal to the full width of the container and the capacity of the fork lift shall be matching with the weight of the container.

(b) No fork-lift trucks shall be employed for handling container which do not have fork pockets.

85. Container operation.-

(1) Prior to the use of container spreader, the work supervisor, foreman or any authorised person shall ensure that it is in good working order and has been tested as per the provisions under regulation 47 (1).

(2) Single or multi-legged slings shall not be used for lifting of containers.

(3) The weight of the container and the spreader used shall be noted in relation to the safe working load of the lifting appliance or transport equipment used.

(4) When loading or discharging, the container shall be hoisted squarely under the plumb to avoid swinging of the container.

(5) The special lifting appliances employed in container handling shall be operated only by the operators possessing adequate knowledge and skill for these operations.

(6) Lifting appliances employed in container handling shall be operated under the guidance of a signaller who shall be properly trained. When the signaller is not in a position to communicate effectively with the operator of the crane, other effective means of signalling like walkie-talkie, short wave radio, etc. shall be employed.

(7) When a container is being lowered or hoisted from a chassis, no person shall remain in the cabin of its prime mover.

(8) No person shall be standing on a container while-

(a) it is being lifted or lowered; and

(b) another container is being lifted or lowered adjacent to it.

(9) No person shall be lifted to the top of a container by a container spreader which is being lifted by a crane or any other appliance

(10) When a ladder is used to climb to the top of a container the ladder shall be of sound construction provided with anti-skid devices or suitable securing arrangements and there shall be someone to hold the bottom of the ladder wherever necessary.

(11) When workers have to work on top of the containers-

(a) it shall be ensured that the surface is dry and clean to avoid slipping; and

(b) suitable and safe means shall be provided to the workers for going on top of containers and attending to lashing and unlashings of containers.

(12) Pedestrians shall not be allowed in any part of the container terminal other than the passages marked for their

use.

(13) The container shall be firmly secured to the chassis of truck by means of twist locks before it is transported.

(14) All containers employed in dock work shall be tested, maintained, Inspected and approved by a competent authority.

86. Stuffing and destuffing.-

(1) The containers used for stuffing shall be clean, dry and free from odour.

(2) Proper lighting arrangements shall be provided for the stuffing of the containers and light fittings shall be safely located.

(3) Containers mounted on chassis shall be properly secured and supported and proper bridge plates shall be used while the stuffing or destuffing operation is on.

(4) Dangerous goods which are not recommended for grouping together shall not be stuffed in the same container.

(5) Containers stuffed with dangerous goods shall be labelled with internationally approved levels.

(6) When fork lift is employed for stuffing or destuffing no other person shall be inside container.

(7) No container shall be stuffed beyond its capacity which is marked on it and containers shall be stuffed in such a manner that weight distribution is uniform as far as possible, throughout the floor area of containers.

(8) No smoking shall be permitted during stuffing or destuffing operations inside the container.

(9) Upon completion of the stuffing, the container door shall be properly secured with a lock or container seals.

(10) When a container is to be destuffed, only one door shall be opened carefully at a time to prevent possibility of any cargo collapsing.

(11) Dock workers employed in stuffing and destuffing of reefer containers shall be provided with proper protective clothing.

87. Fencing of motors, etc.-

(1) All motors, cogwheels, chains and friction gearing, flywheels, shaftings, every dangerous and moving parts of machinery (whether or not driven by mechanical power) and steam pipes shall be securely fenced or lagged.

(2) The fencing of dangerous parts of machinery shall not be removed while the machinery is in motion or in use, but if removed, shall be replaced before the machinery is taken into normal use again.

(3) No part of any machinery which is in motion and which is not securely fenced shall be examined, lubricated, adjusted or repaired except by persons duly authorised.

(4) Machine parts shall only be cleaned when the machine is stopped.

(5) When machinery is stopped for servicing or repairs, adequate means shall be taken to ensure that it cannot inadvertently be restarted.

88. Electrical equipment.-

(1) Only duly authorised person shall be permitted to install, adjust, examine, repair, displace or remove electrical equipment or circuits.

(2) Efficient and suitably located means shall be provided for cutting off all pressure from every part of the system, as may be necessary to prevent danger.

(3) All portable electrical equipment shall be maintained in good working order and inspected by a responsible person at least once in every day before it is taken into use.

(4) Portable electric light or equipment used in a confined space shall be of twenty-four volts or less.

(5) Only flame proof electrical equipment shall be used in a confined space where inflammable gas, fume or dust is likely to be present.

(6) All non-current carrying metal parts of electrical equipment shall be earthed or other suitable measures shall be taken to prevent them from becoming live.

(7) Portable or flexible electric conductors shall be of heavy duty type and shall be kept clear of loads, running gear and moving equipment.

(8) All live conductors shall be adequately insulated or fenced to prevent danger by accidental contact of dock workers or non-current carrying parts of lifting appliances, conveyors, transport equipment and machinery.

89. Transport of dock workers on land.-

Suitable means of safe transport shall be provided for the dock workers for their movement from their place of booking to the working area or between the two working areas when the distance between the points exceeds two kilometres.

90. Transport of dock workers by water.-

(1) When any dock worker has to proceed to or from a ship by water for the purposes of carrying on a dock work, proper measures shall be taken to provide for his safe transportation. Vessels used for this purpose shall be in charge of a responsible person, and shall be properly equipped for safe navigation and maintained in good condition.

(2) The means of transport referred to in sub-regulation (1) shall conform to the following:

(a) adequate protection is provided to the dock workers from inclement weather;

(b) the vessel shall be manned by adequate and experienced crew, duly authorised by competent authority;

(c) if the bulwarks of the vessel are lower than 60 centimetres, the open edges shall be fitted with suitable fencing to a height of at least one metre above the deck. The posts, stanchions and similar parts used in the fencing shall not be spaced more than two metres apart;

(d) the number of life buoys on deck shall be at least equal to the number of persons in the crew and shall not be less than two;

(e) all life buoys shall be kept in good state of maintenance and be so placed that if the vessel sinks they remain afloat, one of the said buoys shall be within the immediate reach of the steerman and another shall, be situated far apart; and

(f) the position of the steerman of the vessel shall be such that he has a reasonably free view of all sides.

(3) Maximum number of persons that can be safely carried in the vessel shall be certified by a competent authority and marked plainly and conspicuously on the vessel and such number shall not be exceeded.

91. Reporting of accidents. -

(1) Notice of any accident in a dock which either

(1) Notice of an accident at a dock which causes,

(a) causes loss of life; or

(b) disables a person from work on which he was employed for the rest of the day or shift in which the accident occurred; shall forthwith be sent by telegram, telephone or special messenger within four hours of the occurrence to,-

(i) the Inspector:

(ii) the relatives of the workers when the accident causes loss of life to the dock worker or is likely to disable the dock worker from work for more than ten days; and

(iii) in the case of fatal accidents also to:

(a) the officer-in-charge of the nearest Police Station, and,

(b) the District Magistrate or if the District Magistrate by order so directs, the Sub-Divisional Magistrate.

(2) In the case of accidents falling under Cl. (b) of sub- regulation (1) the injured person shall be given first-aid and thereafter immediately transferred to a hospital or other place of treatment.

(3) Where any accident causing disablement subsequently results in the death of dock worker, notice in writing of the death shall be submitted to the authorities mentioned in sub-regulation (1) within 72 hours after the death occurs.

(4) The following classes of dangerous occurrences shall be reported to the Inspector, whether death or disablement is caused or not, in the manner prescribed in sub-regulation (1):

(a) collapse or failure of lifting appliances or conveyors or breakage or failure of rope, chains or other loose gears and lifting devices or overturning of cranes, used in dock work, falling of hatchboards or cargo from sling, displacement of hatch beams or coverings;

(b) collapse or subsidence of any wall, floor, gallery, roof, platform, staging or means of access;

(c) explosion of a receiver or vessel used for the storage, at a pressure greater than atmosphere pressure of any gas or gases (Including air) or any liquid or solid resulting from the compression of gas;

(d) explosion or fire causing damage to any place in the dock in which dock workers are employed;

(e) collapse, capsizing, toppling or collision of the transport equipment,

(f) spillage or leakage of dangerous goods and damage to their containers; and

(g) breakage, buckling or damage of freight containers.

(5) If a failure of lifting appliance, loose gear and transport equipment has occurred, the concerned appliance, gear or equipment and the site shall, as far as practicable, be kept undisturbed until inspected by the Inspector.

(6) Every notice given under sub-regulation (1) and sub-regulation (4), shall be confirmed within seventy-two hours of the occurrence by submitting a written report to the inspector in Form XII and a proper acknowledgment obtained provided that in case of an accident under Cl. (b) of sub-regulation (1), such written report need be submitted only when the dock worker is disabled from work on which he was employed for more than forty-eight hours from the time of accident.

92. Notification of certain diseases. -

(1) When a dock worker contracts any disease specified in Schedule IV, a notice in Form XIV shall be sent by the employer forthwith to the Inspector.

(2) If any medical practitioner attends on a dock worker suffering from any disease specified in the aforesaid Schedule, the medical practitioner shall without delay send addressed to the Director General, Directorate General Factory Advice Service and Labour Institutes, Central Labour Institute Building, Sion, Bombay- 400022, a notice stating the name and full particulars of the patient and the disease.

93. Safety Officers. -

(1) Every Port Authority and dock labour board shall employ safety officers as per the scale laid down in Schedule III.

(2) Every other employer of dock worker shall employ at least one safety officer, provided that the employers may form a group and appoint safety officer for the group as per the scale laid down in Schedule I with the written permission of the Chief Inspector.

(3) The duties, qualifications and conditions of service of the safety officer shall be as provided in Schedule III.

(4) The safety officer shall be assisted by suitable assistants and staff which shall be got approved from the Chief Inspector.

94. Renewal of licences.-

The Port Authorities before issue of renewal of the licences of employers of dock workers shall obtain a report from the Chief Inspector or the Inspector, regarding the safety performance and compliance of the regulations and take into consideration the report while granting the renewal of the licence.

95. Cleanliness. -

(1) Every place in the ship, dock and all areas which are in proximity to the place in the dock, where dock workers are employed, shall be kept clean and free from rubbish or effluvia arising from any drain, privy or other nuisance.

(2) All the accumulated garbages from the ships and the dock area shall be disposed off by burning in an incenerator or by other suitable means.

(3) All the damaged or deteriorated cargo posing hazards to safety or health or nuisance shall be removed or disposed off from the work place where the dock workers are employed.

96. Drinking water.-

(1) (a) On board every ship and in every dock, effective arrangement shall be made to provide and maintain at suitable points conveniently situated for all dock workers employed therein, sufficient supply of wholesome drinking water:

Provided that the drinking water point is available within 100 metres of the place where dock workers are employed.

(b) Effective arrangement shall be made to provide and maintain adequate supply of wholesome drinking water on board every ship in mid-stream for all dock workers employed thereon.

(c) The water provided for drinking shall be supplied from the public water supply system or otherwise from any other source approved in writing by the Health Officer of the Port.

(2) All such points shall be legibly marked "Drinking Water" in a language understood by a majority of the dock workers and no such point shall be situated within six metres of any washing place urinal or latrine unless a shorter distance is approved in writing by the Chief Inspector.

(3) In every dock, the drinking water supplied to the dock workers shall during hot weather, be cooled by ice or other effective means: Provided that if ice is placed, in the drinking water, the ice shall be clean and wholesome and shall be obtained only from a source approved in writing by the Health Officer at the Port.

(4) Every drinking water centre shall be maintained in a clean and ordinary condition and if necessary shall be in charge of a person who shall distribute the water. Such a person shall be provided with clean clothes while on duty.

(5) The drinking water centres shall be sheltered from the weather and adequately drained.

(6) Storage tanks or containers for drinking water shall always be kept in clean and hygienic condition.

(7) The Inspector may, by order in writing, direct the Port Authority to obtain at such time or at such intervals as he may direct a report from the Health Officer of the Port as to the fitness for human consumption of the water supplied to the dock workers, and in every case to submit to the Inspector a copy of such report as soon as it is received from the Health Officer.

97. Latrines and urinals. -

(1) In every dock, latrine and urinal accommodation shall be provided on the scale given in Schedule VIII and shall be conveniently situated and accessible to dock workers at all times while they are at work. Such accommodation and access to it shall be adequately lighted and ventilated.

(2) Separate latrines shall be provided where female dock workers are employed.

(3) The floors and internal walls of the latrines and urinals and the sanitary blocks shall be laid in glazed tiles or otherwise finished to provide a smooth polished impervious surface upto height of at least 90 centimetre.

(4) All such accommodation shall be maintained in a clean and sanitary condition at all times. The floors, side walls and the sanitary pans of latrines and urinals shall be thoroughly swept and cleaned at least once in a day with suitable detergents or disinfectants or with both.

(5) Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings.

(6) The walls, ceilings and partitions of every latrine and urinal shall be whitewashed or colour-washed and the white-washing or colour-washing shall be repeated at least once in four months and record maintained.

(7) Where piped water supply is available sufficient number of water taps, conveniently accessible shall be provided in or near such latrine accommodation.

(8) Where piped water supply is not available provision shall be made to store adequate quantity of water near the latrine.

98. Spittons.-

(1) In every portion of a dock including warehouses and store places, sufficient number of spittons shall be provided in convenient places and they shall be maintained in a clean and hygienic condition.

(2) No person shall spit in the dock area except in the spittons provided for the purpose and a notice containing this provision shall be prominently displayed at suitable places.

(3) Whoever spits in contravention of sub-regulation (2) shall be punishable with a fine not exceeding one hundred rupees.

(4) The spittons shall be of an approved type.

(5) The spittons shall be emptied, cleaned and disinfected at least once in every day.

99. Ventilation and temperature in dock area including reefer holds on ships. -

Effective and suitable provision shall be made in every dock for securing and maintaining in every building or an enclosure or a reefer hold or chamber or reefer container where dock workers are employed adequate ventilation by the circulation of fresh air and such temperature and air movement as will secure to dock workers therein reasonable conditions of comfort and prevent injury to health.

100. Washing facilities. -

(1) In every dock, rest shed, call stand and canteen, adequate and suitable facilities for washing shall be provided and maintained for the use of the dock workers and such facilities shall be conveniently accessible and shall be kept in clean and orderly condition. Washing facilities shall include glazed wash basins with taps attached thereto.

(2) Where dock workers are exposed to skin contamination by poisonous, infection or irritation substances or oil grease or dust, adequate number of shower-baths enclosed in individual compartments, with entrances suitably screened shall be provided.

(3) These facilities shall be provided in every dock on the scale laid down in Schedule VIII.

(4) The floor or ground under and in the immediate vicinity of every wash basin, stand pipe and shower shall be so laid or finished as to provide a smooth impervious surface and shall be adequately drained.

(5) The water supply of the washing facilities shall be adequate having regard to the number of dock workers employed in the dock, and shall be from a source approved in writing by the Health Officer of the Port.

101. First-aid boxes. -

(1) In every dock and on board every ship there shall be provided and maintained so as to be readily accessible during all working hours, sufficient number of first-aid boxes or cupboards:

Provided that the distance of the nearest first-aid box or cupboard shall not be more than 200 metres from any working place.

(2) Nothing except appliances or requisites for first-aid shall be kept in the boxes and cupboards. All such boxes and cupboards shall be so kept that they are protected against contamination by dust or other foreign matters and against penetration of moisture. They shall be kept in the charge of a responsible person who is trained in first-aid treatment and who shall always be readily available during working hours.

(3) Each first-aid box or cupboard shall be distinctly marked "First-Aid" and shall be equipped with the articles specified in Schedule VI.

102. Ambulance room.-

(1) In every dock or in any part of a dock where dock workers are ordinarily employed, there, shall be provided and maintained an ambulance room with effective communication system and shall be in the charge of a qualified nurse who shall always be readily available during all working hours and the ambulance room shall be in overall charge of a qualified medical practitioner.

(2) The ambulance room shall be a separate room used only for the purpose of first-aid treatment and rest. It shall have a floor area of at least ten square metre and smooth, hard and impervious walls and flooring and shall be adequately ventilated and lighted by both natural and artificial means. An adequate supply of wholesome drinking water shall be provided and the room shall be equipped with the articles specified in Schedule V.

(3) A record of all cases of accidents and sickness treated at the ambulance room shall be kept and produced to the Inspector on demand.

103. Ambulance carriage.-

There shall be provided for use at every dock a suitably constructed motor ambulance carriage and launch which shall

be maintained in good condition for the purpose of removal of serious cases of accident and sickness.

104. Stretchers. -

A sufficient number of suitable stretchers including a Neil Robertson Stretcher or any other suitable sling stretcher, shall be provided at every dock at convenient places so as to be readily available in an emergency.

105. Shelters or rest sheds and lunch rooms. -

(1) In every dock wherein more than 150 dock workers are ordinarily employed, adequate and suitable shelters or rest sheds and suitable lunch rooms with provision for drinking water and washing facilities, where dock workers can eat meals brought by them, shall be provided at convenient places and maintained for their use:

Provided that any canteen maintained in accordance with regulation 106 shall be regarded as part of the requirement of this regulation: Provided further that, where a lunch room is provided no dock worker shall eat any food in the precincts of the dock except in such lunch rooms.

(2) Covered receptacles shall be provided and used for disposal of food and litter in every rest shed. These receptacles shall be emptied at least once in every shift.

(3) The shelters or rest rooms and lunch rooms to be provided under sub-regulation (1) shall be sufficiently lighted and ventilated and shall be maintained in a cool and clean condition.

106. Canteens. -

(1) In any dock or in any part of dock wherein more than 250 dock workers are ordinarily employed, or are waiting to be employed, adequate canteen facilities in or near the work area shall be provided and maintained by the Port Authorities and dock labour boards for the use of all dock workers. The canteen shall function at all times when twenty-five or more dock workers are employed at a time.

(2) The canteens shall conform to the requirements laid down in Schedule IX.

(3) An adequate number of mobile canteens shall be provided at every dock with provision for serving tea and light refreshments.

107. Medical examination of dock workers. -

(1) It shall be ensured that all dock workers undergo medical examination.-

(a) before he is employed for the first time; or is being selected or trained for the operation of lifting appliances and transport equipment;

(b) periodically, at such intervals as may be considered necessary by the Chief Inspector in view of the risks inherent in the dock work and the conditions under which the dock work is performed.

(2) (a) Wherever considered necessary the medical examination shall also, include X-ray and pathological laboratory examination and

(b) the medical examinations prescribed under sub-regulation 1 (a), (b) and 2 (a) shall be in accordance with Schedule XI and no dock worker shall be charged for the same.

(3) In the case of dock workers exposed to special occupational health hazards, the periodical medical examination shall include any special investigation deemed necessary for the diagnosis of occupational diseases.

(4) The details of the medical examination shall be suitably recorded and shall be made available to the Inspector on demand.

(5) If the medical officer is of the opinion that the dock worker so examined is required to be taken away from the dock work for health protection he may direct the Port Authorities or Dock Labour Board or the other employers of dock workers accordingly, as the case may be. However, the dock worker so taken away shall be provided with alternate placement unless he is in the opinion of the medical officer, fully incapacitated in which case the worker affected may be suitably rehabilitated.

108. Notices. -

Notices shall be exhibited in prominent positions at every dock stating.-

- (a) the position of nearest first-aid box or cupboard and the place where the person-in-charge thereof can be found.
- (b) the position of the ambulance room, the stretchers or other appliances; and
- (c) the position of the ambulance carriage and launch, the location of the nearest telephone and the name and telephone number of the hospital or other place from where such carriage or launch can be obtained.

109. Welfare Officers. -

- (1) Every Port Authority and Dock Labour Board shall employ a number of welfare officers with duties, qualifications and conditions of service as laid down in Schedule X.
- (2) Every other employer of dock worker shall employ at least one welfare officer, provided that the employers may form a group and appoint welfare officer for the group as specified in Schedule X with the written permission of the Chief Inspector.

110. Statement of accidents, etc. -

The Port Authorities, the dock labour boards and other employers of dock workers shall furnish to the Inspector the monthly statement of reportable accidents under these regulations in Form XIII.

111. Training of dock workers, responsible persons, etc. -

- (1) Initial and periodic training shall be imparted to all categories of dock workers, responsible and authorised persons depending upon their nature of work and skill required for performing their duties. Safety aspects and precautions to be taken in pursuance of the provisions under the Act and the regulations shall be covered in the training.
- (2) All first-aid personnel shall be imparted training including refresher courses by a qualified medical officer authorised for the purpose.

112. Emergency action plans. -

All the ports shall have an approved emergency action plan acceptable to the Chief Inspector to handle the emergencies like,-

- (a) fires and explosions;
- (b) collapse of lifting appliances, buildings, sheds, etc;
- (c) gas leakages and spillage of dangerous goods;
- (d) drowning of dock workers, sinking of vessels, retrieval of transport equipment from dock basins; and
- (e) floods, storms and other natural calamities.

113. Disposal of boats etc.

113. Display of abstracts.-

The abstracts of the Act and of the regulations made thereunder in Form X and XI shall be displayed in every dock.

114. Safety Committee.-

(1) At every port there shall be constituted a safety committee which shall be headed by an officer not below the rank of Deputy Chairman of the Port. The main functions of the safety committee shall be-

(a) to investigate into the causes of accidents and unsafe practices in dock work and to suggest remedial measures;

(b) to stimulate interest, of employers and workers in safety by organising safety weeks, safety competitions, talks and film shows on safety, preparing posters or taking similar other measures;

(c) to go round the dock with a view to check unsafe practices and detect unsafe conditions and to recommend remedial measures for their rectification;

(d) to organise training programmes for the supervisory staff and workers;

(e) to look into the health hazards associated with handling different types of cargoes and to suggest remedial measures including use of proper personal protective equipment; and

(f) to suggest measures for improving welfare amenities inside the docks and other miscellaneous aspects of safety, health and welfare in dock work.

(2) The safety committee shall be constituted by the Chairman of the port and shall include besides port officials, representatives of port users, the recognised labour unions and the Chief Inspector.

(3) The safety committee shall meet at regular intervals at least once in every quarter, and minutes of the meetings shall be circulated to the concerned departments of the Port, agencies and organisations.

(4) The decisions and recommendations of the safety committee shall be complied with by the port authorities, port users and the employers of dock workers.

115. Occupational health services for dock workers.-

(1) In every Port there shall be either a special medical service or an occupational health service available all times, and it shall have the following functions,-

a) provision of first-aid and emergency treatment;

(b) conducting pre-employment, periodical and special medical examinations of dock workers;

(c) periodical training of first-aid personnel;

(d) surveillance and rendering advice on conditions at work-places and facilities that can affect the health of dock workers;

(e) promotion of health education including family welfare among dock workers; and

(f) co-operation with the competent authority or Inspector in the detection, measurement and evaluation of chemical, physical or biological factors suspected of being harmful to the dock workers.

(2) The medical service shall collaborate with the labour department or any other concerned department or service of the port in matters of treatment, job placement, accident, prevention and welfare of dock workers.

(3) The medical service shall be headed by a doctor specialised in occupational health and shall be provided with

(3) The medical service shall be headed by a doctor specialised in occupational health and shall be provided with adequate staff, laboratory and other personnel

(4) The medical services shall be located at ground level, be conveniently accessible from all workplaces of the port or dock, be so designed as to allow stretcher cases to be handled easily and so far as practicable, shall not be exposed to excessive noise, dust or other nuisance.

(5) The premises of the medical service shall comprise at least a waiting room, a consulting room, a treatment room and laboratory, apart from suitable accommodation for nurses and other personnel.

(6) Rooms for waiting, consultation and treatment shall:

(a) be spacious, suitably lighted and ventilated and wherever necessary heated or air cooled; and

(b) have washable walls, floor and fixtures.

(7) The medical service shall be provided with appropriate medical and laboratory facilities and such documentation as it may require for its work.

(8) The medical service shall keep and maintain records pertaining to medical examination of dock workers and other activities and shall provide adequate information on:-

(a) the dock workers state of health; and

(b) the nature, circumstances and outcome of occupational injuries.

116. The employer's general obligations. --

(1) The employer shall take all necessary steps, which, considering the kind of work, working conditions and the worker's age, sex, professional skill and other qualifications, are reasonably necessary for protecting the worker from being exposed to risks of accidents or injury to health at work.

(2) The employer shall make sure that the work place, its approaches and means of access conform to these regulations and are also otherwise in a safe condition.

(3) The employer shall take into account the workers training skill and experience when workers are set to work. A worker shall not be assigned a work for which he has not received sufficient instructions regarding possible dangers and precautions in the work, taking into account his training, skill and experience.

117. General Safety.-

No employer or dock worker shall negligently or wilfully do anything likely to endanger life, safety and health of dock workers, or negligently or wilfully omit to do anything necessary for the safety and health for the dock worker employed in dock work.

118. Repeal and Saving.-

The Indian Dock Labourers Regulations, 1948 and Dock Workers (Safety, Health and Welfare) Scheme, 1961 are hereby repealed:

Provided that any action taken or order issued under the said Regulations or the Scheme, shall as the case may be in so far as it is not inconsistent with these regulations, be deemed to have been taken or issued under the corresponding provisions of these regulations.