

MINISTRY OF PORTS, SHIPPING AND WATERWAYS

NOTIFICATION

New Delhi, the 26th September, 2022

G.S.R. 727(E).—In exercise of the power conferred by sub-sections (1), (2) and (3) of section 4 and sub-section (2) of section 5 read with sub-section (2) of section 71 of the Major Port Authorities Act, 2021, (1 of 2021) the Central Government hereby makes the following rules regulating the appointment of Chairperson, Deputy Chairperson and Members of the Major Port Authorities, namely:-

- 1. Short title and commencement.** — (1) These rules may be called the Major Port Authorities (Chairperson, Deputy Chairperson and Board Members) Rules, 2022.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Application.** — These rules shall apply to the Major Ports mentioned under sub-section (3) of section 1 of the Major Port Authorities Act, 2021 (1 of 2021).
- 3. Definitions.** — (1) In these rules, unless the context otherwise requires, -
 - (a) “Act” means the Major Port Authorities Act, 2021 (1 of 2021);
 - (b) “Schedule” means Schedule annexed to these rules.
 - (2) Words and expressions used and not defined in these rules but defined in the Act, shall have the same meanings respectively assigned to them in the Act.
- 4. Qualification for appointment of Chairperson, Deputy Chairperson and Members of the Board of Major Port Authority.** — (1) A person shall not be qualified for appointment as the Chairperson or the Deputy Chairperson of the Board of a Major Port Authority, unless he is a serving officer in the Central Services or All India Services or Union territory Administration or the Major Port and meets the qualifying criteria as prescribed in the **Schedule**.
 - (2) A person shall not be eligible for appointment as Member under clause (c) of sub-section (1) of section 3 of the Act unless he is a serving Government officer not below the rank of a,-
 - (a) Secretary to the State Government (if he is a nominee of State Government in which the Major Port is situated);
 - (b) Chief Freight Transport Manager (if he is a nominee of the Ministry of Railways);
 - (c) District Commander or Deputy Inspector General (Coast Guard), Naval in-charge of the State or Commodore (if he is a nominee of the Ministry of Defence);
 - (d) Commissioner of Customs (if he is a nominee of the Customs, Department of Revenue).
 - (3) A person shall not be qualified for appointment as an Independent Member under clause (d) of sub-section (1) of section 3 of the Act unless he is a person of integrity and has adequate knowledge and professional experience of not less than fifteen years in,-
 - (i) management;
 - (ii) administration; or
 - (iii) planning or development in the port, shipping or maritime sector.
 - (4) A person shall not be qualified for nomination or appointment as a Member under clause (e) of sub-section (1) of section 3 of the Act unless he is a serving Government officer not below the rank of a Director.
 - (5) A person shall not be qualified for appointment as a Member under clause (f) of sub-section (1) of section 3 of the Act unless he is a serving employee of the Major Port Authority.
- 5. Method of Appointment of Chairperson and Deputy Chairperson of Board.** — (1) The Chairperson and Deputy Chairperson of the Board shall be appointed by the Central Government on the recommendation of

the Civil Service Board. The Civil Service Board shall recommend persons for appointment of Chairperson from amongst persons on the list of candidates prepared by it after inviting applications thereof and the Chairperson shall be appointed after approval of the Appointments Committee of Cabinet.

- (2) In the case of appointment of Deputy Chairperson of the Board, the Civil Service Board shall recommend persons amongst the list of candidates prepared by it after inviting applications thereof.
- (3) The Deputy Chairperson of the Board shall be appointed after receiving the approval by the Minister in-charge of the Ministry of Ports, Shipping and Waterways.
- (4) The Civil Service Board may devise its own procedure for short-listing suitable candidates for the appointment of Chairperson and Deputy Chairperson of the Board.
- (5) The Appointments Committee of Cabinet and the Minister in-charge of the Ministry of Ports, Shipping and Waterways, as the case may be, shall notify the selected persons for appointment as the Chairperson and Deputy Chairperson of the Board respectively:

Provided that the Appointments Committee of Cabinet and the Minister in-charge of the Ministry of Ports, Shipping and Waterways in respect of the recommendations of persons for the post of Chairperson and Deputy Chairperson respectively, shall be entitled to return the names recommended by the Civil Service Board along with reasons for reconsideration and the request for submission of fresh names by the Civil Service Board.

6. Method of Appointment of Members of the Board of Major Port Authority. — (1) The appointment of Members under clause (c) of sub-section (1) of section 3 of the Act shall be made by the Central Government in the following manner, namely,-

- (a) the Central Government shall by way of a communication in writing require each of the State Government in which the Major Port is situated, Ministry of Railways, Ministry of Defence and the Customs, Department of Revenue, Ministry of Finance to nominate qualified persons as per sub-rule (2) of rule 4 for appointment as Member of the Board;
 - (b) the Central Government shall, after satisfying itself with the eligibility of the persons nominated by the respective authorities as mentioned in clause (a), issue an order in respect of persons selected for appointment as the Members under clause (c) of sub-section (1) of section 3 of the Act;
 - (c) the persons appointed as Members of the Board from the date mentioned by the Central Government in the order.
- (2) The appointment of Independent Members under clause (d) of sub-section (1) of section 3 of the Act shall be made by the Central Government in the following manner, namely,-
- (a) the Central Government shall invite applications from the eligible persons meeting the qualification criteria mentioned in sub-rule (3) of rule 4;
 - (b) on receipt of the applications under clause (a), the Central Government shall, after satisfying itself with the eligibility of such persons, appoint the Independent Members under clause (d) of sub-section (1) of section 3 of the Act;
 - (c) the Members appointed under clause (b) shall be deemed to be appointed as Independent Members of the Board from the date mentioned by the Central Government in the order.
- (3) The nomination of the Member under clause (e) of sub-section (1) of section 3 of the Act shall be made by the Central Government and the person nominated shall be deemed as the Member of the Board from the date on which the order is passed by the Central Government for such period as mentioned in the order.
- (4) The appointment of the Members under clause (f) of sub-section (1) of section 3 of the Act shall be made by the Central Government in the following manner, namely,-

- (a) the Central Government shall for the purpose of obtaining the opinion of the trade unions under sub-section (3) of section 4 of the Act, direct the Board of the concerned Major Port Authority to obtain names of qualified persons as per sub-rule (5) of rule 4 for their appointment as Members of the Board under clause (f) of sub-section (1) of section 3 of the Act; from the recognised trade unions having highest and second highest representation of current employees employed by the concerned Major Port Authority;
- (b) the identification of the trade unions having highest and second highest representation of current employees and the process for obtaining names by the concerned Major Port Authority shall be done in accordance with the procedures as devised by the Board of the concerned port in consultation with registered trade unions, if any, composed of persons employed in the Major Ports and made applicable to Major Port from time to time;
- (c) the Central Government shall, after satisfying itself with the eligibility of the trade union nominated person, issue an order in respect of person nominated for appointment as the Member under clause (f) of sub-section (1) of section 3 and forward a copy of the said order with the concerned Major Port Authority in respect of which the said appointment is made;
- (d) the person nominated by recognised trade unions, as per procedure provided under clause (b) and approved by the Central Government by way of an order under clause (c) shall be deemed to be appointed as the Member under clause (f) of sub-section (1) of section 3 from the date mentioned in the said order by the Central Government;
- (e) in case the person nominated by trade unions under clause (a) is found ineligible by the Central Government or is disqualified on account of the provisions of sub-section (1) of section 5 of the Act, the Central Government shall communicate its decision to the concerned Major Port Authority and obtain fresh nominations from the trade unions in manners provided under clause (b).
- 7. Resignation of Members.** — (1) The resignation of the Chairperson, Deputy Chairperson or Member of the Board in terms of section 8 of the Act shall take effect from the date on which such resignation is accepted by the Central Government, thereafter the post shall be deemed to have been vacated.
- (2) The communication of acceptance of resignation under sub-rule (1) shall be communicated by the Central Government to the concerned Major Port Authority in which such person was appointed as the Chairperson, Deputy Chairperson or Member, as the case may be.
- 8. Procedure for Appointment of Members in case of vacancy.** — (1) In the case of a vacancy in the office of a Chairperson, Deputy Chairperson or Member of the Board caused by the expiration of the term of office, the Chairman of the Board shall inform the Central Government and the concerned nominating authority about such vacancy three months prior to the date of expiration of the term of such Member and the appointment to fill such vacancy shall be made by the Central Government within the said period of three months.
- (2) In the case of a vacancy in the office of a Chairperson, Deputy Chairperson or Member of the Board caused by reason of his death, resignation, disqualification or inability to discharge his functions owing to illness or other incapacity, the Chairperson or in his absence the Deputy Chairperson or any other authorised officer of the concerned Major Port Authority shall inform the Central Government about such vacancy within seven days of the vacancy caused and the appointment to fill such vacancy shall be made by the Central Government within three months from the date of such information.
- 9. Procedure for conducting inquiry for removal of Chairperson, Deputy Chairperson and Members of the Board.** — (1) The Central Government shall, prior to removal of the Chairperson, Deputy Chairperson or any Member from his position on the Board on grounds mentioned in sub-section (2) of section 5 of the Act, conduct an inquiry following the procedure in accordance with,-
- (a) relevant and applicable All India Services Rules or Regulations in force at the time of conduct of inquiry in respect of officers belonging to All India Services;

- (b) relevant and applicable Central Services Rules or Regulations in force at the time of conduct of inquiry in respect of officers belonging to Central Services;
- (c) relevant and applicable Central Civil Services Rules or Regulations in force at the time of conduct of inquiry in respect of the officers belonging to Port Services:

Provided that no order for such removal from the Board shall be passed against the Chairperson, Deputy Chairperson or any Member of the Board unless he has been given an opportunity of being heard.

- (2) The inquiry process under sub-rule (1) shall be without prejudice to the power vested with the Central Government under sub-section (3) of section 5 of the Act as well as the right of the Central Government to pass an order for withdrawal, transfer, replacement or substitution of the Chairperson, Deputy Chairperson or any Member of the Board against whom the inquiry is contemplated.

10. Communication of removal of Chairperson, Deputy Chairperson and Members to the Major Port Authority.—The removal of the Chairperson, Deputy Chairperson or Member of the Board in terms of the Act shall be communicated by the Central Government to the concerned Major Port Authority in which such person was appointed as the Chairperson, Deputy Chairperson or Member, as the case may be.

11. Salary, allowances and other benefits payable to Chairperson and Deputy Chairperson.—Any person, who on the date of his appointment to the office of the Chairperson or Deputy Chairperson of the Board of a Major Port Authority is in the service of the Central or a State Government or a Union territory Administration or a Major Port shall, during the period he holds such office, continue to receive his salary, allowances and other benefits in accordance with the rules applicable to him under that service.

12. Salary, allowances and other benefits payable to Members of the Board.—Any person appointed as the Member of the Board under clauses (c), (d), (e) and (f) of sub-section (1) of section 3 of the Act shall not be paid any salary, allowances and other benefits for such appointment:

Provided that the Independent Members shall be paid such honorarium by the Board for attending meetings of the Board or any committee thereof or for any other work of the Board as may be fixed by the Central Government:

Provided further that in addition to the honorarium, the Independent Members shall be given such privileges or reimbursement of actual expenses incurred by him towards travel, boarding, lodging and other out-of-pocket expenses for attending meetings of the Board or any committee thereof or for any official tour or other work of the Board in which he is so appointed, as the Board may decide and approve from time to time.

13. Service conditions of Chairperson, Deputy Chairperson or Members of special status.—Without prejudice to any of the provisions in these rules, the Central Government may by an order, if it is considered necessary, sanction specific salaries, allowances and other facilities to the Chairperson, Deputy Chairperson or a Member of the Board in accordance with any special status that may be conferred on the incumbent.

14. Chairperson, Deputy Chairperson and Members of the Board to be deemed as public servants.—The Chairperson, Deputy Chairperson and Members of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

15. Residuary provisions.—Matters related to the terms and conditions of service of the Chairperson, Deputy Chairperson and Members of the Board with respect to which no express provision has been made in these rules shall be referred in each case by the Major Port Authority to the Central Government for its decision and the decision of the Central Government thereon shall be final.

16. Declaration of financial or other interest.—Every person nominated or appointed to the office of the Chairperson, Deputy Chairperson or Member of the Board shall, furnish to the Board a declaration in Form annexed to the rules.

- 17. Power to relax rules.**—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

SCHEDULE

(See rule 4)

Eligibility criteria for appointment to the posts of Chairperson and Deputy Chairperson in Major Port Authorities:

Post	Officers serving in the All India Services or Central Services or Union territory Administration	Port officers including the employees of Kamarajar Port Limited*
Chairperson, Category I Ports	Officers empanelled to hold Joint Secretary or equivalent posts at the Centre under Central Staffing Scheme.	Officer having an experience of a minimum: (i) three years as Chairperson in Category-II Port; or (ii) four years combined service as Deputy Chairperson of Category-I Port or above level post; or (iii) five years combined service as Deputy Chairperson in Category-II Port or above level post.
Chairperson, Category II Ports		Officer having an experience of a minimum: (i) two years as Deputy Chairperson in Category-I Port; or (ii) three years combined service as Deputy Chairperson in Category-II Port or above level post.
Deputy Chairperson, Category I Ports	Officers who have put in not less than thirteen years of regular service in Group 'A'.	Officer having an experience of a minimum: (i) two years as Deputy Chairperson in Category-II Port; or (ii) six years combined service as Head of Department or above level post in any Major Port Authority: provided that the officer has rendered at least one year's regular service as Deputy Chairperson in Category II Port; or (iii) nine years as Head of Department of any Major Port Authority.
Deputy Chairperson, Category II Ports	Officers who have put in not less than nine years of regular service in Group 'A'.	Officer having an experience of a minimum five years as Head of Department of any Major Port Authority.

Note:

- (1) *The employees of Kamarajar Port Limited holding equivalent posts with corresponding pay scale and length of service will be eligible for consideration.
- (2) The Posts of Chairperson and Deputy Chairperson shall be of Selection Posts for which the benchmark in overall grading of Annual Performance Appraisal Reports for last five years should not be below 'Very Good'.
- (3) Applicants with left over service of two years or more (as on the date of arising of vacancy or closing date of submission of applications, whichever is later) shall only be considered for appointment.

Form

(See rule 16)

Declaration against acquisition of any adverse financial or other interest

I, _____, having been nominated / appointed [*cross out portion not applicable*] as the Chairperson / Deputy Chairperson / Member [*cross out portion not applicable*] of [*Insert name of the Major Port Authority*], do solemnly affirm and declare that

- a. I am neither ineligible nor disqualified to hold the office of Chairperson / Deputy Chairperson / Member [*cross out portion not applicable*] of the said Major Port Authority; and

- b. I do not have, nor shall have in future any financial or other interest including conflict of interest which is likely to affect prejudicially my functioning as the Chairperson / Deputy Chairperson / Member [*cross out portion not applicable*], of the said Major Port Authority.

Signature:

Place:

Name:

Designation:

Date:

[F. No. PD-24015/59/2021-PD-I]
SUSHIL KUMAR SINGH, Jt. Secy.