

# MUMBAI PORT AUTHORITY

## मुंबई पत्तन प्राधिकरण



**Policy of 'Levy of Penalty on violation of safety norms in Dock and other work place in MbPA'**

**JUNE 2025**

# MUMBAI PORT AUTHORITY

## Policy of 'Levy of Penalty on violation of safety norms in Dock and other work place in MbPA'

i) **Purpose** – To take measure to ensure the Safety and Health of the dock worker employed in dock work, this Punitive Action Plan is formulated.

ii) **Scope** - This policy applies to every individual, who are entering at any workplace of Mumbai Port Authority, where dock work is carried out i. e. Docks, Container Frigate Stations, Railway Operations, Bunders, Outlying areas, Jawahar Dweep, Pir Pau, On-board Crafts, Roads, Vehicles or Similar workplaces. The Safety Management Cell will monitor implementation of this Punitive Action Plan in co-ordination with all concerned departments.

iii) **Purview of the Default or the list of Safety Violations** - The list of unsafe act/unsafe practice /unsafe condition created along with Responsibility Matrix, which pose danger to the man, property and environment is given in Annexure I and liable for payment of penalty for violation.

iv) **Amount of Penalty** –

a) **For prevention of accident or pre-accident act** –

(i) **For MbPA Employees and employees of the other Central Government OR State Government OR PSU** – For first violation a warning will be issued to the defaulter of the safety norm / practices / non-compliance.

*Thereafter, for 2<sup>nd</sup> violation onward, to send letter of safety norm violation to the concerned Head of Department or Organization for taking appropriate action against defaulter employee for violation of safety norms under the respective Service Regulations.*

*Disciplinary Authority of default employees will decide about initiation of disciplinary action, after number of repetition of safety violations.*

(ii) **For prevention of accident or pre-accident act** - For first violation a warning will be issued to the defaulter of the safety norm/practices/non-compliance. Thereafter, for 2<sup>nd</sup> violation by the defaulter, the amount of penalty of Rs. 2000/- will be charged. Subsequently, for 3<sup>rd</sup> violation, Rs. 3000/- and 4<sup>th</sup> violation Rs.5000/- will be charged and defaulter will be blacklisted.

b) **For post-accidents scenario** – Any violation of safety norms / non-compliance / safe practice, which has main contributory factor for any accident or dangerous occurrence, then the amount of penalty to levy to employer / firm / contractor / company is as follows:

i) For any accident resulted in to human injury or dangerous occurrence with damage to any property – Rs. 10,000/-\*

- ii) For any fatality - Rs. 1,00,000/-\* and / or blacklisting of default employer / firm / contractor / company

\* - These penal amount to be levied over and above the payment made through third party insurance and other expenditure.

It is stated by the DC that in the 162<sup>nd</sup> meeting of the Safety Committee held on 22.06.2023, it was directed by the Chairman of the Safety Committee to have zero tolerance for safety violation of smoking and working under influence of alcohol at workplace, for which direct disciplinary action, in case of MbPA employees and direct blacklisting of defaulter.

**v) Methodology / Procedure** - A 'Warning Memo Cum Penalty Deduction Advise Note' in quadruplicate will be prepared. After detection of any violation of safety norms as mentioned at Annexure - I, the defaulter will be given 'Warning Memo Cum Penalty Deduction Advise Note'.

First two copies of which will be given to the defaulter (one for himself and second copy to his / her employer / firm / contractor / company) and his/her acknowledgement with signature will be taken. Then, third copy will be sent to the Cash office, ID for advance information for receipt of payment and fourth copy will remained with the issuing authority. Further, the issuing authority will send a copy of such 'Warning Memo Cum Penalty Deduction Advise Note' to the Safety Management Cell for monitoring.

After receipt of 'Warning Memo Cum-Penalty Deduction Advise Note', the defaulter shall deposit the penalty amount at the Cash Office, Indira Dock within 7 days for the date of default or handing over of Warning Memo and intimate the confirmation of payment with proof of deposit to issuing authority and to the Safety Management Cell.

To make said methodology without human intervention, it is proposed for implementation and monitoring of this procedure i. e. to send the said Advisory Note of default / levy of fine on the mobile number of defaulter along with picture of his/her default and SMS with a link to make online payment of penalty through mobile application. This mobile application will be linked / integrated with the new advanced Access Control System (ACS). For which, the MbPA, EDP team is requested to explore for development of mobile application through vendor. The abovementioned methodology/procedure will be replaced by the on-line system of punitive action.

**vi) Action to be taken in case of Penal Amount is not received at Cash Office, ID**

**a) Port Users** - If after 7 days, the defaulter does not pay the penalty amount, the issuing authority will write a mail to the Dock Entry Permit section to suspend his/ her DEP until he/her pays the penal amount to cash office.

Further, the grace period of another 30 days will be given to the defaulter to pay the penal amount. If even after said period of total 37 days (i.e. initial 7 days plus grace period of 30 days) from the date of default, the penal amount is not paid at the cash office, then the issuing authority will write a mail/letter to the Dock Entry Permit Section for suspension of dock entry permit of the contractor/company / firm until the penal amount is paid.

**Determination of firm /company/contractor liable for suspension of DEP facility until penal amount is paid** - The contractor/company / firm, who has issued DEP to the person, will be deemed the employer of the said person. In case of any default involving vehicle, the firm/company/contractor, who has taken DEP for that vehicle will be deemed to be employer of that dock work. In case of the two-wheeler or private vehicle entered docks with one day DEP then the employer of the rider or the DEP applicant individual/firm/contractor/company will be liable for suspension.

**vii) Safety Induction to be given to defaulter after violation -**

**First Violation** - The violator will be briefed and will go through safety induction for half an hour.

**Second Violation by Violator** - In addition, to levy of penalty, if the violator commits second violation within a six months, then he/she will be again asked to undergoes the requisite safety induction. The In-charge, supervisor and contractor will also be briefed regarding the same.

**Third Violation by Violator** - In addition, to levy of penalty, if the violator commits third violation within a year, then he/she will be asked to undergo Safety Training and his/her DEP will be kept under suspension. The violator cannot enter the port until he undergoes the requisite safety training.

**Third Violation by employee of contractor/company / firm within a year** - In addition to levy of penalty, the Contractor representative or supervisor of employee will be given Safety induction for half an hour and thereafter, Root cause analysis of the violations will be carried out and if necessary, they will be asked to undergo additional safety training within stipulated time.

**Fourth Violation by Violator** - On committing fourth violation, the violator will be black listed.

**viii) Repetition of violation with Periodicity** - If any employer / firm / contractor / company, who has issued the DEP to their employee / personnel, has been levied a penal amount on five occasions in a calendar year, then that firm/contractor/company will be recommended for blacklisting to the Competent Authority by the issuing authority.

**ix) Issuing Authority for penalty** – In case of working in docks / outlying docks area / Bunders area / Container Freight Stations (CFS), the Asst. Traffic Manager level and above of the Traffic Department will be the Issuing authority. In case of working during awarding of any tender / contract, then concerned Asst. Executive Engineer level and above of the department / section will be the issuing authority. The Safety Inspector and officers of the Safety Management will be issuing authority for all working areas of the MbPA.

**x) Grievance Redressal Authority** - If any person / firm/contractor/company, who is aggrieved by the issuance of 'Warning Memo Cum Penalty Deduction Advise Note' by the issuing Authority shall have a right of appeal to the Sr. Dy. Traffic Manager in case of working in docks / outlying docks area / Bunders area / Container Freight Stations (CFS) or any Dy. Chief

Mechanical Engineer in case of working at Jawahar Dweep or Pir Pau or any Dy. HoD of the tender awarding department, within seven days from the date of default with a copy to the issuing authority. The Grievance Redressal Authority may revoke the fine on defaulter on justifiable ground submitted by the aggrieved person within 30 days of application and his decision in the said matter will be final.

**xi) Competent Authority for Blacklisting of employer / firm / contractor / company** – The Dy. Chairperson, Mumbai Port Authority will be the Competent Person for administration of this Punitive Action Plan. After levied of penalty amount on five occasions in a calendar year by any employee / personnel of any employer / contractor / company / firm, who has taken their DEPs. The minimum period of blacklisting will be at least one month.

xii) Compliance to the directives of the approved proposal is as follows:

i) Records of violations needs to be kept and shared with Traffic Dept. including those blacklisted – Will be complied.

ii) Accounting of money needs to be done to avoid the amount remaining as excess and extra credit – The Accounts Dept. has already allotted GLC 3115005 and profit centre 1001 for the same and amount collected will be remitted to this account head.

iii) Periodicity for placing report to Competent Authority needs to fixed – Quarterly Report on Levy of Penalty for Safety Violation will be put up to Competent Authority and it will be placed in the periodical meeting of the Safety Committee.

# Annexure I

Safety is integral part of duties assigned to any employee of Mbpa as well as the any person entering in the docks. Responsibilities stipulated/entrusted/implied by statue, which concerns for maintaining safe working environment in docks, is binding on every employee of Mbpa to follow the same. Further, it is duty of every dockworker to take utmost care/efforts in performance of his duty to prevent any injury to any person in docks or damage to property or environment.

It is the duty of every person entering in docks that he / she should take reasonable / adequate precautions in his / her work or function for which he has entered in docks, to safeguard his / her own life from any danger arising out of his/her work or function.

## 1. DEFINITIONS

- a) **Dock Worker** means a person employed or to be employed directly or by or through any agency (including a contractor) with or without knowledge of the principal employer whether for remuneration or not.
- b) **Dock work** means any work in or within the vicinity of port in connection with or required for or incidental to the loading unloading movement or storage of cargoes into or from ship or other vessel or port dock storage place or landing place. It includes work in connection with the preparation of ships or other vessels for receipt or discharge of cargoes or leaving port and chipping, painting or cleaning of any hold tank structure or lifting machinery or any other storage area on board the ship or in the docks.

## LIST OF UNSAFE ACTIONS / RESPONSIBILITY MATRIX

Sr. No.	Description of Unsafe Act (U/A) Unsafe Condition (U/C)	Responsibility
<b>CARGO OPERATION</b>		
1.	Standing/working under suspended load or presence of person/s in danger zone.	Dock Worker and their supervisors (MbPA / Port User)
2	Overloading of sling or gear unsafe loading of sling or gear OR using unsafe sling or gears	Dock Worker and their supervisors (MbPA / Port User)
3	Lifting a cargo sling before worker reaches the safe place,	Ship / Shore Crane Operator, Signaler, Supervisor of the operation. ( MbPA / Port User)
4.	Taking rest in the operational area or at unsafe place	Dock Worker and their supervisors. ( MbPA / Port User)

5	Not using Personal Protective Equipment or not wearing it properly	Dock Worker and their supervisors ( MbPA / Port User)
6	Not supplying Personal Protective Equipment to the dockworker.	Operation in charge of the dock work (MbPA / Port User)
7	Forming unstable stack on-board vessel or shed or yard or transit area	Dock Worker and their supervisors (MbPA / Port User)
8	Not securing cargo in stack on vessel or in shed or yard or in transit area.	Dock Worker and their supervisors ( MbPA / Port User)
9	Removing bulk cargo from hatch in a manner that will result in development of dangerously high wing stack	Dock Worker and their supervisor, Foreman / Chergeman, ( MbPA / Port User)
10	Failure to maintain wall clearance and/or safe access between cargo stacks in hatch or shed or yard or transit area	Supervisor of the operation (MbPA / Port User)
11	Insufficient or unavailability of fire fighting appliances at working spot e.g. fire extinguisher, fire buckets, etc.	Shed superintendent or Incharge of the area
12	Unavailability of stretchers or first aid box at working point	Shed superintendent or Incharge of working point
13	Use of or deployment of unqualified or unskilled or unauthorized person for dock work	Supervisor of the operation (MbPA / Port User)
14	Use of unsafe or unsuitable equipment / method / resources for dock work.	Supervisor of the operation (MbPA / Port User)
15	Blocking of any working point / road / emergency approach way in docks.	Supervisor of the operation (MbPA / Port User)
16	Improper hygienic / cleanliness / sanitation at the working point.	Dock worker (MbPA / Port User)
17	To carry out Hot work permit without authorization or not taking precautions as laid down by the authorities.	Labour carrying work Supervisor of the work (MbPA / Port User)
18	Unsafe access between shore & ship e.g. not putting safety net beneath the gangway, missing steps, not bridging of gap between gangway & wharf/deck, positioning it within swinging radius of any lifting appliance, etc.	Master of vessel or his representative.
19	Unsafe access between deck & hold e.g. slippery surface, missing rungs, unlocked man hole cover, insufficient illumination, potential danger of falling of cargo, unsafe/inappropriate ladder, etc.	Master of vessel or his representative.

20	Blocked deck access & insufficient space for emergency escape through deck.	Master of vessel or his representative.
21	Use of improper dunnage / packaging material or inferior quality of material, which may be used for protection of cargo or which may be involved in lifting e.g. pre-slung cargo, pallets, etc.	Master of vessel or his representative. Supervisor of shipping agent
22	To start work with insufficient ventilation at working point or in a confined space.	Supervisor of the Operation (MbPA / Port User)
23	Not fixing of pals / skid net to prevent spillage of cargo.	Supervisor of the Operation (MbPA / Port User)
24	Creation of wing stacks/ well in cargo stacking in vessel.	Dock worker and their supervisor (MbPA / Port User)
25	High Stacking of cargo in the shed/storage area without interlocking stack or up to ceiling height or stack relying on pillars/walls or failure to maintain wall clearance or safe access between cargo stacks	Dock Worker and their Supervisor (MbPA / Port User)
26	Improper rigging of lifting appliances or incorrect rigger block or with unsafe wires or loose gears that are forming part of lifting appliance.	Supervisor (MbPA / Port User)
27	Unsafe lashing or unlashng work on board the vessel	Supervisor of the operation (MbPA / Port User)
28	Smoking/drinking/gambling/teasing at the work place.	Individual and their Supervisor (MbPA / Port User)
29	Uneven distribution/stuffing of cargo in container.	Supervisor (MbPA / Port User)
30	Carrying of any repair work, which may cause danger to workers working in the vicinity of operation	Worker carrying out the work Supervisor of the work (MbPA / Port User)
31	Standing/sitting/resting within swinging radius of lifting appliances or under vehicle or equipment.	Dock worker supervisor of the operation (Mbpa / Port User)
32	Putting any part of body or remain in the potential danger zone of cargo handling e.g. standing below suspended load, putting hand beneath cargo, etc.	Dock worker supervisor of the operation (Mbpa / Port User)
33	Non-use of Personal Protective Equipment (PPE) provided to them.	Dock worker (MbPA / Port User)
34	Spillage of cargo, while transportation	Driver and supervisor of equipment (MbPA / Port User)
<b><u>LIFTING APPLIANCES</u></b>		
35	Overloading of cargo handling equipment beyond SWL capacity	Supervisor of the operation (Mbpa / Port User) Equipment Operator

36	Using unsafe, unsuitable and defective slings and equipment	Supervisor of the operation (Mbpa / Port User) Equipment Operator
37	Using incorrect rigger blocks	Crane Operator Crane Supervisor (MbPA / Port User)
38	Driving fork lift or any other equipment in reverse without help of Signaler	Supervisor of the operation (Mbpa / Port User) Equipment Operator
39	Using lifting appliances without valid test certificate	Appliance Operator Appliance Supervisor (MbPA / Port User)
40	Using lifting appliances without valid test certificate	Appliance Operator Appliance Supervisor (MbPA / Port User)
41	Using loose gears without valid test certificates	Supervisor of the operation (Mbpa / Port User) / Equipment Operator
42	Using inappropriate gear	Supervisor of the operation (Mbpa / Port User) / Equipment Operator
43	Operation of equipment without certification as required by law or without authorization	Supervisor of the operation (Mbpa / Port User) Equipment Operator
44	Improper maneuvering of equipment or unsafe way of handling of cargo/transportation	Supervisor of the operation (Mbpa / Port User) Equipment Operator
45	Not handling cargo as per the instructions or signs given on the cargo,	Equipment Operator
46	To give inappropriate instructions for handling and transportation of cargo.	Supervisor of the operation (Mbpa / Port User)
47	Unsafe access path to lifting appliance e.g. slippery surface, missing rungs, unlocked man hole cover, insufficient illumination, etc.	Supervisor of the operation (Mbpa / Port User)
48	Unsafe surface at any working point that may cause slipping/stumbling/falling of any person or cut by sharp objects lying thereat.	Supervisor of the operation (Mbpa / Port User)
49	Not barricading any opening in working spot by that taut rope or safety net or sling or any others effective means to avoid falling of person.	Supervisor of the operation (Mbpa / Port User)
50	No Reverse horn on lifting appliances or non-deploying of signaler during its maneuvering, whenever full vision of driver is obstructed.	Supervisor of the operation (Mbpa / Port User) Equipment Operator

**ROAD SAFETY**

51	Driving beyond recommended speed	Driver of the vehicle
52	Driving dangerously/Rash driving	Driver of the vehicle
53	Taking in reverse direction without help of cleaner	Driver and supervisor of the vehicle/equipment

54	Overloading vehicle	Driver and supervisor of the vehicle
55	Use of improper stanchions	Driver and supervisor of the vehicle
56	Improper lashing of cargo	Driver and supervisor of the vehicle
57	Carrying containers without twist locks or twist locks not positively locked	Driver and supervisor of the vehicle
58	Not observing lane discipline	Driver of the vehicle/equipment
59	Unauthorized driving	Driver and supervisor of the vehicle/equipment
60	Spillage of bulk cargo making work place and road slippery.	Driver and supervisor of the vehicle/equipment
61	Driving non-cargo handling vehicle on wharf and other work area	Driver of the vehicle
62	Parking of vehicle/equipment on wharf	Driver of the vehicle/equipment
63	Parking of vehicles at no parking area	Driver of the vehicle
64	Carrying passenger on lifting appliance i.e. Fork Lift, Trucks, Crane etc.	Equipment Operator / driver of vehicle
65	Riding on or with cycle/motorcycle/any other two wheeler on lock gate or other prohibited areas	Person driving vehicle and pillion rider, if any.
66	Unsafe traffic discipline or sudden or dangerous maneuvering of vehicle/equipment.	Driver of the vehicle / Equipment
67	Carrying more than one pillion rider on two wheeler	Driver of vehicle
68	Leaving vehicle/equipment in operation unattended	Driver of the vehicle / Equipment
69	Unsafe parking of vehicle/equipment	Driver of the vehicle / Equipment
70	Use or talking on of mobile phone during working / driving / walking / crossing road / hazardous area	Dock worker Driver of equipment / vehicle
<b>SUPERVISION</b>		
71	Lapses on the part of supervisor or improper supervision	supervisor of the operation (Mbpa / Port User)
72	Accommodation ladder not properly placed on wharf	Supervisor of the shipping agent
73	Unsafe access to hold or deck	Supervisor of the shipping agent
<b>CONSTRUCTION, REPAIR, MAINTAINANCE AND OPERATION OF THE PLANTS AND EQUIPMENTS OF THE CME AND CE's DEPARTMENT</b>		
74	Not following the prescribed methods and procedures for the safe working	Dock worker and his supervisor
75	Found fiddling around with equipment when idle in the workshops or in operational area	Dock worker and his supervisor
76	Working without use of proper PPE	Dock worker and his supervisor
77	Carrying out paving and other civil work without barricading/caution boards	supervisor of the works (Mbpa / Port User)
78	Leaving equipment in operation	Equipment operator

79	Getting down into the underground manhole without proper ventilation	Worker and supervisor of the works (Mbpa / Port User)
80	Not ensuring that scaffoldings are stable before climbing on them	Dock worker and his supervisor
81	Construction of unstable scaffolding	Dock worker and his supervisor
82	Not using right / proper tools for the job	Dock worker and his supervisor
83	Unsafe erection or maintenance of scaffolding	supervisor of the works (Mbpa / Port User)
84	Use of defective tool or not using proper tool/equipment for any job or doing any job by make shift arrangement	Dock worker and his supervisor
85	Tampering with Safety equipment or its features or breach of laid down procedure for its use.	Dock worker and his supervisor

#### **FLOTILLA OPERATION**

86	Overloading of the passenger craft.	Master/Tandel of the craft
87	Found polluting marine environment of the harbor by throwing out the garbage,	Master/Tandel of the craft and other crew members or person doing the act
88	Found operating the craft navigational channel	Master/Tandel of the craft
89	Not giving proper/sufficient signal in advance and in time	Master/Tandel of the craft
90	Found racing with another launch or craft in the harbor	Master/Tandel of the craft
91	Not cleaning spills/ leakage of oil immediately on board the flotilla craft.	Master/Tandel of the craft and other crew members
92	Unavailability or insufficient quantity of life saving appliances e.g. lifebuoy, life jackets, etc. at working point near shore front or on craft/launch/tugs/barge/pontoon, etc.	Master/Tandel of the craft Incharge of the area

#### **MARINE OIL TERMINAL, JAWAHAR DWEEP, CHEMICAL TERMINAL AND PIR PAU**

93	Found loitering around / fooling around or unauthorized entry in hazardous locations especially when operation are in progress	Concerned person
94	Use of mobile phones in hazardous locations while operations are in progress	Dock worker
95	Lighting a fire or naked flame etc. without appropriate permission	Dock worker and his supervisor

#### **DRY DOCK OPERATION**

96	Jumping on to the pontoon in unlashed condition	Dock worker
97	Not using the step ladder for descending/climbing the dry dock	Dock worker and his supervisor

<b>ELECTRICAL OPERATION</b>		
98	Tampering with electrical installations by unauthorized persons	Dock worker and his supervisor
99	Not to follow the laid down procedures for working on electrical installations	Dock worker and his supervisor
100	Unsafe electrical connection or situation making potential hazard of electric shock or creating fire hazard.	Dock worker and his supervisor
<b><u>GENERAL</u></b>		
101	Smoking at the prohibited area	Person doing the act
102	Working under influence of alcohol	Dock worker and his supervisor
103	Urinating at any place other than urinals	Person doing the act
104	Spitting at places other than spittoon or wash basin	Person doing the act
105	Any other unsafe act resulting in an accident of minor nature	Dock worker and his supervisor
106	Any other unsafe act resulting in an accident of major nature	Dock worker and his supervisor
107	Any other unsafe act resulting in fatal accident	Dock worker and his supervisor
108	Any other unsafe act resulting in dangerous occurrence	Dock worker and his supervisor
109	Any other unsafe act which has potential to cause human injury of any nature or damage to the property or to the environment.	Dock worker and his supervisor
110	Found plying of vehicle other than cargo vehicle on wharf inside docks	Dock worker and his supervisor
111	Sleeping under or alongside railway wagons and locos/on rail track/parked vehicles and cranes etc. inside the Docks and in Dock operational area	Person doing the act and supervisor of the area
112	Found cooking food inside the docks and operational areas and along oil pipelines	Person doing the act and supervisor of the area
113	Not abiding to the instructions given by the superiors for safety and Health of any person.	Person doing the act
114	Not use proper means or ladder for ascending or descending from one surface to another	Dock worker and his supervisor
115	Lighting of naked light without proper permissions e. g. cooking of food, smoking, etc.	Dock worker
116	Loitering/standing in the operational area or working point without any work.	Dock worker
117	Polluting marine environment	Dock worker and his supervisor

118	working on height (more than 7 feet) without proper safety precautions or proper platform/gears	Dock worker and his supervisor
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**Note - Responsibilities fixed above are giving guidelines and extra information to facilitate the action. But, it will not restrict the authority to take action against any other person, who is committing an unsafe act or, not listed in corresponding responsibility column.**